8/16/10



PETITION OF PEOPLE'S COUNSEL FOR

BALTIMORE COUNTY, The Jefferson Building, 105 W.*

Chesapeake Avenue, Suite 210, Towson, MD 21204 AND

EDWARD & HEATHER FUNK, 15609 Home Road,

Sparks, MD 21152

IN THE BALTIMORE COUNTY **BOARD OF APPEALS**

CIRCUIT COURT

FOR JUDICIAL REVIEW OF THE

DECISION OF THE COUNTY BOARD

OF APPEALS OF BALTIMORE COUNTY

The Jefferson Building, 105 W. Chesapeake Avenue,

Suite 210, Towson, MD 21204

FOR

IN THE MATTER OF THE APPLICATION

OF MICHAEL LANG for SPECIAL HEARING

for property located on the NE/S of Home Road,,

1,100' NW of Glencoe Road

(15701 Home Road)

10th Election District, 3rd Councilmanic District

BALTIMORE COUNTY

Civil No. 03-C-10-007776

Case No. 08-110-SPH before the County Board of

Appeals of Baltimore County

VOLUNTARY DISMISSAL OF JOINT PETITION FOR JUDICIAL REVIEW

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY and EDWARD FUNK AND HEATHER FUNK, through their attorney J. CARROLL HOLZER, ESQUIRE hereby move to voluntarily dismiss their Joint Petition for Judicial Review filed with regard to the abovementioned case. .

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

The Jefferson Building

105 West Chesapeake Avenue, Room 204

Towson, MD 21204

(410) 887-2188

RROLL HOLZER. ESOUIRE

508 Fairmount Avenue

Towson, MD 21286

Attorney for Edward & Heather Funk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this of August, 2010, a copy of the foregoing Voluntary Dismissal of Joint Petition for Judicial Review was mailed to Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, MD, 21204, Attorney for Michael Lang.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

6/29/10

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF:

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, EDWARD FUNK, AND HEATHER FUNK

FOR JUDICIAL REVIEW OF THE OPINION OF *
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY *
JEFFERSON BUILDING – ROOM 203
105 W. CHESAPEAKE AVENUE *
TOWSON. MARYLAND 21204

IN THE MATTER OF:
MICHAEL LANG – LEGAL OWNER/
PETITIONER FOR SPECIAL HEARING
ON THE PROPERTY LOCATED ON THE NE/S
OF HOME ROAD. 1,100' NW OF GLENCOE
ROAD (15701 HOME ROAD)

10TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 08-110-SPH

CIVIL ACTION

NO.: 03-C-10-007776



CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Francis X. Borgerding, Jr. Esquire Mercantile-Towson Building 409 Washington Ave. Suite 600 Towson, MD 21204 Michael Lang 15701 Home Road Sparks, MD 21152 In the Matter of: Michael Lang Circuit Court Case No. 3-C-10-007776 Board of Appeals: 08-110-SPH

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, MD 21286

Edward and Heather Funk 15609 Home Road Sparks, MD 21152

Bruce Doak Gerhold Cross & Etzel, Ltd 320 F. Towsontown Boulevard Towson, MD 21286

Wayne Baker 15603 Home Road Sparks, MD 21152

Mr. and Mrs. Dansicker 15729 Home Road Sparks. MD 21152

Office of People's Counsel for Baltimore County The Jefferson Building, Suite 204 105 W. Chesapeake Avenue Towson, MD 21204 William J. Wiseman, III, Zoning Commissioner The Jefferson Building, Suite 103 105 W. Chesapeake Avenue Towson, MD 21204

Arnold F. "Pat" Keller, Director Office of Planning The Jefferson Building, Suite 101 105 W. Chesapeake Avenue Towson, MD 21204

Timothy Kotroco, Director
Office of Permits and Development Mgmt
County Office Building
111 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

John E. Beverungen, County Attorney Baltimore County Office of Law 400 Washington Avenue Towson, MD 21204

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 29% day of June, 2010, a copy of the foregoing Certificate of Compliance has been mailed to the individuals listed above.

Sunny Cannington, Legal Secretary County Board of Appeals The Jefferson Building, Suite 203 105 W. Chesapeake Avenue Towson, Maryland 21204

410-887-3180



County Board of Appeals of Baltimore County

JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

June 29, 2010

Francis X. Borgerding, Jr., Esquire Mercantile-Towson Building 409 Washington Ave, Suite 600 Towson, MD 21204

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, MD 21286

Peter M. Zimmerman, Esquire Carole S. Demilio, Esquire Office of People's Counsel The Jefferson Building, Ste 204 105 W. Chesapeake Avenue Towson, MD 21204

RE:

Petition for Judicial Review

Circuit Court Case No : 03-C-10-007776

In the Matter of: Michael Lang

Board of Appeals Case No.: 08-110-SPH

Dear Counsel:

Notice is hereby given, in accordance with the Maryland Rules that a Petition for Judicial Review was filed on June 16, 2010 by the Office of People's Counsel for Baltimore County, and J. Carroll Holzer, Esquire on behalf of Edward and Heather Funk in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

In accordance with the Maryland Rules, the County Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review filed by Office of People's Counsel for Baltimore County, and J. Carroll Holzer, Esquire on behalf of Edward and Heather Funk within 60 days. Office of People's Counsel for Baltimore County, and J. Carroll Holzer, Esquire on behalf of Edward and Heather Funk, having taken the appeal, are responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

In the Matter of: Michael Lan Circuit Court Case No.: 03-C-10-007776

Board of Appeals Case No.: 08-110-SPH

This matter consisted of five (5) hearing dates before the Board of Appeals. The Court Reporter that must be contacted to obtain the transcripts for the following four (4) dates and make arrangement for payment is:

CAROLYN PEATT TELEPHONE: 410-837-3027

HEARING DATES: June 25, 2008, April 28, 2009, July 30, 2009

and November 5, 2009

Since the CourtSmart system was the official record for the hearing on September 17, 2009, the Typist to contact to obtain transcripts and make arrangement for payment is:

DEBBIE EICHNER TELEPHONE: 410-404-2110

This office has notified the Court Reporter and Typist that transcripts on the above dates are due for filing in the Circuit Court. A copy of the Petition for Judicial Review has been provided to the Court Reporter and Typist which will enable her to contact the responsible parties.

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,

Sunny Cannington Legal Secretary

Enclosure

Duplicate Original Cover Letter

cc: Michael Lang
Edward D. and Heather K. Funk
Bruce Doak/Gerhold Cross & Etzel, Ltd
Wayne Baker
Mr. and Mrs. Dansicker
William J. Wiseman, Ill, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III,
Nancy C. West, Assistant County Attorney
John Beverungen, County Attorney

PETI

PETITION OF PEOPLE'S COUNSEL FOR

BALTIMORE COUNTY, The Jefferson Building, 105 W.*

Chesapeake Avenue, Suite 210, Towson, MD 21204 AND

EDWARD & HEATHER FUNK, 15609 Home Road,

Sparks, MD 21152

CIRCUIT COURT

FOR JUDICIAL REVIEW OF THE

DECISION OF THE COUNTY BUARD

OF APPEALS OF BALTIMORE COUNTY

The Jefferson Building, 105 W. Chesapeake Avenue,

Suite 210, Towson, MD 21204

FOR

IN THE

IN THE MATTER OF THE APPLICATION

OF MICHAEL LANG for SPECIAL HEARING

for property located on the NE/S of Home Road,,

1,100' NW of Glencoe Road

(15701 Home Road)

10th Election District, 3rd Councilmanic District

Civil No. 03C107776

BALTIMORE COUNTY

Case No. 08-110-SPH before the County Board of

Appeals of Baltimore County

JOINT PETITION FOR JUDICIAL REVIEW

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY and EDWARD FUNK AND HEATHER FUNK, through their attorney J. CARROLL HOLZER, ESQUIRE hereby request judicial review of Opinion and Order of the County Board of Appeals dated June 8, 2010. People's Counsel for Baltimore County and Edward Funk and Heather Funk were parties to the proceeding before the County Board of Appeals of Baltimore County in this matter.

This Petition is filed pursuant to Rule 7-202 of the Maryland Rules of Procedure.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

EL CEIVED AND FILED

2010 JUN 16 PH 2: 2L

A ERK OF THE CIRCUIT COURT BALTIMORE COUNTY Crak S Jemlio

CAROLE S. DEMILIO

Deputy People's Counsel

The Jefferson Building

105 West Chesapeake Avenue, Room,

Towson, MD 21204

(410) 887-2188

NECEIVED
JUN 2 3 2010

BALTIMORE COUNTY BOARD OF APPEALS JEARROLL HOLZER, ESQUIRE

508 Fairmount Avenue

Towson, MD 21286

Attorney for Edward & Heather Funk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this of June, 2010, a copy of the foregoing Joint Petition for Judicial Review was mailed to Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, Suite 600, Towson, MD, 21204, Attorney for Michael Lang.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Pot Mex Zimmer main

CIRCUIT COURT FOR BALTIMORE COUNTY
Richard D. Arnold, Jr.
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754

(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-10-007776



TO: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
The Jefferson Building
105 W Chespeake Avenue Suite 210
Towson, MD 21204





County Board of Appeals of Baltimore County

JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

June 8, 2010

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, MD 21286 Francis X. Borgerding, Jr., Esquire 409 Washington Ave, Suite 600 Towson, MD 21204

RE: In the Matter of: Michael Lang
Case No.: 08-110-SPH

Dear Counsel:

Enclosed please find a copy of the Opinion issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa R. Shelton
Administrator

Duplicate Original Cover Letter

Enclosure: Opinion

c (w/Encl.): Michael Lang

Bnicc Doak

Edward and Heather Funk

Wayne Baker

Mr. and Mrs. Dansicker

Office of People's Counsel
Arnold F. "Pat" Keller, Director/Planning
Thomas Bostwick, Deputy Zoning Commissioner

Timothy Kotroco, Director/PDM William J. Wiseman, III, Zoning Commissioner John E. Beverungen, County Attorney RE: PETITION FOR SPECIAL HEARING 15701 Home Road; N/east side of Home Rd., 1100 ft. +/- N/west of Glencoe Road 10th Election & 3rd Councilmanic Districts Legal Owner(s): Michael Lang

Petitioner(s)

* BEFORE THE

BOARD OF APPEALS

* FOR

* BALTIMORE COUNTY

* 08-110-SPH

OPINION

This matter comes before the Board of Appeals with an extensive history of reviews and modifications to the underlying fact pattern. The most recent appeal filed in this matter, was by Office of People's Counsel on June 4, 2009, from a decision of the Deputy Zoning Commissioner in which he determined, by Order dated May 19, 2009, that the transfer of ownership of Parcel 191 would have no effect on the issues presented in the Special Hearing case.

HISTORY

This matter comes before this Board on appeal filed by J. Carroll Holzer, Esquire, on behalf of Protestants, Edward D. and Heather K. Funk, 15609 Home Road, Sparks, Maryland, located in Baltimore County from a decision of the Deputy Zoning Commissioner dated November 30, 2007 and the subsequent Order on Request for Reconsideration by the Deputy Zoning Commissioner, dated January 18, 2008, in which the Petitioner requested certain relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) as follows:

- 1) To approve the transfer of a density unit to an adjoining parcel of land from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163); and
- 2) To approve the transfer of 3.3 acres more or less, from Michael A. Lang (Parcel 163) to Michael A. Lang (Parcel 191); and

- 3) To approve the transfer of 1.0 acre more of less, from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163) – granted with conditions and also with regard to the Reconsideration hearing; and
- 4) To approve an amendment to the site as placed in evidence granted consistent with the contents of the Order issued January 18, 2008.

The Petitioner, Michael Lang was represented by Francis X. Borgerding., Jr., Esquire. During the pendancy of this appeal, the ownership of the parcel known as Parcel 191 was conveyed by the Petitioner to a new Owner. In light of the aforestated changed in circumstance this matter was remanded to the Deputy Zoning Commissioner by this Board, for a determination of the effect of the new ownership of Parcel 191 on the Special Hearing and Reconsideration previously issued by the Deputy Zoning Commissioner. The Deputy Zoning Commissioner rendered his decision on May 19, 2010 and that decision was appealed by the Office of People's Counsel.

The above referenced parcels are adjacent to one another and carry an address of 15701 Home Road. Parcel 163 is a large irregular shaped property containing approximately 67 acres and is zoned RC 7. Parcel 191 is an irregular shaped property containing approximately 7.3 acres of which approximately 6.9 acres are zoned RC 7 and 0.4 acre zoned RC 4.

Mr. Lang proposed transferring the panhandle portion of Parcel 191 to Parcel 163. He also proposed transferring a 3.3 acre triangle shaped portion of Parcel 163 to Parcel 191.

Lastly, Mr. Lang proposed transferring the dwelling right (or density unit) to the new larger parcel

to result from the 3.3 acre transfer from Parcel 163 to Parcel 191.

The Deputy Zoning Commissioner, in his Opinion dated November 30, 2007, granted Mr. Lang's request for relief under the rules for a Special Hearing and attached six (6) conditions to his approval of the Petition. The last condition sparked the present controversy:

"In keeping with the rural character of the area and the R.C. zone, Petitioner agrees and acknowledges that he is forfeiting any further dwelling (and/or density) rights on Parcels 191 and 163 and that a total of only two dwelling rights (Petitioner's existing dwelling and the proposed new dwelling shown on the site plan) shall be permitted in any event."

Thereafter the Deputy Zoning Commission received correspondence from the firm of Greenhold, Cross & Elzel ("Greenhold"), the survey firm which prepared the site plan for Mr. Lang. In their correspondence on behalf of Mr. Lang they requested that the original site plan submitted to the Deputy Zoning Commissioner be replaced with the a redlined copy of the previous site plan. In addition "Greenhold" requested a Reconsideration of Condition 6 contained in the earlier Order. As it related to Condition 6, they went on to explain that Parcel 163 had two (2) density rights, one for the existing house on the parcel and one other density right that could be utilized in the event of future development.

Without a hearing on the matter, the Deputy Zoning Commissioner reviewed the case file and allowed the substitution of the red lined site plan. Condition 6 was revised to read as follows:

"In fact, in requesting the aforementioned relief, Petitioner specifically understands that he will be limited to a total of three potential dwelling rights on the two parcels. He will be limited to two dwelling rights (Petitioner's existing dwelling and one additional dwelling in the event of future development) on Parcel 163 and one dwelling right on the newly created Parcel 191 (combined with the 3.3 acres from Parcel 163)."

Upon receiving the Order On Requests for Amendment and Reconsideration of the foregoing modification, a Notice of Appeal was filed by J. Carroll Holzer, Esquire, on behalf of Protestants, Edward D. and Heather K. Funk.. On September 29, 2008, the Board of Appeals

received correspondence from the Office of People's Counsel asking for the opportunity to file a post-hearing memorandum and that the Office of People's Counsel was interested in the appeal before the Board.

During the pendency of the hearing in this matter the ownership of Parcel 191 changed when Mr. Lang deeded the parcel to his daughter, Brenda Stevenson and her husband Ian Stevenson. As the result of this the Board, by Order dated April 28, 2009, remanded the matter to the Deputy Zoning Commissioner for his determination of the affect, if any, the transfer of ownership of Parcel 191 would have on the instant proceedings. The Deputy Zoning Commissioner determined, by Order dated May 19, 2009, that the transfer of ownership of Parcel 191 would have no effect on the issues presented in the Special Hearing case. That decision was appealed by Office of People's Counsel on June 4, 2009.

ISSUES

- Is the proposed use of the subject property barred by reason of density limitations existing on the subject property?
- 2. Does the subject property meet the criteria for a Special Hearing?

ISSUE 1

The Office of People's Counsel presented the argument to the Board that the relief requested in the Petitioner's request would result in there being three (3) density units on the proposed Parcel 163. This result according to the argument put forth in the memorandum filed by People's Counsel would result in a legally impermissible transfer of density rights. The authority for this proposition is based on People's Counsel's interpretation of Baltimore County Zoning Regulation Section 1A08, in particular Section 1A08.6.B.1, which states:

"I. Maximum lot density. A tract may be developed in an R.C.7 Zone at a maximum density of 0.04 lot per acre of gross tract area (an average

of one lot per 25 acres). No lot lying within an R.C.7 Zone and having a gross area of less than 50 acres may be subdivided. Any lot having a area of 50 acres or more may be subdivided at the rate of one lot for each 25 acres of gross area. In cases where single ownership is crossed by existing or proposed roads, right-of-way or easement may not be considered separate parcels for the purpose of calculating the number of lots of record."

ISSUE 2

Does the subject property meet the criteria for relief by way of a Special Hearing pursuant to the Baltimore County zoning regulations?

TESTIMONY

The Petitioners called Mr. Bruce E. Doak, a professional land surveyor, who was accepted by the Board as an expert in issues relating to property surveying and the Baltimore County Zoning Regulations. In clarification of the issue of the transfer of ownership of Parcel 191 Mr. Doak testified that he assisted Mr. Lang in transferring a portion of Parcel 191 containing 7.234 acres split zoned into R.C. 7 and R.C. 4 zoned to Mr. Lang's daughter. The purpose for this transfer according to Mr. Doak was to allow for the location of a proposed house in an area of Parcel 191 that was more environmentally beneficial than would otherwise be the cause under the previously proposed Parcel 191 configuration. On cross examination Mr. Doak testified that the Petitioner and his daughter had obtained a building permit on the existing Parcel 191 and had taken steps in preparation of the selected site for building. Mr. Doak went on to state that the Petitioner nevertheless still intended to locate the new house construction in a different area of proposed Parcel 191. The reason for the anticipated change in location of the new house construction was caused in part by requirements of the Baltimore County Code which included certain environmental relief including a forest buffer variance and mitigation. Mr. Doak testified that access to the

proposed building site, according to Mr. Doak, would come by way of a right of way across Parcel 163 and in front of the home of Protestant Funk and in front of the existing home owned by the Protestant.

The Petitioner next presented the testimony of Ms. Martha Strauss, an environmental scientist. Ms. Strauss was accepted by the Board as an expert in the area of environmental science. She testified that the proposed location of the new house on Parcel 191 would be more environmentally advantageous to the area than the location for which a building permit had been obtained.

The Protestant, Mr. Funk called Mr. Jack Dillon, who was accepted by the Board as an expert in the areas of planning and zoning. Mr. Dillon testified that in his opinion the Special Hearing relief should not be granted because the subject property was not entitled to an additional density right on the theory that the "tract" of all of the subject property was less than seventy-five acres and therefore only two density units were available for the 74.552 portion of the tract of land zoned R.C. 7. The .4 acre area of land zoned R.C. 4, according to Mr. Dillon, has no density rights associated with it. He concluded that consequently there could be no transfer of a density right to proposed Parcel 191.

The Protestant, Mr. Funk, testified that he objected to the relief proposed in the Special Hearing in so far as it would appear to allow for the development of three lots on the subject property. Beyond the foregoing he had no objection to the requested relief.

DECISION

The Board, after reviewing the evidence presented in this case, concluded that the issue of the maximum density for the lots in question was not an issue that needed to be determined to

resolve the issues raised in the Special Hearing request. Parcel 191 was an existing parcel of land at the time of the enactment of the relevant zoning ordinances applicable thereto. Parcel 163, which consist of 67.638 acres, yields two density units pursuant to Section 1A08.6B4 of the Baltimore County Zoning Regulations. There therefore exists, at a minimum, two (2) dwelling rights on Parcel 163; one for the existing building and one additional right by virtue of the size of the parcel.

The Board believes that the relief requested in the Special Hearing is appropriate and notes that there was no testimony from the Protestants in opposition to the proposed relief other than the issue of potential density considerations. Therefore the Board will grant the relief as requested by the Petitioner.

ORDER

IT IS THEREFORE this day of June, 2010, by the Board of Appeals of Baltimore County,

ORDERED that the Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) as follows:

To approve the transfer of a density unit to an adjoining parcel of land from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163); and

To approve the transfer of 3.3 acres more or less, from Michael A. Lang (Parcel 163) to Michael A. Lang (Parcel 191); and

To approve the transfer of 1.0 acre more of less, from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163) is **GRANTED**; it is further

ORDERED that the request to approve an amendment to the site as placed in evidence as Petitioner's Exhibit 1 is GRANTED; it is further

ORDERED, that the change in ownership of Parcel 191 does not affect the request for Special Hearing relief and Reconsideration in case 08-110-SPH.

Any Petition for Judicial Review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS OF BALTIMORE COUNTY

Wendell H. Grier, Panel Chairman

Edward W. Crizer, J

Andrew M. Belt

12/11/09

IN THE MATTER OF: MICHAEL LANG-Legal Owner/Petitioner 15701 Home Road/10th Election District, 3rd Councilmanic District

- BEFORE THE
- COUNTY BOARD OF APPEALS
- * OF BALTIMORE COUNTY

PETITIONER'S CLOSING ARGUMENT MEMORANDUM

Michael Lang, Petitioner, by and through his attorney, Francis X. Borgerding, Jr., files this Memorandum and says:

I. STATEMENT OF THE CASE

This matter comes before the County Board of Appeals of Baltimore County (herein the "Board") on appeal of the Decision of the Deputy Zoning Commissioner for Baltimore County to grant Petitioner's Special Hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (herein "BCZR") to approve the transfer of a density unit to an adjoining parcel of land (Parcel 191) to Michael A. Lang, Parcel 163 and to approve the transfer of 3.3 acres, more or less, from Michael A. Lang (Parcel 163) to Michael A. Lang (Parcel 191) and to approve the transfer of one acre, more or less, from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163) pursuant to his Opinion of November 30, 2007 and his Order on Request for Amendment and Reconsideration dated January 18, 2008.

During the pendency of Petitioner's appeal before the Board, ownership of Parcel 191 was transferred from Petitioner, Michael Lang, to his daughter, Brooke Stevenson, and her husband, lan Stevenson.

The Board recommended the matter to the Deputy Zoning Commissioner per a remand order dated April 28, 2009 "for a determination of the effect of the new ownership



of Parcel 191 on the Special Hearing and Reconsideration previously issued by the Deputy Zoning Commissioner."

The Deputy Zoning Commissioner issued a Determination of the Deputy Zoning Commissioner on remand order from the Baltimore County Board of Appeals dated May 19, 2009 concluding "it is my determination that the change in ownership of Parcel 191 does not affect the Special Hearing and Reconsideration previously issued in this matter."

II. ARGUMENT

A. The record before the Board supports the granting of the Petitioner's requested relief.

Petitioner asserts that when the record before the Board is examined it is clear that the Petitioner has met his burden of proof for the granting of his Special Hearing relief. The uncontradicted testimony of Martha Straus who was accepted by the Board as an Environmental Scientist is that the granting of the Petitioner's requested relief will enable Petitioner to locate his dwelling on the reconfigured Parcel 191 which is beneficial from an environmental perspective and meets the intent of the R.C. 7 zoning regulations in the BCZR.

In addition, Bruce Doak, an expert in zoning, land development and surveying, testified before the Board as to the benefits of the placement of the dwelling on the reconfigured Parcel 191 as opposed to the existing. Further, Mr. Doak expressed his opinion that the granting of Petitioner's relief would meet the intention of the R.C. 7 zoning regulations of the BCZR as opposed to conflict with the stated intentions of Section 1A08.1.B of the BCZR.

On the contrary, the evidence in opposition by the Protestants centered on the density rights of Parcel 191 and Parcel 163 rather than producing any testimony to dispute that the placement of a home on the Petitioner's reconfigured Parcel 191 as opposed to the existing Parcel 191 is not beneficial from an environmental standpoint or the granting of the Petitioner's requested relief is in conflict with the intention of the R.C. 7 zoning regulations of the BCZR.

The weight of the evidence on the record when reviewed as a whole it is clear that the granting of the Petitioner's requested relief will enable placement of a dwelling on the reconfigured lot, Parcel 191, as opposed to the existing parcel which is beneficial from an environmental standpoint and meets the intention of the R.C. 7 regulations of the BCZR.

The Board has granted Special Hearing relief similar to that requested by the Petitioner in the past. See Cumberland opinion and plat. Petitioner's Exhibit 6 A and B on the record before the Board in the instant case justifies the granting of the Petitioner's requested relief.

B. The Special Hearing relief requested by the Petitioner does not include a request for a determination of density rights available on Parcel 163.

The Special Hearing relief requested by the Petitioner before the Deputy Zoning Commissioner on appeal before the Board is a request, pursuant to Section 500.7 of the BCZR "to approve the transfer of a density unit to an adjoining parcel of land from Michael Lang (Parcel 191) to Michael Lang (Parcel 163) and to approve the transfer of 3.3 acres, more or less, from Michael A. Lang (Parcel 191) and to approve the transfer of one acre, more or less, from Michael A. Lang (Parcel 191) to

Michael A. Lang (Parcel 163).

Pursuant to the plain wording of a Special Hearing relief requested by the Petitioner the request for determination of the amount of density units available on Parcel 163 was not before the Deputy Zoning Commissioner nor before the Board on appeal.

Protestants argue that the Deputy Zoning Commissioner by granting Petitioner's request for amendment and reconsideration would open the door for the Deputy Zoning Commissioner or the Board's consideration of the density yield on Parcel 163. Petitioner asserts that when the Deputy Zoning Commissioner's January 18, 2008 Order on request for amendment and reconsideration is reviewed that the Deputy Zoning Commissioner was not expanding the scope for relief requested by Petitioner pursuant to its Special Hearing but was rather clarifying a misunderstanding on the part of the Deputy Zoning Commissioner. After reviewing his notes taken during the Special Hearing as well as the tape of the proceedings the Deputy Zoning Commissioner wrote his Decision at page 2

"After reviewing the testimony and evidence, I believe there was a miscommunication between the undersigned and Mr. Doak concerning the density or dwelling rights potentially available to Petitioner as it relates to the requested relief. As such, I shall grant Petitioner's request for reconsideration, and the latter part of the first paragraph on page six of the Findings of Fact and Conclusions of Law shall be revised and read as follows: 'In fact, in requesting the aforementioned relief, Petitioner specifically understands that he will be limited to a total of three potential dwelling unit rights on the two parcels. He will be limited to two dwelling rights (Petitioner's existing dwelling and one additional dwelling right in the event of future development) on Parcel 163 and one dwelling right on the newly created Parcel 191 (combined with 3.3 acres from Parcel 163)."

In light of the above, Petitioner asserts that much of the testimony, evidence and assertions made by the Protestants in the several days of hearings before the Board are irrelevant because the determination of the density rights of Parcel 163 is not part of the

relief before the Board.

Assuming on the other hand for the sake of argument that the Board believes that consideration of the density rights of Parcel 163 is part of the relief before the Board, the weight of the testimony and evidence as well as the plain wording of the R.C. 7 zoning regulations of the BCZR support a finding by the Board that the Petitioner presently has two density rights on Parcel 163 under the property's R.C. 7 zoning and 1 density right on parcel 191.

Section 1A08.6 of the BCZR says:

"Minimum development allowance. Any lot or parcel of land lawfully existing on the effective date of Bill 74-2000 may be developed with a single dwelling."

The record makes clear that Parcel 191 was an existing parcel of land as of the effective date of Bill 74-2000. Under the plain wording of Section 1A08.6 of the BCZR, Parcel 191, therefore, yields one density unit. Parcel 163, which consists of 67.638 acres yields two density units under the plain wording of Section 1A08.06 of the BCZR.

Both Bruce Doak, on behalf of the Petitioner, and Carl Richards, Zoning Supervisor of the Department of Permits and Development Management, clearly testified that under the plain wording of Section 1A08.6B1 of the BCZR that the Petitioner is entitled to two density units on Parcel 163 which is 67.638 acres in size. Additionally, both Bruce Doak and Carl Richards testified that the Petitioner's Parcel 191, in addition, is allowed one density unit pursuant to Section 1A08.6B4 of the BCZR. Neither Mr. Doak nor Mr. Richards agreed with Jack Dillon's assertions that Parcels 163 and 191 must be combined pursuant to the terms of Section 1A08.6B support to reach the conclusion that the combined parcels amount to less than 75 acres. Although the parcels were at times in

common ownership, examination of Deed dated March 18, 1985 from Olga M. Bruning and Armand M. Bruning to Michael Lang and M. Elizabeth Lang, his wife, indicate that although the Petitioner and his former wife purchased the two separately described parcels, a further review of the parcels' descriptions indicate that they were previously in separate ownership. Further, Petitioner has transferred Parcel 191 to his daughter. In addition, it is undisputed that either of the parcels at any time may be sold to a third party separately from the other.

The contrary testimony of Jack Dillon is based on his personal opinion that the word tract in the first sentence of Section 1A08.6B1 of the BCZR includes a combination of all adjacent parcels owned by the same individual. It is clear, however, that when Mr. Dillon was cross-examined about this opinion that he could produce no authority in the BCZR or elsewhere in support of his personal conclusion.

Accordingly, even if the issue of the density rights of Parcel 163 are before the Board, the weight of the evidence before the Board supports a conclusion that Parcel 191 has one density right and Parcel 163 has two density rights (one for the Petitioner's present home on Parcel 163 and one for future development).

C. The Zoning Commissioner or the Board of Appeals on appeal has the authority to grant a Special Hearing for a non-density transfer.

The Baltimore County Code herein (the "Code") Section 32-3-301, attached to this Memorandum, states in pertinent part:

"§32-3-301. AUTHORITY OF ZONING COMMISSIONER.

(a) *In general*. Except as provided in §32-3-515 of this title and consistent with the general purpose, intent, and conditions set forth in the Baltimore County Zoning Regulations, upon petition, the Zoning Commissioner may:

- (1) Grant variances from area and height regulations;
- (2) Interpret the zoning regulations; and
- (3) Grant special exceptions.
- (b) Appeal. A decision of the Zoning Commissioner under subsection (a) of this section may be appealed to the Board of Appeals as provided in this article."

Section 500.7 of the BCZR, attached to this Memorandum, states in pertinent part:

§500.7 Petitions for public hearing; notice.

[Bill No. 18-1976]

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

Further, Section 1A00.4.b of the Baltimore County Zoning Commissioner's policy manual, attached to this Memorandum, states:

1A00.4.b SALE OR TRANSFER OF SMALL PARCELS

- (1) The sale or transfer of small R.C. zoned parcels, usually too small to meet the minimum lot size, for non-density purposes such as access, or agriculture, <u>may</u> be permitted.
- (2) In an R.C. 2 zone, a parcel could possibly be transferred from the overall development tract to an adjacent existing lot of record provided that the end result does not permit a re-subdivision into a greater number of lots.
- (3) Depending on the use and the size of the parcels, a special hearing before the Zoning Commissioner may be required to determine if a non-density transfer is permitted.

People's Counsel argues that the R.C. 7 regulations does not specially authorize a non-density transfer but the Zoning Commissioner's or the Board's authority to grant a

non-density transfer is authorized by the County Code and BCZR's authorization to

"Interpret the zoning regulations" and "to determine my rights whatsoever of such person

in any property in Baltimore County insofar as they are affected by these regulations". This

authorization is further spelled out by the provisions of the Zoning Commissioner's policy

manual which specifically allow non-density transfers. The provisions of the Zoning

Commissioner's policy manual have been adopted as part of the County of Baltimore Code

of Regulations and as such have the force and effect of law. See attached Code 3-7-201,

et seq.

The Zoning Commissioner and the Board have granted special hearings for non-

density transfers in numerous cases. As indicated above, the Zoning Commissioner or the

Board on appeal have been given authority to grant special hearings as has been

requested by the Petitioner herein.

CONCLUSION

In light of the above, Petitioner's requested Special Hearing relief should be

GRANTED.

Respectfully submitted,

FRANCIS X. BORGERDING, JR.

409 Washington Avenue, Suite 600

Towson, Maryland 21204

410-296-6820

ATTORNEY FOR PETITIONER

8

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this <u>M</u> day of <u>Nextube</u>, 2009, a copy of the foregoing was mailed, first-class postage prepaid, to:

Peter Max Zimmerman, Esquire People's Counsel for Baltimore County Jefferson Building 105 West Chesapeake Avenue, Room 204 Towson, Maryland 21204

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, Maryland 21286

FRANCIS X. BORGERDING, JR

immediately thereafter as the Board's schedule provides; and

- (2) Issue an order within 10 days after the hearing if there is no opposition.
- (b) Opposition to a petition. If there is opposition to a petition, the Board of Appeals may continue a hearing to allow for further presentation of the issues.

(1988 Code, § 26-134) (Bill No. 42, 1990, § 1; Bill No. 103-02, § 2, 7-1-2004)

§ 32-3-236. EXCLUSIVE PROCEDURE.

A petition filed under this Part is not subject to any procedure for the filing of petitions set forth under this Code but is required to satisfy the procedure as set forth under this Part.

(1988 Code, § 26-134) (Bill No. 42, 1990, § 1; Bill No. 103-02, § 2, 7-1-2004)

SUBTITLE 3. VARIANCES

§ 32-3-301. AUTHORITY OF ZONING COMMISSIONER.

- (a) In general. Except as provided in § 32-3-515 of this title and consistent with the general purpose, intent, and conditions set forth in the Baltimore County Zoning Regulations, upon petition, the Zoning Commissioner may:
 - (1) Grant variances from area and height regulations;
 - (2) Interpret the zoning regulations; and
 - (3) Grant special exceptions.
- (b) Appeal. A decision of the Zoning Commissioner under subsection (a) of this section may be appealed to the Board of Appeals as provided in this article.
- (c) Conditional or restricted variance. The Zoning Commissioner may grant a variance with conditions or restrictions that the Zoning Commissioner determines are appropriate for the purpose of protecting the health, safety, or general welfare of the surrounding community.

(1988 Code, § 26-127) (Bill No. 18, 1990, § 2; Bill No. 91, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 103-02, § 2, 7-1-2004)

§ 32-3-302. SAME – HEARING REQUIRED; NOTICE.

(a) In general. Except as provided in §32-3-303 of this subtitle, the Department of Permits and Development Management shall schedule a public hearing on a petition for a variance or special exception for a date not less than 21 days and not more than 90 days after the petition is accepted for filing.

Board of Appeals, the said Board shall order such reclassification, the Zoning Commissioner shall then forthwith submit said reclassification to the County Commissioners of Baltimore County.

Editor's Note: Under Section 1107 of the Baltimore County Charter, the County Council and County Executive have succeeded "to all powers heretofore vested in the county commissioners by the constitution and laws of this state." However, under the provisions of Section 604 of the Charter, those persons aggrieved by a decision of the Board of Appeals may now appeal such decision to the Circuit Court of Baltimore County. See Appendix E of this volume.

and upon their written approval thereof the said reclassification shall become effective and binding and shall constitute an amendment to the boundaries of the zoning districts.

Editor's Note: This section has been superseded by Section 2-356 of the Baltimore County Code, 1988 Edition, [now Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003], as revised, which vests original jurisdiction for reclassifications with the Board of Appeals (Bill No. 85-1978, effective 12-8-1978, and Bill No. 46-1979, effective 3-28-1979). See also Section 602(e) of the Baltimore County Charter, as well as Sections 32-3-401 and 32-3-517 of the Baltimore County Code, 2003, as found in Appendix D of this volume.

§ 500.4 <u>Issuance of use permits.</u>

[Resolution, November 21, 1956]

In cases in which no building permit is required, any person desiring to use any land for any purpose other than that for which said land is being used at the time of adoption of this Order and Resolution

Editor's Note: The date of adoption and effective date of BCZR 1955 was March 30, 1955. shall make application to the Zoning Commissioner for a use permit, upon such form as the Zoning Commissioner may prescribe. If such use is permissible the Zoning Commissioner may issue a use permit, conditioned by other provisions contained in the regulations which shall indicate that it authorizes the particular use applied for.

§ 500.5 Petitions for special exceptions.

In cases of petitions for special exceptions under Section 502 of these regulations, the Zoning Commissioner shall receive such petitions in such form as he may prescribe. He shall hold a public hearing thereon after giving public notice of such hearing as above provided with respect to petitions for reclassification. After such a hearing he shall pass his order granting or refusing such special exception.

Editor's Note: See also Sections 32-3-301 through 32-3-304 of the Baltimore County Code, 2003, as found in Appendix D of this volume.

§ 500.6 Authority to conduct hearings.

In addition to his aforesaid powers, the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass his order thereon, subject to the right of appeal to the County Board of Appeals as hereinafter provided.

§ 500.7 Petitions for public hearing; notice.

[Bill No. 18-1976]

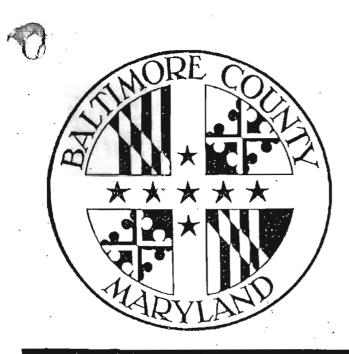
The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power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

With respect to any zoning petition other than a petition for a special exception, variance or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the county. The notice shall describe the property, if any, and the action requested in the

1991 Edition

Baltimore County

Zoning Commissioner's Policy Manual



adopted MAY 21,1991

Administrative Supplement to the Baltimore County Zoning Regulations

IN RE: ZONING COMMISSIONER'S *

BEFORE THE

POLICY MANUAL (ZCPM)

ZONING COMMISSIONER

PURSUANT TO: SECTIONS 2-160 THRU 166

OF BALTIMORE COUNTY

AND 22.34.1 OF THE

BALTIMORE COUNTY CODE

WHEREAS, on August 13, 1990, Baltimore County Council Bill
No. 88-90 became effective establishing a Code of Baltimore County
Regulations and the method for adoption of same; and

WHEREAS, on April 23, 1991, the Zoning Commissioner's Policy
Manual (ZCPM) received the approval of the County Attorney; and

WHEREAS, a public hearing was scheduled, and advertised in two newspapers of general circulation, and copies of the Zoning Commissioner's Policy Manual (ZCPM) were made available for review; and

WHEREAS, on May 21, 1991, the Zoning Commissioner held a Public Hearing on the Zoning Commissioner's Policy Manual (ZCPM); and

WHEREAS, there being no adverse testimony submitted either written or verbal, and

NOW THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 21st day of May, 1991, that the Zoning Commissioner's Policy Manual (ZCPM), be and is hereby ADOPTED and shall be incorporated into the Code of Baltimore County Regulations.

Robert Haines

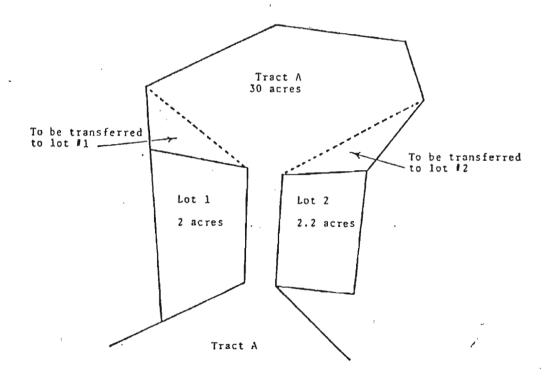
Zoning Commissioner for

Baltimore County

1A00.4.a AMENDMENTS TO DEVELOPMENT PLANS - INDIVIDUAL LOT OWNERS (See Section 1B01.3.A.7.C Z.C.P.M., Page 1B-21)

1A00.4.b SALE OR TRANSFER OF SMALL PARCELS

- (1) The sale or transfer of small R.C. zoned parcels, usually too small to meet the minimum lot size, for non-density purposes such as access, or agriculture, may be permitted.
- (2) In an R.C. 2 zone, a parcel could possibly be transferred from the overall development tract to an adjacent existing lot of record provided that the end result does not permit a re-subdivision into a greater number of lots.
- (3) Depending on the use and the size of the parcels, a special hearing before the Zoning Commissioner may be required to determine if a non-density transfer is permitted.



(4) Persons shall be advised to read both the Circuit Court and Special Appeals Cases for Steven H. Gudeman, et ux, All Parties v. People's Counsel for Baltimore County.

- (2) Has future effect;
- (3) Details or carries out a law that the county government administers; and
- (4) Is in any form including:
 - (i) A requirement;
 - (ii) A standard:
 - (iii) A statement of interpretation; or
 - (iv) A statement of policy.
- (c) Rule. "Rule" means a statement, policy, directive, or operating procedure of county government that:
 - (1) Concerns only internal management of the county government;
- (2) Requires compliance by county employees with provisions relating to attendance, conduct, training, discipline, and procedure; or
- (3) Does not affect directly the rights of the public or the procedures available to the public. (1988 Code, § 2-417) (Bill No. 88-1990, § 2; Bill No. 31-99, § 3, 7-1-2004)

SUBTITLE 2. CODE OF COUNTY REGULATIONS

§ 3-7-201. "PROPOSED REGULATION" DEFINED.

"Proposed regulation" means a regulation proposed for adoption, amendment, or repeal under this title.

(Bill No. 31-99, § 3, 7-1-2004)

§ 3-7-202. SCOPE.

- (a) Applicable to departments and offices. This subtitle applies only to regulations adopted by the agencies of the county government enumerated in §§ 503 and 504 and amended by § 502 of the Charter and which are authorized by county law to adopt regulations.
- (b) Not applicable to rules. This subtitle does not apply to a rule adopted by a department or office.

(1988 Code, § 2-417) (Bill No. 88-1990, § 2; Bill No. 31-99, § 3, 7-1-2004)

§ 3-7-203. IN GENERAL.

- (a) County Attorney to compile and edit regulations. The County Attorney shall compile and edit the regulations adopted by the departments and offices of county government authorized by law to adopt regulations.
- (b) Name. The compilation required by this section shall be known as the Code of Baltimore County Regulations.

(1988 Code, § 2-416) (Bill No. 88-1990, § 2; Bill No. 31-99, § 3, 7-1-2004)

§ 3-7-204. CONTENTS IN GENERAL.

The Code of Baltimore County Regulations shall contain the text of each regulation adopted in accordance with the provisions of this subtitle.

(1988 Code, § 2-418) (Bill No. 88-1990, § 2; Bill No. 31-99, § 3, 7-1-2004; Bill No. 73-04, § 4, 9-25-2004)

§ 3-7-205. SUBMISSION TO THE COUNTY ATTORNEY.

- (a) Before initial publication. Before publication under § 3-7-206 of this subtitle, a department or office shall submit a proposed regulation to the County Attorney for approval as to legality.
- (b) Before change to a proposed regulation. If the department or office proposing a regulation makes changes in the text of a proposed regulation at any time, the department or office shall submit the changed proposed regulation to the County Attorney for approval as to form and legal sufficiency.
- (c) Effect of failure of department or office. If the department or office fails to submit the proposed regulation to the County Attorney as required in this section, the proposed regulation is voidable.

(1988 Code, § 2-419) (Bill No. 88-1990, § 2; Bill No. 31-99, § 3, 7-1-2004)

§ 3-7-206. PROCEDURE.

- (a) General notice requirement.
- (1) At least 15 days before the public hearing required under subsection (e) of this section, a department or office shall submit a notice of proposed regulation to two newspapers of general circulation.
- (2) The notice shall be published once per week in each newspaper of general circulation before the hearing.

- (b) Contents of the notice. The notice required under this section shall contain:
 - (1) A brief description of the proposed regulation;
- (2) Information about the date, time, and location of the public hearing required under subsection (e) of this section;
- (3) In accordance with subsection (c) of this section, information about where copies of the proposed regulations have been made available for review; and
 - (4) An address to which a person may send written comments about the proposed regulations.
- (c) Regulations available to the public. The department or office proposing the regulation shall make the proposed regulation available at:
 - (1) Each public library in the county;
 - (2) The offices of the County Council; and
 - (3) Its own department or office location.
 - (d) Effects of notice. Publication of the notice required under this section:
 - (1) Creates a rebuttable presumption that the proposed regulation was adopted properly; and
- (2) Is deemed to give a person who is subject to or affected by the proposed regulation notice of the contents of the proposed regulation.
- (e) Public hearing. The department or office proposing the regulation shall set a date, time, and location for a public hearing at which it may receive from the public oral or written comments and information about the proposed regulation.

(1988 Code, § 2-420) (Bill No. 88-1990, § 2; Bill No. 31-99, § 3, 7-1-2004)

§ 3-7-207. ADOPTION OR RESUBMITTAL.

- (a) Submittal to County Attorney.
- (1) After the public hearing, if a department or office makes changes to the text of the proposed regulation, the department or office shall submit the changed proposed regulation to the County Attorney.
- (2) The County Attorney shall determine whether the change in the proposed regulation is a material change.
- (b) Determination of material change. If the County Attorney determines that a department or office has made a material change to the text of a proposed regulation, the department or office may not adopt the proposed regulation unless it is proposed anew and adopted in accordance with the requirements of this subtitle.

- (c) No change or determination of non-material change. After the public hearing, if the department or office has not made a change in the proposed regulation or if the County Attorney determines that a change in the proposed regulation is not material, the department or office may adopt and implement the proposed regulation after securing the approval of the director of the department or office in writing.
 - (d) Publication. After adopting a regulation, a department or office shall:
- (1) Submit to the County Attorney copies of the adopted regulations for inclusion in the Code of Baltimore County Regulations, to be maintained by the County Attorney; and
 - (2) Make the adopted regulations available to the public.
- (e) Failure to adopt after the hearing. If a department or office fails to adopt a proposed regulation within 90 days after the public hearing, the regulation shall be deemed withdrawn and may not be adopted unless proposed anew and adopted in accordance with the requirements of this subtitle.

(1988 Code, § 2-421) (Bill No. 88-1990, § 2; Bill No. 31-99, § 3, 7-1-2004; Bill No. 73-04, § 4, 9-25-2004)

§ 3-7-208. SEVERABILITY.

- (a) In general. If a section, paragraph, sentence, clause, phrase, or word of a regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the invalidity or unconstitutionality may not affect any of the remaining words, phrases, clauses, sentences, paragraphs, or sections of the regulation unless:
- (1) The section, paragraph, sentence, clause, phrase, or word of the regulation is subject to a provision that prohibits severability under this section; or
- (2) The court finds that the remaining valid provisions alone are incomplete and incapable of being carried out in accordance with the purpose of the regulation.
- (b) Removal of provisions. With the consent of the County Attorney, a department or office may remove from the code of county regulations a provision of a regulation that a court of competent final jurisdiction has declared to be unconstitutional or in conflict with county, state, or federal law.

(1988 Code, §§ 2-418, 2-422) (Bill No. 88-1990, § 2; Bill No. 31-99, § 3, 7-1-2004)

SUBTITLE 3. OTHER COUNTY REGULATIONS

§ 3-7-301. SCOPE.

- (a) Regulations. This subtitle apples to:
- (1) A regulation adopted in accordance with the authority provided by state or federal law if the state or federal law requires an adoption procedure that differs from the procedure required under

RE:	PETITION FOR SPECIAL HEARING
	15701 Home Road; NE/S Home Road,
	1,100' NW Glencoe Road
	10th Election 3rd Councilmanic Districts
	Legal Owner(s): Michael A. Lang
	Petitioner(s)

- * BEFORE THE COUNTY
- * BOARD OF APPEALS
- * FOR
- * BALTIMORE COUNTY
- * 08-110-SPH

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY TABLE OF CONTENTS DEC 1 1 2009

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RE: PETITION FOR SPECIAL HEARING 15701 Home Road; NE/S Home Road, 1,100' NW Glencoe Road 10th Election 3rd Councilmanic Districts Legal Owner(s): Michael A. Lang Petitioner(s)

- * BEFORE THE COUNTY
- * BOARD OF APPEALS
- * FOR
- * BALTIMORE COUNTY
- * 08-110-SPH

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

Introduction

This is a case of first impression. It calls for an interpretation of the provisions governing residential density in the R.C. 7 (Resource Preservation) Zone. Depending on the resolution of the density issue, it also presents a question of the availability of a "density" transfer.

The density controversy in a nutshell

The material facts concerning the size and zoning of the property are undisputed. The petitioner owns a tract of land at 15701 Home Road in the north county area of Sparks. He has filed a site plan, prepared by surveyor Bruce Doak. It shows the total tract area as 74.962 acres, of which 74.552 acres are zoned R.C.7, and the remaining .410 acres are zone R.C.4 (watershed protection). The site plan also shows the tract divided into two contiguous parcels. Parcel 163 has 67.638 acres, all R.C. 7, and Parcel 191 has 7.324 acres, including 6.914 zoned R.C.7, and the .410 acres zoned R.C. 4.

There is an existing dwelling in the Parcel 167 area. Petitioner's desire to construct another dwelling led to the present zoning petition. In the course of the proceedings, the question necessarily arose as to the method of density calculation and the maximum number of lots permitted on the property.

The County Council established the R.C. 7 Zone in Bill 74-00. It is codified in BCZR § 1A08. The provision particularly applicable to maximum lot density is BCZR § 1A08.6.B.1, which states,

"1. Maximum lot density. A tract may be developed in an R.C.7 Zone at a maximum density of 0.04 lot per acre of gross tract area (an average of one lot per 25 acres). No lot lying within an R.C.7 Zone and having a gross area of less than 50 acres may be subdivided. Any lot having a gross area of 50 acres or more may be subdivided at the rate of one lot for each 25 acres of gross area. In cases where single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement may not be considered separate parcels for the purpose of calculating the number of lots of record."

Our view is that the gross tract area controls. Based on a 0.04 lot per acre of gross tract area (an average of one lot per 25 acres), we arrive at a calculation of 2.98 lots for the 74.552 acre tract. Based on law and consistent practice, as recounted by John Dillon, it is not permissible to "average up" from a fractional result. Therefore, a maximum of 2.98 lots translates to 2, not 3.

On the other hand, Petitioner's view is that there is available a separate calculation for each parcel. For the 67.638 acre Parcel 163 alone, the calculation would allow 2 lots, and for the 6.914 acres in Parcel 191, there would be an additional lot permitted. This is how the Petitioner arrives at a total of 3 lots.

John J. Dillon, Jr., the well-known former County planner and expert, articulated in detail the reasons for utilizing the gross tract area as a basis for calculation. In contrast, Carl Richards, the long-time Zoning Supervisor provided the opposite point of view. We shall discuss their views below.

It should be underlined that the controversy has dramatic ramifications. However, these ramifications may not be apparent at first glance.

In the present case, Petitioner has almost enough property in the tract to reach 75 acres. This, in our view, is the threshold for 3 available lots. The closeness to this threshold may provide a temptation to allow the third lot. Nevertheless, the legal limits are there and must be applied. In addition, the present case involves a difference of just one additional lot. So, it may not seem at first like such a big deal. But consider this.

There would be huge differences where an R.C. 7 tract is divided **into many** parcels. In our cross-examination of Mr. Richards, we posited the situation where a 74-acre tract could be divided into 20 parcels of about 3 acres each. He insisted, based on his

parcel-based analysis, that 20 dwelling lots would be permissible. This example shows more clearly the significant dimensions of the disagreement between the parties.

The "density transfer" controversy in a nutshell

Petitioner's parcel-based analysis led to his additional request for a "density" transfer from Parcel 191 to Parcel 163. Having allocated a dwelling lot available to Parcel 191 in order to rationalize a total of 3 available lots, Petitioner nevertheless desires the approval to "transfer" that "density" to Parcel 163.

Petitioner's expert witnesses described why it was preferable to locate a new dwelling in an area of Parcel 167. Ironically, Petitioner had already obtained a building permit for a new dwelling in the Parcel 191 area. Ironically also, Petitioner proceeded to clear some of the forest in this area. This would appear to negate the purported environmental sensitivity of the proposed "transfer."

In any event, the proposed "transfer" would effectively allow 3 dwelling lots on Parcel 167. Since Petitioner's own parcel-based approach conceded that Parcel 167 has available a maximum of 2 dwelling lots, Petitioner had to ask for a zoning review. His reasoning is that given the sum of three available lots for the combined parcels, it should be permissible to transfer those lots around the tract.

Again, we disagree with Petitioner. First of all, based on the gross tract area criterion, a property owner can locate the permitted dwellings anywhere on the tract, subject to the maximum density and other zoning and development standards. Here, the Petitioner can properly locate an additional dwelling either in the Lot 191 or Lot 163 area: just one additional dwelling, not two additional dwellings.

Secondly, as to the requested "transfer" of density, this also is impermissible as a matter of law. Let us assume for the sake of argument that Petitioner's parcel-based theory of density were correct, so that 2 dwelling-lots are available on Parcel 167 and 1 lot on Parcel 191. In this scenario, there is nevertheless an absence of legislative authority to "transfer" density between parcels. Moreover, the attempted "transfer" effectively eliminates the existing parcel lines. Indeed, it is a reminded that we are dealing with a contiguous gross tract area.

The evolution of the controversy

Petitioner labeled his petition as a special hearing for "density" transfer. The question of available density necessarily emerged as the case evolved during the proceedings before Deputy Zoning Commissioner ("DZC") Thomas H. Bostwick, and more prominently at the *de novo* County Board of Appeals hearing.

The initial November 30, 2007 DZC opinion stated clearly on page 3 Petitioner's willingness to limit his development rights to 2 dwellings for the entire property. This led the Commissioner to include this limitation in paragraph 6 of his order:

"6. In keeping with the rural character of the area and the R.C. zone, Petitioner agrees and acknowledges that he is forfeiting any further dwelling (and/or density) rights on Parcels 191 and 163 and that a total of only two dwelling rights (Petitioner's existing dwelling and the proposed new dwelling shown on the site plan) shall be permitted in any event."

Subsequently, on December 18, 2007, Cornelia Marin of Bruce Doak's office wrote to the Commissioner to say that it was a misunderstanding that Petitioner "will give away one density right" and insisted on a three dwelling rights for "the main parcel (Parcel 163)." She did not send a copy of her letter to any of the other parties. Unfortunately, also without notice to any of the other parties, DZC Bostwick issued an Order on Requests for Amendment and Reconsideration to grant Ms. Marin's request on January 18, 2008. His revised order deleted the above condition 6.

This led to the present appeal by Edward Funk and Heather Funk, timely filed on February 15, 2008. As stated in their appeal letter, and later in Mr. Funk's testimony, they were willing to abide by the original order, despite many concerns, because of the limitation to 2 dwellings for the entire property. They explained their many objections to the proposal. They also objected to the lack of notification relating to the reconsideration

From any point of view, the question of available density for dwelling lots is at the heart of this case. One cannot analyze "transfer of density" without understanding the applicable law relating to density. Moreover, the density controversy emerged conspicuously in the proceedings before the Commissioner.

Questions Presented

- 1. Based on the legislative language and history of the Resource Preservation Zone, does it fulfill the legislative purpose to calculate density based on the gross tract area, rather than parcel by parcel?
- 2. Assuming for the sake of argument it were appropriate to calculate density within a tract on a parcel by parcel basis, is there any legal authority to transfer density from one parcel to another parcel?

Argument

Principles of statutory construction

The principles of statutory construction are familiar, but nevertheless critical to the resolution of this controversy. The appellate decisions are too numerous to cite. We have found particularly helpful Chief Judge Bell's summary in <u>Pelican National Bank v. Provident Bank of Maryland</u> 381 Md. 327, 336 (2004),

"This Court has often stated the paramount goal of statutory interpretation, to "ascertain and effectuate the intention of the legislature." <u>Oaks v. Connors</u>, 339 Md. 24, 35, 660 A.2d 423, 429 (1995); <u>Nationsbank v. Stine</u>, 379 Md. 76, 85, 839 A.2d 727, 732-33 (2003). The quest to ascertain legislative intent requires examination of the language of the statute as written and if, given the plain and ordinary meaning of the words used, the meaning and application of the statute is clear, we end our inquiry. <u>Comptroller of the Treasury v. Kolzig</u>, 375 Md. 562, 567, 826 A.2d 467, 469 (2003). It is also true, however, that:

"While the language of the statute is the primary source for determining legislative intention, the plain meaning rule of construction is not absolute; rather, the statute must be construed reasonably with reference to the purpose, aim, or policy of the enacting body. The Court will look at the larger context, including the legislative purpose, within which statutory language appears. Construction of a statute which is unreasonable, illogical, unjust, or inconsistent with common sense should be avoided."

Tracey v. Tracey, 328 Md. 380, 387, 614 A.2d 590, 594 (1992) (Citations omitted). In seeking to "avoid constructions of a statute which is unreasonable, illogical, unjust, or inconsistent with common sense," Pak v. Hoang. 378 Md. 315, 323, 835 A.2d 1185, 1189 (2003), we prefer an interpretation of the statute that avoids rendering any "part of the statute ... meaningless or nugatory." Toler v. Motor Vehicle Admin., 373 Md. 214, 220, 817 A.2d 229, 234 (2003) (citing Gillespie v. State, 370 Md. 219, 222, 804 A.2d 426, 428 (2002))."

See, e.g. <u>Pak v. Hoang</u> 378 Md. 315, 323 (2003); <u>Ross v. State Board of Elections</u> 387 Md. 649, 661, 667 (2005).

I. It fulfills the legislative purpose to calculate density based on the gross tract area of contiguous parcels

The legislative language and structure of R.C. Zone density controls

Let us begin with the language and structure of the law.

To begin, BCZR § 1A00.5 provides that where an R.C. Zone tract is divided by a zone boundary, each zone is considered as a parcel for density purposes. It states,

"Whenever a single tract is divided by a zone boundary so that portions of such a tract lie within R.C. Zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and, for the purpose of these regulations, shall be considered as separate parcels"

Accordingly, the relevant R.C. 7 tract here consists of 74.552 acres. There is no density associated with the .4 acres in the R.C. 4 Zone, which anyway is below the minimum lot size for development in that zone.

The first sentence of BCZR § 1A08.6.B.1, quoted above, states,

Maximum lot density. A tract may be developed in an R.C.7 Zone at a maximum density of 0.04 lot per acre of gross tract area (an average of one lot per 25 acres)."

The use of the word "tract" in both of the above provisions is important. It refers to an entire area, not just a single parcel. BCZR § 101.1 directs us to Webster's Third New International Dictionary for words not defined in that section. This dictionary defines the word "tract," for the purpose here, as

"2: an area either large or small: as a (1) region or stretch (as of land) that is usu. indefinitely described or without precise boundaries <a few large -s for settlement> <the wooded - between the two rivers> <a great - of unexplored area (2): a precisely defined or definable area of land <an 80 acre --> <an urban census -->"

Moreover, the use of the word "gross" in BCZR § 1A08.6.B.1 reinforces the meaning that the entire tract is in focus. It typically refers to the "overall total.'

Since the beginning of this case, Petitioner's properties (and now his Daughter's as well) have had the same density rights: Parcel 163 (approximately 67 acres) has two density rights and Parcel 191 (approximately 7.3 acres) has one density right for a total of three density rights. The results of the special hearing request would be to maintain the status quo in that regard. The density rights would remain the same. The only other consequence would be the visual appearance of Parcel 191. For lack of a better description, the parcel is essentially shaped like a meat cleaver. There is a long, thin part that resembles the handle and a longer, wider part that resembles the blade. Petitioner and his daughter merely wish to remove the 1.1 acre "handle" from Parcel 191 and make it part of Petitioner's Parcel 163. In addition, they wish to add a triangular-shaped 4.5 acre piece of Petitioner's Parcel 163 to the end of the "blade" that is his daughter's Parcel 191.

The primary reason for the transfer of the 4.5 acres is so the dwelling to be built on Parcel 191 can be moved to an area within that 4.5 acre area. This is because environmental constraints on Parcel 191 would make placing a home in a desired location difficult. That was the case when both Parcels 191 and 163 were owned by Petitioner and in my view is still the case today where Parcel 163 is owned by Petitioner and Parcel 191 is owned by his daughter and her husband. I will state that it is unfortunate that Petitioner took it upon himself to go forward with cutting out the driveway leading to Parcel 191 and clearing a number of mature trees on that property, thinking that he could proceed in that fashion and build on Parcel 191 while the appeal on the Special Hearing was pending. In so doing, Petitioner encountered environmental hurdles

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As depicted on the site plan and in the Petition for Special Hearing that was originally filed, Petitioner Michael Lang requested to transfer 3.3 acres from Parcel 163 to Parcel 191. Unbeknownst to the undersigned, in the amended site plan, Petitioner's surveyor, Mr. Doak, recalculated the area to be transferred from 3.3 acres to 4.5 acres. Mr. Holzer correctly pointed out that this change was never reflected in the Special Hearing relief that was granted on November 30, 2007 and the reconsideration that was granted on January 18, 2008, nor has this change been reflected in the case on appeal.

Remarkably, the R.C. 4 and R.C.8 Zones also use "tract" as the basis for density controls. BCZR §§ 1A03.4.B, 1A09.7.B. The R.C. 8 criterion includes the words "contiguous tract." Of course, the definition of "tract" itself indicates a contiguous area. There is no dispute that Parcels 163 and 191 here are contiguous. This contrasts with the word "Lot of record," defined in BCZR § 101.1 as "A parcel of land with boundaries as recorded in the land records of Baltimore County"

As Mr. Dillon observed, the legislature had already employed "lot of record" as the basis for calculation of "subdivision lot density" in the R.C.2 Agricultural Zone. BCZR § 1A013.B.1. This is traceable to Bill 178-79. Had the intent been to take a similar approach in the R.C. 7 Zone, it would have followed this language pattern.

Mr. Richards attempted to distinguish the R.C. 7 "tract" criterion from the "contiguous tract" criterion of the R.C. 8 Zone. But this is a distinction without a difference. In this context, an R.C. 7 tract by its nature consists of contiguous parcels. This is the situation with the 74.5 acre tract here. The word "contiguous" merely reinforces or reiterates the essential meaning. It does not change the meaning of "tract." Indeed, Mr. Richards admitted on direct examination that Parcels 163 and 191 together could be viewed as a single tract.

Master Plan 2010 and the legislative history

The Master Plan 2010 excerpts show that the subject property is in the Gunpowder Resource Preservation area. PC Exh. 2, pages 241-43. The Planning Board Report for the "New RC 7 Resource Preservation Zone" cites as background the master plan recommendations for actions to protect resources in these areas. PC Exh. 3, page 1. The Report states that, "A majority of these areas are located within the current RC 4 Zone."

Significantly, the Report states as its first recommended action "... the reduction of permitted residential densities in these area to one dwelling per 25-50 acres of land;" Ibid. The discussion lists its first recommendation to "Limit residential density to 0.04 lot per acre of gross area, or an average of one lot per twenty five acres with a minimum lot size of one acre." Ibid. The Report recommends the enactment of the new RC 7 Zone and provides the text. Pages 2-10. The proposal begins with Legislative

Findings and Goals and goes on to the substantive provisions. These include the maximum lot density provision and detailed performance standards.

The legislative history reinforces the point that the gross tract is the defined basis for density calculation, not the happenstance of the configuration of parcels on the tract. This is essential to achieve the stated purpose to reduce permitted residential density.

Bill 74-00

A perusal of Bill 74-00, effective September 15, 2000, shows that the County Council enacted the Planning Board's proposed legislation without any substantive changes relevant to our inquiry here. PC Exh. 4. The Council adopted all of the proposed legislative findings and goals, with some added goals. BCZR § 1A08.1. The most pertinent finding relates to the Master Plan 2010 recommendation to reduce permitted residential densities to one dwelling per 25-50 acres of land. BCZR § 1A08.1.A.2. The Council adopted verbatim the proposed maximum lot density standard in BCZR § 1A08.6 as well as detailed performance standards enumerated in BCZR § 1A08.4.

By enacting the proposed legislation, the County Council took action to further the purpose to reduce permitted residential density. There is thus a consistent and purposeful legislative history and pathway beginning with Master Plan 2010, continuing in the Planning Board Report, and culminating in the passage of Bill 74-00.

The consequences

It is important to compare the consequences of our interpretation with that urged by the Petitioner and Mr. Richards. If the gross tract is used as the basis for density calculation, regardless of the number of parcels on the tract, this effectuates the legislative purpose to reduce permitted residential densities to one dwelling per 25-50 acres of land. On the other hand, the utilization of each parcel as a basis for density calculation has the opposite consequence.

Here, as there are two parcels in the tract, the difference is between 2 and 3 lots of record. The moderate difference here should not distract the CBA from the huge differences involved with a greater number of parcels.

There can be any number of examples to prove this point. We provided one illustration in our questions to Mr. Richards. If Petitioner's property happened to have 20 parcels, Mr. Richards would approve 20 dwelling lots. We did not ask him whether he would then allow various transfers. Presumably, he would suggest the availability of a special hearing for that purpose, as has occurred here.

Clearly, a 20-lot subdivision would eviscerate the purpose of the RC-7 Zone. Indeed, it would be a subdivision with more lots than allowed in the RC-4 Zone, the zone found so permissive as to warrant the creation of the new zone at issue here.

When we asked Mr. Richards whether his opinion would allow an absurd consequence, his response was that he told the County Council about this when the legislation was being considered. In other words, Mr. Richards contended that the Council knew the legislation has absurd consequences, but enacted it anyway. He believes he just has to carry out the Council's absurd purpose to multiply density according to the number of parcels on a tract.

His opinion is not credible. If indeed Mr. Richards did express his opinion to the Council in this way, then the logical conclusion is that the Council did not agree with his interpretation. Rather, the Council can read the English language and think logically. The Council recognized at the time that the maximum lot density provision is not absurdly written. Rather, it utilizes the gross tract as the basis for density calculation to accomplish the stated legislative purpose.

The Council did not anticipate that Mr. Richards would undermine the legislative intent with an absurd approach to implementation. With all due respect to Mr. Richards, he got this one wrong. Indeed, the discovery of his interpretation is alarming. It is in the public interest for the County Board of Appeals to correct his mistaken view. Otherwise, the zoning office will routinely allow the destructive invasion and spread of residential sprawl in the RC-7 Zone and Resource Preservation Areas.

Discussion of the minimum development allowance

During the proceedings, there were questions about BCZR § 1A08.6.B.4, the minimum development allowance. This subsection states,

"Any lot or parcel of land lawfully existing on the effective date of Bill 74-2000 may be developed with a single dwelling."

To our recollection, this came up during the testimony of Mr. Dillon. He explained that this sensibly is a sort of hardship provision for owners of just one undersized lot or parcel of record, that is to say, for a lot less than 25 acres in size. This provision does not preempt or supersede the main maximum lot density provision of BCZR § 1A08.6.B.1 for gross tracts with several contiguous parcels.

It should be underlined that Parcel 191 here, at 6.9 acres, is undersized. It is well below the one dwelling per 25-50 acre residential density envisioned by the law. Because it is part of a larger tract, it must be combined for density purposes with Parcel 163 in order to fulfill the stated legislative purpose to reduce residential density.

Petitioner's expert witnesses

Petitioner presented Bruce Doak in his main case, and Carl Richards in rebuttal.

Mr. Doak is a surveyor. His experience and expertise is in the processing of zoning petitions. He works for property owners who wish to subdivide property, frequently in the rural areas. He is not a planner or expert on the legal analysis of zoning law. He did not consider the tract density problem. Rather, he just assumed that each parcel had the benefit of its own density, and that it could be transferred.

Mr. Richards, on the other hand, is the zoning supervisor. He does have experience in the administration and interpretation of the zoning law. Unfortunately, his opinion here made no sense at all. While he acknowledged that Parcels 163 and 191 together could be called a tract, he insisted that each parcel could have the benefit of a separate density calculation.

He went so far, as noted above, to say that if this tract had 20 parcels, then it could have 20 dwelling lots. He recognized the absurdity of this consequence, but felt bound to accept it. He rationalized that he had warned the Council of this problem, but the Council had not listened. We have already discussed our disagreement with his view.

He emphasized the contrasting language in the R.C. 8 zone provision. Again, as noted above, BCZR § 1A09.7.B.1 refers to a "contiguous tract, whether or not in one or

more parcels." Mr. Richards suggested that the absence of these words in BCZR § 1A08.6.B.1 implied an intent to calculate separately the density for each parcel.

We disagree. While the literal language of the two provisions is different, the meaning is the same. The words "gross tract" in BCZR § 1A08.6.B.1 serve the same purpose for the R.C. 7 Zone. As Mr. Richards acknowledged, Parcels 163 and 191 could be called a tract. They are contiguous. We asked Mr. Richards whether he thought the R.C. 7 provision applied only to "non-contiguous tracts." He had no answer, as this is another absurd consequence of his opinion.

Furthermore, we have discussed the Master Plan 2010, Planning Board Report and legislative findings directed to the reduction of permissible residential density. We have also illustrated the absurd consequences of a density multiplier for each parcel. All of this is part of the context which drives the legislative intent. Mr. Richards candidly stated that he did not consider any of this background, and that there is nothing that would change his opinion. His rigid and narrow tunnel vision contributed to his erroneous opinion.

A degree of deference may be due to an administrator. But there is no deference due to an opinion based on unsound reasoning. This applies to unilateral actions, to policies, and even to regulations. Here, there is no written documentation, policy, or regulation. Rather, Mr. Richards has expressed a unilateral, unpublished, unwritten opinion.

Indeed, even a published regulation must be "consistent with the letter and spirit of the law under which the agency acts." <u>Gleneagles v. Hanks</u> 156 Md. App. 543, 554 (2004), quoting <u>Lussier v. Md. Racing Comm'n</u> 343 Md. 681, 687 (1996) and <u>Christ v. Dep't of Natural Resources</u> 335 Md. 427, 437 (1994). The Court of Appeals explained in Board of Liquor License Comm'rs v. Hollywood Productions 344 Md. 2, 10 (1996):

"Even in cases where we have recognized broad delegations of authority, we have emphasized that agency rules and regulations must conform to the language and spirit of the statue under which it acts. ... As we observed in <u>Sullivan v. Board of License Comm'rs</u> 293 Md. 113, 124 ...(1982), 'the power .. to make rules is not the power to make laws."

It is a blessing in disguise that Mr. Richards' unsound opinion has come to light. This presents to the Board an opportunity to correct the zoning office's erroneous view. This will help assure proper implementation of the R.C. 7 Zone law governing density.

John J. Dillon, Jr.

Fortunately, John J. Dillon, Jr. was available to review this case and provide expert testimony. As a former county planner, director of the agricultural preservation program, and executive director of the Valleys Planning Council, he is in a particularly good position to discuss the history and purposes of Resource Conservation Zones. The Court of Special Appeals has recognized his expertise. <u>Lucas v. People's Counsel for Baltimore County</u> 147 Md. App. 209, 223, 239-40 ((2002); <u>People's Counsel v. Country Ridge Shopping Center 144 Md. App. 580, 590 (2002)</u>.

He conducted a thorough review of the background, history, purpose and language of the R.C. 7 Zone. With sound reasoning, consistent with the reasons described above, he confirmed that the gross tract density controls, and that the Petitioner's 74.5 acre tract has available a maximum of 2 dwelling lots. His excellent testimony speaks for itself.

Case law

Mr. Dillon also reviewed the case law, but was not permitted to discuss this aspect of his analysis. In any event, the case law supports his opinion. Several courts around the country have deal with the interpretation of "tract" in analogous circumstances.

Leiser v. City of Eureka 59 S.W. 2d 597 (2001) involved a statute which allowed the owner of a "tract" of land located within two or more municipalities to elect to belong entirely, with the assent of the receiving municipality, to one of the municipalities. The property, located in Eureka and Wildwood, consisted of four separate parcels. This led to a fight between the two cities over whether Eureka could have jurisdiction over parcels located in Wildwood. The question was whether contiguous parcels amounted to a single "tract." The Court answered affirmatively. After examining the Webster's Dictionary definition and prior legislative and judicial meanings given to "tract," the Court wrote:

From these definitions we conclude that the unity created by the ownership, control, or use of contiguous pieces of land may establish it as a 'tract' as that term

is used in the statute. Plaintiff's real estate, which consists of four adjacent parcels, is a 'tract' of land within the purview of 72.424 RSMo (2000).

Smith v. Clackamas County 797 P.2d 1061 (Ore. App. 1990) dealt with an application to build a non-farm dwelling on part of a 54-acre parcel in an Exclusive Farm Use (EFU) zone. One of the statutory standards required a determination whether the proposed dwelling is "... situated upon generally unsuitable land for the production of livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract; ..." The property owner suggested that the relevant "tract" would be the part on which the proposed dwelling would be located. The Court disagreed, at 797 P.2d 1060-61:

The agricultural lands statutes were meant to be interrelated in their objectives and applications. ... We agree with LUBA [Land Use Board of Appeals] that the ORS 215.243 policy of preserving 'large blocks' of agricultural land is possibly the strongest single reason for requiring general unsuitability to be measured against an entire commonly-owned tract rather than only the part on which the proposed dwelling would be located. Petitioner's reading ... would promote the kind of balkanization that ORS 215.243 precludes.

We recognize that, if the entire tract must be generally unsuitable for any part of it to qualify as the location of a non-farm dwelling, the sites that can qualify in EFU zones will probably be few and far between. However, ORS 215.283(3) was not intended to facilitate non-farm dwellings on agricultural land. It creates 'rigorous criteria' for allowing them." Emphasis supplied.

The Oregon Supreme Court affirmed. 836 P.2d 716 (Ore. 1992), stating that various related statutory criteria "... look to the surrounding land, not just the smaller area designated by its owner for a proposed change in use." 836 P.2d, at 721. The Court concluded,

ZDO 402.05.A.4 permissibly conditions county approval of any proposed dwelling in part on a finding that the proposed dwelling site itself, considered in relation to and as part of the larger tract of commonly owned property, is 'generally unsuitable for the production of farm crops and livestock.' Ibid. Emphasis supplied.

Holt v. Wichita County Water Improvement Dist. 48 S.W. 2d 527 (Tex. App. 1932) addressed a law which authorized the imposition of delinquent tax liens on tracts of land. The case held that a "tract" included, among other things, all contiguous lots in single ownership or control, so there was no requirement to impose a lien on a lot-by-lot basis. The court reviewed various legislative and judicial sources and dictionary definitions. They confirmed the broad definition of "tract" as any contiguous quantity of land under single ownership or, in one case, in the same subdivision. Young v. Shriver 206 P. 99 (Cal. App. 1922) gave a similar analysis of "tract" in the context of a statutory lien for mechanics and materialmen who grade, fill in, or otherwise improve property.

In the present case, the Petitioner has a single R.C. 7 Zone tract of 74.55 acres. It consists of the contiguous parcels 163 and 191. The maximum density of 0.04 translates to an allowance of two lots for this entire tract. Petitioner has proceeded on the faulty premise that there may be a calculation based on each lot of record, or parcel.

II. In any event, there is no authority to transfer density.

Given that the property must be viewed as a single tract, the question of transfer between parcels is academic. However, even if it were appropriate to assign density separately to each parcel, the petition would still fail because there is no legislative authority to transfer density.

Is is the prerogative of the legislature to enable the transfer of density. It is not within the province of administrative agencies or boards to create such law. The Court of Appeals has confirmed long ago that legislative authority is prerequisite to such transfers. West Montgomery Citizens Ass'n v. Maryland Nat'l Capital Park & Planning Comm'n 309 Md. 183, 193-97 (1987).

The regulation of density is a zoning function, and within the province of the legislature. The Maryland Express Powers Act enables the legislature to enact local laws relating to zoning and planning. Art. 25A, § 5(X). The County Board of Appeals exercises an administrative function under Art. 25A, § 5(U). In turn, the Baltimore County Charter assigns the legislative function to the County Council in Article III and

the administrative function to the County Board of Appeals in Article VI. The Charter also establishes other administrative agencies in Article V.

Conclusion

For the foregoing reasons, the County Board of Appeals should deny the petition for special hearing. The R.C. 7 Zone maximum permitted residential density pertains to the entire tract. Here, there is a limit of 2 dwelling lots for the 74.55 acre tract. Even if it were permissible to assign density to each parcel, there is no authority to transfer density.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLES DEMILIO

Deputy People's Counsel

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of December, 2009, a copy of the foregoing Memorandum of People's Counsel for Baltimore County was mailed to J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286 and Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County





RE: PETITION FOR SPECIAL HEARING 15701 Home Road; NE/S Home Road 1,100' NW Glencoe Road

10th Election District 3rd Councilmanic District

Legal Owner(s): Michael A. Lang, Petitioner(s)

* BEFORE THE

* BALTIMORE COUNTY

* BOARD OF APPEALS

*

* Case No.: 08-110-SPH

PROTESTANT FUNK'S MEMORANDUM

This Memorandum is submitted on behalf of *Edward D. Funk* and his wife who reside at 15609 Home Road, Sparks, Maryland 21152, adjacent and adjoining the subject property of the Petitioner, Michael Lang, by and through their attorney, *J. Carroll Holzer, Esquire*, Holzer & Lee, and submits this Memorandum in Lieu of Final Argument and says:

I.

STATEMENT OF THE CASE

This case has a tortured history before the Board. It first came in for a hearing before the Board on Wednesday, June 25, 2008. The case was continued due to a failure to locate the amended zoning plat. It was rescheduled before a different Board on Tuesday, September 28, 2008. In that hearing, the Board was advised that Mr. Lang had sold a parcel to his daughter which created a separate property owner. The Board then remanded the matter back to the Zoning Commissioner. The matter was remanded to the Deputy Zoning Commissioner who conducted a hearing on the Remand Order on May 15, 2009.

On May 19, 2009, he passed an Order and the resulting confusion as to whether or not an appeal had to be taken or whether the matter was simply forwarded back to the Board of Appeals and was resolved by People's Counsel filing an appeal which brought the matter back before the County Board of Appeals for the third day of hearing on July 30, 2009.

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STATEMENT OF FACTS

People's Counsel, Peter Max Zimmerman, Esquire, advised the Board that this was the first case involving density of an R.C. 7 Zone and consideration of Bill 74-2000. It is a case of first impression. In opening statement, he raised the issues that the tract of the subject property consisted of 74.9 acres and 74.5 acres of R.C. 7. He raised the issue that the Zoning Regulations require seventy-five (75) acres for a three (3) lot subdivision; therefore there exist only two (2) possible lots on the subject site. He further raised the issue that the Petitioner cannot transfer density and that such transfer is not authorized in the law. Finally, he submitted that Petitioner's interpretation providing for three (3) proposed lots is not within the spirit and intent of the law.

Petitioner's Case

The Petitioner's case was presented by Bruce Doak, a land surveyor who claimed that the Petitioner was entitled to three (3) lots on both of his parcels. On direct and cross-examination, it was acknowledged by Mr. Doak that after the first hearing and before July 2009, he had assisted the Petitioner in transferring Parcel 191 containing 7.324 acres split zoned into R.C. 7 and R.C. 4 to the Petitioner's daughter. Further, it became clear that the Petitioner and his daughter had obtained a building permit on the existing Parcel 191 and in fact, cleared the trees for a building site for a home. Doak insisted however, that the Petitioner still wanted to relocate the proposed home site to a larger Parcel 191 as requested on Petitioner's site plan. Doak admitted that the access to the new home to be located on Parcel 191 was to utilize Parcel 163 which took the traffic to the new home in front of and past Protestants house and then up around past the existing home on Parcel 163 owned by Michael Lang and thence to the expanded Parcel 191.

The Petitioner then presented the testimony of Martha Strauss, an environmental scientist, from Hunnan Rohde. Protestants submit that her testimony as to why it would be better to permit enlargement of Parcel 191 and transfer acreage from Parcel 163 to 191, and to move the already cleared home site to a new location defied logic from an environmental standpoint. Protestants submit that a building permit has already been issued and approved by DEPRM, that the Petitioner already cut and cleared trees for a home site and already constructed a driveway to reach the permitted location. Her testimony defies any logic.

Protestants Case

People's Counsel, Peter Max Zimmerman, Esquire, presented a series of Exhibits 1 through 8, which consists of the zoning history for Bill 74-00, the Planning Board report, an amendment to the R.C. 7 Zone along with aerial photos and a topo map. Next, Jack Dillon was called by Protestant Funk and qualified as a Planning and Zoning expert. Dillon testified that when one considers the R.C. 7 Zone, Bill 74-09, the Planning Board report and comments and amendments, the aerial photo map, the topo map and the Petitioner's engineer himself, Mr. Doak, that the evidence before the Board established that the *tract* of all properties of the subject property owned by the Petitioner was less than seventy-five (75) acres. He concluded that only two (2) lots were permitted as opposed to the three (3) which the Petitioner claims he is entitled to. Mr. Dillon defined the significance of the word "tract." He also concluded that People's Counsel was correct that there is also no authority for the transfer of density. The third witness called was the Protestant himself, Edward Funk, who basically testified that at the beginning of this case, while he did not want two (2) additional properties to be serviced by the road, which bisects his lot and passes his house, which leads to Petitioner Michael Lang's existing home, he

was willing to accept the first decision of the Deputy Zoning Commissioner who found that there were only two (2) lots permitted. Mr. Funk did not appeal that decision and was content to know that only one additional lot would be utilized utilizing the road in front of his house. (**NOTE:** It should be noted that there is an existing easement to reach the proposed new home on Parcel 191 which is in existence, but not used by the Petitioner).

The events that transpired next before the Deputy Zoning Commissioner created a problem for Mr. Funk when he discovered that without notice to the parties who were properly parties in the case before the Deputy Zoning Commissioner, the Deputy Zoning Commissioner had accepted and considered a Motion for Reconsideration filed by Petitioner not only without notice to the existing parties, but without the requirement for public hearing, and had amended his decision to acknowledge that there were three building rights on the property owned by the Petitioner. As Mr. Funk testified, this required him to take an appeal and to proceed through the multiple hearings, remands and appeals that have gotten the case to this point before the Board.

Petitioner's Rebuttal

Petitioner then in rebuttal called Carl Richards, Baltimore County Zoning Office supervisor, who testified as to his interpretation of R.C. 7 Zone requirements and the density being on Parcel 191 and 163 as the existing home plus two (2).

People's Counsel cross-examined Mr. Richards by submitting a proposed hypothetical question involving twenty (20) separate parcels on seventy-four (74) acres. Mr. Richards replied with the ludicrous position that twenty (20) dwellings could be on seventy-four (74) acres. The absurdity of this analysis is obvious. Bruce Doak was then called to present a second theory to which both Protestants and People's Counsel objected. The matter was concluded before the Board and these Memos were to be filed on Monday, December 14, 2009.

III.

LEGAL ARGUMENT

The Protestant Edward Funk hereby adopts and incorporates the Memorandum of People's Counsel for Baltimore County in regard to the Legal Issues raised.

The Protestant concurs with the discussion of People's Counsel and his summation of the testimony presented by both Mr. Dillon and Mr. Richards. The Protestant adopts the argument of People's Counsel that based upon the legislative history and language of the R.C. Zone, the history and rationale and reasoning behind Bill 74-00 must lead this Board to conclude that to satisfy the legislative purpose of the R.C. 7 Zone and the Baltimore County Council, density must be based on the *gross tract area* rather than *parcel by parcel*. Secondly, Protestants submit that People's Counsel argument that there is no legal authority to transfer density from one parcel to another parcel represents sound and fundamental review of the Baltimore County Zoning Regulations. Protestants therefore adopt and concur with People's Counsel's Memorandum and find it not necessary to duplicate the legal arguments contained therein.

Respectfully Submitted,

J. CARROLL HOLZER, Esquire

Holzer & Lee

508 Fairmount Avenue

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410-825-696

Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of December 2009, a copy of the aforegoing Protestant Funk's Memorandum was mailed, postage pre-paid to:

Peter Max Zimmerman, Esquire, Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Jefferson Building, 105 West Chesapeake Avenue, Room 204, Towson, Maryland 21204 and Francis X. Borgerding, Jr., Esquire, Mercantile Building – Suite 600, 409 Washington Avenue, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

IN RE: PETITION FOR SPECIAL HEARING

NE side Home Road, 1100 feet +/-

NW of Glencoe Road

10th Election District

3rd Councilmanic District

(15701 Home Road)

Michael A. Lang
Petitioner

BEFORE THE

DEPUTY ZONING

* COMMISSIONER

FOR BALTIMORE COUNTY

* Case No. 08-110-SPH

DETERMINATION OF THE DEPUTY ZONING COMMISSIONER ON REMAND ORDER FROM THE BALTIMORE COUNTY BOARD OF APPEALS

This matter originally came before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by Michael Lang, the legal property owner, requesting relief as follows:

- To appove the transfer of a density unit to an adjoining parcel of land from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163); and
- To approve the transfer of 3.3 acres more or less, from Michael A. Lang (Parcel 163) to Michael A. Lang (Parcel 191); and
- To approve the transfer of 1.0 acre more or less, from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163).

The requested relief was granted with restrictions in this Commission's Findings of Fact and Conclusions of Law dated November 30, 2007.

This Commission then received correspondence dated December 18, 2007 from Gerhold, Cross & Etzel, Ltd., the firm that prepared the site plan, with an attached copy of a redlined site plan. The letter requested to amend the original site plan as was discussed by Petitioner's consultant, Mr. Doak, during the public hearing and replace it with the redlined site plan. The crux of the amendment was to alter the location of the driveway. Instead of leading straight up through the property as shown on the original site plan, the driveway would extend from

5-19-09 P Petitioner's existing dwelling on Parcel 163 and wrap around the side and rear of Parcel 191 as shown on the redlined site plan. The location of the proposed dwelling was also moved approximately 200 feet. The letter also requested a reconsideration of the conditions in the undersigned's November 30, 2007 Order; in particular as to Condition 6 which reduced the total number of density rights on Parcels 191 and 163 to two. In an Order dated January 18, 2008 granting the requests for amendment and reconsideration, the undersigned acknowledged that it was in error to reduce the number of potential density rights on the properties from the permitted three to two, and specifically deleted Condition 6 from the Order. In addition, the undersigned permitted the amendment to the site plan as shown in the redlined site plan that was marked and accepted into evidence as Petitioner's Exhibit 1A.

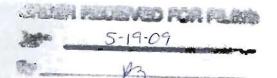
Thereafter, an appeal was filed on February 15, 2008 by Protestants Edward and Heather Funk, neighbors living near the subject property. On April 28, 2009, the parties appeared before the Baltimore County Board of Appeals for a hearing on the appeal. At the hearing, it was brought to the attention of the Board that during the pendancy of the appeal, ownership of Parcel 191 (the parcel that is the subject of the proposed development) had changed. Specifically, ownership had been transferred from Petitioner Michael Lang to his daughter, Brooke Stevenson, and her husband, Ian Stevenson.

As a result, the Board issued a Remand Order to the Deputy Zoning Commissioner dated April 28, 2009. The Board indicated that "[i]n light of the aforestated changed (sic) in circumstance this matter is REMANDED to the Deputy Zoning Commissioner for a determination of the effect of the new ownership of Parcel 191 on the Special Hearing and Reconsideration previously issued by the Deputy Zoning Commissioner." The Board also issued an Order "that the above-captioned case number 08-110-SPH is REMANDED to the Deputy

Zoning Commissioner for Baltimore County for proceedings and further review consistent with the purpose stated in the aforegoing Order."

In accordance with the Board's Remand Order, the undersigned convened a hearing on May 15, 2009 at 9:00 AM in Room 104 of the Jefferson Building located at 105 West Chesapeake Avenue in Towson, MD. Attending the hearing were Petitioner Michael Lang and his daughter, Brooke Stevenson. Also attending on behalf of Petitioner was Bruce Doak, a registered property line surveyor with Gerhold, Cross & Etzel, Ltd, the firm that prepared the original and the redlined site plans, respectively. Also in attendance were Protestants Edward and Heather Funk of 15609 Home Road in Sparks, MD, their attorney, J. Carroll Holzer, Esquire, and their land use and zoning expert, Jack Dillon.

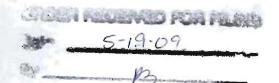
At the outset of the hearing, Mr. Holzer raised several issues in connection with the Board's Remand Order; in particular, the effect of the Remand Order on these proceedings, and specifically whether the remand divested the Board of jurisdiction in this case, and whether the determination to be made by the undersigned would create a "new case" that would be subject to another, separate appeal to the Board. This hearing was scheduled fairly quickly after the Board's Remand Order and Mr. Holzer also raised the issue of a lack of posting and publishing to provide notice of the hearing. After a discussion and debate over these and related procedural issues, the parties agreed to the following stipulation: it was agreed that neither party would seek an additional appeal to the Board of Appeals of my determination of the effect of the change in ownership, and that by not filing another appeal, neither party waived the right to pursue their agreement or disagreement with my determination further before the Board at its next hearing on the appeal on May 27, 2009. It was also agreed that Petitioner's surveyor, Mr. Doak, would prepare and submit a new site plan that would encompass the original site plan dated July 10,



2007 (Petitioner's Exhibit 1), the changes made in the amended redlined site plan dated December 17, 2007 (Petitioner's Exhibit 1A), and any additional changes to the amended redlined site plan since that time.

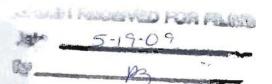
Now turning to the Board of Appeals' Remand Order, in my view, the main issue to be determined on remand is the underlying reason for the change in ownership of Parcel 191 and whether that change in ownership would affect the request for special hearing relief and reconsideration granted previously. Testimony and evidence offered revealed that while the appeal was pending, Petitioner transferred ownership in Parcel 191 to his daughter and her husband. They did so because they were of the understanding that a home could still be built on Parcel 191 without the necessity of the transfer of a density unit from Parcel 191 to Parcel 163 and without the transference of land between the two parcels as requested in the special hearing; however, when Mr. and Mrs. Stevenson attempted to obtain the requisite permits from the County and a building loan for Parcel 191, they were unable to do so without ownership interest in the property; hence, the change in ownership of Parcel 191. As a result, Mr. and Mrs. Stevenson were able to obtain the necessary permits and loans, but also learned they need certain environmental relief including a forest buffer variance and mitigation. Along the way, Petitioner and his daughter had a driveway cut out leading to Parcel 191 as shown on the amended redlined site plan (Petitioner's Exhibit 1A) and in photographs that were marked and accepted into evidence as Petitioner's Remand Exhibits 1A through 1Q. A number of trees were also cleared on Parcel 191 as shown in Petitioner's Remand Exhibits 1M through 1Q.

Also testifying at the hearing was Protestant Edward Funk. Mr. Funk was very candid in his opposition to the requested special hearing relief. He was not in agreement with my original Order granting the special hearing, however, he was not inclined to appeal the decision because



of Condition 6 that reduced the number of density rights from three to two; but when the undersigned granted a request for reconsideration and corrected my earlier decision by deleting Condition 6 in the Order of January 18, 2008, he felt compelled to appeal that decision. He did not believe it was fair for Petitioner to be granted the Special Hearing relief while also not having to "give anything up" as consideration. Moreover, Mr. Funk reiterated his opposition to the use of the access driveway that is utilized by the existing homes off Home Road for additional development, including the home proposed for Parcel 191 and the other potential density right on Parcel 163. He does not believe it is appropriate for Petitioner and/or his daughter to develop the density right on Parcel 191 and possibly one more on Parcel 163 in the future -- with the additional traffic those developments would bring -- and be permitted to use the access road that traverses across his property.

In accordance with the Board's Remand Order, I have reviewed the Findings of Fact and Conclusions of Law dated November 30, 2007 and exhibits that were accepted into evidence in that hearing, the Order on Requests for Amendment and Reconsideration dated January 18, 2008 and the amended redlined site plan accepted into evidence as Petitioner's Exhibit 1A, and the testimony and evidence presented at the hearing on May 15, 2009 including the photographs accepted into evidence as Petitioner's Remand Exhibits 1A through 1Q and the new site plan accepted into evidence as Petitioner's Remand Exhibit 2. After considering the above, I have determined that the change in ownership of Parcel 191 from Petitioner Michael Lang to his daughter and her husband, Brooke and Ian Stevenson, does not effect granting of the Special Hearing and Reconsideration previously issued by the undersigned. In short, the change in ownership does not alter or affect the underlying rationale for granting the Special Hearing and the Reconsideration.



and constraints that necessitated the special hearing request in the first place. Although this was shortsighted and is easy to second-guess now, it does not bear on the relief granted on November 30, 2007 and the reconsideration granted on January 18, 2008, nor in my view does it change the nature of the relief that is before the Board of Appeals in this matter. To conclude, it is my determination that the change in ownership of Parcel 191 does not affect the Special Hearing and Reconsideration previously issued in this matter.

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

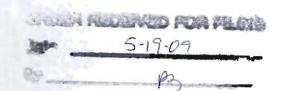
THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

Dated this 19th day of May, 2009

THB:pz





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

May 19, 2009

Theresa R. Shelton, Administrator Baltimore County Board of Appeals 105 West Chesapeake Avenue, Suite 203 Towson MD 21204

RE: Petition for Special Hearing
Determination of the Deputy Zoning Commissioner on Remand Order from the Baltimore
County Board of Appeals
(15701 Home Road)
Case No. 08-110-SPH

Dear Mr. Lang:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, MD 21204
Michael A. Lang, 15701 Home Road, Sparks MD 21152
Brooke Stevenson, 26 Cross Falls Circle, Sparks MD 21151
Bruce E. Doak, Gerhold Cross & Etzel, Ltd., 320 East Towsontown Boulevard, Towson MD 21286
J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286
Jack Dillon, 543 Park Avenue, Towson MD 21204
Edward and Heather Funk, PO Box 392, Sparks MD 21152
People's Counsel; Development Review Committee, DPDM; File

4/28/09

RE: PETITION FOR SPECIAL HEARING

15701 Home Road; N/east side of Home Rd., 1100 ft. +/- N/west of Glencoe Road 10th Election & 3rd Councilmanic Districts

Legal Owner(s): Michael Lang

BEFORE THE

BOARD OF APPEALS

* FOR

Petitioner(s) *

BALTIMORE COUNTY

* 08-110-SPH

REMAND ORDER TO THE DEPUTY ZONING COMMISSIONER

This matter comes before this Board on appeal filed by J. Carroll Holzer, Esquire, on behalf of Protestants, Edward D. and Heather K. Funk, 15609 Home Road, Sparks, Maryland, located in Baltimore County from a decision of the Deputy Zoning Commissioner dated November 30, 2007 and the subsequent Order on Request for Reconsideration by the Deputy Zoning Commissioner, dated January 18, 2008, in which the Petitioner requested certain relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) as follows:

To approve the transfer of a density unit to an adjoining parcel of land from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163); and

To approve the transfer of 3.3 acres more or less, from Michael A. Lang (Parcel 163) to Michael A. Lang (Parcel 191); and

To approve the transfer of 1.0 acre more of less, from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163) – granted with conditions and also with regard to the Reconsideration hearing:

To approve an amendment to the site as placed in evidence – granted consistent with the contents of the Order issued January 18, 2008.

The Petitioner, Michael Lang was represented by Francis X. Borgerding., Jr. Esquire.

During the pendancy of this appeal, the ownership of the parcel known as Parcel 191 was conveyed by the Petitioner to a new Owner.

In light of the aforestated changed in circumstance this matter is REMANDED to the Deputy Zoning Commissioner for a determination of the effect of the new ownership of Parcel 191 on the Special Hearing and Reconsideration previously issued by the Deputy Zoning Commissioner.

IT IS THEREFORE this 28th day of April, 2009, by the Board of Appeals of Baltimore County,

ORDERED that the above captioned case number 08-110-SPH is REMANDED to the Deputy Zoning Commissioner for Baltimore County for proceedings and further review consistent with the purpose stated in the aforegoing Order.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Wendelh H. Grier, Panel Chairman

Edward W. Crizer,

Andrew M. Belt, Esquire



County Board of Appeals of Baltimore County

JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

April 28, 2009

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, MD 21286 Francis X. Borgerding, Jr., Esquire 409 Washington Ave, Suite 600 Towson, MD 21204

RE: In the Matter of: Michael Lang Case No.: 08-110-SPH

Dear Counsel:

Enclosed please find a copy of the Remand Order to the Deputy Zoning Commissioner issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa R. Shelton Administrator

Thurasa Shelton/kc

Duplicate Original Cover Letter

TRS/klc Enclosure

c: M

Michael Lang Bruce Doak Edward and Heather Funk Wayne Baker Mr. and Mrs. Dansicker

Office of People's Counsel Arnold F. "Pat" Keller, Director/Planning Thomas Bostwick, Deputy Zoning Commissioner Timothy Kotroco, Director/PDM William J. Wiseman, III, Zoning Commissioner John E. Beverungen, County Attorney



Baltimore County, Marylana

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building 105 West Chesapeake Avenue, Room 204 Towson, Maryland 21204

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel

CAROLE S. DEMILIO Deputy People's Counsel

September 29, 2008

Edward W. Crizer, Jr., Chairman County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204

Re:

Michael Lang 15701 Home Road 08-110-SPH



Dear Mr. Crizer,

This case is rescheduled for a de novo County Board of Appeals (CBA) hearing on October 1, 2008 and October 2, 2008. I appeared at the initial hearing June 25, 2008, at which time the case was continued to allow Petitioner to file an amended redlined plat. Because of scheduling conflicts outlined below, I am unable to attend the rescheduled hearing. Rather than request that the CBA continue the matter once again, I am submitting this letter and asking for the opportunity to file a post-hearing memorandum.

On June 25, 2008, the CBA issued its June 25, 2008 Notice of Assignment to reschedule this case. Just recently, the Court of Appeals scheduled Trinity Assembly of God v. People's Counsel on October 2, 2008. Because of this and the conflict with the October 1 New Year's holiday, I will be unable to attend the continued hearing. Nevertheless, petitioner and protesting neighbors have counsel. They are in a position to present the facts, which include some undisputed basic facts about the property, the zoning classification, and the proposal.

Suffice it to say that People's Counsel is interested in the case. I have examined the petition and redlined plat carefully. Upon further review, it appears that the petition for special hearing, to "transfer a density unit" from Parcel 191 to Parcel 163 and to transfer or exchange of acreage between the two parcels, conflicts with the relevant development area standards for tracts and subdivisions in the R.C. 7 Zone. Our office disagrees with Deputy Zoning Commissioner Thomas Bostwick's January 18, 2008 approval, on reconsideration, to allow "a total of three dwelling rights on the two parcels."

It is noteworthy, in addition, that before the approval of any concept plan or development plan, the Planning Director must certify in writing that the plan is consistent with the spirit and

Edward W. Crizer, Jr., Chairman September 29, 2008 Page 2

intent of the regulations. The Office of Planning has submitted a "no comment" on the proposal, but that does not serve as a consistency review.

However, as the *de novo* hearing has not yet occurred, I ask for the opportunity to file a memorandum subsequent to the hearing. We will then be able to base our proposed findings and conclusions on the facts and documentation as presented to the CBA.

Respectfully,

Peter Max Zimmerman

People's Counsel for Baltimore County

cc: J. Carroll Holzer, Esquire

Francis X. Borgerding, Jr, Esquire





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO Director June parament of Permits and Development Management

Michael Lang 15701 Home Road Sparks, MD 21152

Dear Mr. Lang:

RE: Case: 08-110-SPH, 15701 Home Road

Please be advised that an appeal of the above-referenced case was filed in this office on June 4, 2009 by the Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Mutty 1

Timothy Kotroco Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel J. Carroll Holzer Edward & Heather Funk Francis Borgerding, Jr. Bruce Doak Wayne Baker Mr. & Mrs. Dansicker



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building 105 West Chesapeake Avenue, Room 204 Towson Maryland 21204

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel

June 4, 2009

CAROLE S. DEMILIO Deputy People's Counsel

RECEIVED

JUN 0 4 2009

Hand-delivered Timothy Kotroco, Director Department of Permits and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

PETITION FOR SPECIAL HEARING

NE/S of Home Road, 1100' NW of Glencoe Road

(15701 Home Road)

10th Election District; 3rd Council District

Michael A. Lang - Petitioner

Case No.: 08-110-SPH

Dear Mr. Kotroco:

Re:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Determination of the Deputy Zoning Commissioner on Remand Order from the Baltimore County Board of Appeals dated May 19, 2009.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Cook S Dombio

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: Francis X. Borgerding, Jr, Esquire

J. Carroll Holzer, Esquire County Board of Appeals

From:

Krysundra Cannington

To:

Shelton, Theresa

Date:

6/4/2009 2:49 PM

Subject:

Michael Lang 08-110-SPH

I just got a copy of a Notice of Appeal in the Michael Lang file. People's Counsel filed the appeal today appealing the decision of the Zoning Commissioner on Remand from us.

Also--

Michelle stopped by to return the disk. She said she's working with her team leader to try to find a solution to our tv situation. She will hopefully know something tomorrow or Monday.

From:

Krysundra Cannington

To:

Matthews, Kristen

CC:

Shelton, Theresa

Date: Subject: 6/8/2009 3:37 PM Lang 08-110-SPH

Hi Kristen!!!

Hope everything is going well.

I just wanted to send you a reminder on the Lang file. People's Counsel filed an appeal on Thursday, June 4. The Board already has this file as it was previously sent back to Tom on Remand. Patty brought the file back to me. I didn't want you searching for the file. Whenever you get the letter ready acknowledging the appeal, I can pick it up (if you want). Just FYI-we knew this was coming back up so we have a hearing scheduled on 7/30/09.

Let me know if you need anything from me to make your life easier (well at least with this case).

Otherwise, have a great week and thank you for all your help.

Sunny

Patricia Zook - Re: Remanded cases from the Board of Appeals (status of cases before Zoning Commissioner)

From:

Patricia Zook

To:

Shelton, Theresa

Date:

5/19/2009 12:52 PM

Subject:

Re: Remanded cases from the Board of Appeals (status of cases before Zoning Commissioner)

CC:

Bostwick, Thomas; Wiley, Debra; Wiseman, Bill

Good afternoon Theresa -

Below is an update and status for Tom's cases:

<u>08-140-SPH</u> – <u>Adel & Arpi Sansur</u>: Respone received from Petitioner's attorney. Petitioner to decide if he wants to proceed by doing a new plan based on the new zoning. We should receive a formal letter from the attorney asking us to return the file to the zoning office, but not dismiss yet.

08-217-SPHA – Muhammad Sajid: Response from Peoples Counsel received May 18, 2009 and we expect the Petitioner to withdraw the zoning petition.

07-470-SPH - Posey: A response from the parties is due June 3, 2009

08-110-SPH -- Michael Lang: Hearing held on Friday, May 15, 2009 and we anticipate issuing a decision within the next couple days.

I hope this information is helpful to you.

Patti Zook Baltimore County Office of the Zoning Commissioner 105 West Chesapeake Avenue, Suite 103 Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

>>> Theresa Shelton 5/18/2009 11:32 AM >>> Gentlemen:

Good Morning. This email is to follow-up and obtain a status on cases that were remanded to you for further proceedings. These cases remain active on the Board's docket until such time as a disposition is reached by your office. The files are as follows:

Case #

Case Name

Date Remand

08-140-SPH 08-217-SPHA Adel & Arpi Sansur Muhammad Sajid 11/17/2008 8/5/2008

07-470-SPH

Posey

4/2/2009

08-110-SPH

Michael Lang

4/28/2009

I await your response. If you need anything further, please do not hesitate to contact me.

Thank you for your time and support.

Theresa

Theresa R. Shelton, Administrator Board of Appeals for Baltimore County Suite 203, The Jefferson Building 105 W. Chesapeake Avenue Towson, MD 21204

410-887-3180 410-887-3182 (FAX) tshelton@baltimorecountymd.gov

BOARD OF APPEALS OF BALTIMORE COUNTY MINUTES OF DELIBERATION

IN THE MATTER OF:

Michael Lang – Legal Owner

08-110-SPH

DATE:

January 13, 2010

BOARD/PANEL:

Wendell Grier Andrew Belt

Edward Crizer, Jr.

RECORDED BY:

Sunny Cannington/Legal Secretary

PURPOSE:

To deliberate the following:

1. Petition for Special Hearing to approve the transfer of density unit to adjoining parcel of land from Parcel 191 to Parcel 163, to approve transfer of 3.3 acres +/- from Parcel 163 to Parcel 191 and to approve transfer of 1 acre +/- from Parcel 191 to Parcel 163.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board reviewed the history of this matter. The Petitioner filed a Petition for Special Hearing to approve the transfer of density unit to adjoining parcel of land from Parcel 191 to Parcel 163, to approve transfer of 3.3 acres +/- from Parcel 163 to Parcel 191 and to approve transfer of 1 acre +/- from Parcel 191 to Parcel 163. Parcel 191 already has a dwelling on it and the Petitioners want to build a second dwelling on Parcel 163. The Deputy Zoning Commissioner granted the request with the conditions that the Petitioners understand there were a total of two density units and therefore only 2 structures could be built. A letter was sent to the Deputy Zoning Commissioner requesting amendment and reconsideration. The Deputy Zoning Commissioner granted the reconsideration and rescinded his conditions and indicated that there were 3 density units. The Protestants then appealed this matter.
- The Board reviewed that this is a de novo matter and therefore the case starts over from the beginning with the original requested relief.
- The Board reviewed the testimony and evidence provided at the hearing. The Board determined that much of the evidence and testimony dealt with issues that were not presented in the original Petition for Special Hearing and therefore were not relevant to the case before the Board.
- The Board reviewed the argument of Petitioners, Protestants and People's Counsel. The arguments dealt primarily with the issue of how many density units there were and what would happen if the Petitioners wanted to build a third structure. The Board determined that should the Petitioners wish to build a third structure on the subject property, they would have to pursue that matter at that time through the appropriate avenues. The Board

determined that there are avenues for those matters to be presented at a later time. The Board is not able to make a determination with regard to these issues at this time as these issues were not presented in the original request for relief.

- The Board determined that the issues before them specifically were, is there a density unit to transfer and if so, can it be transferred?
- The Board determined that there is a density unit to transfer and that that unit can be transferred and that the transfer of this unit will not affect the health, safety or welfare of the community.
- With regard to the standards presented in the Baltimore County Zoning Regulations (BCZR), the Board determined that this requested relief does meet the standards to grant the Special Hearing relief.

DECISION BY BOARD MEMBERS: The Board determined that there is a density unit available to transfer. The Board determined that the transfer of the density unit will not affect the health, safety and welfare of the community. And therefore, the Board decided to grant the transfer of the density unit as requested in the Petition for Special Hearing. The Board will make no decision as to the total number of density units available.

<u>FINAL DECISION:</u> After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the relief requested in the Petition for Special Hearing.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Sunny Cannington

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Phone: 410-887-3180 Fax: 410-887-3182

To: Debbie

From: Sunny Cannington, Legal Secretary

Date: June 29, 2010

Re: Transcripts

Hi Debbie.

The attached is the recording from Case Number 08-110-SPH. The Board members who sat on this case are Wendell H. Grier (Panel Chairman-Middle), Andrew M. Belt (Left-Exhibits), and Edward W. Crizer (Right-Courtsmart Operator).

This case is on Appeal to the Circuit Court for Baltimore County. I have enclosed a copy of the Petition for Judicial Review as received from the Court, as well as a copy of the Certificate of Service and Notification Letter which have been filed by this office in the Court. The Petition for Judicial Review has the attorney contact information. Please be advised that Mr. Holzer and Mr. Zimmerman intend to split the costs of the transcript.

The enclosed transcript in this matter is Day 4 of hearings. The original transcript is due to me for filing in the Court no later than August 16, 2010.

Should you have any questions or problems, please do not hesitate to contact me.

Thank you.

Sunny Cannington

1255

Requested: March 11, 2008

APPEAL SIGN POSTING REQUEST

CASE NO.: 08-110-SPH

15701 HOME ROAD

10TH ELECTION DISTRICT

APPEALED: 2/15/2008

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

COMPLETE AND RETURN BELOW INFORMATION*

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204

> Attention: Kathleen Bianco Administrator

CASE NO.: 08-110-SPH

LEGAL OWNER: MICHAEL LANG

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

15701 HOME ROAD

N/east side of Home Road, 1100' +/- n/west of Glencoe Road

The sign was posted on By:	25 , 2008.
(Signature of Sign Poster) (Print Name)	Kelly





JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180

FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

April 2, 2008

NOTICE OF ASSIGNMENT

CASE #: 08-110-SPH IN THE MATTER OF: MICHAEL LANG –Legal Owner /Petitioner

15701 Home Road 10th Election District; 3rd Councilmanic District

11/30/2007 – D.Z.C.'s decision in which requested special hearing relief was **GRANTED** with restrictions.

1/18/08 – Granted Petitioner's Request for Reconsideration.

ASSIGNED FOR:

WEDNESDAY, JUNE 25, 2008 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c: Appellants /Protestants

: Edward D. and Heather K. Funk

Legal Owner /Petitioner Bruce Doak /Gerhold Cross & Etzel, Ltd. : Michael Lang

Wayne Baker

Mr. and Mrs. Dansicker

Office of People's Counsel
William J. Wiseman III /Zoning C

William J. Wiseman III /Zoning Commissioner Pat Keller, Planning Director Timothy M. Kotroco, Director /PDM



JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Id Floor
W. Chesapeake Avenue

June 19, 2008

OF REASSIGNMENT /AS TO START TIME ONLY

IN THE MATTER OF: MICHAEL LANG – Legal Owner / Petitioner
15701 Home Road

10th Election District; 3th Councilmanic District
10th Selection District; 3th Councilmanic District
10th Selection District; 3th Councilmanic District

Hearing Room #2, Second Floor Jefferson Building, 105 W. Chesapeake Avenue

NOTICE OF REASSIGNMENT /AS TO START TIME ONLY

CASE #: 08-110-SPH

GRANTED with restrictions.

1/18/08 – Granted Petitioner's Request for Reconsideration.

which was scheduled to begin at 10 a.m. has been reassigned to a later start time at the request of Counsel for Petitioner due to court calendar conflict that morning; and has been

REASSIGNED FOR:

WEDNESDAY, JUNE 25, 2008 at 11:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

> Kathleen C. Bianco Administrator

c:

Appellants /Protestants

: Edward D. and Heather K. Funk

Counsel for Legal Owner /Petitioner

: Francis X. Borgerding, Jr., Esquire Legal Owner /Petitioner : Michael Lang

Bruce Doak /Gerhold Cross & Etzel, Ltd.

Wayne Baker Mr. and Mrs. Dansicker

Office of People's Counsel William J. Wiseman III /Zoning Commissioner Pat Keller, Planning Director Timothy M. Kotroco, Director /PDM

SUITE 203 • THE JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE • TOWSON, MD 21204
PHONE: 410-887-3180 • FAX: 410-887-3182

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

FROM:

FRANCIS X BORGERDING, JR., ESQUIRE

FAX: 410-296-6884

FAX: 410-887-3182

TELEPHONE: 410-887-3180

DATE:

JUNE 19, 2008

TOTAL NO. OF PAGES INCLUDING

COVER:

RE: CASE NO. 08-110-SPH /IN THE

MATTER OF MICHAEL LANG

TWO (2)

URGENT

FOR REVIEW

FOR YOUR RECORDS

PLEASE REPLY

PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

FRANK:

ATTACHED FYI IS A COPY OF THE NOTICE MOVING THE START TIME ON 6/25 TO 11 A.M. – WE SHOULD CATCH TODAY'S MAIL WITH THESE.

kathi

This message is intended only for the addressee and may contain information that is privileged and/or confidential in nature. If the reader is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, and/or received this communication in error, please notify the sender immediately by telephone and return the original message to the sender.



JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180

FAX: 410-887-3182

Hearing Room #2, Second Floor Jefferson Building, 105 W. Chesapeake Avenue

June 25, 2008

NOTICE OF ASSIGNMENT /DAYS 1 AND 2

CASE #: 08-110-SPH

IN THE MATTER OF: MICHAEL LANG –Legal Owner /Petitioner
15701 Home Road
10th Election District; 3rd Councilmanic District

11/30/2007 – D.Z.C.'s decision in which requested special hearing relief was GRANTED with restrictions.

1/18/08 - Granted Petitioner's Request for Reconsideration.

The above matter was continued on the record after preliminary matters on 6/25/08; and, upon confirmation with counsel as to availability, has been

ASSIGNED FOR:

WEDNESDAY, OCTOBER 1, 2008 at 10:00 a.m. /Day #1 and THURSDAY, OCTOBER 2, 2008 at 10:00 a.m. / Day #2

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Counsel for Appellants /Protestants

Appellants /Protestants

: J. Carroll Holzer, Esquire

: Edward D. and Heather K. Funk

Counsel for Legal Owner /Petitioner

Legal Owner /Petitioner

Bruce Doak /Gerhold Cross & Etzel, Ltd.

: Francis X. Borgerding, Jr., Esquire

: Michael Lang

Wayne Baker

Mr. and Mrs. Dansicker

Office of People's Counsel

William J. Wiseman III /Zoning Commissioner

Pat Keller, Planning Director

Timothy M. Kotroco, Director /PDM



Attorney at Law

Mercantile Building - Suite 600 409 Washington Avenue Towson, Maryland 21204 (410) 296-6820 Fax (410) 296-6884

September 29, 2008

County Board of Appeals for Baltimore County Jefferson Building, Second Floor Suite 203 105 West Chesapeake Avenue Towson, Maryland 21204

RE:

In the Matter of Michael Lang

Case No.: 08110-SPH

Dear Sir/Madam:

I am writing to request a postponement of the above-referenced case which is now scheduled for hearing before the Board on Wednesday, October 1st, and Thursday, October 2nd, 2008. The reason for the requested postponement is that my client, Michael Lang, operates a business and has had an issue arise which will prevent him from appearing before the Board either Wednesday, October 1st, or Thursday, October 2nd, 2008 and this postponement request is, therefore, being filed to request that this matter be rescheduled. I have spoken to counsel for Protestants, J. Carroll Holzer, who indicated that under the circumstances he does not object to the requested postponement.

Thank you very much for your consideration of this matter.

Verv truly אטפעע.

FRANCIS X. BORGERDING, JR.

FXBJr:bjk

cc: J. Carroll Holzer, Esquire (via facsimile 410-825-4923)

Peter Max Zimmerman, Esquire (via facsimile 410-823-4236)





JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180

FAX: 410-887-3182

Hearing Room #2, Second Floor Jefferson Building, 105 W. Chesapeake Avenue

Jahran 2 during 199. September 29, 2008

NOTICE OF POSTPONEMENT/SCHEDULED DAYS 1 AND 2

CASE #: 08-110-SPH

IN THE MATTER OF: MICHAEL LANG -Legal Owner /Petitioner 10th Election District; 3rd Councilmanic District 15701 Home Road

11/30/2007 – D.Z.C.'s decision in which requested special hearing relief was **GRANTED** with restrictions.

1/18/08 – Granted Petitioner's Request for Reconsideration.

The above matter, which was assigned for two consecutive days of hearing (10/01 and 10/02/08), has been **POSTPONED** at the request of Counsel for Petitioner due to unavailability of Petitioner on scheduled dates, without objection by opposing Counsel; TO BE ASSIGNED TO AGREED-UPON DATES UPON DISCUSSION WITH COUNSEL. COPY OF THIS POSTPONEMENT NOTICE SENT TO COUNSEL VIA FAX THIS DATE. NO ONE NEED APPEAR ON THE ASSIGNED DATES OF 10/01 AND 10/02/08.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to bearing date.

Kathleen C. Bianco, Administrator

c:

Counsel for Appellants /Protestants

Appellants /Protestants

: J. Carroll Holzer, Esquire

: Edward D. and Heather K. Funk

: Francis X. Borgerding, Jr., Esquire

Counsel for Legal Owner /Petitioner

Legal Owner /Petitioner

: Michael Lang

Bruce Doak /Gerhold Cross & Etzel, Ltd.

Wayne Baker

Mr. and Mrs. Dansicker

Office of People's Counsel

William J. Wiseman III /Zoning Commissioner

Pat Keller, Planning Director

Timothy M. Kotroco, Director /PDM

SUITE 203 • THE JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE • TOWSON, MD 21204
PHONE: 410-887-3180 • FAX: 410-887-3182

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

FROM:

FRANCIS X BORGERDING, JR., ESQUIRE

FAX: 410-296-6884

KATHLEEN BIANCO

FAX: 410-887-3182

J CARROLL HOLZER, ESQUIRE

CANNOLL HOLZEN, ESQUINE

TELEPHONE: 410-887-3180

FAX: 410-825-4923

DATE:

SEPTEMBER 29, 2008

TOTAL NO. OF PAGES INCLUDING

COVER:

TWO (2)

RE: CASE NO. 08-110-SPH /IN THE

MATTER OF MICHAEL LANG -

POSTPONEMENT

URGENT

FOR REVIEW

FOR YOUR RECORDS

PLEASE REPLY

PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

FRANK AND CARROLL:

ATTACHED FYI IS A COPY OF THE NOTICE SENT OUT VIA USPS PULLING THE SUBJECT MATTER FROM BOTH 10/01 AND 10/02/08, WITH NEW DATE(S) TO BE REASSIGNED AFTER DISCUSSION / AGREEMENT.

THIS WILL ALSO CONFIRM MY CONVERSATION WITH YOU THIS DATE THAT THE REASSIGNED HEARING MAY NOT BE POSSIBLE UNTIL MARCH 2009 DUE TO MR. DILLON'S AVAILABILITY.

kathi

This message is intended only for the addressee and may contain information that is privileged and/or confidential in nature. If the reader is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, and/or received this communication in error, please notify the sender immediately by telephone and return the original message to the sender.





JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

Hearing Room #2, The Jefferson Building 105 W. Cheapeake Avenue, Second Floor (next to Suite 203)

November 3, 2008

NOTICE OF ASSIGNMENT / HEARING DAYS 1 AND 2

CASE #: 08-110-SPH

IN THE MATTER OF: MICHAEL LANG –Legal Owner /Petitioner 15701 Home Road 10th Election District; 3rd Councilmanic District

11/30/2007 – D.Z.C.'s decision in which requested special hearing relief was **GRANTED** with restrictions.

1/18/08 – Granted Petitioner's Request for Reconsideration.

The above matter, which was **POSTPONED** at the request of Counsel for Petitioner due to unavailability of Petitioner on scheduled dates, without objection by opposing Counsel, is being reassigned to two consecutive days on the Board's calendar; and has been

ASSIGNED FOR:

TUESDAY, APRIL 28, 2009, at 10:00 a.m. /Day #1 and WEDNESDAY, APRIL 29, 2009, at 10:00 a.m. /Day #2

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco, Administrator

c·

Counsel for Appellants /Protestants

Appellants /Protestants

: J. Carroll Holzer, Esquire

: Edward D. and Heather K. Funk

Counsel for Legal Owner /Petitioner Legal Owner /Petitioner

Legal Owner /Petitioner
Bruce Doak /Gerhold Cross & Etzel, Ltd.

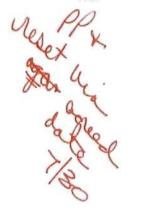
: Francis X. Borgerding, Jr., Esquire

: Michael Lang

Wayne Baker
Mr. and Mrs. Dansicker
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182



Hearing Room #2, The Jefferson Building 105 W. Cheapeake Avenue, Second Floor (next to Suite 203)

April 29, 2009

NOTICE OF ASSIGNMENT / TO HOLD AGREED DATE

CASE #: 08-110-SPH IN THE MATTER OF: MICHAEL LANG –Legal Owner /Petitioner 15701 Home Road / 10th Election District; 3rd Councilmanic District

11/30/2007 – D.Z.C.'s decision in which requested special hearing relief was **GRANTED** with restrictions. 1/18/08 – Granted Petitioner's Request for Reconsideration. 4/28/09 – Board of Appeals Remanded to DZC for further proceeding

The above matter is being assigned to the date listed to hold this date for a future proceeding before the Board. This hold date is an agreed date with counsel. Date to be held and case matter to be scheduled has been placed on the Board's docket for:

ASSIGNED FOR: WEDNESDAY, May 27, 2009, at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least **one week prior** to hearing date.

Theresa R. Shelton, Administrator

: Counsel for Appellants /Protestants

: J. Carroll Holzer, Esquire

Appellants /Protestants

: Edward D. and Heather K. Funk

Counsel for Legal Owner /Petitioner Legal Owner /Petitioner : Francis X. Borgerding, Jr., Esquire

Bruce Doak /Gerhold Cross & Etzel, Ltd.

: Michael Lang

Wayne Baker

Mr. and Mrs. Dansicker

People's Counsel for Baltimore County

William Wiseman, III, Zoning Commissioner

Timothy Kotroco, Director/PDM

Arnold F. "Pat" Keller, Director/Planning

Nancy West, Assistant County Attorney



JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

Hearing Room #2, The Jefferson Building 105 W. Cheapeake Avenue, Second Floor (next to Suite 203)

May 26, 2009

NOTICE OF POSTPONEMENT AND RE-ASSIGNMENT

CASE #: 08-110-SPH

IN THE MATTER OF: MICHAEL LANG – Legal Owner / Petitioner 15701 Home Road / 10th Election District; 3rd Councilmanic District

11/30/2007 – D.Z.C.'s decision in which requested special hearing relief was **GRANTED** with restrictions. 1/18/08 – Granted Petitioner's Request for Reconsideration. 4/28/09 – Board of Appeals Remanded to DZC for further proceeding

This matter was scheduled for Wednesday, May 27, 2009 and has been postponed. The matter has been re-assigned as follows:

RE-ASSIGNED FOR:

THURSDAY, JULY 30, 2009, at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least **one** week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Appellants /Protestants

Appellants /Protestants

: J. Carroll Holzer, Esquire

: Edward D. and Heather K. Funk

Counsel for Legal Owner /Petitioner

Legal Owner /Petitioner

: Francis X. Borgerding, Jr., Esquire

: Michael Lang

Bruce Doak /Gerhold Cross & Etzel, Ltd.

Wayne Baker

Mr. and Mrs. Dansicker

People's Counsel for Baltimore County

William Wiseman, III, Zoning Commissioner

Timothy Kotroco, Director/PDM

Arnold F. "Pat" Keller, Director/Planning

Nancy West, Assistant County Attorney



JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

Hearing Room #2, The Jefferson Building 105 W. Cheapeake Avenue, Second Floor (next to Suite 203)

August 6, 2009

NOTICE OF ASSIGNMENT / Day #4 and Day #5

IN THE MATTER OF: MICHAEL LANG -Legal Owner /Petitioner CASE #: 08-110-SPH 15701 Home Road / 10th Election District; 3rd Councilmanic District

11/30/2007 - D.Z.C.'s decision in which requested special hearing relief was **GRANTED** with restrictions.

1/18/08 – Granted Petitioner's Request for Reconsideration.

4/28/09 – Board of Appeals Remanded to DZC for further proceeding

The above matter convened for Day #3 (after Remand) on July 30, 2009 and has been continued to the below listed date, as agreed to by Counsel, for Day #4. In addition, the Board has docketed an additional day as Day #5.

ASSIGNED FOR: THURSDAY, September 17, 2009, at 10:00 a.m., Day #4 – AGREED; TUESDAY, October 13, 2009, at 10:00 a.m., Day #5

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

Counsel for Appellants /Protestants

Appellants /Protestants

: J. Carroll Holzer, Esquire

: Edward D. and Heather K. Funk

Counsel for Legal Owner /Petitioner

: Francis X. Borgerding, Jr., Esquire

Legal Owner /Petitioner

: Michael Lang

Bruce Doak /Gerhold Cross & Etzel, Ltd.

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People's Counsel for Baltimore County

William Wiseman, III, Zoning Commissioner

Timothy Kotroco, Director/PDM

Arnold F. "Pat" Keller, Director/Planning

Nancy West, Assistant County Attorney



JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

Jefferson Building - Second Floor Hearing Room #2 - Suite 206 105 W. Chesapeake Avenue

November 30, 2009

NOTICE OF DELIBERATION

CASE #: 08-110-SPH

IN THE MATTER OF: MICHAEL LANG –Legal Owner /Petitioner 15701 Home Road / 10th Election District; 3rd Councilmanic District

Having concluded this matter on November 5, 2009, Day #5, a public deliberation has been scheduled for the following date /time:

DATE AND TIME

WEDNESDAY, JANUARY 13, 2010 at 9:15 a.m.

LOCATION

Hearing Room #2, Suite 206 - Jefferson Building

105 W. Chesapeake Avenue, Second Floor

(adjacent to Suite 203)

NOTE: Closing briefs are due on Monday, December 14, 2009 no later than 4:00 p.m.

(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton Administrator

٠.

Counsel for Appellants /Protestants

Appellants /Protestants

: J. Carroll Holzer, Esquire

: Edward D. and Heather K. Funk

Counsel for Legal Owner /Petitioner

Legal Owner / entioner

: Francis X. Borgerding, Jr., Esquire

Legal Owner / Petitioner : Michael Lang

Bruce Doak /Gerhold Cross & Etzel, Ltd.

Wayne Baker
Mr. and Mrs. Dansicker
People's Counsel for Baltimore County
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney



JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

Hearing Room #2, The Jefferson Building 105 W. Cheapeake Avenue, Second Floor (next to Suite 203)

October 6, 2009

NOTICE OF ASSIGNMENT / Day #5

CASE #: 08-110-SPH IN THE MATTER OF: MICHAEL LANG -Legal Owner /Petitioner 15701 Home Road / 10th Election District; 3rd Councilmanic District

11/30/2007 - D.Z.C.'s decision in which requested special hearing relief was **GRANTED** with restrictions. 1/18/08 – Granted Petitioner's Request for Reconsideration.

4/28/09 – Board of Appeals Remanded to DZC for further proceeding

The above matter convened for Day #4 (after Remand) on September 17, 2009 and has been continued to the below listed date, as agreed to by Counsel, for Day #5.

THURSDAY, November 5, 2009, at 10:00 a.m., Day #5 – AGREED; ASSIGNED FOR:

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

Counsel for Appellants /Protestants c:

: J. Carroll Holzer, Esquire

Appellants /Protestants

: Edward D. and Heather K. Funk

Counsel for Legal Owner / Petitioner

: Francis X. Borgerding, Jr., Esquire

Legal Owner /Petitioner

: Michael Lang

Bruce Doak /Gerhold Cross & Etzel, Ltd.

Wayne Baker

Mr. and Mrs. Dansicker

People's Counsel for Baltimore County

William Wiseman, III, Zoning Commissioner

Timothy Kotroco, Director/PDM

Arnold F. "Pat" Keller, Director/Planning

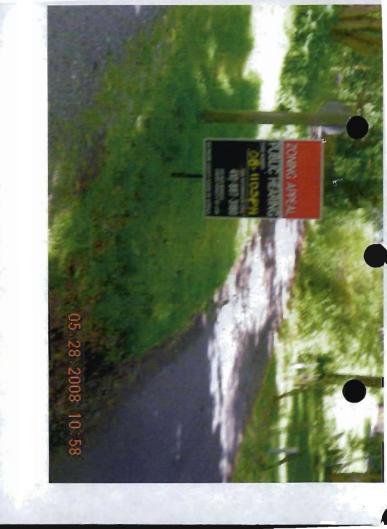
Nancy West, Assistant County Attorney

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER 08-116-59H DATE 5-15-09

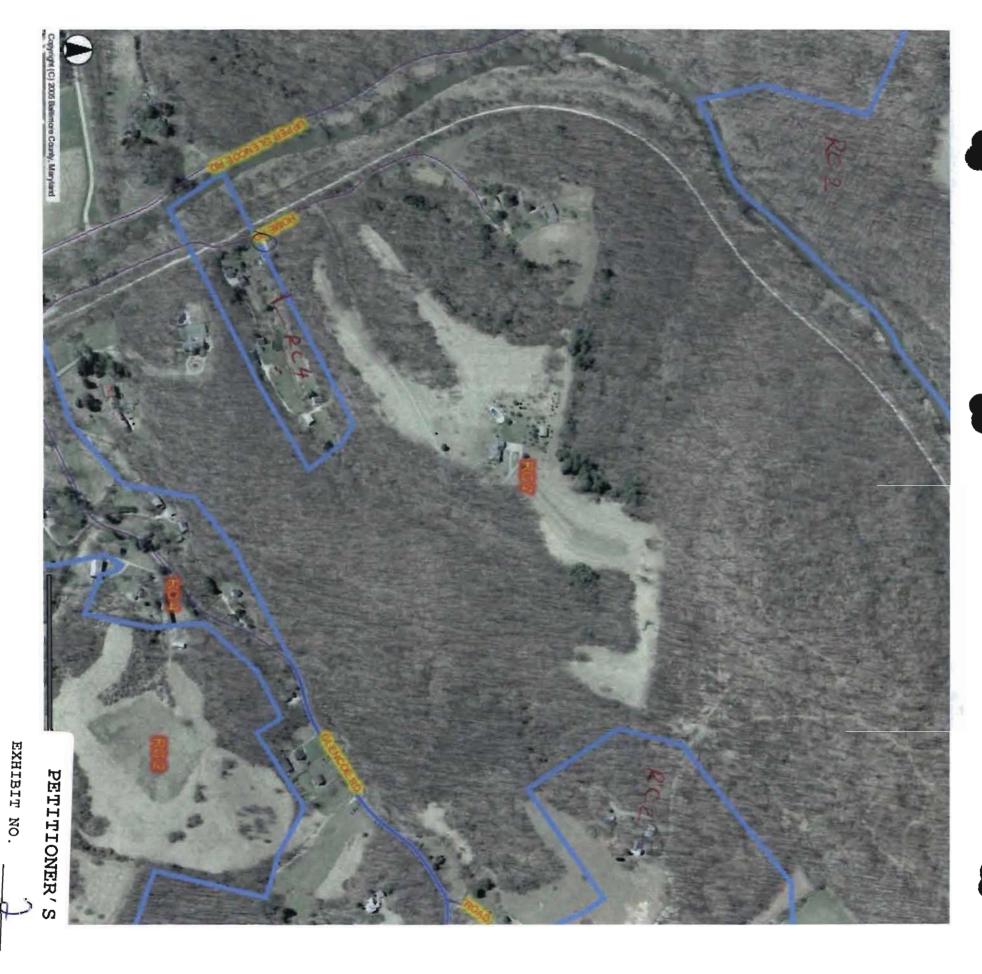
CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Jack Dillon	508 Farmet Ave	21286	
Jack Dillon	543 PARK AK	21204	
	PBOX 392	21152	
Heather-Fink ED Fynk	//	И	
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Michael Lancy Exhibits 08-110-SPH al mufuir 1/30/09 Je Entire Record of 20ming Com. ? 1. Lang Revord Plat / 5/15/09 V 2 Arried Photograph - of Plat area V 3. 1A hun ZoningCom. Plat V 4. Original Read depities sale to larg of 2 porcele V 5. R.C. 7 Regulations V 6.a Comberbul BOA. Opionian 1 6b. Accompany Plant for Comberland B.O. A. Opinion 17. Inter-office Corr. from Arnold Kelly 1 8. Inter offing Com. Com Denis Kennely og. Regulation 500.7 - In Special Hearing 10. Order on Request for Amendment + Rouns leaders
35/2
11. C.V. Martha Lym Stars ? meding 12. chronilogical order of work done by Martha Stacss 13. letter to Eric Vangrin 8-12-08 14. letter to Mr. Devinleary 8-26-08 15. letter to Mr. Devin Leary 9-24-08

Verified 117/09 Petitioners Exhibits 11/5/09 16. letter to Mr. Devinleary 12-22-07 17. letter to Mr. Devin Leary 12-23-08 18, wetland delineation plan 19. Plan to Accompany Amended Forest Buffer Var. 20. Permit 21. Soil Survey 22. definition of Color Parcel 23. detinition of lot 24. R.C. 8 regs



This Deed, MADE THIS 18th day of November in the year one thousand nine handred and eighty five Jolga M. Bruning and Armin M. Bruning of the first part, and of Baltimore County, State of Maryland Michael A. Lang and M. Elizabeth Lang, his wife, of said County and State aforecaid of the second part. WITNESSETM, That in consideration of the sum of Two hundred thousand dollars (\$200,000.00) and other good and valuable considerations the receipt 40.00 of which is hereby acknowledged the said Parties of the first part grunt and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's , in fee simple, all personal representatives/successors and assigns of ground situate in Baltimore County, State of Maryland those two lot 5 and described as follows, that is to say: The first parcel containing 70.069 acres of land, more or less, is more particularly described according to a survey of E.F. Raphel & Associates dated November: 11, 1985, a copy of which description is attached hereto and marked "Addendum No. One" Being a portion of all those parcels of land contained in a deed dated, pril 14, 1943, and recorded among the Land Records of Baltimore County in Liber RJS No. 1287 folio 64 was granted and conveyed by Gifford H. Teeple and wife to Armin J. Bruning and Olga M. Bruning, The second parcel containing ?.324 acres of land, more or less, is more particularly described according to a survey of E.P. Raphel & Associates dated, November all, 1985, a copy of which description is attached hereto and marked "Addendum No. Three" Being the same parcel of land which by deed dated August 24, 1959 and recorded among the aforesaid and Records in Liber WJR No. 3504 folio; 542 was granted and conveyed by Grason Bosley and wife to Armin J. Bruning and Olga M. Bruning, his wife. See also deed dated June 4, 1984 and recorded among the aforesaid Land Records; in Liber EHK. Jr. No. 6728 folio 437 from Olga M. Bruning. Personal Representative of the Estate of Olga Menzel Bruning to the parties of the first part. STATE DEPARTMENT OF ASSESSMENTS & TAXATION

OBEO - FRE DIMPLY - INDIVIOUAL ORANTOR - LONG (PA)

ACBICULTURAL TRANSFER TAX NOT APPLICABLE-LETTER OF INTENT

by and between

0 T TY. 1000.00

#89670 COOZ ROZ 114:55

DATE

CLERK:

20.00

11/2/65

DEED

EHK IR T

SIGNATURE

08-110-584 lang 324, Cxh 4.

E. F. RAPHEL & ASSOCIATES Registered Professional Land Surveyors ZOI COURTLAND AVENUE: TOWSON, MARYLAND 21204

the transfer of the property of the property ADDENDUM NO. ONE

70.069 ACRE PARCEL OF LAND

(SIDENCE: 771-499)

PROFERTY ARMIN 3. BRUNING &C

GLENCOE, BALTO. CC. MD.

November 11, 1985

Beginning for the same at a stone heretofore set at the end of the 1st or S 653 ° E 137 perch line of the first percel of land which by deed doted April 13, 1943 and recorded among the Lond Records of Boltimore County in Liber R.J.S. 1287, folio 64, was conveyed by Gifford H. Teeple and Olive May Teeple, his wife, to Armin J. Bruning and Olga M. Braning, his wife, running thence and binding on the 2nd and 3rd them of the oforesula deed, as now surveyed, N 27° 11' 53" E 872.50' to a stone heretofare set and N 770 11' 46" W 1934.57' to a stone heretofore set at the end of the 2nd or N 61% 0 E 44 perch line of the second porcel of the oforesaid deed, running thence and binding on the 3rd line of the last mentioned parcel, as now surveyed, N 78° 11' 46" W 120.07' to the east bank of the Guapowder Falls, running thence and binding on the east bank of the Gunpowder Falls, no now located the seventeen following courses and distances, as now surveyed: 1) 3 55° 00' 00" % 157.55'; 2) 5 52° 21' 30" ¥ 108.97'; 3) \$ 66° 58' 05" W 144.49'; 4) \$ 69° 06' 10" W 128.15'; 5) 3 51° 28' 50" W 145.92'; 6) 3 48° 55' 50" W 92.03'; 7) 5 24° 04' 30" W 105.70'; H) 5 8° 14' 20" W 158.24'; 9) 0.3° :91 how with 711; (ii) 0.8° 271 (iii) 8.478.251; 11) S 26° 11' 10" E 330.23'; 12) S 37° 10' 20" E 166.22';

SE 1039 BS182

13) S 17° 26' 40" E 184.80'; 14) S 14° 55' 20" E 176.42'; 15) S 10° 40' 30" E 114.93'; 16) S 20° 04' 10" E 86.09'; and 17) S 290 37' 20" E 445.12' to a point, thence leaving the Cunpowder Falls and binding on the 9th line and continuing the same course and binding on a part of the 10th-line the third percel of the aforesaid deed, as now surveyed, and crossing Home Road, N 64° 33' 50" E a total distance in all of 216.90' to a point on . the east right of way line of that parcel of land which by deed dated Oct. 29, 1980 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6227, folio 154, was quit claimed unto the State of Maryland to the use of the Department of Natural Resources by the Penn Central Corporation et al, running thence and binding on said east right of way line, as now surveyed, N 26° 31' 13" W 285.84' to the end of the 5th or 5 71° W 58.54 perch line of the land which by deed dated July 1, 1921 and recorded among the Land Records of Baltimore County in Liber W.P.C. 541, folio 346, was conveyed by Daniel F. Leight and wife to Charles H. Leight, running thence and binding reversely on the 5th, 4th and 3rd lines of the last mentioned deed, the three following courses and distances, no now correspond: 1) N 62° 3h' h5" 5 1003.37'; 2) N 37° h8' 45" E 720.55'; and 3) 3 320 41' 50" E 518.43' to intersect the 11th line of the third parcel of the aforewald deed, Temple to Bruning at the distance of 384:31' from the end of said lith line; running thence and binding on a port of said 11th line, as now surveyed, N 56° 18' 10" E 384.31' to the place of beginning.

Containing 90-931 Acres of land, more or less.

Saving and excepting from the above described property all that parcel of land, which by deed dated Jan. 8, 1985 and recorded umong the Land Records of Haltimore County in Liber 2.H.K. Jr. 6847, folio 47, was conveyed by Olga M. Bruning and Armin M. Bruning,

to William S. Chewning, leaving 70.069 Acres to be hereby conveyed as more particularly described in "Addendum No. Two" attached

Subject to a right of way as set forth in a deed dated Oct. 29, 1980, and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6227, folio 154, was quit claimed unto the State of Maryland to the use of the Department of Natural Resources by the Penn Central Corporation et al.

Subject to the rights of others in the bed of the existing Home Road.

Together with the use in common with others entitled thereto and together with all of the right, title and interest of the said Armon J. Bruning and wife which said 12' existing lane they have actually been using openly, continuiusly, hostily and notoriously for a period of more than years; which said lane runs from the 23rdor N 620"34' 45" E 1003.37 foot line of the above described parcel to Home Boad.

Addendum No. Two

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyore
201 COURTLAND AVENUE
TOWGON, MARYLAND 21204

980,7035 EE184

OFFICE: 825-390

20.862 AC. + PARCEL

RESIDENCE 771-4592

PART OF THE ESTATE OF

ARMIN M. ERUNING AND OLGA M. BRUNING GLENCO, BALTIMORE COUNTY, MARYLAND

November 27, 1984

Beginning for the same at a point on the northwest side of Rome Road as now widened, said point being located the two following courses and distances from the intersection of the centerline of the Right of Way as set forth in Deed doted October 29th, 1980 and recorded among the Land Records of Baltimore County in Liber E.R.K. Jr. 6227, folio 154, was quitclaimed unto the State of Maryland to the use of the Deportment of Natural Resources by the Penn Central Corporation, et al and the 10th or N 67° E 57.2 perch line of the third parcel of land which by deed doted April 13, 1943 and recorded among the Land Records of Boltimore County in Liber R.J.S. 1287, folio 64, was conveyed by Gifford E. Teeple and Olive May Teeple to Armin J. Bruning and Olga M. Bruning his wife, (1) reversely along said 10th line as now surveyed S 64° 33':50" W 60.33' and (2) N 25° 26' 10" W 21.19' thence leaving the northwest side of Home Road and running for lines of division the fifteen following courses and distances (1) S 88° 04° 34" W 18.88' thence parallel to and distant 73' from the centerline of the Right of Way as set forth in oforesaid deed Fenn Central Corp. to the State of Maryland. (2) N 26° 31' 13" W 785:10', thence prosping said Right of Way, (3) N 630 26' 47" E 106.00' to the east side of the Right of Way as set forth in aforesaid deed thence binding on the east Right

of Way line, 33' from the centerline as described in the aforesaid deed, five courses and distances (4) N 260 31' 13" W 349.54' (5) by a curve to the right with a radius of 836.28' for a distance of 372.59' (the chord of said arc being N 13° 45' 22" W 369.52') (6) by a curve to the right with a radius of 774.00' for a distance of 692.42', (the chord of said arc being N 240 98' 07" E 669.56'), (7) by a curve to the right with a radius of 1086,43' for a distance of 141.83', (the chord of said arc being N 540 00' 19" E 141.73'), and (8) N 570 44' 37" E 79.82', thence leaving the aforesaid Right of Way, (9) S 41° 37' 36" E 752.70', (10) S 160 41' 37" W 554.39'. (11) S:56° 18' 05" W 643:97' to the east Right of Way line of the aforesaid deed, Penn Central Corp. to State of Maryland, thence crossing said Right of Way (12) S 630 28' 47" W 86.00' thence parallel to and distant-33' from the centerline as described in the said deed (13) S 26° 31' 13" E 720.66', thence (14) S 81° 30' 33" E 3.67' to the northwest side of Home Road as now widehed, thence binding on the Northwest side of Nome Road as now videned. (15) by a curve to the left with a radius of 110' for a distance of 20', (the chard of said arc being S 30 16' 56" W 19.97') to the place of beginning.

Containing 20.862 Acres of land more or less.

Being part of the first, second and third parcels of Land which by deed dated April 13, 1943 and recorded among the Land Records of Baltimore County in Liber R.J.S. 1287, folio 64, was conveyed by Cifford H. Teeple and Olive May Teeple, his wife to Armin J. Bruning and Olga M. Bruning, his wife.

Together with the use in common with others entitled thereto to the 12' existing lone from the 11th line of the above described parcel to Home Road.

Addendum No: Three

Registered Professional Land Surveyors
201 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 828-3808

7.324 ACRE PARCEL OF LAND

RESIDENCE 971.4391

PROPERTY ARMIN M. BRUNING &C.

GLENCOE, BALTO. CO. MD.

November 11, 1985

Beginning for the same at a point at the end of the 6th or N 6330 E 16.7 perch line of the land which by deed dated August 24, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3584, folio 542, was conveyed by Grason Bosley and Mary E. Bosley, his wife, to Armin J. Bruning and Olga M. Bruning, his wife, said point being also in the 11th or N 59° E 78% perch line of the third percel of land which by deed dated April 13, 1943 and recorded among the Land Records of Baltimore County in Liber R.J.S. 1287, folio 64, was conveyed by Girford H. Teeple and Olive May Teeple, his vite, to Armin J. Bruning and Olgo M. Bruning, his wife, at the distance of 384.31' from the end of said lith line, running thence and binding reversely on a part of sold fith line and binding reversely on the 6th and 5th lines of the first above mentioned deed, as now surveyed; 3 560 18' 10" W o total distance in all of 662.25', thence leaving said lith line and hinding reversely on the 4th, 3rd, 2nd and lot lines of the first above mentioned deed four fellowing courses and distances; as now surveyed: () N 40° (8' 20" W 192.60': 2)-5 69° 13' 40" % 256.98'; 3) \$ 60° 10' 07" W 313.32'; and 4) N 22° 54' 53" W 52.70'. running thence and binding reversely on the 9th, 8th and 7th lines of the first above mentioned deed the three following courses and distances,

as now surveyed: 1) N 62° 34' 45" E 561.08'; 2) N 37° 48' 45" E
720.55'; and 3) S 32° 41' 50" E 518.43' to the place of beginning.
Containing 7.324 Acres of land more or less.

Being the same land which by deed dated Aug. 24, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3584, folio 542, was conveyed by Grason Bosley and Mary E. Bosley, his wife, to Armin J. Bruning and Olga M. Bruning, his wife.

Together with the right of way as set forth in the above mentioned deed, Booley to Bruning.

TOOETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lots

of ground and premises to the said

parties of the second part as tenants by the entireties, their assigns, the survivor of them, and the survivor's

personal representatives/sucrember

and assigns

, in fee simple.

AND the maid part ies of the first part hereby covenant that they not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed:

that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

Witness the hand a and seals of said granter

Test:

Company of the Compan

dell Common.

Was Bruning

.

Armin M. Bruning

STATE OF MARYLAND. Baltimore County to wit.

1 HEREBY CERTIFY. That on this 18th day of November in the year one thousand nine hundred and eighty five

, before me.

the subscriber, a Notary Public of the State aforesaid, personally appeared Olga-M. Bruning and Armin M. Bruning

Olga-M. Bruning and Armin M. Bruning known to me (or satisfactorily proven) to be the persons whose name S Ware subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

J. Donald Connor

Notary Public

My Commission express

July 1 1086

Mail 1

100 Wa

200 Washingt

County to run with the land and continue in perpetuity. The easements and covenants must be shown on the concept plan and on the development plan or minor subdivision plan for the development, as applicable, and on the record plat.

- A. For all subdivisions or other development, except as provided in Paragraph B, a permanent preservation easement on the conservancy area must be granted to Baltimore County or to a land trust which the county approves, and must permanently restrict further subdivision or development of the conservancy area. The easement must:
 - Allow public access to greenways and other open space areas subject to approval by the Department of Environmental Protection and Resource Management and the Department of Recreation and Parks;
 - 2. Indicate uses and activities approved in the conservancy area subject to Section 1A07.7.C with any applicable conditions or limitations; and
 - 3. Provide that any modification of a preservation easement held by Baltimore County be subject to a public hearing.
- B. In the case of a development where additional permitted density remains, a conservancy area shall be shown on the approval plan and, if the plan involves subdivision, recorded in the land records of Baltimore County. A permanent preservation easement as described in Paragraph A must be granted if further subdivision subjects the tract to the development plan review process under Article 32 of the Baltimore County Code. [Bill No. 137-2004]
- C. Other covenants or easements may be required as to ensure that the standards of this section are met, including:
 - 1. An easement guaranteeing maintenance of, and county access to, any well or septic or stormwater management facilities that may be approved for location in common areas on any part of the tract; and
 - 2. An easement to provide for the maintenance of open views.

SECTION 1A08 R.C.7 (Resource Preservation) Zone [Bill No. 74-2000]

§ 1A08.1. Findings and legislative goals.

A. Findings.

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. Among the actions recommended in Master Plan 2010 to protect resources in resource preservation areas is the reduction of permitted residential densities in these areas to one dwelling per 25-50 acres of land.
- 3. An R.C.7 Zone would allow limited development, compatible with the rural community, and at the same time protect rural resources.
- 4. The county recognizes the importance of retaining large-acreage parcels to protect and promote the agricultural industry.
- B. Legislative goals. The Baltimore County Council seeks to achieve the following goals in the R.C.7 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 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 in areas not currently protected by the R.C.2 Zone.
 - 7. To maintain the unique character of a rural area by preserving its natural, historic, cultural, recreational, scenic, architectural and archaeological resources.
 - 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 rural character and environmental protection by locating buildings in harmony with site conditions;
 - 11. To preserve the traditional character of rural communities by limiting the scale and intensity of development;
 - 12. To incorporate traditional features of the local built environment into development; and
 - 13. To maintain the rural scale and character of area roads by limiting growth in the volume of traffic generated by local development.

§ 1A08.2. 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, stormwater management systems, driveways or fences are permitted to be built.

§ 1A08.3. 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.7 Zone:
 - 1. Dwellings, one-family detached.
 - 2. Farms and limited acre wholesale flower farms, subject to Section 404.
 - 3. Open space, common.
 - 4. Schools.
 - 5. Streets and ways.
 - 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.
 - 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 or residential subdivision only.
 - 8. Commercial film production, subject to Section 435.
- B. Uses permitted by special exception. The following uses only may be permitted by special exception in an R.C.7 Zone.
 - 1. The following uses provided that they are located in a principal building that was originally constructed before the effective date of Bill 74-2000; and the building is converted to the new use without any external enlargement after the effective date of Bill 74-2000:

- a. Antique shop;
- b. Bed and breakfast:
- c. Tea room; and
- d. Residential art salon.
- 2. Subject to Paragraph E of this subsection, churches and other buildings for religious worship.
- 3. 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. Public utility uses not permitted by right.
- 5. 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.
- 6. Campgrounds, including day camps.
- 7. Farm market, subject to Section 404.4.
- 8. Golf courses.
- 9. Horticultural nursery, subject to Sections 404.1 and 404.2.
- 10. Riding stables.
- 11. Target archery and field archery ranges.
- 12. Volunteer fire company or ambulance-rescue facilities.
- 13. 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.
- 14. Wireless telecommunication towers, subject to Section 426.
- C. Notwithstanding any provision of this section or any other county law or regulation to the contrary, if a property to which the zoning classification R.C.7 is applied had a development plan filed, accepted and pending for approval as of January 19, 2000, the development plan shall be reviewed based on the zoning classification applicable to the property at the time the development plan was filed.

- D. Application of zone. The R.C.7 may not be applied to lands currently zoned R.C.2.
- E. Prior zoning. If a property was zoned so that churches and other buildings for religious worship were permitted by right prior to being zoned as R.C.7, churches and other buildings for religious worship are permitted by right on that property.

§ 1A08.4. 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 may require information such as building elevations, building cross-sections or viewshed analyses pursuant to § 32-4-224(d) of the Baltimore County Code. The Director must certify that any deviation from this section or the standards and guidelines cited above was necessary to: [Bill No. 137-2004]
 - 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 1A08.1.B.
- B. Before the issuance of any building permit, the Director of Planning or the Director's designee must 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.

§ 1A08.5. Scenic views.

To protect the scenic views or, when necessary pursuant to 1A08.4, to mitigate the disturbance of scenic views, the Director of Planning 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.

§ 1A08.6. 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.

1A:61

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- 1. Maximum lot density. A tract may be developed in an R.C.7 Zone at a maximum density of 0.04 lot per acre of gross tract area (an average of one lot per 25 acres). No lot lying within an R.C.7 Zone and having a gross area of less than 50 acres may be subdivided. Any lot having a gross area of 50 acres or more may be subdivided at the rate of one lot for each 25 acres of gross area. In cases where single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement may not be considered separate parcels for the purpose of calculating the number of lots of record.
- 2. Lot area. The area of any residential lot in a major or minor subdivision must not be less than one acre.
- 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, inclusive 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 or parcel of land lawfully existing on the effective date of Bill 74-2000 may be developed with a single dwelling.
- 5. Setbacks.
 - a. Any principal building constructed in an R.C.7 Zone must be situated at least:
 - (1) Thirty-five feet from the right-of-way of public or private interior streets:
 - (2) Eighty feet from any principal building; and
 - (3) Fifty 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.7 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.
- 6. Impervious surface coverage nonresidential development. Except for residential lots which are subject to a building envelope restriction, no more than 10% 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 Historical Trust will be counted as a lot or dwelling for purposes of calculating density, provided that: [Bill No. 137-2004]

- a. There is an area of sufficient size, as determined by the Director of Planning in consultation with the Landmarks Preservation Commission or Maryland Historical 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 1A08.1.B.
 - 1. Stormwater management. Stormwater management facilities must be integrated with the topography of the site and consistent with the visual appearance of the surrounding natural features.

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 building 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 and location on the site, entryways, landscaping, architecture and exterior building materials.
- e. All of the exterior walls of a building must be treated similarly with respect to color and architectural details.

- f. Accessory structures, 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.7 Zone; however, the height of accessory structures is subject to the provisions of Section 400.
- g. When buildings are located in open fields because of site constraints, additional landscaping or berms 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.
 - b. Curbing must not be used unless required for stormwater management, as determined by the Department of 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. 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. Street lights, if permitted on interior streets, must be no higher than 14 feet and illuminated by no more than one one-hundred-watt sodium vapor lamp. Fluorescent and incandescent lights are not permitted. The light fixtures should be of a style that diffuses light.
- 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.

§ 1A08.7. Inconveniences arising from agricultural operations.

Any dwelling in an R.C.7 Zone may be subject to inconveniences or discomforts arising from agricultural operations, including noise, odors, fumes, dust, the operation of machinery or aircraft of any kind 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.

SECTION 1A09 R.C.8 (Environmental Enhancement) Zone [Bill No. 76-2004]

§ 1A09.1. Findings and legislative goals.

A. Findings.

- 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 and 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, stormwater 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 D 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.
 - 5. Streets and ways.
 - 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.
 - 7. Accessory uses or structures, subject to Section 400, including:
 - a. Farmer's roadside stand and produce stand, subject to Section 404.4;
 - b. Home occupations;

1A:66 12 - 01 - 2008



County Board of Appeals of Baltimore County

JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

March 26, 2009

Peter Max Zimmerman Carole S. Demilio Office of People's Counsel 105 W. Chesapeake Avenue, Ste 204 Towson, MD 21204

RE: In the Matter of: William and Holly Cumberland-Legal Owners
Case No.: 08-211-SPHA

Dear Mr. Zimmerman:

Enclosed please find a copy of the Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa R. Shelton

Thurwa Sheltox/KC

Administrator

TRS/klc Enclosure

c: William and Holly Cumberland David H. Karceski, Esquire

Christopher D. Mudd, Esquire Bruce Doak

Bruce Sandler

Diane Knapp Walter Holland

Philip Kotschenreuther, Esquire Timothy Kotroco, Director/PDM

William J. Wiseman, III, Zoning Commissioner

J. Carroll Holzer, Esquire

Dick Lehnert George R. Rew

Dr. Michael Dillon and Ms. Eileen Doherty Arnold F. Keller, III, Director/Planning John Beverungen, County Attorney IN THE MATTER OF
THE APPLICATION OF
WILLIAM AND HOLLY CUMBERLAND
LEGAL OWNER/PETITIONER
FOR SPECIAL HEARING AND
VARIANCE ON PROPERTY LOCATED ON THE
N/SIDE OF BELFAST ROAD, 70 FT. N/OF
C/LINE OF OLD BELFAST ROAD
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO.: 08-211-SPHA

OPINION

This matter comes before the Baltimore County Board of Appeals on an appeal taken by the Office of People's Counsel on April 11,2008 from an Order of the Zoning Commissioner for Baltimore County, dated March 25, 2008, granting Petitioner's Request for a Special Hearing. pursuant to Section 500.7 of the *Baltimore County Zoning Regulations* (BCZR), to approve a non-density transfer of 8.07 +/- acres of R.C. 2 zoned land from Cumberland (Parcel 38, Lot 3) to Cumberland (Parcel 38, Lot 7) pursuant to Section 1A00.4B(2) and (3) of the Zoning Commissioner's Policy Manual (Z.C.P.M.), and to re-configure lots 3 and 7 in accordance with the transfer granted; Petitioner's request for a Special Hearing, pursuant to BCZR Section 500.7 to approve a non-density transfer of 0.45 +/- acres of R.C. 2 zoned land from Cumberland (Parcel 38, lot 7) to Cumberland (Parcel 38, lot 3), pursuant to Sections 1A00.4B(2) and (3) of Z.C.P.M. and to re-configure lots 3 and 7 in accordance with the transfer granted; and Petitioner's Request for Variance from Section 32.-4-409(e)(2) of the *Baltimore County Code* (BCC) to allow in-fee panhandle strips of 1, 223 feet and 2,274 feet, in lieu of the maximum permitted 1,000 feet.

The Board held a public *de novo* hearing on Wednesday, November 19, 2008 at 10:00 a.m. Petitioners, William and Holly Cumberland, were represented by Robert A. Hoffman. Esquire and David A. Karceski, Esquire. People's Counsel for Baltimore County was

represented by Carole S. Demilio, Deputy People's Counsel. Protestants, Michael Dillon and Eileen Doherty, were represented by Philip Kotschenreuther, Esquire. Protestants, Diane Knapp. Walter Holland, and Dick Lehnert, were represented by J. Carroll Holtzer, Esquire. In lieu of closing arguments, Counsel for People's Counsel for Baltimore County, Counsel for the Petitioners and Counsel for the Protestants agreed to submit post-hearing Memorandums. The Board of Appeals held a public deliberation on Tuesday, February 17, 2009 at 9:00 a.m. o'clock.

BACKGROUND

The subject property is located in the 8th Election District – 3rd Councilmanic District of Baltimore County and consists of three (3) lots (Lots Nos. 3, 4 and 7) that were conveyed by two (2) separate Deeds to the Petitioners on April 20, 1976 by the original owner, Linda Green. On October 1975, Linda Green had recorded a Plat for residential subdivision purposes, which served to create seven (7) lots. Lots 3, 4 and 7 were included in the original seven (7) lots and were zoned R.D.P., which permitted one (1) dwelling per acre of land. Lots 3, 4 and 7 contain a combined 114.65 ±/- acres of land. At present, Petitioner's lots remain in the exact configuration and contain the same acreage as of the date the Petitioner's purchased them. The underlying zoning however has been changed to R.C. 2. The R.C. 2 zone permits subdivision of an existing lot between two (2) and one-hundred (100) acres to no more than two (2) lots, provided the lot was created prior to November 25, 1979.

Lot 7 contains 5.099 +/- acres and fronts on Belfast Road, along its southern boundary line. Lot 7 is the only one of Petitioner's lots that fronts on Belfast Road. Lot 3 contains 53.676 +/- acres and is located directly north and east of Lot 7. Lot 4 contains 58.875 +/- acres and is situated directed east of Lot 3 and extends to Interstate 83, which is the eastern most part of

Case No. 08—211-SPHA /In the Matter of: William and Holly Cumberland - Petitioner / Legal Owner

Petitioner's overall property. Lots 3 and 7 are the subjects of the zoning petition filed in the instant case. The requested zoning relief does not apply to Lot 4.

Petitioner's request approval to transfer 8.07 +/- acres from Lot 3 to Lot 7 and to reconfigure the lots in accordance with this transfer. This re-configuration would allow a dwelling to be placed farther back from Belfast Road than is now possible with the current configuration of Lot 7. Petitioner further requests approval to transfer 0.45 +/- acres from Lot 7 to Lot 3 and to re-configure the two (2) lots in accordance with that transfer. This second re-configuration is for access purposes for Lot 3 to Belfast Road.

In addition to the non-density transfer, Petitioners also filed a Petition for a Variance for the length of purposed in-fee panhandle strips to accommodate Lot 3. Petitioner's intend to subdivide Lot 3 into two (2) lots, Lots 3A and 3B, through the County's development approval process.

ISSUES

- 1) Does the transfer of land between Lot 7 and Lot 3 qualify as non-density transfers?
- 2) Does Petitioner's Request for Variance satisfy the requirements of B.C.Z.R. Section 307.1?

EVIDENCE AND TESTIMONY

Mr. Hoffman, in his opening statement for the Petitioners, introduced as Petitioner's Exhibit #1, a site plan of the Cumberland properties, dated August 6, 2007, prepared by Gerhold, Cross, Etzel, Ltd., Registered Professional Land Surveyors. He stated that this is not a proposed development plan. He stated that the Petitioners would go through that process if their Petition for the Non-Density transfer and Variance for the panhandle strips were approved. Mr. Hoffman called Bruce E. Doak as his first witness. Mr. Doak testified that he has been a licensed land

Case No. 08—211-SPHA /In the Matter of: William and Holly Cumberland Petitioner /Legal Owner

surveyor for twenty (20) years and is part owner of Gerhold, Cross, Etzel, Ltd., Mr. Doak was accepted as an Expert Witness in land surveying and zoning regulations. Mr. Hoffman introduced as Petitioner's Exhibit #2, the recorded Plat of the Subdivision of the property of Linda C. Green, dated September 8, 1975, showing the seven (7) lots (Lots Nos.1 - 7). Mr. Doak testified that there had been no changes or subdivision of any of the lots since 1975 and that they were zoned R.D.P. 2 in 1975, which allowed for one (1) dwelling per acre. He testified that Lot 3 is 53.676 +/- acres and Lot 7 is 5.099 +/- acres and Lot 4 is 58.875 +/- acres and that in 1975, under the R.D.P. zoning, you could have over one-hundred (100) units. He testified that the current R.C. 2 regulations allow for any lot or any parcel of ground between two (2) and onehundred (100) acres, that was existing as of November 25, 1979, to be subdivided one time. creating two (2) lots. He testified that under the R.C. 2 zoning, a total of six (6) lots would to be permitted across the three (3) lots the Cumberland's currently own. Mr. Doak explained in detail the reason for the non-density transfer between Lot 7 and Lot 3. He described Lot 7 as predominately wooded with a driveway that goes up the southwest side of the lot. He said that because of concerns due to steep slopes and wooded area on the lot and because Belfast Road is a scenic route, the re-configuration of Lot 3 to be placed with Lot 7 to create a twelve (12) +/acres lot, would allow one (1) house to be located on Lot 7, away from and out of site of Belfast Road, and avoid the extra grading that would be necessary on the current Lot 7. It would also reduce the number of houses to be built on Lot 7 from two (2) to (1). He said it would protect the scenic route on Belfast Road. Mr. Hoffman introduced an aerial photograph as Petitioner's Exhibit #3 and the County's Scenic Routes as Petitioner's Exhibit #4.

Mr. Doak testified the reason for the non-density transfer of .45 +/- acres, from Lot 7 to Lot 3 is because currently the Baltimore County Zoning Regulations require that each lot own an in-fee strip of ground having access to a public road. He testified:

"...so what we are trying to do is create two panhandles that would go through current Lot 7 and would ultimately be for the benefit of the ownership of proposed Lots 3A and 3B".

Mr. Hoffman introduced as Petitioner's Exhibit #5, a Plat of the Cumberland property showing the dimension of the proposed panhandle driveways. Mr. Doak testified that when the property was subdivided in 1975, there were no panhandle regulations. According to People's Counsel's Memorandum, Baltimore County enacted it's first statutory panhandle driveway law in 1982. (B.C.C. 32-4-409) It was Mr. Doak's opinion that Lot 3 is unique because the requirements for subdivision of residential lots changed subsequent to Lot No. 3's creation in 1975. Similarly, the Development Regulations at the time the Plat was recorded did not include the in-fee panhandle length limitation, from which Petitioner's seek Variance relief. Mr. Doak, when asked if there would be practical difficulty in creating a panhandle strip that was not greater than one thousand (1,000) feet, replied that it would and went on to explain in detail the impact it would have to neighbors and the twelve (12) +/- acres lot.

Mr. Kotschenreuther called Dr. Michael Dillon, who lives at 750 Belfast Road. Dr. Dillon testified that his house is located along the west side of Parcel No. 7 and Parcel No. 3. Dr. Dillon described in detail the driveway he uses to access Belfast Road. He testified that the road is about eight (8) feet wide at its narrowest point and quintupling its use would overburden the road. He testified that his property is currently for sale because of a divorce settlement.

Case No. 08—211-SPHA /In the Matter of: William and Holly Cumberland Petitioner /Legal Owner

Mr. Hoffman called Curtis Murray, who is with the Development and Review Section of the Office of Planning for Baltimore County. Mr. Murray testified that he reviewed the Petition and Site Plan that were filed. Mr. Murray testified that his office initially opposed the transfer of acreage, but that after further discussion with Mr. Doak, decided that the Office of Planning could support the request because the basis for the initial denial was incorrect. (Protestant's Exhibits 1 and 2)

Mr. Holzer called Diane R. Knapp, who lives at 800 Belfast Road. Ms. Knapp testified her property is located on the left side of the current access road used by Dr. Dillon. Her major concern is that if the variance is approved, the road which would be located on her side of the property will be used by five (5) or six (6) additional families and she is concerned that the road would not be able to handle the increased traffic. She would like to see the Petitioner's look at other possibilities of having access to the proposed developed property. Her issues concern the driveway that exists now and it's potential future use by Mrs. Cumberland for these lots.

Mr. Holzer called Walter Holland, who lives at 733 Old Belfast Road. Mr. Holland testifies that he lives directly opposite the existing road that serves Dr. Dillon. He is across Belfast Road. He testified that the property is actually his mother's but that he lives there also. Mr. Holland testified that his major concern was flooding. He said that water comes straight down that road across Belfast Road over Old Belfast Road, down the driveway, next to the house and down the back. His objection concerns the run-off that comes down from the Cumberland and Dillon properties. He is opposed to all the variances and anything else that will increase the flooding.

Mr. Holzer called Charles Lehnert, who lives at 707 Old Belfast Road, which was Lot No. 5 in the original 1975 Plat and is adjacent to the Cumberland Lots No. 4 and No. 3. Mr.

Lehnert said he took some pictures after a rainstorm in 2008. He said water pours down the road and comes on to his ten (10) acres, and he ends up with a pond. (Protestants Exhibits 4A – 4E) Mr. Lehnert, when asked if there was anything he would like to say about this request, either about the panhandles, the density, or the shifting of the density, he replied 'No'. He simply can't see why you have to put a long road in when they can access the site from Buffalo Run Road.

Mr. Hoffman, on cross-examination, asked Mr. Lehnert if he heard the testimony earlier from Mr. Doak about Buffalo Run Road? He said he did. Mr. Doak had testified that for Lot 3 to access Buffalo Run Road, you would have to go through Lot 4. There is a stream that runs through Lot 4 that would have to be crossed to get to Buffalo Run Road. Mr. Doak testified that DEPRM may not want us to cross that stream. He testified that DEPRM would require an alternative analysis and if there was no other way to access Buffalo Run Road, they might permit, with certain restrictions, to cross the stream.

The last witness was Petitioner Holly Cumberland. Ms. Cumberland stated that she now lives in Los Angeles, California and she simply wanted to make a statement:

"It's more a feeling than anything else. I was less than half the age I am now when I bought this property with my husband. We were in our twenties. We had years to divide that property into very small lots. At that time Baltimore County went around and they talked to people like me and my husband, to farmers, things like that, about wanting to do this RC2. They told us what we could do if we went along with them. I'm sorry. I'm upset. But we did. We absolutely trusted Baltimore County.

It's very hard to have them now not be with me in doing what they promised. We gave up a great deal. We got no tax benefits from that at all. That's what I have to say."

DECISION

Starting with the Special Hearing relief requested, the Board discussed the non-density transfer in steps.

First, Lot 3 is land-locked with no access to a public road. The transfer of 0.45 +/- acres from Lot 7 to Lot 3, will allow the building of a panhandle driveway that will connect Lots 3A and 3B to a public road. Lot 3 will in turn transfer 8.07 +/- acres to Lot 7. As Mr. Doak testified, Lot 7 is predominately wooded with steep slopes and Belfast Road is a scenic route. The re-configuration of a portion of Lot 3 to Lot 7, would create a twelve (12) +/- acres lot that will allow one (1) house to be located on Lot 7, away from and out of site of Belfast Road and avoid the extra grading that would be necessary on the current Lot 7. The current zoning on Lot 7 is R.C. 2, which allows the building of two (2) dwellings. The non-density transfer from Lot 3 to Lot 7 will result in one (1) dwelling, a decrease of one (1) dwelling from the two (2) dwellings currently permitted. The non-density transfer from Lot 7 to Lot 3, will not increase the density that Lot 3 is permitted with its current zoning of R.C. 2. The Board felt there was no evidence or testimony given that would dispute allowing the two (2) non-density transfers.

Second, as to the Variance concerning the length of the two (2) panhandle driveways, the Board discussed whether the property in question, in this case Lot 3, satisfied the requirements of BCZR Section 307.1 and meets the standards set forth in <u>Cromwell v. Ward</u>. The Board held that since Lot 3 is land-locked and without access to a public road, and there are no other lots in the original subdivision of Linda Green with similar issues; Lot 3 is unique. The Board

Case No. 08—211-SPHA /In the Matter of: William and Holly Cumberland - Petitioner /Legal Owner

discussed the issue of practical difficulty/undue hardship. The Board determined that there would be practical difficulty if the Variances were not granted. The Board determined that the practical difficulty is not self-induced, due to the fact that when the lots were originally created. the panhandle driveway requirements were not in place. The Board determined that when determining practical difficulty, the issue is not whether the property owner is not able to do anything with the property if a variance is not granted; it means that the property owner is not able to do the same thing that other property owners in the area are able to do with their properties, if the variance is not granted. In this case there is a practical difficulty for the Petitioners if that variances are not granted. The Board acknowledges that several witnesses testified in opposition to the Petitioner's requests; however, there was no testimony or evidence presented to dispute the Petitioner's request. Most of the testimony concerned the current access road that is used by Dr. Dillon and Mrs. Knapp. As Counsel for the Petitioner, Mr. Hoffman. pointed out repeatedly during the hearing, that road was not an issue in this hearing. He did acknowledge that it might become an issue during the development plan process, but not in this case. The Board concurs.

In conclusion, after a thorough review of the facts, testimony and law, the Board unanimously agrees to grant the Petitioners' request for a non-density transfer and panhandle variance.

ORDER

THEREFORE, IT IS THIS _____ day of _______, 2009 by the Board of Appeals of Baltimore County;

ORDERED that, for the reasons stated in the foregoing Opinion, Petitioners' request for Special Hearing to approve a non-density transfer of 8.07 +/- acres of R.C. 2 zoned land from

Case No. 08—211-SPHA /In the Matter of: William and Holly Cumberland - Petitioner /Legal Owner

Cumberland (Parcel 38, Lot 3) to Cumberland (Parcel 38, Lot 7) pursuant to Section 1A00.4B(2) and (3) of the Zoning Commissioner's Policy Manual (Z.C.P.M.), and to re-configure lots 3 and 7 in accordance with the transfer granted: and Petitioners' request for a Special Hearing. pursuant to BCZR Section 500.7 to approve a non-density transfer of 0.45 +/- acres of R.C. 2 zoned land from Cumberland (Parcel 38, lot 7) to Cumberland (Parcel 38, lot 3), pursuant to Sections 1A00.4B(2) and (3) of Z.C.P.M. and to re-configure lots 3 and 7 in accordance with the transfer is hereby **GRANTED**; and it is further

ORDERED that, for the reasons stated in the foregoing Opinion, Petitioners' Request for Variance from Section 32-4-409(e)(2) of the *Baltimore County Code* (BCC) to allow in-fee panhandle strips of 1,223 feet and 2,274 feet, in lieu of the maximum permitted 1,000 feet, is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF RAI TIMORE COUNTY

Edward W. Crizer, Jr., Panel Thairman

Robert W. Witt

Lawrence M Stahl

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 24, 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) 08-110-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 Jessie Bailek 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: September 17, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 17, 2007

Item No. 08-110

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We have no objection to the proposed density transfer provided that the subdivision is approved in accordance with all development regulations.

DAK:CEN:clw cc: File

ZAC-ITEM NO 08-110-09172007.doc

- In addition to his aforesaid powers, the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass his order thereon, subject to the right of appeal to the County Board of Appeals as hereinafter provided.
- The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

With respect to any zoning petition other than a petition for a special exception, variance or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the county. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning Commissioner shall promptly forward a copy thereof to the Director of Planning (or his deputy) for his consideration and for a written report containing his findings thereon with regard to planning factors. [Bill No. 18-1976]

- 500.8 He shall have the power to prescribe rules and regulations for the conduct of hearings before him, to issue summons for and compel the appearance of witnesses, to administer oaths and to preserve order.¹¹
- The Zoning Commissioner shall have the power to require the production of plats of developments or subdivisions of land, or of any land in connection with which application for building or use permits or petition for a special exception, a reclassification or a temporary use shall be made, such plats to show the location of streets or roads and of buildings or other structures proposed to be erected, repaired, altered or added to. All such plats shall be drawn to scale and shall clearly indicate the proposed location, size, front, side and rear setbacks from property lines and elevation plans of proposed buildings or other structures. Such details shall conform in all respects with the Zoning Regulations. No such plats or plans, showing the opening or laying out of roads or streets, shall be approved by the Zoning Commissioner unless such plats or plans shall have been previously approved by the Baltimore County Office of Planning and the Department of Public Works. [Resolution, November 21, 1956]

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

IN RE: PETITION FOR SPECIAL HEARING

NE side Home Road, 1100 feet +/-NW of Glencoe Road 10th Election District 3rd Councilmanic District (15701 Home Road)

Michael A. Lang
Petitioner

BEFORE THE

DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

* Case No. 08-110-SPH

ORDER ON REQUESTS FOR AMENDMENT AND RECONSIDERATION

This matter originally came before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by Michael Lang, the legal property owner, requesting relief as follows:

- To approve the transfer of a density unit to an adjoining parcel of land from Michael A.
 Lang (Parcel 191) to Michael A. Lang (Parcel 163); and
- To approve the transfer of 3.3 acres more or less, from Michael A. Lang (Parcel 163) to Michael A. Lang (Parcel 191); and
- To approve the transfer of 1.0 acre more or less, from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163).

The requested relief was granted with restrictions in this Commission's Findings of Fact and Conclusions of Law dated November 30, 2007.

This office then received correspondence dated December 18, 2007 from Cornelia L. Marin with Gerhold, Cross & Etzel, Ltd., the surveying firm that prepared the site plan. Also attached was a redlined copy of the site plan. In the letter, Ms. Marin requested to amend the site plan marked and accepted into evidence as Petitioner's Exhibit 1 with the aforementioned redlined site plan. In addition, Ms. Marin requested a reconsideration of the conditions in the

undersigned's November 30, 2007 Order; in particular, reconsideration was requested as to Condition 6 wherein the undersigned indicated:

6. In keeping with the rural character of the area and the R.C. zone, Petitioner agrees and acknowledges that he is forfeiting any further dwelling (and/or density) rights on Parcels 191 and 163 and that a total of only two dwelling rights (Petitioner's existing dwelling and the proposed new dwelling shown on the site plan) shall be permitted in any event.

Ms. Marin explained that the main parcel (Parcel 163) has two density rights -- one for the existing dwelling and one other that could be utilized in the event of any future development -- and that it was a misunderstanding, based on my imposition of condition 6, that Petitioner intended to relinquish the other density right on Parcel 163.

In considering the request for reconsideration, the undersigned reviewed the file as well as notes taken during the hearing. The undersigned also reviewed the tape of the proceedings concerning the issue of available density rights discussed by Bruce Doak, Petitioner's consultant, during the hearing. After reviewing the testimony and evidence, I believe there was a miscommunication between the undersigned and Mr. Doak concerning the density or dwelling rights potentially available to Petitioner as it relates to the requested relief. As such, I shall grant Petitioner's request for reconsideration, and the latter part of the first paragraph on page 6 of the Findings of Fact and Conclusions of Law shall be revised and read as follows:

"In fact, in requesting the aforementioned relief, Petitioner specifically understands that he will be limited to a total of three potential dwelling rights on the two parcels. He will be limited to two dwelling rights (Petitioner's existing dwelling and one additional dwelling right in the event of future development) on Parcel 163 and one dwelling right on the newly created Parcel 191 (combined with the 3.3. acres from Parcel 163)."

In addition, and in order to clarify this issue, the Findings of Fact and Conclusions of Law shall be further revised such that Condition 6 of the Order is hereby deleted and stricken from the Order. Finally, the undersigned shall permit the amendment to the site plan as shown in the

redlined site plan accompanying Ms. Marin's December 18, 2007 letter. This redlined site plan

shall be marked and admitted into evidence as Petitioner's Exhibit 1A.

GRANTED, consistent with the contents of this Order.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this day of January, 2008, that the requests for an amendment to the site plan marked and accepted into evidence as Petitioner's Exhibit 1, and a reconsideration of the Findings of Fact and Conclusions of Law dated November 30, 2007 be and are hereby

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

PeT. Ex.#11

Martha Lynn Stauss

2407 Ailsa Avenue Baltimore, Maryland 21214 410-825-3885 Work 443-506-4012 Home/Cell Email: martha@humanandrohde.com

Education

MS, Environmental Studies (concentration in Wetland Ecology), Johns Hopkins University, 1995 BS, Civil Engineering, Virginia Tech, 1987 Professional Engineer, Maryland, 1995-Current

Additional Training in:

Tree Expert Training, 1995
Native Plants in the Landscape conference training, 2006-2009
Forest Conservation for Qualified Professionals, 2005

Professional Experience

Human and Rohde, Inc.
ENVIRONMENTAL SCIENTIST

Towson, Maryland 2006-Current

- With a strong background in environmental science, wetland and estuarine ecology, plant taxonomy, environmental design and planning, Geographic Information Systems, software programming, and environmental policy, I am experienced in wetland delineation, steep slope and erodible soils analysis, Forest Stand Delineation Guidelines, Chesapeake Bay Critical Area law and Forest Conservation law, as well as preparing detailed technical reports and plans.
- I am skilled in the preparation and design of reforestation and mitigation plans, forest retention investigation, best management practices, and analyzing alternatives to water quality and forest degradation. I have several years of experience processing wetland permits through the Department of the Environment and the Corps of Engineers.
- I am an experienced environmental consultant and am familiar with the 1987 Wetland Delineation Manual, Baltimore County code, and Baltimore County and State Forest Conservation Technical Manuals.
- I also use my ecological background to design and create educational interpretive signage for environmental projects such as hiker/biker trails and museums.

Baltimore County Department of Environmental Protection and Resource Management

Towson, Maryland 2004-2006

ENVIRONMENTAL RESOURCE SPECIALIST

- Conduct field surveys and delineations of watercourses, wetlands, forests, and wildlife habitats.
- Review complex land development plans and permits for compliance with County laws and
 regulations regarding the protection of natural resources, including watercourses, wetlands, water
 pollution, aquatic habitats, rare and endangered species, agriculture, forests and wildlife habitats.
- Conduct field inspections of environmental easements and investigate and recommend corrective measures for forestry and wildlife improvements.
- Review alternatives analyses, forest buffer and forest conservation variances for compliance with state and county laws, along with specifying mitigation in order to protect water quality and wildlife habitat.

Pacific Biodiversity Institute WETLAND ECOLOGIST/GIS ANALYST

Winthrop, Washington 1998

- Develop and deploy a Roadless Area Information System on the Internet using ArcIMS, enabling conservationists to query roadless areas and retrieve over 20 GB of data or to input field data.
- Design internet GIS training modules for warping and wetland analysis.
- Conducted field surveys and mapping for the protection of natural resources. Investigated and recommended corrective measures for habitat improvement.
- Performed GIS analyses on wildland and roadless areas using aerial photography and field inspections to protect wilderness areas.
- Reviewed land development plans for compliance with laws.

National Biological Survey/National Park Service FIELD BOTANIST

Kenilworth, Maryland

- Conduct vegetation monitoring at Kenilworth Marsh, analyze and interpret data, and write technical reports and presentation. Identify flora, including trees, woody shrubs, herbaceous plants, and submergent vegetation.
- Coordinate and lead field teams to perform transect monitoring.
- Formally train National Park Service and National Biological Survey clients on botanical identification, and provide a beginning herbarium to reside in the NPS office.

Maryland State Highway Administration SENIOR TEAM LEADER SENIOR STAFF ENGINEER PROJECT ENGINEER Baltimore, Maryland 1987-1996

- Review and approve wetland mitigation designs, plans and permits for compliance with Federal Government laws and regulations, conducted and prepared wetland delineations, and reviewed and commented on state and federal permits.
- Performed field chemical tests and managed the SHA national pollutant discharge elimination system including training technicians.
- Organize and launch a 4 million dollar Congestion Management System (CMS)/Intelligent Transportation System (ITS) facility to handle emergency response to hazardous incidents, congestion mitigation, and incident response.
- Manage a technical, support and administrative staff of 25.
- Write a work plan for a linear referenced traffic accident database, which increased federal spending in my area by 2 million dollars.
- Lead and coordinate a task force consisting of 30 multi-disciplinary professionals to develop data sharing techniques and strategic planning to conform to the HPMS requirements.
- Develop GIS strategies and policies for our office, which include 6 individual relational databases and involved inter-office coordination.
- Manage and direct the work of relational database design consultants, and manage a large
 Accident Monitoring RDBMS consisting of approximately 90,000 records per year and a Traffic
 Monitoring RDBMS which collect AADT data and Weigh-in-motion Truck data.
- Managed a construction project including field inspection of stormwater management controls
 and sediment and erosion controls. Reviewed contractors work and ensured compliance with
 plans and regulations. Also managed contractor adherance to planned environmental easements
 containing specimen trees.

Other Experience and Community Involvement

Instructor, Wetlands Outreach Ecology, 2-day course, 1998 Speaker, The Nature Conservancy, 1996-1998 Instructor, Save Our Streams Stream Monitoring Course, 1995 Member, Maryland Native Plant Society Member, Herring Run Watershed Association

Pet. Ex# 12

May 14, 2008 Wetland Delineation and Steep Slopes & Erodible Soils Analysis submittal to DEPRM

June 2, 2008 - Forest Buffer Variance submittal to DEPRM

July, 2008 – Forest Buffer Variance advertised on Baltimore County website (DEPRM Tracking Number 03-08-707)

August 12, 2008 – Wetland Delineation and Steep Slopes & Erodible Soils Analysis approval letter from DEPRM

August 26, 2008 - Forest Buffer Variance approval letter with conditions

September 15, 2008 – Letter to DEPRM requesting relief from mitigation bank requirement of variance

September 24, 2008 – Letter from DEPRM stating a mitigation bank will be required instead of the requested fee-in-lieu

October 3, 2008 – Forest Buffer Variance amendment (for reducing impacts) & mitigation bank request submitted to DEPRM

October 6, 2008 - Forest Buffer Protection Plan submittal to DEPRM

December 22, 2008 – Forest Buffer Protection Plan contingent approval (make specified changes and submit Mylar

December 23, 2008 – Forest Buffer Variance amendment approval (expires 9/30/2009)

Pet- Ex # 13



JAMES T. SMITH, JR. County Executive

JONAS A. JACOBSON. Director Department of Environmental Protection and Resource Management

August 12, 2008

Mr. Erlc Vangrin Human & Rohde, Inc. 512 Virginia Avenue Towson, Maryland 21286

Re: Lang Property
15701 Home Road
Wetland Delineation
Steep Slopes & Erodible Soils Analysis

Dear Mr. Vangrin

The Environmental Impact Review (EIR) Section of this Department has completed its review of a Wetland Delineation and Steep Slopes & Erodible Soils Analysis (SSA) for the above-referenced property. Our findings are in concurrence with the information contained in your submittals, therefore, the Wetland Delineation and SSA are hereby approved. Please be advised that the forest buffer boundary is subject to change pending the decision regarding a Forest Buffer Variance request for this property that is under review by EIR staff, and will be addressed in a separate letter.

If there are any questions regarding this correspondence, please contact me at (410) 887-3980.

Sincerely,

Thomas Panzarella

Environmental Impact Review

TCP; tcp

LangHomeRdWDV.SA.doc/sheir/tomP

Pet. Ex#14



JAMES T. SMITH, JR. County Executive

JONAS A. JACOBSON, Director Department of Environmental Protection and Resource Management

August 26, 2008

Mr. Devin Leary Human & Rohde, Inc. 512 Virginia Avenue Towson, Maryland 21286

> Re: Lang Property 15701 Home Road Forest Buffer Variance DEPRM Tracking #03-08-707

Dear Mr. Leary:

Environmental Impact Review staff has completed a review of a request for a variance from the Baltimore County Code, Article 33, Environmental Protection and Resource Management, Title 3: Protection of Water Quality, Streams, Wetlands and Floodplains, for the above-referenced property. The forest buffer variance request seeks to reduce the area of forest buffer by 6,591 sq. ft. (0.15 ac.) to accommodate the construction of a single-family dwelling and yard on this single lot of record, while providing the minimum 35 foot setback from the proposed dwelling to the Forest Buffer Easement. The Forest Buffer Easement retained is approximately 6.5 acres.

This Department has reviewed your request, and has determined that an unreasonable hardship does exist and that the plan shows the most feasible option for the location of the proposed dwelling. We also acknowledge that the potential for impacts to water quality can be minimized by performing mitigative measures. Therefore, the variance is hereby approved in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

- 1. The following variance note shall appear on all future plans for this project: "A variance was approved by Baltimore County from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. The location of a portion of the dwelling and yard within the area of reduced forest buffer is reflective of the fact that the variance was approved. Conditions were placed on this variance to reduce water quality impacts."
- Prior to the issuance of any permits, provide documentation of the purchase of 6,591 square feet of credit at a DEPRM-approved forest buffer mitigation bank. Please send a letter of request to this Department, to my attention, for this requirement.



Mr. Devin Leary Lang Property -Forest Buffer Variance August 26, 2006 Page 2

- 3. A final Forest Buffer Protection Plan (FBPP) must be reviewed and approved prior to grading plan approval. The FBPP shall include a detail and locations of forest buffer, permanent protective signage and a note stating that mitigation for forest buffer impacts shall be satisfied by mitigating 6,591 sq. ft at a DEPRM-approved forest buffer mitigation bank.
- 4. A FBPP security, in the form of an Environmental Agreement, shall be posted prior to the issuance of any permits, in the amount that satisfies condition #2 of this variance approval.
- 5. Prior to the issuance of any permits, the Forest Buffer Easement, and the appropriate declaration of protective covenants, must be recorded in the Land Records of Baltimore County.
- 6. Prior to the issuance of any permits, permanent, protective forest buffer signage must be posted on site, as specified on the approved FBPP.
- 7. Conditions of this variance approval, including full implementation of the FBPP, shall be completed by September 30, 2008, or prior to the issuance of any permit, whichever occurs first.

It is the intent of this Department to approve the variance request subject to the above conditions. Any change to site layout may require submittal of revised plans and an amended variance request.

Please sign the statement on the following page and return a signed copy to this office within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in processing of plans for this project.

Should you have any questions regarding this correspondence, please contact Thomas Panzarella at (410) 887-3980.

Sincerely yours,

Jonas A. Jacobson

Director

JAJ: tcp

Mr. Devin Leary Lang Property -Forest Buffer Variance August 26, 2006 Page 3

I/We agree to the above conditions to bring my/our property into compliance with the Baltimore County Code, Article 33, Title 3: Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owner	Date	Property Owner	Date
Printed Name		Printed Name	

langHomeRdFBVA.doc/sheir/tomP

let. {4#15



JAMES T. SMITH, JR. County Executive

JONAS A. JACOBSON, Director Department of Environmental Protection and Resource Management

September 24, 2008

Mr. Devin Leary Human & Rohde, Inc. 512 Virginia Avenue Towson, Maryland 21286

Re: Lang Property-Home Road

Dear Mr. Leary:

Environmental Impact Review has received and considered your letter, dated September 15, 2008, requesting relief from Condition #3 of the approved Forest Buffer Variance for the subject property.

In Part H of the variance application, which asks, in part, for a description of proposed mitigative measures, none were provided. Therefore, after a thorough review of the application, it was determined that mitigation, at a ratio of 1:1, would be required at a forest buffer mitigation bank for 6,591 square feet of forested buffer impacts to this high priority area for retention, as one condition for variance approval. (Mitigation banks were made available to streamline the development process where mitigation would be required in an effort to avoid delays caused by the development applicant locating an appropriate mitigation site). We agree with the contention in your letter that on-site mitigation would not feasible because the site is entirely forested.

Your request to pay a fee-in lieu of planting cannot be considered, as this is not offered by Baltimore County for forest buffer impacts. However, this Department would consider a mitigation proposal to plant 6,591 square feet at an alternate offsite priority planting location, other than the one(s) you have investigated. An alternate location will require prior approval by this Department.

Additionally, with respect to your comment pertaining to the cost of forest buffer mitigation banks, negotiations regarding the price to be paid to use a bank are between the development project applicant and the bank owner and do not involve the County.

Mr. Devin Leary
Lang Property-Home Road
Forest Buffer VarianceCorrespondence
September 24, 2008

Page 2

If there are any questions regarding this correspondence, please contact me at (410) 887-3980.

Sincerely,

Thomas Panzarella

Environmental Impact Review

c: Patricia M. Farr, Manager Environmental Impact Review

Regina A. Esslinger, Supervisor Environmental Impact Review

TC

langD.LearyFBVAletter.doc/sheir/tomP

Pet. Ex#16



JAMES T. SMITH, JR. Conny Executive

JONAS A. JACOBSON, Director Department of Environmental Protection and Resource Management

December 22, 2008

Mr. Devin Leary Human & Rohde, Inc. 512 Virginia Avenue Towson, Maryland 21286

> Lang Property 15701 Home Road Forest Buffer Protection Plan

Dear Mr. Leary:

The Environmental Impact Review Section of this Department is in receipt of a Forest Buffer Protection Plan (FBPP) for the referenced property. The FBPP has been reviewed and is hereby approved contingent upon the following comments being addressed on the mylar:

- 1. Add the following note to the plan: "Orange, high-visibility fence shall be manually installed along the limit of disturbance (LOD) where the LOD is within 50 feet of the Forest Buffer Easement. This shall be completed and inspected prior to the issuance of any permits".
- 2. Show protective signage around the septic reserve area.
- 3. Show protective signage at the property boundaries adjacent to the proposed dwelling.
- 4. There are two sets of General Notes. Remove note #5 from the general Notes found in the upper left area of the plan.

Submit a mylar and three paper copies of the FBPP for review. If there are any questions regarding this correspondence, please contact me at (410) 887-3980.

Sincerely,

Thomas Panzarella

Natural Resource Specialist Environmental Impact Review

langFBPP.doc/shelr/tomP

401 Bosley Avenue | Towson, Maryland 21204 www.baltimorecountymd.gov

Pet. Ex#17



JAMES T. SMITH, JR. County Executive

1

JONAS A. JACOBSON, Director Department of Environmental Protection and Resource Management

December 23, 2008

Mr. Devin Leary Human & Rohde, Inc. 512 Virginia Avenue Towson, Maryland 21286

> Re: Lang Property 15701 Home Road Amended Forest Buffer Variance

Dear Mr. Leary:

Environmental Impact Review staff has completed a review of an amended request for a variance from the Baltimore County Code, Article 33, Environmental Protection and Resource Management, Title 3: Protection of Water Quality, Streams, Wetlands and Floodplains, for the above-referenced property. The amended forest buffer variance request seeks to reduce the area of forest buffer impact from 6,591 square feet to 2,848 square feet 2,848 sq. ft. to accommodate the construction of a single-family dwelling and yard on this single lot of record, while providing the minimum 35 foot setback from the proposed dwelling to the Forest Buffer Easement. This amended Forest Buffer Variance request further reduces impacts from the original area of 6,591 sq. ft. of forest buffer impact. The Forest Buffer Easement retained is approximately 6.5 acres.

This Department has reviewed your request, and has determined that an unreasonable hardship does exist and that the plan shows the most feasible option for the location of the proposed dwelling, while maintaining the minimum 35 foot building setback to the Forest Buffer Easement. We also acknowledge that the potential for impacts to water quality can be minimized by performing mitigative measures. Therefore, the variance is hereby approved in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

- 1. The following variance note shall appear on all future plans for this project: "A variance was approved by Baltimore County from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. The location of a portion of the dwelling and yard within the area of reduced forest buffer is reflective of the fact that the variance was approved. Conditions were placed on this variance to reduce water quality impacts."
- 2. Prior to the issuance of any permits, provide documentation of the purchase of 2,848 square feet of credit at a DEPRM-approved forest buffer planting bank. Please attach the request satisfying this mitigation requirement to the copy of this variance approval that is signed by the property owner(s).

Mr. Devin Leary Lang Property -Forest Buffer Variance December 23, 2006 Page 3

- 3. A final Forest Buffer Protection Plan (FBPP) must be reviewed and approved prior to grading plan approval. The FBPP shall include a detail and locations of forest buffer, permanent protective signage and a note stating that mitigation for forest buffer impacts shall be satisfied by mitigating 2,848 sq. ft at a DEPRM-approved forest buffer mitigation bank.
- 4. Prior to approval of the Record Plat or the Right-of-Way Plat, an approved, minimum 10 foot wide Baltimore County Access Easement must be shown from a public right-of-way to the Forest Buffer Easement.
- 5. This variance approval is conditioned upon a suitable access, approved by this Department via an alternatives analysis and grading plan/permit approval for such access prior to building permit approval and pursuant to Section 33-3-112 of the Baltimore County Code.
- 6. A FBPP security, via an Environmental Agreement, shall be posted prior to the issuance of any permits, in the amount that satisfies condition #2 of this variance approval.
- 7. Prior to the issuance of any permits, the Forest Buffer Easement, and the associated declaration of protective covenants, must be recorded in the Land Records of Baltimore County.
- 8. Prior to the issuance of any permits, permanent, protective forest buffer signage must be posted on site, as specified on the approved FBPP.
- 9. Conditions of this variance approval, including full implementation of the FBPP, shall be completed by September 30, 2009, or prior to the issuance of any permit, whichever occurs first.

It is the intent of this Department to approve the variance request subject to the above conditions. Any change to site layout may require submittal of revised plans and an amended variance request.

Please sign the statement on the following page and return a signed copy to this office within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in processing of plans for this project.

Should you have any questions regarding this correspondence, please contact Thomas Panzarella at (410) 887-3980.

Sincerely yours,

Jonas A. Jacobson

Director JAJ: tcp

Mr. Devin Leary Lang Property -Forest Buffer Variance December 23, 2006 Page 3

I/We agree to the above conditions to bring my/our property Into compliance with the Baltimore County Code, Article 33, Title 3: Protection of Water Quality, Streams, Wetlands and Floodplains.

MADA	/ ~\\\\ 12/2	3/00		
Property Owner	D	eté Property O	wner [Date
Michael Lang	·			
Printed Name	1	Printed Nar	ηe	

langHomeRdFBVAamend.doc/sheir/tomP

BALTIMURE COUNTY, MARYLAND Pet. Ext

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Worthy Kotroco

TIMOTHY M. KOTROCO, Director



Disnald E. Brance

DONALD E. BRAND, Buildings Engineer

BUILDING PERMIT

PERMIT #: B696700 CONTROL #: NR DIST: 10 PREC: 01 DATE ISSUED: 11/03/2008 TAX ACCOUNT #: 1002065227 CLASS: 04

PLANS: CONST 02 PLOT 9 R PLAT 0 DATA 0 ELEC YES PLUM YES

LOCATION: 15697 HOME RD

SUBDIVISION: 200 E LOWER GLENCOE RD

OWNERS INFORMATION

NAME: LANG, MICHAEL & ELIZABETH

ADDR: 15701 HOME ROAD SPARKS MD 21152

TENANT:

CONTR: OWNER (AFFIRMATION OF LANDOWNER ATTACHED)

ENGNR: SELLR: WORK:

SELLR:

CONSTRUCT SFD WITH UNFINISHED BASEMENT & BONUS ROOM, COVERED FRONT & REAR PORCHES 2 CAR SIDE

LOAD GARAGE.FP(NO PROJ), 3 BEDI'OOMS.

67'8"X63'6"X40=5.621SF.AFFIRM TION OF LANDOWNER

ATTAHED LOT EX PRIOR TO 1985 PER APPL & TAX

RECORD

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD

EXISTING USE: VACANT LOT

TYPE OF IMPRV: NEW BULDING CONTRUCTION

USE: ONE FAMILY

FOUNDATION: BLOCK BASEMENT: FULL

SEWAGE: PRIV. PROPOSED WATER: PRIV. PROPOSED

LOT SIZE AND SETBACKS

SIZE: 7.324AC FRONT STREET: SIDE STREET:

FRONT SETB: 50'

SIDE SETB: 50'/345'

SIDE STR SETB:

REAR SETB: 540'

THIS PERMIT EXPIRES
ONE YEAR FROM
DATE OF ISSUE

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT NOTICE TO BUILDERS IS PART OF THIS PERMIT

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

See footnotes at end of table.

Soil series and map symbols	Sewage disposal			
Bon series and map symbols	Filter fields .	Lagoons		
Legore: LeB2, LhB	Moderate: slope			
LeD2, LeE, LfD, LfE, LgD3		Severe: slope		
Lenoir: LIB, LmB, LoBRatings for LoB are for Lenoir series only. LmC2, LnC3	somewhat poor natural drain- age; slow permeability.	Slight to moderate: slope		
Leonardtown: Lr	Severe: poor natural drainage; high water table; slow perme- ability.	Slight		
Lindside: Ls	Severe: moderately high water table; moderate to moderately slow permeability; flooding hazard. 1	Severe: flooding hazard 1		
Loamy and clayey land: Ly B		Slight to moderate: slope		
LyD	Severe: slow permeability	Severe: slope		
Ly E	Severe: slow permeability; slope.	Severe: slope		
Manor: MbB2, McB2 MbC2, MbC3, McC2, McC3		Severe: rapid permeability Severe: rapid permeability; slope.		
MbD2, MbD3, McD2, McD3, MdE, MeD	Severe: slope	Severe: rapid permeability;		
Ratings for MeD are for Manor series only. MgC		slope. Severe: rapid permeability in places; slope. Severe: rapid permeability; slope. 1		
Matapeake: MkA MkB	Slight to moderate: moderate permeability. Slight to moderate: moderate permeability.	Slight to moderate: moderate permeability. Moderate: moderate permeability; slope.		
MkC2	Moderate: moderate permea- bility; slope.	Severe: slope		
Mattapex: MIA	Severe: moderately slow permeability.	Slight		
MIB, MmB	Severe: moderately slow permeability.	Moderate: slope		
Melvin:	Severe: high water table;	Severe: flooding hazard 1		

Legore: Le B2, Lh B Ratings for Lh B are for Legore series only. LeC2, LgC3, LhC Ratings for LhC are for Legore series only. LeD2, Le E, LfD, Lf E, LgD3		Moderate: moderate perme- ability; slope. Severe: slope	
LfC	Moderate: slope	Severe: slope	
Lenoir: LIB, LmB, LoB	age; slow permeability.	Slight to moderate: slope	
Leonardtown: Lr	Severe: poor natural drainage; high water table; slow perme- ability.	Slight	
Lindside: Ls	Severe: moderately high water table; moderate to moderately slow permeability; flooding hazard. ¹	Severe: flooding hazard 1	
Loamy and clayey land:	Severe: slow permeability	Slight to moderate: slope	
LyD		Severe: slope	
Ly E		Severe: slope	
Manor:		E TOUR STATE OF THE STATE OF TH	
MbB2, McB2 MbC2, MbC3, McC2, McC3	Slight Moderate: slope	Severe: rapid permeability;	
MbD2, MbD3, McD2, McD3, MdE, MeD	Severe: slope		
Ratings for MeD are for Manor series only. MgC		slope. Severe: rapid permeability in places; slope. Severe: rapid permeability;	
_ 11/12/	Severe. Stope	slope. 1	
Matapeake: MkA MkB MkC2	permeability. Slight to moderate: moderate permeability.	Slight to moderate: moderate permeability. Moderate: moderate permeability; slope. Severe: slope	
Mattapex:	Severe: moderately slow permeability.	Slight	
MIB, MmB		Moderate: slope	
Melvin: Mn	Severe: high water table; poor natural drainage; flooding hazard. ¹	Severe: flooding hazard t	
Mo		Slight to moderate: moder- ately slow to moderate permeability.	
Montalto: Ms B2	permeability.	Moderate: slope	
MsC2	Severe: moderately slow permeability.	Severe: slope	

Homesites (3	stories or less)	Streets and parking lots	Home gardens	
With basements	Without basements			
Slight	Slight	Moderate: slope	Moderate: slope.	
Moderate: slope	Moderate: slope	Severe: slope	Severe: slope; erosion in LgC3.	
Severe: slope	Severe: slope	Severe: slope	Severe: slope; stoniness in LfD, LfE; erosion in LgD3.	
Moderate: stoniness; slope	Slight to moderate: slope	Severe: slope	Severe: slope; stoniness.	
Severe: high water table; somewhat poor natural drainage. Severe: high water table; somewhat poor natural drainage.	Severe: high water table; somewhat poor natural drainage. Severe: high water table; somewhat poor natural drainage.	Severe: high water table; somewhat poor natural drainage. Severe: high water table; somewhat poor natural drainage; slope.	Severe: high water table; somewhat poor natural drainage. Severe: high water table; somewhat poor natural drainage; slope; erosion in LnC3.	
Severe: poor natural drainage; high water table.	Severe: poor natural drainage; high water table.	Severe: poor natural drainage; high water table.	Severe: poor natural drainage; high water table.	
Severe: flooding hazard	Severe: flooding hazard	Severe: flooding hazard	Moderate: moderately high water table; flooding hazard.	
Severe: subsoil shrinkage and instability. Severe: subsoil shrinkage and instability. Severe: subsoil shrinkage and instability; slope.	Severe: subsoil shrinkage and instability. Severe: subsoil shrinkage and instability. Severe: subsoil shrinakge and instability; slope.	Severe: subsoil shrinkage and instability. Severe: subsoil shrinkage and instability; slope. Severe: subsoil shrinkage and instability; slope.	Severe: low productivity. Severe: low productivity; slope. Severe: low productivity; slope.	
Slight	Slight	Moderate: slope Severe: slope	Moderate: slope.	
Moderate: slope	Moderate: slope		Severe: slope; erosion in MbC3, McC3.	
Severe: slope	Severe: slope		Severe: slope; erosion in MbD3 McD3.	
Moderate: stoniness; slope	Slight to moderate: slope			
			Severe: slope; stoniness.	
Severe: slope		Severe: slope		
Severe: slope Slight	Severe: slope	Severe: slope	Severe: slope; stoniness. Slight.	
	Severe: slope	Severe: slope	Severe: slope; stoniness. Slight.	
Slight	Severe: slope Slight Slight	Severe: slope	Severe: slope; stoniness. Slight. Moderate: slope.	
Slight	Severe: slope Slight Slight	Severe: slope	Severe: slope; stoniness. Slight. Moderate: slope.	
Slight	Severe: slope Slight Slight Slight	Severe: slope	Severe: slope; stoniness. Slight. Moderate: slope. Severe: slope. Moderate: moderately high water table. Moderate: slope; moderately	
Slight Slight Moderate: moderately high water table. Moderate: moderately high water table. Severe: high water table; poor natural drainage; flooding hazard. Severe: high water table;	Severe: slope	Severe: slope Slight Moderate: slope Severe: slope Moderate: moderately high water table. Moderate: moderately high water table; slope. Severe: high water table; poor natural drainage; flooding hazard. Severe: high water table; poor natural drainage	Severe: slope; stoniness. Slight. Moderate: slope. Severe: slope. Moderate: moderately high water table. Moderate: slope; moderately high water table. Severe: high water table; poor natural drainage; flooding hazard. Severe: high water table; poor natural drainage.	
Slight	Severe: slope	Severe: slope	Severe: slope; stoniness. Slight. Moderate: slope. Severe: slope. Moderate: moderately high water table. Moderate: slope; moderately high water table. Severe: high water table; poor natural drainage; flooding hazard. Severe: high water table; poor natural drainage. Moderate: slope.	

para-sternum \"+\ n, pi parasternums or parasterna [NL_fr. 'para- + sternum]: a bony framework formed by the abdominal ribs in various reptiles paras-ti-chy \pp'rastake\ n = 5 [ISV 'para- + Gk stichos row + ISV -y — more at strich]: a hypothetical oblique or secondary spiral line joining leaves or scales where the internodes of the axis are short and the members crowded (as in a pine cone); also: the arrangement of leaves or scales along such lines — compare orthostichy para-style \'para_stil\ n = 5 [ISV 'para- + style]: a small cusp lying anterior to the paracone on the cingulum of a molar tooth

cusp lying anterior to the paracone on the cingulum of a molar tooth para-su-chia \para-su-chia \par

molar tooth
para-ssuchia _para'stk\vec{E}\to \[[NL, fr. \] \para- + \ Gk \ souchos \\
\text{crocodile} + \ NL _{ial} \] \syn \otag \[Phytosaurta \]
\text{para-sympathetic} \\ \[\] \para- + \ \dif \[[ISV \] \] \para- + \ \sympathetic \]
\tag{1: of or relating to the parasympathetic nervous \text{system} \langle \text{of libers} \] of the vascular wall\\ 2: \text{acting on or originating in the parasympathetic nervous \text{system} \langle \text{of ungs} \langle \text{or inhibition} \]
\text{parasympathetic} \\ \] \[n \] 1: \[a \] \quad \text{parasympathetic} \] \\
\text{tends to increase smooth muscle tone} \\
\text{parasympathetic} \] \\

Dara-sym-pa-thet-1-co-mimetic \para-simpə;thed-2(,)k\(\overline{0}\)+ adj ['parasympathetic + -o- + mimetic]: PARASYMPATHO

MMETIC
para-sympatholytic \para+\ adj [ISV \para- + sympatholytic]: tending to oppose the physiological results of parasympathetic nervous activity or of parasympathomimetic
drugs — used chiefly of chemical substances and their effects;

drugs—used chiefly of chemical substances and their effects; compare SYMPATHOLYTIC
para-sym-pa-tho-mimetle (,pare)simpe(,)thō+\ adj [ISV 'para- + sympathonimetle']; simulating parasympathetic nervous action in physiological effect—used of chemicals that stimulate secretion and increase smooth muscle activity or of their effects; compare Parasympatholytic, SYMPATHOMMETIC para-synapsis \(\)\para-+\ n [NL, fr. 'para- + sympaths]; normal side-by-side union of chromosomes in synapsis in contrast to supposed end-to-end union that is now regarded as purely an observational artifact—compare Telosynapsis para-synaptle ("+ \ adj ['para- + synapsis]; or marked by parasynapsis
para-synapsis \(\)"+\ n [NL, fr. 'para- + syndesis]; Para-synapsis — para-syndetic \(\)"+\ adj — parasyndetically \(\)"+\ adj — parasyndetically \(\)"+\ adj \(\) para- + synthesis \(\); the

\"+\adv
para-synthesis \,para+\ n[NL, fr. \para-+ synthesis] : the formation of words esp. in the Romance languages by composition and derivation jointly: the process of word formation by adding a derivative ending and prefixing a particle (as in denationalize)
para-synthetic \,\para+\ adj [\para-+ synthetic]: of, relating to, or resulting from parasynthesis
para-syn-the-ton \,\para-\frac{1}{3}\text{in(t)ha,tln} \, n, \text{pl} \text{ parasynthe-ta} \
\-\thod-\sigma\[[NL, fr. Ok, neut. of \text{ parasynthe-tos} \] formed from a compound, fr. \text{ para-} \ \ \text{ para-} + \text{ synthetios} \] put together, compounded — more at SYNTHETIC]: a word formed by parasynthesynthesis

a compound, Ir. para- + synthelos put logether, compounded — more at synthetics]: a word formed by para-synthesis
para-syphilitic \para+\ adj [ISV \para- + syphilitic] archoic: due indirectly to syphilis — used chiefly of diseases of the nervous system formerly considered indirectly but now known to be directly due to syphilitic infection
para-lacamite \(\frac{1}{2}\) para- + stacamite]: a mineral that consists of a basic chloride of copper and is dimorphous with atacamite
para-lac- Uc \para-\tanktik\ also para-\tac-U-cal\-aktik\l\ adj [Ir. parataxis, after such pairs as LL syntaxis syntax: E-syntaxite, syntaxical]: of, relating to, or exhibiting parataxis — para-lac-U-cal-Iy\-\taktik\l\ adj [NL parataxis + E-tc]: characterized by or relating to a mode of individual experience in which persons, events, and relationships are per-ceived as discrete phenomena, in which occurrences in the real world are seen as having no sequential or logical relationship, but in which all external stimuli have only idiosyncratic autistic significance — compare PROTOTAXIC
para-lax-Is\-\para

para-tetratyculus \(+ \), cop 175_1...para-tetratyculus \(+ \), paratheses \(| \), l., f. Gk, juxtaposition, fr. paratithenai to place beside, fr. para-1para-+ lithenai to place \(- \) more at DoJ obs: PARENTHESIS \(- \) para-thion \(\), para-thi, \(\) in \(- \), para-thion \(\), para-thi, \(\) in \(- \), para-thion \(\) para-thion \(- \) para-thion \(\) of extreme toxicity to mammals as well as insects; \(O, O \), diethyl \(O \)-para-nitro-phenyl thiophosphate \(Para-thor-mone \) para-thor, \(\) mommals as well as insects; \(O, O \), diethyl \(O \)-para-nitro-phenyl thiophosphate \(Para-thor-mone \) para-thyroid \(\) para-thyroid \(\) and so cattle used chielly in preventing and treating tetanic convulsions \(\) para-thyroid \(\) \(\) para-+ \(n \) \(

**Para-thyroid Gland

**Para-thyroid also para-thyreoid or para-thyroidal \[, para-thyroid also para-thyroid (adj.) or thyreoid or thyroidal \[, para-thyroidal \] 1 : adjacent to a thyroid gland 2 : of, relating to, or produced by the parathyroid glands

**para-thyroidectomized \[, para-thyroidectomized \[, para-thyroidectomized

para-thyroidectomized \[para+\ adj : having the parathyroid glands removed \(\sim rats \) para-thyroidectomy \[+\ n \] [ISV \] parathyroid + \[-ectomy \] : excision of the parathyroid glands \[parathyroid gland n \] any of several usu, four small endocrine glands adjacent to or sometimes embedded in the thyroid gland that are composed of irregularly arranged secretory epithelial cells lying in a stroma rich in capillaries and producing a hormone that functions in maintaining normal calcium balance in the body \(-\ \) compare telepara-thyro-prival \(\) para-thiroi-prival \(\) also \(\) para-thyro-prival \(\) para-thiroi-prival \(\) also \(\) para-thyro-prival \(\) para-thyro-prival \(\) pro-prival \(\) para-thyro-prival \(\) para-thyro-prival \(\) (\) para-thyro-prival \(\) para-thyro-prival \(\) (\(\) prival \(\) (\(

contiguous with vessels or vascular tracheids (~ parenchyma) — compare APOTRACHEAL, METATRACHEAL, VASICENTRIC para-trichostis "+ \ n [NL, fr. 'para + trichosis]: abnormal hair or hair growing in an abnormal place para-troop \'para+.\ adj [back-formation fr. paratroops] : of, relating to, or engaged in by paratroops (~ boots) (~ landing) (~ action) para-trooper | 1 also para-troop [paratroop back-formation fr. paratroops]: a member of the paratroops 2: a military person parachuting from an airolane

para-trooping \'para+,-\ n [2para- + trooping]; the action of

by eating food contaminated with bacteria of the genus Salmonelle; specif; NECROTIC BNTERTIS—compare SALMONEL-LOSIS

para-typic also para-typical \para+\ adf 1 : deviating from type; ATTPICAL 2: of or relating to a paratype para-typical \"+\ adf [ISV 'para-+ umbilical]: adjacent to the navel \(\sim pain \) para-typical \"by adf [ISV 'para-+ umbilical]: adjacent to the urethra \(\sim glands that are the female homologue of the prostate \) para-typical \"+\ adf [ISV 'para-+ urethral]: adjacent to the vaginal \"+\ adf [ISV 'para-+ vaginal]: adjacent to the vagina or a vaginal part — para-vaginally \"+\ adv para-a-vail \para-\vaginal \"+\ adf [ISV 'para-+ vaginal]: adjacent to the vagina or a vaginal part — para-vaginally \"+\ adv para-a-vail \para-\vaginal \"+\ adf para-\vaginal \"+\ adf para-\vaginal \"+\ adv para-a-vail \para-\vaginal \"+\ adf para-\vaginal \"+\ adv para-a-vail \para-\vaginal \"+\ adf para-\vaginal \"+\ adf para-\vag

par-axonia \"+\ [NL, fr. 1para- + axonta] syn of ARTIO-

par-axonia \"+\ [NL, fr. !para- + axonia] syn of ARTIO-DACTYLA
par-axonic \[\];par+\ adf \[\] \[\

parbraken, fr. par- thoroughly (fr. OF, fr. L per-, fr. per through) + braken to vomit; Akin to D braken to vomit; OE brecan to hreak — more at for, Break! dob: VOMIT 19ar-buck!e \(^1\) parbrake \(^1\) vomit \(^1\) parbrake \(^1\) vomit \(^1\) parbrake \(^1\) vomit \(^1\) parbrake! \(^1\) vomit \(^1\) parbrake! \(^1\) outside \(^1\) unknown origin \(^1\) 1: a purchase for hoisting or lowering a cylindrical object (as a cask) by making fast the middle of a long rope aloft and looping both ends around the object which rests in the loops and rolls in them as the ends are hauled up or paid out \(^2\): a double sting mad of a single rope for slinging a cask, gun, or other object \(^1\)parbuckle \(^1\) vit to hoist or lower by means of a parbuckle \(^1\) vit to hoist or lower by means of a parbuckle \(^1\) vit to hoist or lower by means of a parbuckle \(^1\) vit to hoist or lower by means of a parbuckle \(^1\) vit to hoist or lower by means of a parbuckle \(^1\) vit to hoist or lower by means of a parbuckle \(^1\) vit to hoist or lower by means of a parbuckle \(^1\) vit to hoist or lower by means of a parbuckle \(^1\) vit to hoist or lower by means of a particular alter. of L particular small part — more at Particle 1 a: a component part of a whole ! Division, Fragment, Portion (nature in all her \(^1\) and faculties fell apart — G.M. Hopkins) — often used in the phrase part and parcel (part and \(^1\) of larger tract \(^1\) bobs : a particular detail: I frem (I will die a hundred housand death ere break the smallest \(^1\) of this vow —Shak.) 2 a: a continuous tract or piot of land in one possessies no part of which is separated from the rest by whose boundaries are readily assertainable by natural or artificial monuments or markers as a company, collection, or group of persons, animals, a things: LOT, PACK—often used as a generalized expression of disapproval (shooing out a ~ of hens—Ida Treat) (a small ~ of cows and a few sheep;—Elizabeth M. Roberts) (came to control a whole ~ of maritime companies—E.J.Kahn) (a ~ of giddy young kids) Pet, Ex# 200 ardon

parchen]: dried out: scorched—parched.ly \chi-chil\ adv
parched.less \-ch\data, ch(l)n\ n-Es: the quality or:
of being parched
Par-choe\si \sigma_irch\ext{ez}, p\u00e4'ch-also p\u00e4(l)'ch-\ trademor,
used for a board game adapted from pachis;
parching add: nextyno, scorching—parch-ing-ly ad,
parch-ment \u00e4'p\u00e4'ch\u00e5corching—parch-ing-ly ad,
parch-ment \u00e4'p\u00e4rchemon, \u00e4ch-\u00e4n n-s [ME perchenparchement, alter. (influenced by ML pergamenum, alter.
L pergamena) of parchemin, perchemin, fr. OF parche
alter. (influenced by parche, parge, a kind of leather,
Parthica-puellis., fr. Parthica, fem. of Parthicus Parthipuellis leather) of pargamin, fr. ML pergamin, alter.
Pergamum, fr. Gk pergamin, fr. ML pergamin, alter.
Pergamum, fr. Pergamon (Pergamum), ancient city in
Minor (now Bergama, western Turkey) 1 a: the skin
sheep_goat_o--ether animal esp. when prepared to rewriting b: any of various superior papers of well-beate
and wood pulp made to resemble parchment \u00e4boate
and wood pulp made to resemble parchment \u00e4boate
boat
deed) \u00e7 \u00e4writings \u00e3 set VelGraste Parchment; con
vellum c: a document on parchment: a parchment in
script (here's a \u00e7 with the seal of Cassar \u00e4sh\u00e4k\u00e4\u00e4) \u00e4boat
academic diploma 2: the envelope of the coffee bean i
the pulp 3 a: a variable color averaging a pale y
green that is greener and paler than average Nie and yell
ighter, and stronger than oyster gray b: a grayish yellor
is duller than chamois and redder and slightly less strong
old ivory
parchment coffee n: dried but unhulled coffee beans

old ivory parchment coffee n: dried but unhulled coffee beans parch-ment-ed \-monted, -men-\ adj : having a les

surface
parch-ment-ize \- ment-jzd, -n.,ii-\ vi -eD/-mg/-s; it cvert (as paper or other cellulosic material) into a subtresembling parchment esp, by treating with sulfuric ac parchment paper n: vegetable parchment worm n: a worm of the family Chaetopter: parch-ment worm n: a worm of the family Chaetopter: parch-ment (\sim cheeks - William Fifield) par-cl-dentate \(\)parso, set \(\) adj \(\) cl, relating to, or reserparchment (\sim cheeks - William Fifield) par-cl-dentate \(\)parcere to spare) \(+ \) E dentate - more at parsimony j ing few teeth parcimonious var al parsimonious.

ing few teeth
parcipromious var of parsimonious
parcipromious var of parsimonious
parcipromious var of parsimonious
parcipromious
parcipromiou

par close \(')par kloz\ vi [obs. F parclos-, stem of pa

2par-Glose \(')pär-kklōz\ vI [obs. F parcios-, stem of pa archoic: CONCLUDE, ENCLOSE
par-Gook \(')pär-\ vI [par- (as in parboil) + coak]: P
pard \(')pär-\ vI [par- (as in parboil) + coak]: P
pard \(')pär-\ vI [par- (as in parboil) + coak]: P
pard \(')pär-\ vI [par- (as in parboil) + coak]: P
pard \(')pär-\ vI - s [hot of or pardoil s [ki prdäku ks
snake, Per palang leopard] archoic: LEOPARD
2pard \(') vI - s [short for pardner] chiefly dial: PARTMER
pardal var of PURDAH
pardal ar pardale n - s [L pardoils [emale leopard,
par-da-lote \')pär-dan n - s [NL Pardoils [emale leopard,
par-da-lote \')pär-dan n - s [NL Pardoils segus o
including the diamond bird, fr. Gk pardoils spottet
leopard, fr. pardoils leopard]: DIAMOND BIRD I
par-da-\(')pär-dan, per-da-\(') n - s [Ng, fr. Skt pratapa sp.
majesty, fr. pra-before, forward + tapati it heats; fr. th
the word pratapa as an epithet of kings on native coins
at for, TEPID]: a half rupia coin of Portuguese India
pard-ed-\(')pärdda'\() add, archoic: having spots like thos
leopard
par-des-sus de vi-ole \'\) burdoistidave [3] in [F, lite, at

at for, TEPID]? a half rupia coin of Portuguese interparded \parded\alpha adj, archale: having spots like thos leopard
pardes-sus de vi.ole \pieros\text{Pidros\text{ol}} \n [F,]ii., ab viol]: a small viol higher in pitch than the treble viol pardnan pradia, if, Skt pradhāna chief, [F, pra-before—for,]: a bardic minstrel and ritual beggar of the Gond pardie or perdie or pardnan chief, [F, pra-before—for,]: a bardic minstrel and ritual beggar of the Gond pardie or perdie or pardod or pardy, \(\pi\) pard\text{of}, pir [ME pardee, fr. OF par D\text{of} by God] archale—a milk pard-ine \pi\) pir, din, _d\text{of} ad ['pard + -bie]: of, reli resembling, or spotted like a leopard pardine lynx n [trans. of NL Lynx pardina]: spotti pard-ner \pi\) pirdod, 'padrod', 'n -s [alter. of parner dial: Partner, Chum par-do \pi\) pardon \pardon \pardon

of several groups of animals with a lorica (as or the loricate rotifers)

of large long-tailed reptiles (as alligators, crocodiles, tals) having four limbs adapted to swimming or walking a tough skin stiffened with bony plates and horny epidermal scales, teeth implanted in sockets and confined to the margins of the jaws, the quadrate bone immovably fixed to the skull, and the heart completely four-chambered

loricata \(\bigcup \text{NL}, \text{ fr. L, neut. pl. of loricatus} \) syn of AM-PHINEURA

Alloricata \"\[NL, fr. L, neut. pl. of loricatus] syn of AMPHINEURA

loricata \"\[NL, fr. L, neut. pl. of loricatus] syn of PALINURA

lori-i-cate \"lora,kāt, usu -ād-+V\ vr -ED/-ING/-s [L loricatus,
past part. of loricare to arm with a cuirass, fr. lorica cuirass,
lorica]; to enclose in or cover with a protecting substance

2lor-i-cate \-kāt, -kāt, usu -d-+V\ or 10r-i-cated\-kāt,
-kāt d-ād, -ātād\ adj [L loricatus] 1; having a lorica 2 [NL
Loricata]; of or relating to the Loricata

3loricate \"\ n-s [NL Loricata]: a loricate animal

10r-i-ca-tlon\-, n-s [NL Loricata]: a loricate animal

10r-i-ca-tlon\-, n-s [NL Loricata]: a loricate of loricatus]

10r-i-ca-tlon\-, n-s [NL Loricata]: a loricate of loricatus]

10r-i-ca-tlon\-, n-s [NL Loricata]: a loricate of loricatus

10r-i-ca-tlon\-, n-s [NL Loricata]: a loricate of loricatus

10r-i-ca-tlon\-, n-s [NL Loricata]: a loricate of loricatus

10r-i-cate \"\ n-s [lory + -keet (as in parrakeet)]: any

of numerous small arboreal usu. brush-tongued parrots that
are found mostly in Australasia and that feed largely upon the

nectar of flowers

10r-i-late \"\ n-s [lory + -let]: a small short-tailed

loris-i-dae Na'riss, de' n pl. cap [NL, fr. Loris, type genus + Idae]: a family of lemurs comprising the lorises and related forms (as the galagos and pottos)

loris-i-form (lemur) and [NL Loristformes]: resembling a loris-i-formes) and pottos.

loris-i-formes \(\text{-re} \) formed \(\text{-re} \) formers \(\text{-re} \) n - see flastifications; a division of Lemuroidea comprising the lorises and related forms

lor-mery \(\text{-re} \) formed \(\text{-re} \) n - set [ME lormerie, fr. MF, fr. OF, fr. lormer promises \(\text{-re} \) n - set [ME lormerie, fr. MF, fr. OF, fr. lormer promises \(\text{-re} \) n - set [ME lormerie, fr. MF, fr. OF, fr. lormery continues \) (and \(\text{-re} \) n - set [ME lormerie, fr. MF, fr. OF, fr. lore \) (lor) (a) [ME, fr. loren, past part. of lessen to lose) 1 archaic; 1.50r. nulled \(\text{-re} \) a - set 1 done; 1 as and 1 best 1 lore \(\text{-re} \) and \(\te

(leading from the king will ~ two tricks) 7: to fail to keep, sustain, or maintain (loss his balance) (the writer seems to have loss his touch) (loss his temper) (~ interest in a game) (~ poise) (loss his footing on the path and fell) (~ caste) (loss rount of the minutes) 8 a; to cause to miss one's way or bearings (you could not ~ him anywhere in London) (soon loss himself in the maze of streets) b; to make (oneself) withdrawn from immediate reality (loss himself in daydreaming) 9 a; to wander or go a sistry from: miss so as not to be able to find (loss his way) (the ships loss each other in the fog) b; to draw away from; shake olf: outstren (loss his pursuers) 10: to fail to keep in sight or in mind (loss the thief in the crowded street) (the fielder loss the ball in the sun) (an intention that was soon loss) 11: to free oneself from; get rid of (dieting to ~ weight) (~ a cold) 12: to make (itself) hidden or obscured (the river ~s itself in the mashes) ~ vi 1: to undergo deprivation of something of value (investors loss heavily) or deterioration (a valuable quality (the story ~s considerably in translation) 2: to undergo defeat; fail to win a goal or a contest (able to ~ with good grace) (better to have loved and loss than never to have loved at all —Alfred Tennyson) 3 of a timepiece; to run slow — lose ground: to become at a disadvantage; fall behind; fail to advance or improve — lose one's heart: to fall in love (lost her heart to a charming ne'er-do-well) 10-sel \\|^{10}zal \n n - s [ME, fr. losen (past part. of lesen to lose), alter. of loren (past part. of lesen to lose), alter. of loren (past part. of lesen to lose) as a card that may be expected to lose a trick or that does lose a trick in bridge (discarded his club ~s on the established spades in dummy) d; one that is convicted or panal offense lose or; she hid (as in a game or competition) (a cheerful ~ b Brit: Losino Hazard (as card thai may be expected to lose a trick or that does lose a trick in bridge (discarded his club ~s on the established spa

in Scots dialect
lossing adj [fr. pres. part. of lose]: likely to result in failure
or defeat (~ strategy) (lighting a ~ battle): likely to lose
: causing defeat (~ cards) (three ~ tricks in his hand)
lossing hazard n: the pocketing of the cue ball after it strikes
an object ball in English billiards
lloss \ los afso \ lbs \ n = E | ME los, prob. back-formation fr.
lost, past part. of losen to lose, get lost, perish, destroy —
more at LOST] 1 a: the act or fact of losing: failure to keep
possession: Deproyation (precautions against ~ or theft of

lloss \ lbs also \ lbs \ n - Es [ME los, prob. back-formation fr. lost, past part. of losen to lose, get lost, perish, destroy—more at LOST] 1 a : the act or fact of losing : failure to keep possession: DEPRIVATION \ (precautions against ~ or theft of property) \ (~ of a leg) \ (~ of sight) \ (~ of reputation) \ (~ of caste) \ (virtual ~ of three divisions of infantry) \ b : the harm or privation resulting from losing or being separated from something or someone \ (bore up bravely under the ~ of both parents) \ (the explosion caused a temporary ~ of hearing) \ (embittered by the ~ of bis wile's affection) \ c : an instance of losing \ (his retirement was a serious ~ to the company) \ (her death was a ~ to all who knew her) \ d obs : LACK. DEPAULT 2 : a person or thing or an amount that is lost: as a losses \(p \)! \ (killed, wounded, or captured soldiers \) \(b \): power or energy wasted in a machine, apparatus, or system \ (friction ~ \) \ (heat ~ due to faulty insulation) \(c \) \((1) : the power diminution of a circuit element corresponding to conversion of electric power into beat by resistance \((2) : ATTENDATION \) \(3 a : the act or fact of failing to gain, win, obtain, or utilize \(< \oldots \) of a battle\(< < \oldots \) of a game\(> \oldots \) of an article or service exceeds the selling price — opposed to \(profit \) (forced to sell all the stock at a ~ \) (raifroad claimed to be operating at a ~ \) \(\) traifroad claimed to be operating at a ~ \) \(\) b : a yerdage disadvantage in football that results when an offensive play ends behind the line of scrimmage 4 : decrease in amount, magnitude, or degree \(\) (emperature ~ \) (~ in altitude) — opposed to \(paintal \) as a world from utter ~ — John Milton) \(< \cup \) of a ship with all hands\(< \cup \) of life in war\(> b \) \(\oldots \) as a cause of ruin or destruction \(6 : the amount of an instructed financial detriment due to the occurrence of a stipulated contingent event (as death, injury, destruction, or damage) in such a m

customers loss-less \'josl\$s also 'läs-\ adj ; being without loss ; suffering loss ratio n: the ratio between insurance losses incurred and

no loss loss ratio n: the ratio between insurance losses incurred and premiums earned during a given period loss reserve n: an insurance company's reserve representing the discounted value of future payments to be made on losses which have already occurred lossy \lose also 'lase\adj ['loss + -y] 1: of, relating to, or constituting a material capable of damping out an unwanted mode of oscillation and having little effect on a desired mode 2: highly dissipative of electrical energy (a ~ medium) lost adj [ft. past part. of lose] 1 a: not made use of: wasted (~ hours): MISSED (~ opportunity) h: not gained or won (~ balt(c) (~ race) c: not claimed: Forferted (~ annuity) (~ option) 2 a: having wandered from the path; unable to find the way (~ child) b: no longer visible (the plane was soon ~ in the distance) (~ in the crowd) c: lacking assurance or self-confidence: uncertain as to direction or location: BEWILDERED (felt ~ on the first day on the job): HELPLESS (~ without his glasses) (only the intellectually ~ who ever argue — Oscar Wilde) 3: runded or destroyed physically or morally: DAMNED (~ ship) (~ soul): DESPERATE (wild ~ manner of occasionally clasping his head in his hands

side counting six or more runs to the batsman's credit

side counting six or more runs to the batsman's credit lost cause n; a cause that has lost all prospect of success (lost cause of the Southern Confederacy) (a frequent champion of lost causes) lost-color process *\epsilon*\epsilon*\-\epsilon*\= a technique of pottery decoration found in Central and So. America and involving the covering of areas with wax before dipping in dye so that on subsequent firing the waxed areas lose the applied color and revert to the original color lost motion n 1; the lag between the motion of a driver and that of a follower in a mechanism due to yielding or looseness 2; inefficient or poorly directed expenditure of energy or time lost.ness n = s; the quality or state of being lost that *\infty\$ which is the extreme product of individualism \(-T \). L.Cook) lost river n: a surface stream that flows into an underground passageway

passageway
lost-wax process \'s;*.\ n [lost-wax trans. of F cire perdue]

which is the extreme product of individualism—T.L.Cook) lost river n: a surface stream that flows into an underground passageway 1051—wax process \(\frac{1}{2} \). \(n \) [lost-wax trans. of F ctre perdue] \(1051—wax process \(\frac{1}{2} \). \(n \) [lost-wax trans. of F ctre perdue] \(1051—wax process \(\frac{1}{2} \). \(n \) [lost-wax trans. of F ctre perdue] \(1051—wax process \(\frac{1}{2} \). \(n \) [lost-wax trans. of F ctre perdue] \(1051—wax process \(1051—wax trans. \) of P ctre perdue] \(1051—wax process \(1051—wax trans. \) of P ctre perdue] \(1051—wax trans. \) of P ctre

forward to: EXPECT, PLAN

lot abt lotion

llot a or lotall \lambda lota\rangle n - 5[Hindi lota]: a small uso, spherical water vessel of brass or copper used in India 2 lota \cdots n - cap [NL, fr. F lotte burbot]: a genus of tishes (family Gaddae) consisting of the burbots lote \lambda lot \cdots n - lote burbots \lambda lot \cdots lot \cdots n - lote burbots \lambda lot \cdots lot \cdots lot \cdots n - lote burbots \lambda lot \cdots lot \cdots n - lote burbots \lambda lot \cdots lot \cdots n - lote burbots \lambda lot \cdots lot \cdots n - lote burbots \cdots n \cdots n

soap substitute is made — called also Texas buckthorn 2: 1,UIUBE 2

10th var of LOATH

10-tha.rIn-glan \(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{lither}}\(\)|\tilde{\text{l

lovere to wash]: wrine formerly used as a cosmetic lof line and tolt ment | 'latimant | n - s [2lot + -ment] now dial: an allotiment of land | 'loting | 'loting | or Jultong | 'lu.-\ n - s [Malay lotong]: a common black langur (Presbytis obscurus or P. maurus) of southeastern Asia and the East Indies | oscillation | oscill

- 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 Planning 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:

Number of Acres	Number of Lots
1 to 10	1
10 to 30	2
30 to 50	3
51 acres or more	0.02 lot 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, 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:

1A:69 //-5-09 12-01-2008 Portitioners Ex# 24

- a. The goals for the zone; and
- b. The minimum setbacks for the zone.
- 4. Minimum development allowance. Any lot of record 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) Thirty-five feet from the right-of-way of public or private interior streets;
 - (2) Eighty feet from any principal building; and
 - (3) Fifty feet from the rear lot line.

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 five 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 Historical Trust will be counted as a lot or dwelling for purposes of calculating density, provided that:
 - There is an area of sufficient size, as determined by the Director of Planning in consultation with the Landmarks Preservation Commission or Maryland Historical Trust, surrounding the building, structure or landmark to preserve the integrity of its historic setting;

1A:70 12 - 01 - 2008

Submitted 1-10 Verified 9/17/09 Protestants Exhibits 11 5 09 1. Jack Dillon CV. 2. MOAT for garcel 191 3 MDAT for parcel 163 4. BCZR 5. Definitions 6. Resource Conservation Zones 1A-3 7. Resource Conservation Zones 1A-63 8. Section 307 9, Section 600 10. Tract definitions Submitted 11. Photo of driveways 11 5 09 Veryled 12. Photo of driveway in front of Funks 11509 KIC 13. Flood plain Map 14 Photos of cleaning

Protestants Exhibits 15. Photos of site cleared for Building Permit 16 a Building Permit Application
B Permit
C Plan

Jack Dillon & Associates, LLC

410-337-5455

Fax 410-337-5476 jackdillonl@verizon.net 410-221-0060

543 PARK Aus

118 W. Pennsylvania Ave. Towson, Maryland 21204

922 Parsons Drive Madison, Maryland 21648

OBJECTIVE:

Provide professional planning assistance in the areas of land use, land use analysis, site and design evaluation, and land preservation consultation.

EMPLOYMENT HISTORY:

JACK DILLON & ASSOCIATES, LLC Private Land Use Consultant March 1996 – Present

THE VALLEYS PLANNING COUNCIL, Inc. Executive Director
May 1997 – September 2004

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING, COMMUNITY PLANNING DIVISION
Senior Planner and Deputy Division Chief
Rural planner serving as 2nd, 3rd, and 5th District Planner
August 1987 – February 1996 (retired)

OFFICE OF PLANNING, COMMUNITY PLANNING DIVISION
Planner II – 2nd and 3rd District Area Planner
June 1981 – August 1987
Administrator of Baltimore County Agricultural Land Preservation Program
1979 – 1981

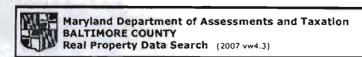
OFFICE OF PLANNING, COMPREHENSIVE PLANNING DIVISION, ENVIRONMENTAL STUDIES SECTION Planner II – Environmental Planner October 1974 – June 1981

BALTIMORE COUNTY ZONING OFFICE
Planning & Zoning Technician II, Planning & Zoning Technician III
1967 – 1970
Chair of Zoning Advisory Committee
1969 – 1973
Chief of Zoning Enforcement
1973 – 1974

DEPARTMENT OF PUBLIC WORKS

Special Projects assignments at Johns Hopkins University and The Baltimore City/County Analyzer Office February 1962 – September 1974

Exempt Class:



Go Back View Map New Search

Account Identifier: District - 10 Account Number - 1002065227 Owner Information Owner Name: LANG MICHAEL A Use: RESIDENTIAL LANG M ELIZABETH Principal Residence: Mailing Address: 604 PRICEVILLE AV **Deed Reference:** 1) / 7039/ 780 SPARKS MD 21152 2) **Location & Structure Information Premises Address Legal Description GLENCOE RD** 7.324 AC ES **GLENCOE RD** 200 E LOWER GLENCOE RD Grid **Parcel Sub District** Subdivision Section Block Plat No: Map Assessment Area 23 191 Plat Ref: Town Special Tax Areas Ad Valorem Tax Class **Primary Structure Built Enclosed Area Property Land Area County Use** 0000 7.32 AC 04 Stories **Basement** Type Exterior Value Information Base Value Value Phase-in Assessments As Of As Of As Of 01/01/2008 07/01/2007 07/01/2008 Land 45,750 65,880 Improvements: Total: 45,750 65,880 45,750 52,460 Preferential Land: 0 **Transfer Information** BRUNING OLGA M A G USE 89-90 Date: 11/22/1985 Price: NOT ARMS-LENGTH Deed1: / 7039/ 780 Deed2: Type: Seller: Date: Price: Type: Deed1: Deed2: Date: Price: Seller: Deed1: Deed2: Type: **Exemption Information** 07/01/2007 Partial Exempt Assessments Class 07/01/2008 000 County 0 0 000 0 0 State 000 0 Municipal Tax Exempt: NO Special Tax Recapture:

http://sdatcert3.resiusa.org/rp_rewrite/details.aspx?County=04&SearchType=MAP&AccountNu... 06/23/2008

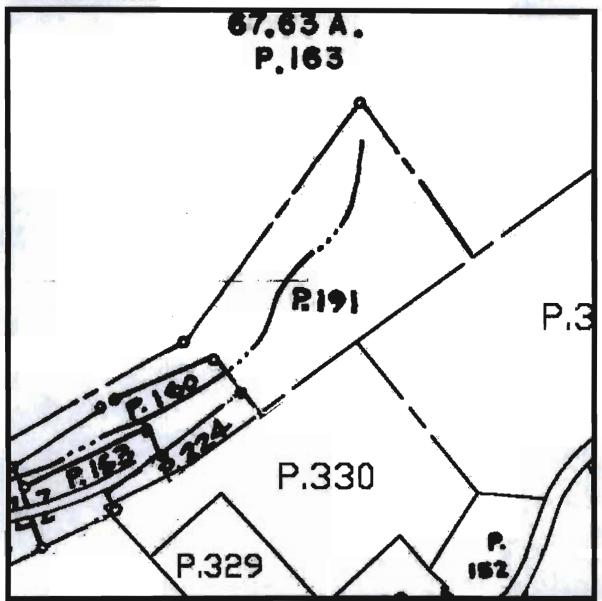
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Gro. Ext 2

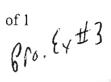


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District - 10Account Number - 1002065227



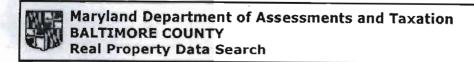
Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/tax_mos.htm





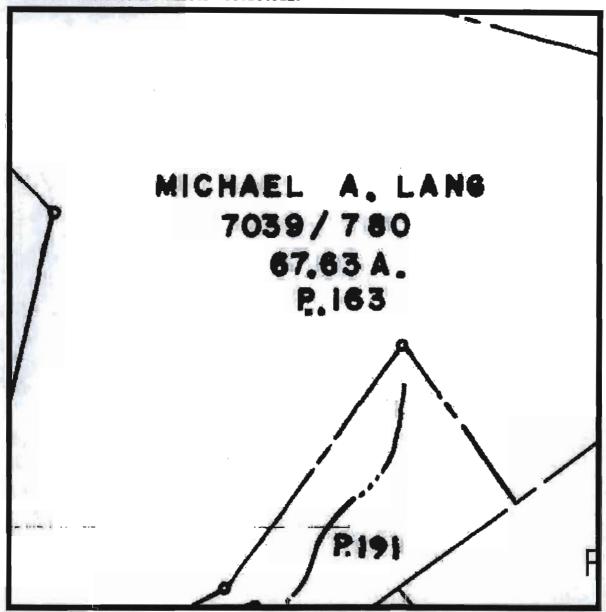
Go Back View Map New Search GroundRent

Account Identi	ifler:	District - 10	Account Num	ber - 1002065	5225			
			Owr	ner Informatio	on			
Owner Name: Mailing Addres	ss:	LANG MICH LANG M EL 604 PRICE SPARKS MI	IZABETH VILLE AV	•	al Residence Reference:	2:	NO	ENTIAL 039/ 780
1		STARRS III		Structure Inf	ormation		/	
Premises Addr 15701 HOME RD	100			Legal Description 67.638 AC NS HOME RD 800 N GLENCOE RD)		
Map Grid I 28 17	Parcel 163	Sub District	Subdivision	. Section	Block Lot	Asse	ssment Area	Plat No:
Special Tax Ar	eas		vn Valorem « Class					
Primar	y Struct 1995	ure Built	Enclose 6,255			y Land Ar 7.63 AC	rea	County Use 04
Stories 2 1/2	5		ement VO		Type SPLIT LEVEL			Exterior STUCCO
7.10	419		Val	ue Informatio	on	_		
P. T. Bind		Base Value	Value	Phase-in Ass	essments			
			As Of 01/01/2005	As Of 07/01/2007	As Of 07/01/2008			
Improve	Land ements: Total:	566,430 553,720 1,120,150	566,430 553,720 1,120,150	1,120,150	NOT AVAIL			
Preferentia		0	0	0	NOT AVAIL			
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Partial Exemp County State Municipal	t Assess	sments		Class 000 000 000	07/01/2 0 0 0	2007	07/01 0 0	/2008
Tax Exempt: Exempt Class:	NC)			-	Specia	* NONE *	ture:



Go Back View Map New Search

District - 10Account Number - 1002065225



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

§ 101



SUBDIVISION — The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots or other divisions of land for the purpose, whether immediate or future, of building development for rental or sale, and including all changes in street or lot lines; provided, however, that this definition of a subdivision shall not include divisions of land for agricultural purposes.¹⁰

SYSTEM OF RUBBLE DISPOSAL OR LAND RECLAMATION FOR PUBLIC OR PRIVATE USE — The services, facilities or properties used in connection with the disposal of rubble or land reclamation, unless these activities are limited to rubble generated by a single individual or business and disposed of on the same property where generated. While limited operation of a rubble landfill can be accessory to agricultural use, it is not a primary agricultural activity. [Bill No. 97-1987]

TAVERN — An establishment which has a Baltimore County Class D liquor license. A tavern which meets the criteria of nightclub, as defined in these regulations, shall be considered a nightclub. [Bill No. 110-1993]

TELEVISION STUDIO — A portion of a building or a building and any related equipment used for the purpose of producing television or video programming, either for live television, for recording live on tape, or for the acquisition of raw footage for post-production, and broadcasting, receiving, or transmitting such television or video programming. [Bill No. 119-2006]

TENNIS FACILITY — A single court, or two or more adjoining courts on a single lot, for playing tennis, paddleball, handball, squash, jai alai or other similar games or sports. [Bill No. 62-1978]

TOURIST HOME — A rooming house primarily for transient guests. 11

(Cont'd on page 1-31)

¹⁰ Editor's Note: The definition of "subdivision, cluster" which followed this definition was repeated by Bill No. 100-1970.

¹¹ Editor's Note: The definition of "town" which followed this definition was repealed by Bill No. 3-1992.

Pro. Ex#5

§ 101A BALTIMORE COUNTY ZONING REGULATIONS

§ 102

LIMITED DEVELOPMENT AREA (LDA) — An overlay area delineated on the official Chesapeake Bay Critical Area Map of the county in accordance with COMAR 27.01.02.04.

LOCAL PROTECTION PROGRAM — The program for the Critical Area in the county prepared and approved in accordance with the Annotated Code of Maryland, Natural Resources Article, Section 8-1809.

MARINA — Any facility on tidal waters for the mooring, berthing, storing or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities. Any other definition referring to boatyards, boat basins, etc., shall not be applicable.

PUBLIC WATER-ORIENTED RECREATION — Shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

REDEVELOPMENT — The process of developing land which is or has been developed.

RESOURCE CONSERVATION AREA (RCA) — An area zoned R.C.20 or R.C.50 on the official Zoning Map of the county in accordance with COMAR 27.01.02.05.

TRANSPORTATION FACILITIES — Anything that is built, installed or established to provide a means of transport from one place to another, including but not limited to trucking facilities, airports, railway stations and other uses which, in the judgment of the Director of the Department of Permits and Development Management, with the recommendation of the Director of the Department of Environmental Protection and Resource Management, are considered transportation facilities. Transportation facilities do not include boatyards, motorways, railways or water-dependent facilities.

UTILITY TRANSMISSION FACILITIES — Fixed structures that convey or distribute resources, wastes or both, including but not limited to electric lines, water conduits and sewer lines.

WATER-DEPENDENT — A temporary or permanent structure or activity which, by reason of its intrinsic nature or operation, requires location in or over state or private tidal wetlands or at or near the shoreline within the buffer.

YACHT CLUB — A use of waterfront land by a social club which provides recreational facilities, including boat docking, for members and their guests. [Bill No. 136-1996]

Section 102 General Requirements [BCZR 1955]

- No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use.
 - No yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use.

Pro. Ex#6

from the Director of the Department of Environmental Protection and Resource Management.

- (2) The recommendations shall be provided to the Board of Appeals within 30 days after the Department is notified by certified mail, return receipt requested, by the petitioner of the filing of the petition for reclassification, unless the Department by written request to the Board of Appeals, with good cause shown, moves that additional time not to exceed an additional 30 days is required to prepare and file said recommendations with the Board of Appeals.
- B. The meeting of criteria established in this article for the filing of zoning reclassification petitions shall not in itself be sufficient grounds to reclassify property.
- 1A00.4 Plans and plats. Development plans and final subdivision plats shall be required in the manner prescribed under Section 1B01.3, and, for the purpose of this section, all references to D.R. Zones shall include the R.C. Zones.
- Application to tract divided by zone boundary. Whenever a single tract is divided by a zone boundary so that portions of such a tract lie within R.C. Zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and, for the purpose of these regulations, shall be considered as separate parcels.

RESOURCE CONSERVATION ZONES

Pro Ex # 7

- 1A08.5 Scenic views. To protect the scenic views or, when necessary pursuant to 1A08.4, to mitigate the disturbance of scenic views, the Director of Planning 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.

1A08.6 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 tract may be developed in an R.C.7 Zone at a maximum density of 0.04 lot per acre of gross tract area (an average of 1 lot per 25 acres). No lot lying within an R.C.7 Zone and having a gross area of less than 50 acres may be subdivided. Any lot having a gross area of 50 acres or more may be subdivided at the rate of one lot for each 25 acres of gross area. In cases where single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement may not be considered separate parcels for the purpose of calculating the number of lots of record.
 - 2. Lot area. The area of any residential lot in a major or minor subdivision must not be less than one acre.
 - 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, inclusive 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.
 - Minimum development allowance. Any lot or parcel of land lawfully existing on the effective date of Bill 74-2000 may be developed with a single dwelling.
 - 5. Setbacks.
 - a. Any principal building constructed in an R.C.7 Zone must 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.

SECTION 307 Variances

[BCZR 1955; Bill Nos. 107-1963; 32-1988; 2-1992; 9-1996]

§ 307.1. Authority to grant variances; procedures and restrictions.

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 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.4 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.

SECTION 308 Variances and Special Exceptions for Radiation Fallout Shelters [Bill Nos. 87-1961; 19-1962]

§ 308.1. Specifications and restrictions.

Radiation fallout shelters may be erected and constructed in accordance with specifications published by the Office of Civil and Defense Mobilization of the United States Government for one of the shelter types or designs approved by said agency as being effective for affording protection from radiation fallout, and the Zoning Commissioner may grant variances from area and height regulations and may make special exceptions to the Zoning Regulations where strict compliance with those regulations would result in practical difficulty or unreasonable hardship, and where the owner of the lot does not own sufficient adjoining land to conform strictly to the width and area requirements. However, any such variance or special exception shall be granted by the Zoning Commissioner only if in harmony with the general purpose and intent of the Zoning Regulations. All decisions of the Zoning Commissioner with respect to such matters shall be subject to appeal to the Board of Appeals. Every radiation fallout shelter which may be erected and constructed under this section shall be used only for

^{4.} Editor's Note: Apparently conflicts with certain provisions found in the Baltimore County Code, 2003, as revised, which prescribe requirements with respect to notice and hearing regarding conventional reclassification petitions that differ from those which it prescribes regarding variance petitions. See the Appendices of this volume for excerpts from the Baltimore County Code, 2003. See Section 32-3-301 for authority of the Zoning Commissioner to grant variances, and Section 32-3-103 for provision regarding conflicts between Article 32, Title 3 of the Baltimore County Code, 2003 and the Zoning Regulations.

Pro. Ex#9

ARTICLE 6

INTERPRETATION AND VALIDITY

Section 600 Interpretation [BCZR 1955]

In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare. Where these regulations impose a greater restriction on the use of buildings or land or on the height of buildings, or require larger yards, courts or other open spaces, or impose other higher standards than are imposed by the provisions of any law, ordinance, regulation or private agreement, these regulations shall control. When greater restrictions are imposed by any law, ordinance, regulation or private agreement than are required by these regulations, such greater restrictions shall not be affected by these regulations.

Section 601 Validity [BCZR 1955]

If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provisions so adjudged, and the remainder of the regulations shall be deemed valid and effective.

The Board of County Commissioners of Baltimore County hereby declares that it would have adopted these regulations and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Webster's Third New International Dictionary

OF THE ENGLISH LANGUAGE
UNABRIDGED

a Merriam-Webster
REG. U.S. PAT. OFF.

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EDITOR IN CHIEF

PHILIP BABCOCK GOVE, Ph. D.

Track-able \'rax;031\ adj; capable of being tracked; sunable for tracking
for tracking
Itrack-age \-kij, -këj\ n -s [*track + -age]; an act of towing

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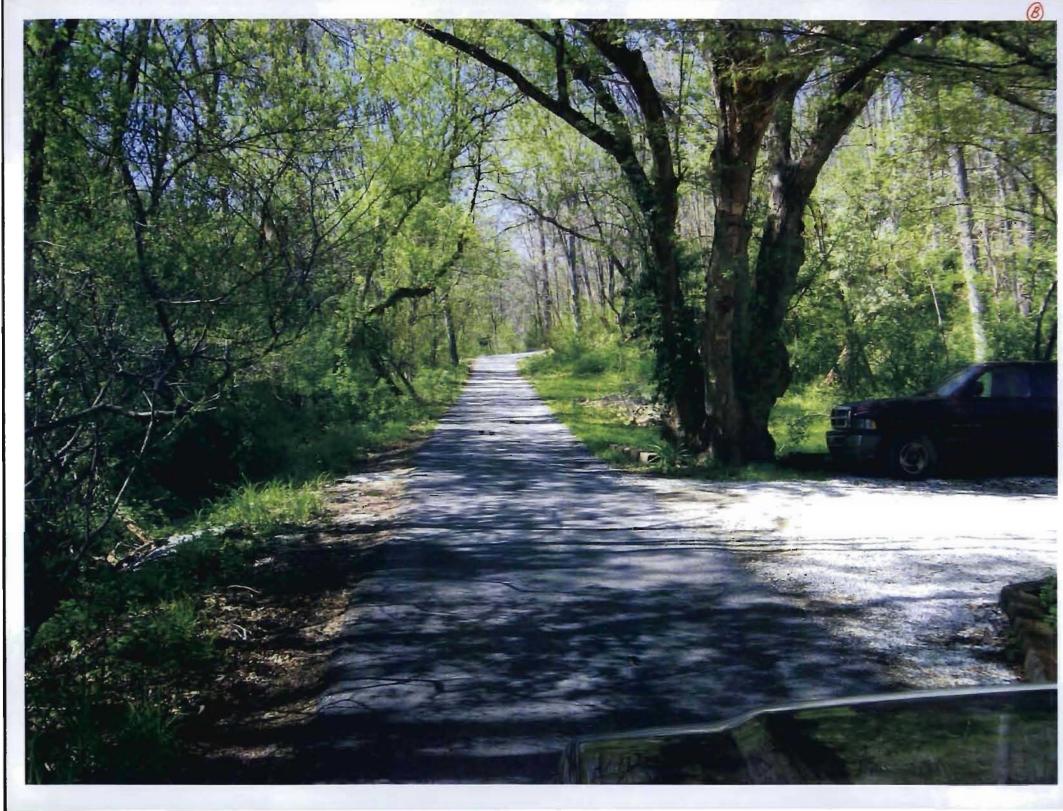






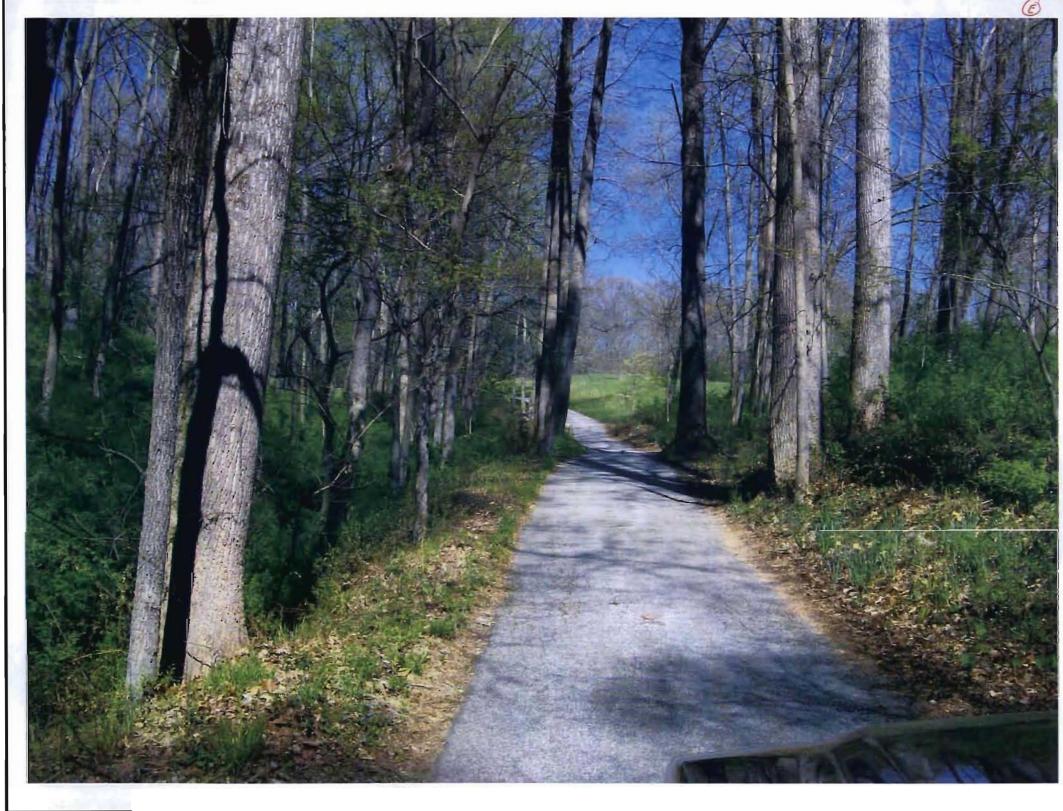










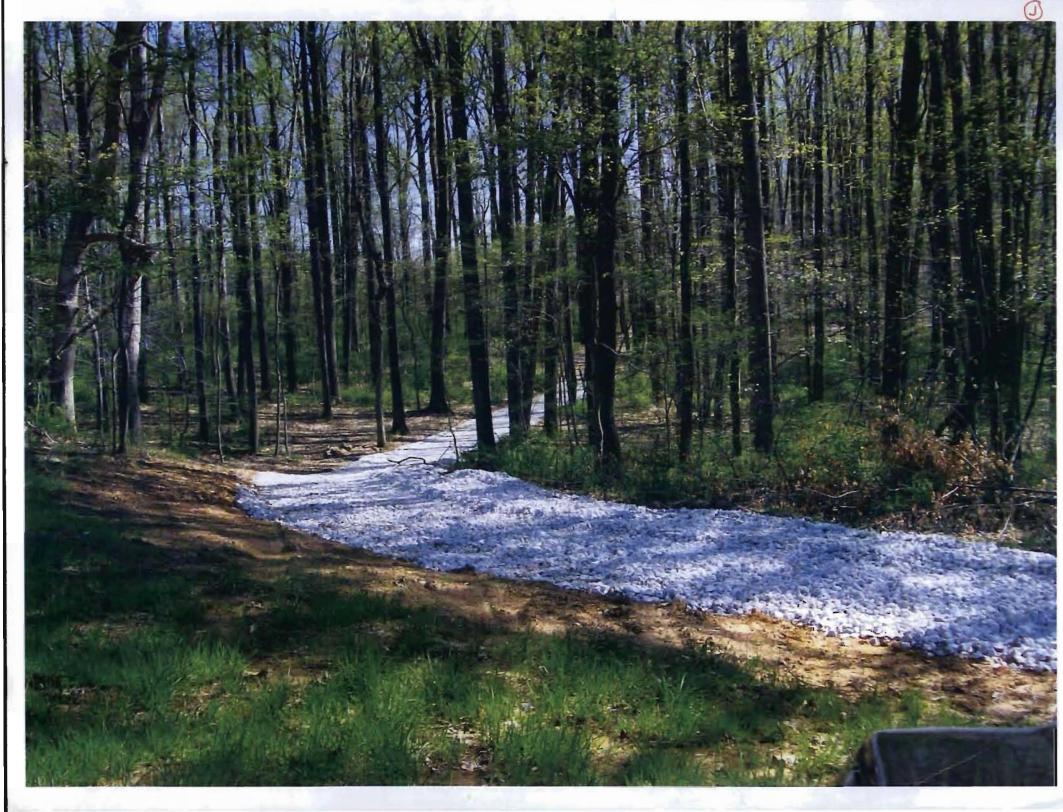


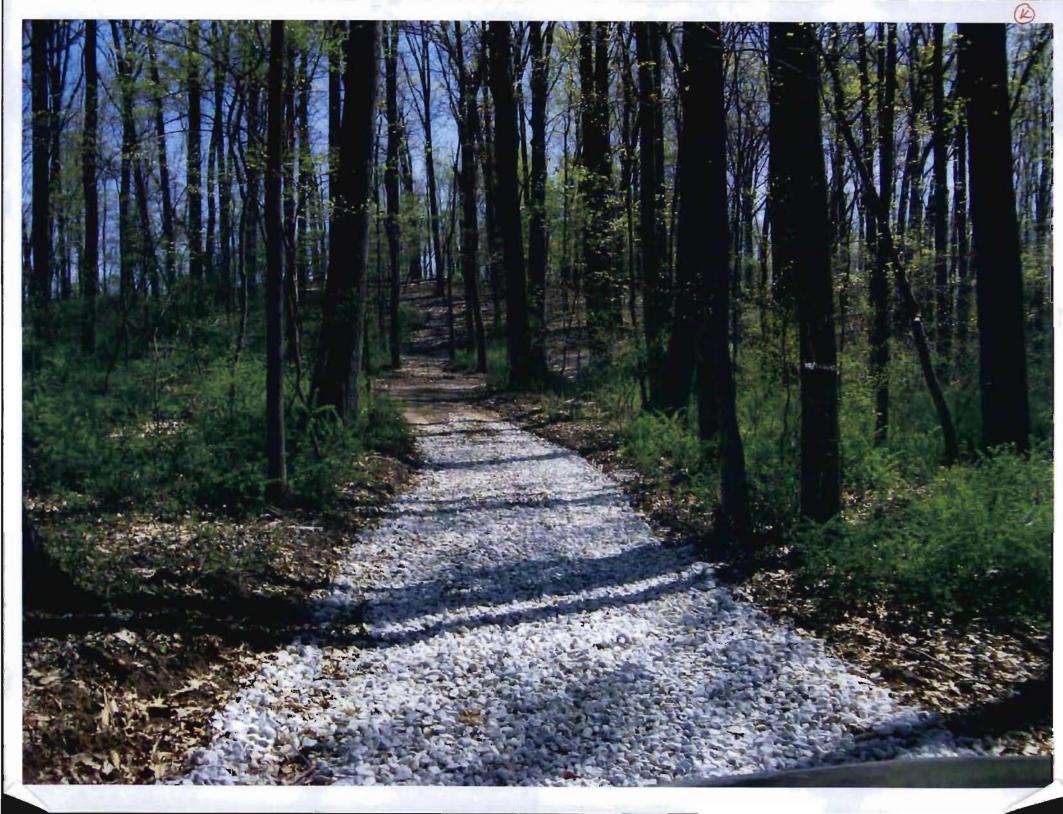
























PANEL BP1003M

TIME: 10:19:12 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/13/2008

DATE: 04/23/2009 GENERAL PERMIT APPLICATION DATA TLM 13:42:52

PERMIT #: B696700 PROPERTY ADDRESS
RECEIPT #: A590938 15697 HOME RD

CONTROL #: NR SUBDIV: 200 E LOWER GLENCOE RD

XREF #: B696700 TAX ACCOUNT #: 1002065227 DISTRICT/PRECINCT 10 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 180.00 NAME: LANG, MICHAEL & ELIZABETH

PAID: 180.00 ADDR: 15701 HOME ROAD SPARKS MD 21152

PAID BY: APPL

DATES APPLICANT INFORMATION

APPLIED: 06/13/2008 NAME: IAN & BROOKE STEVENSON

ISSUED: 11/03/2008 COMPANY:

OCCPNCY: ADDR1: 1723 JACKSON STREET FINAL INSPECT: ADDR2: BALTIMORE MD 21230

INSPECTOR: 10B PHONE #: 240-475-0453 LICENSE #:

NOTES: EDW/TLM

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INORY

.O.A. 7/30/09 Comy Prop. Ext. 2 a 16

PANEL BP1004M

"TIME": 10:19:59 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/13/2008

DATE: 04/23/2009 BUILDING DETAIL 1 TLM 14:06:53

DRC#

PERMIT # B696700 PLANS: CONST 02 PLOT 9 PLAT 0 DATA 0 EL 1 PL 1

TENANT

BUILDING CODE: CONTR: OWNER (AFFIRMATION OF LANDOWNER ATTACHED)

IMPRV 1 SFD ENGNR: USE 01 SFD SELLR:

FOUNDATION BASE WORK: CONSTRUCT SFD WITH UNFINISHED BASEMENT & BONUS

2 ROOM, COVERED FRONT & REAR PORCHES, 2 CAR SIDE

CONSTRUC FUEL SEWAGE WATER LOAD GARAGE.FP(NO PROJ), 3 BEDROOMS.

2 3 2P 2P 67'8"X63'6"X40=5,621SF.AFFIRMATION OF LANDOWNER

CENTRAL AIR 1 ATTAHED.LOT EX PRIOR TO 1985 PER APPL & TAX

ESTIMATED COST RECORD

325K PROPOSED USE: SFD

OWNERSHIP: 1 EXISTING USE: VACANT LOT

RESIDENTIAL CAT: 1

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: 3 PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PERMIT APPLICAT DATE: 6-11-08 BALTIMOR MARYLAND VELOPMENT MANAGEMENT DEPARTMENT OF PERM OBA: EDWI TOWSON, 21204 HISTORIC DISTRICT/BLD Home R PERMIT PROPERTY ADDRESS YES RECEIPT #: A5 SUITE/SPACE/FLOOR DO NOT KNOW SUBDIV: \$10-02-065227
TAX ACCOUNT #: 1002065225 CONTROL #: CT/PRECINCT XREF #: OWNER'S INFORMATION (LAST, FIRST)

MAINE: Michael Long & Stevenson

ADDR: 15701 Home Road Stacks M

APPLICANT INFORMATION FEE: 1 Brocke PAID: DOES THIS BLDG. PAID BY: HAVE SPRINKLERS INSPECTOR: YES . NAME: Jan + Brooke Stevenson NO . I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, COMPANY: AND THAT IN DOING THIS WORK ALL PROVI-1723 Jackson St STREET STONS OF THE BALTIMORE COUNTY CODE AND CITY, ST, ZIP Baltimore MD Z1230 PHONE #: 240.475.0453 MHIC # APPROPRIATE STATE REQUIATIONS WILL BE MHBR # COMPLIED WITH WHETHER HEREIN SPECIFIED APPLICANT OR NOT AND WILL REQUEST ALL REQUIRED APPLICANT
SIGNATURE: FLANS: CONST PLOT I DRC# INSPECTIONS. PLAT DATA PL TENANT CONTR: Fan Stevenson TYPE OF IMPROVEMENT ENGNR: NEW BLDG CONST SELLR: MANGE ADDITION ALTERATION DESCRIBE PROPOSED WORK: Construct SFD with unfinished basement & REPAIR bonus room, covered front & rear porches, 2-car side load garage, WRECKING fireplace (no projection), 3 bedrooms, 67'8"x63'6"x40'x40'=5,621sf MOVING OTHER AFFIRMATION LANDOWNER ATTACHED TYPE OF USE LOT EXISTING PRIOR TO 1985 PER APPY TAX RECEND. NON-RESIDENTIAL RESIDENTIAL AMUSEMENT, RECREATION, PLACE OF ASSEMBLY CHURCH, OTHER RELIGIOUS BUILDING FENCE (LENGTH HEIGHT) INDUSTRIAL, STORAGE BUILDING PARKING GARAGE SERVICE STATION, REPAIR GARAGE HOSPITAL, INSTITUTIONAL, NURSING HOME OFFICE, BANK, PROFESSIONAL PUBLIC UTILITY SCHOOL, COLLEGE, OTHER EDUCATIONAL SIGN ONE FAMILY THO FAMILY
THOSE AND FOUR FAMILY
FIVE OR MORE FAMILY
"(ENTER NO UNITS)
SWIMMING POOL
"GARAGE OTHER BASEMENT
1. FULL
2. PARTIAL TYPE FOUNDATION SLAB BLOCK STORE MERCANTILE SPECIFY TYPE RESTAURANT CONCRETE NONE SWIMMING POOL SPECIFY TYPE TANK, TOWER
TRANSIENT HOTEL, MOTEL (NO. UNITS OTHER TYPE OF CONSTRUCTION TYPE OF HEATING FUEL TYPE OF SEWAGE DISPOSAL LELECTRICITY MASONRY EXISTS PROPOSED R WER WOOD FRAME STRUCTURE STEEL REINF. CONCRETE PRIVATE SYSTEM SEPTIC PRIVY COAL PROPOSED TYPE OF WATER SUPPLY EXISTS PROPOSED CENTRAL AIR: 1: 3 22 , Dog. 2.

OF MATERIALS AND LABOR
PROPOSED USE:
PROPOSED USE:
PROPOSED USE:
PROPOSED USE:
PROPOSED USE:
PROPOSED USE: PUBLIC SYSTEM PRIVATE SYSTEM PROPOSED SHO EXISTING USE: VACANT OWNERSHIP

1. PRIVATELY OWNED PUBLICLY OWNED SALE RENTAL 1. DETACHED #31 RESIDENTIAL CATEGORY: #EFF: #1BED: 1 FAMILY BEDROOMS SEMI-DET. TOT BED: TOWNHSE 5. TOT APTS/CONDOS 3. MIDRISE #3BED: GARBAGE DISPOSAL 1. Y. 2. NO POWDER ROOMS BATHROOMS CLASS KITCHENS LIBER FOLIO APPROVAL SIGNATURES DATE LOT STZE AND SETBACKS SIZE 7.324 AC. BUILDING SIZE FLOOR 5.621 BLD INSP FLOOR _ BLD TOFILEM PLAN :120. THE WIDTH FRONT STREET FIRE DEPTH 636 SIDE STREET SEDI CTL HEIGHT 40' STORIES 2+63M7 SIDE SETBK 50° is A Rous Fune Zonine: 6/12 ZONING PUB SERV RXW YLL : 16/18 TWAY O. KITCHIE LOT #'S ENVRMNT CORNER LOT REAR SETBK PLANNING 1. _ YES 2. _ NO PERMITS ZONING MARYLAND TOS REFUNDED, 13 08 MAKE CHECKS PAYABLE TO BALTIMORE COUNTY

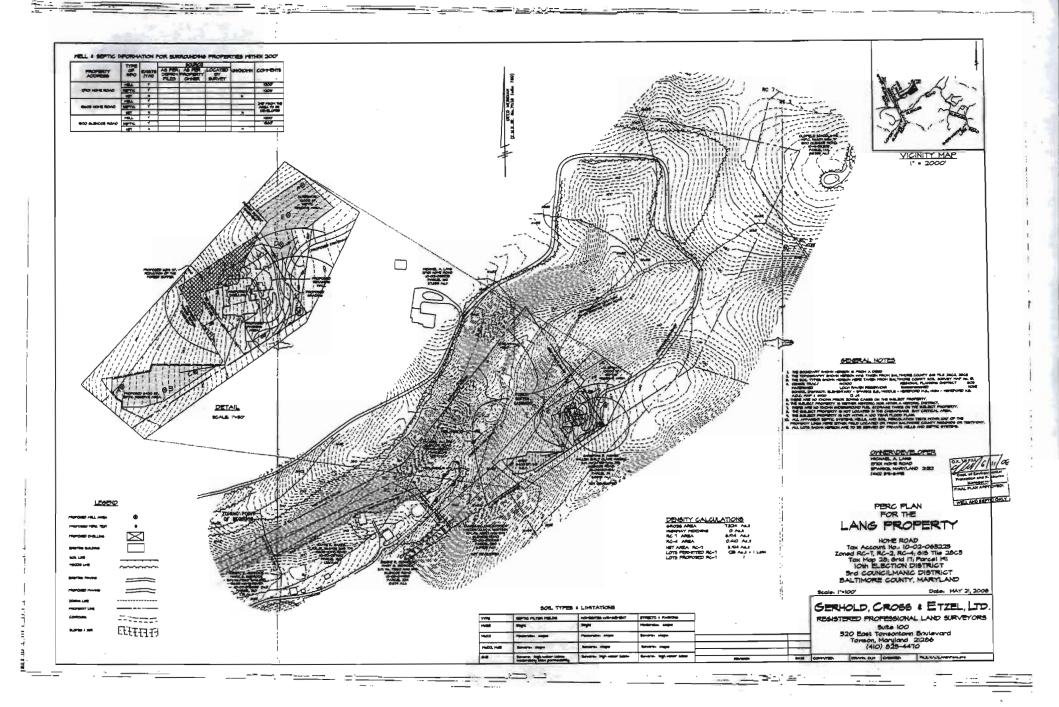
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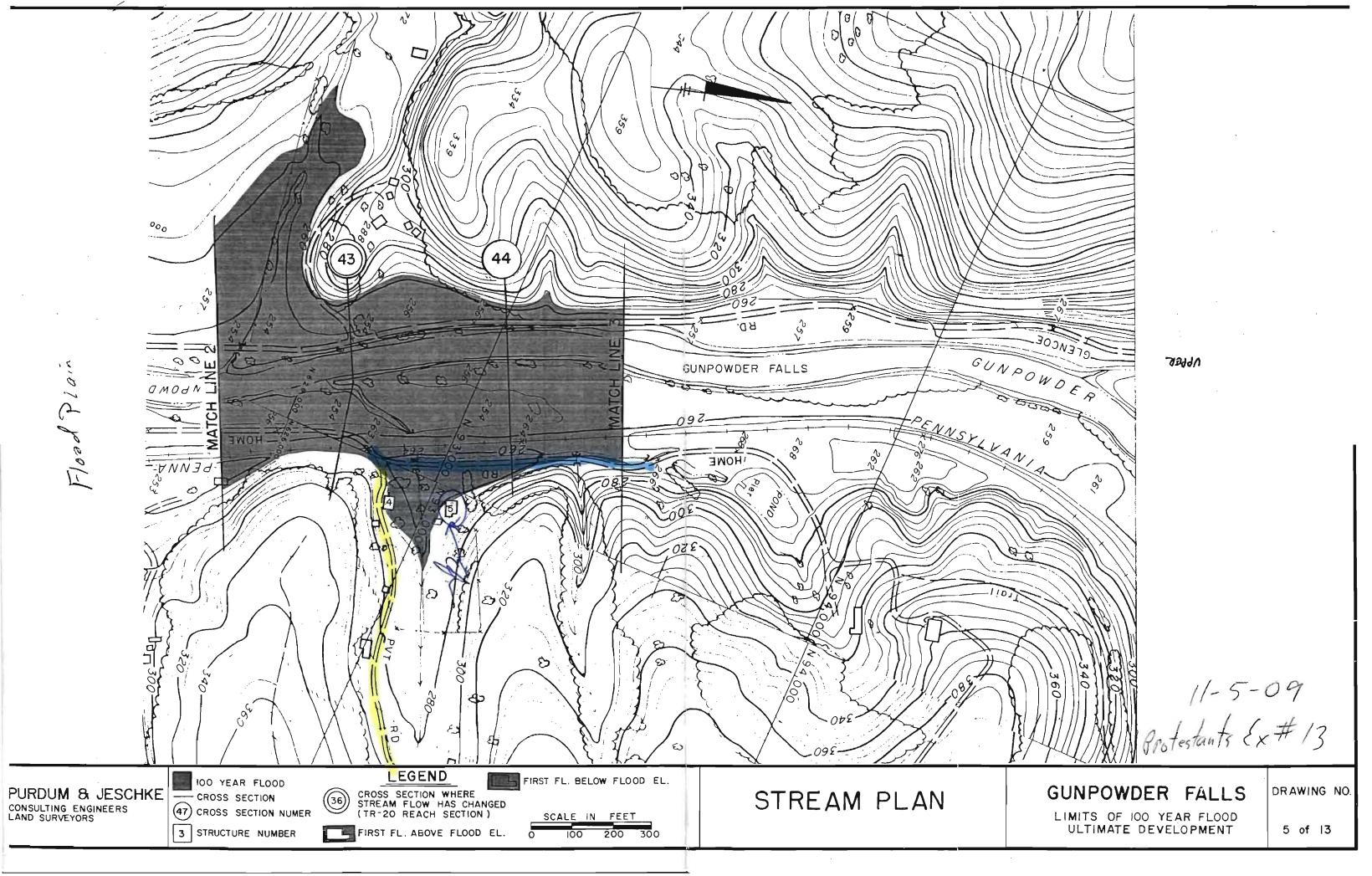
SEPARATE

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levition 11/5/09 leoples (ounsel 1. letter to Thomas Bostwick 12-18-07 2. Master Plan 2010 3. Plaining Board report 4. Bill No. 74-00 5. A +B Zoning Maps 200 scale 6. Zoning Map 2000 scale 7. Topo arial photo 8. Togography Map



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, MD 21286

Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

December 18, 2007

Thomas H. Bostwick Deputy Zoning Commissioner Baltimore County 401 Bosely Avenue Towson, MD 21204



Subject: Special Hearing for the Lang Property – Home Road. (Case No. 08-110-SPH)

Dear Mr. Bostwick,

I am asking to amend the zoning plat that was submitted as petitioner's exhibit number 1 and to ask for a reconsideration of the conditions in your order. It was a misunderstanding that we will give away one density right; the main parcel (Parcel 163) has 2 densities rights (1 for the existing dwelling and one to be utilized for any future development);

We feel that the amended house and septic reserve area site will better protect any environmental concerns and will meet the spirit and intent of your order.

Thank you for consideration in this matter.

Sincerely, Cornelia L. Marin GERHOLD, CROSS & ETZEL, LTD. Registered Professional Land Surveyors

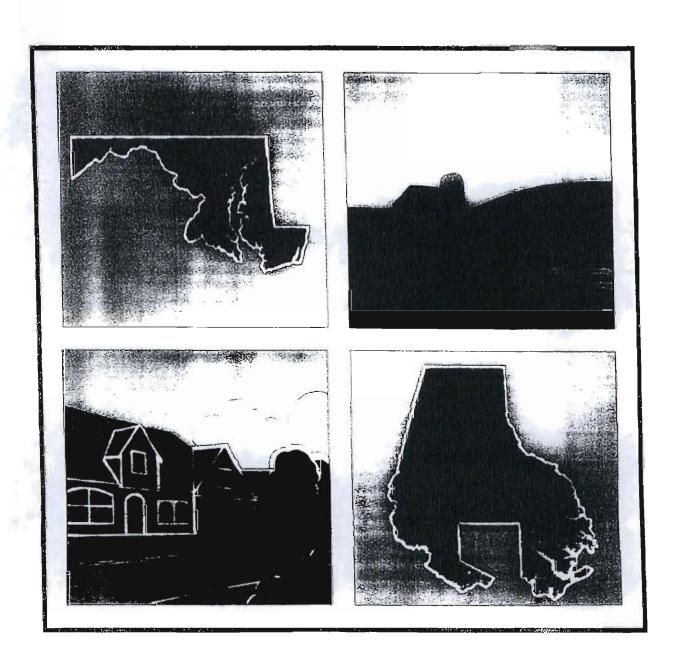
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13.0A. 7/32/04 08-110 SPH Lang Port. Exh

P, (. Ex#)

MASTERPLAN2010

BALTIMORE COUNTY, MARYLAND --



As Adopted by Baltimore County Council

----- February 22, 2000 ---

PART 5: The Rural County



INTRODUCTION

Master Plan 2010 reinforces the goal of earlier master plans to protect agricultural and sensitive environmental areas of the fural county from development encroachment.

The urban-rural demarcation line (URDL) was established to provide a boundary between urban and rural areas. Land use and zoning reinforce this concept. Rural areas are defined as areas located outside the URDL that do not have public water or sewer service. The rehance on well and septic systems drastically limits options for development, and zoning area land use reflect the associated environmental constraints.

Rural areas receive only those levels of service necessary to proteer the rural land management uses and to address basic public health, safety and welfare requirements of rural residents. Infrastructure is planned not to accommodate population expansion, but simply to address existing population levels and needs. In a rural area, it is expected that roads will be narrower and traffic slower, and that homes will be located further from schools. Medical facilities, stores, and other services and amendres will be located within urban areas, and to some extent, rural commercial centers. It is not cost-effective for the county to provide increased levels of service where population density does not justify them. Providing these services would also threaten the protection and preservation of important natural resources.

There are more than 66,000 residents living in the rural portion of the county. Residential development has proceeded at a fairly stendy rate in recent years with an average of 443 residential occupancy permits issued annually since 1990. Land management areas that have been established for the rural portion of the county include agricultural preservation areas, resource preservation areas, rural residential areas and rural commercial centers. Each designated area has its own unique value, and will be discussed further in the section "Land Use in Rural Areas."



Master Plan 2010 reinforces the goal to product the agricultural and sensor, confronmental areas take to the productive party.



wells, as evidenced by higher chloride levels in wells located closer to paved roads. Most of the trace elements with known adverse health effects (arsenic, antimony, cadmium, and cyanide) were not detected. Also, no adverse impacts to water quality were observed from waste discharges from residential septic systems.

Actions

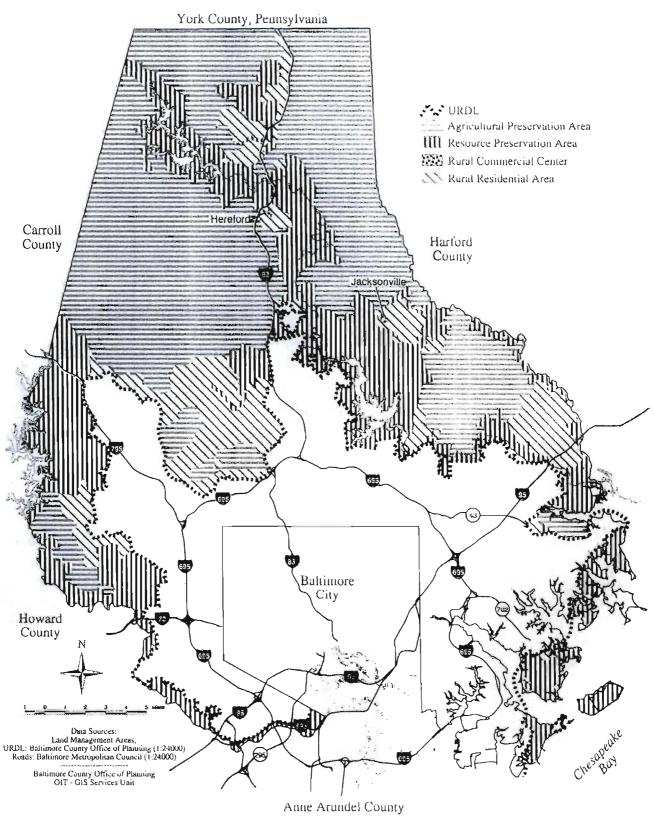
- 1. Evaluate the need to revise county guidelines for approval of on-site sewage disposal systems.
- 2. Evaluate the concept of a rural sanitary district, with appropriate legal authority, financing, and design standards, to provide a mechanism for addressing rural water supply and sewage disposal problems.
- 3. Continue review of development proposals to assure the proper siting of drinking water wells and the location of on-site sewage disposal systems in accordance with the *Code of Maryland Regulations*.
- 4. Continue implementation of the 1993 Ground Water Management and Protection Strategy.
- 5. Continue to work with agricultural sector to implement practices that protect ground water sources.
- 6. Continue to educate homeowners concerning the proper use of residential fertilizers and pesticides.

RURAL LAND MANAGEMENT

THE RURAL PORTION
OF THE COUNTY
PROVIDES THE
ECONOMIC BENEFITS
OF AGRICULTURE AND
THE UNIQUE
QUALITY-OF-LIFE
BENEFITS OF
CULTURAL, HISTORIC,
WATERFRONT, AND
NATURAL
ENVIRONMENT AREAS.

INTRODUCTION

The rural portion of the county provides the economic benefits of agriculture and the unique quality-of-life benefits of cultural, historic, waterfront, and natural environment areas. Unless carefully controlled, demand for new development in the rural areas will overburden Baltimore County's ability to provide services and facilities, harm the agricultural industry, and significantly deplete environmental and aesthetic resources. Baltimore County's land management areas have been structured to balance supply and demand for all sectors of the economy and residents. In the rural county, the land management areas are: agricultural preservation areas, resource preservation areas, rural residential areas, and rural commercial centers. Each of these areas will be discussed in this section (Map 35).



Map 35
Rural Land Management Areas



Rami Land Management Areas use zoning as the primary tool to direct and control development. Over the augustion of the master plan, parcels of and in tural areas may be subject to rezoning requests. All rezonings should be consistent with land use concepts contained to the master plan. Additional tools for directing development, discussed in the following sections, include:

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Agricultural Preservation District: 35, voluntary agreement with the state and county, the owner of eligible productive farm or forest land can establish building restrictions for a matter. First tive years open-ended term) to prevent, absolutely, the subdivision of development of the land for nonfarm purposes. A district agreement is a preventishe to an easement through the Maryland Agricultural Land Preservation Program.

cand Preservation Easement: By countary agreement with the state, county, of private land trust, the owner of eligible productive farm, forest, visionic, or natural areas can establish, permanent easement to prevent the subdivision of development of the and except as provided for by the casement agreement. Existing easement programs include the Maryland Agricultural Land Preservation Program, the Balantore's centy Agricultural hand Preservation Program, the Ruta, Legacy Program, and various land masts such as the Maryland Environmental Land

Land Trusts: Qualified conservances organizations are digible to accept casements on land for the protection of farm, forest, lastoric, or natural features. A land trust must be qualified under \$170 Hz 3 of the Internal Revenue Code for a landowner to be enquire for a tax deduction. In order to hopely to the Raral Legacy Program as a sponsor, a land trust must also have a cooperative agreement with the Maryland Environmental Trust.

Purchase of Development Rights (PDR): The voluntary safe of the rights to develop a property by the lands over to a governmental agency or land trass. The safe price may be determined by an approximal, formula, or mutually agreed upon method. The lands then restricted from development and subject to the easterness considerers that typically include, at a minimum, requirements for best immagentem play sees that wife protect soil, water, and natural resources.

Transfer of Development Rights (TDR): The possible creation of 1.2.4.8 has been discussed for some time in Baltimore County as mixing potential for preserving rural areas. It is a process in which the atmised density permitted to be developed or a piece of rand is transferred in a different parcel. The development of a TTR program involves a detailed investigation of all possible alternatives and includes paracipation by affected properties. The designation of user receiving area in either the urban or rural point of the county is the most difficult problem to resolve.



Rural Legacy Program: The state Smart Growth regislation established the Rural Legacy Program for "scal years", 998 through 2002. The mission of the Rural Legacy Program is to protect and preserve areas ric. In agricultural, forestry, natural and cultural resources. The state has structured the program to encourage local land trusts and local governments to preport rural legacy plans that seek to protect significant and threatened resources. Through an annual competitive selection process, a similar number of purpare selected for funding.

AGRICULTURAL PRESERVATION AREAS

Agricultural preservation areas were created to protect the county agricultural industry, as well as as natural resources and areas of sectional historical significance. Designated areas archide:

- Caves
- · Upperce Wernington Spin ..
- · Parkton
- · Monidon Whitehall
- · Bird River

- Areunspring
- Patabase Granas
- Freeland@daryland Line
- · Lung Circum

The 1997 U.S. Consus of Agriculture recorded 75,795 acres of farmiana in the county, which represents a Prodecrease from the 1992 figure of 83,751 acres. Protecting turnifices observes has more level numerous efforts by the county and efficient groups. The most significant milestones are listed below.

- Plan for the Falleys: written as 1963 by Wathace-Weitlang Associates for entirens of Greenspring and Worthington valleys concerned new the impact of development in the 1950s.
- Donation in 1974 of first leastment to Man land it in transferred by.



agricultural

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- Adoption in 1975 of resource conservation zones that included an agricultural zone
- Adoption of the 1979 master plan that described the importance of protecting natural resources including agriculture, watersheds and the rural landscape.
- Use of the URDL as a planning line for the water and sewer master plan, and the creation of rural zoning classifications.
- Significant reduction of permitted decisity in the agricultural zone in 1980
- Adoption and funding by the Marylane Agricultural Land Preservation Foundation of a PDR program, which provides an equitable tool for landowners permanently to protect rural lands.

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- Adoption of the 1989-2000 master plan that reinforced the earlier planning and regulatory goals to project agricultural and and rural landscapes.
- Adoption to 1989 of a development regulation to powers prime and productive soils
- Adoption in 1994 of a local PDR program to supplement the state program.
- 1996 downzouning of 9,000 acres from RC 4 to RC 1

POLICY

Permanently preserve lands for agriculture and avoic conflicts with incompatible uses.

PROTECTING
AGRICULTURAL LANDS
MUST HAVE TWO
STRATEGIC ELEMENTS:
1) DEVELOPMENT
CONTROLS; AND
2) PERMANENT
EASEMENT PROGRAMS.

ISSUES AND ACTIONS

A successful effort to protect agricultural lands must have two strategic elements: It the county must have development controls to assure that agricultural resources are not developed; and 21 there must be effective permanent easement programs that meet the needs of landowners by assuring equity and preserving sufficient acreage to maintain a viable maricultural operation.

Issue: Revising Development Controls to Support a griculture than subdivisions defined as being granter than three and, cominue to care in prime agricultura areas, there is an factor of preserved

agricultural operations and the pining to preserve adjacent lands. The development of large institutional uses is beginning to change the landscape from one of rural character to suburban character.



Actions

- Refine the boundaries of the agricultural preservation areas to include both adjacent farmland that should remain in agricultural use and natural buffers to reduce potential conflicts.
- 2. Consider designating the vegetable production areas on the eastern side of the county as agricultural preservation areas.
- Reevaluate the zoning and development regulations applicable to these
 areas to determine the appropriate location and suitability of permitted
 uses, and to minimize the impact of even limited development on
 agricultural resources and turning operations.
 - Limit zoning uses to agriculture or agriculture supports other non-agriculture uses (institutions, golf courses) should be considered as special exception uses (subject to additional conditions) or as PLDs, with specific locational and functional criteria that first and foremost preserve prime and productive soils. Incorporate locational and functional criteria for house sites and loc size.
 - Include prime and productive/productivity soil standards and a maximum lot size
 - Density should not exceed one-dwelling per 50 acres. Explore ways to compensate andowners for additional density of the underlying zoning generates higher density; through various easement or TOR programs.
 - Develop a PUD-RP (Planned Unit Development-Rural Protection: process that will allow large institutional, educational, religious, and recreational uses only through a planned unit development process.
 Designate areas suitable for the PUD, and create locational criteria.
 and development standards.
- 4. In general, zoning changes made in the agricultural preservation erect should protect the county's agricultural industry so that the area maintains its importance as an industrial base for the farming industry.
- Consider the addition to Section 307 of the Baltimore County Zourng Regulations (special exceptions) of criteria requiring the evaluation of proposed development impacts on agricultural uses located on pranaand productive soils.

THE SCUNTY WILL
REEVALUATE THE
ZONING AND
DEVELOPMENT
REGULATIONS TO
MINIMIZE THE
IMPACT OF
DEVELOPMENT ON
AGRICULTURE.



issue: Preserving Agricultural Land through Preservation Programs

The zoring can be used to accomplish the objectives of rural area preservation, rezoning can occur every four years, and is therefore not normanent. Ultimately, the only way at which continued agricultural use can be guaranteed is through the use of mechanisms that guarantee, regardless of zoning, that specific lands will only function as agriculture-related uses. Permanent easements provide fair compensation to landowners. Additionally, agricultural lands in private easement stay on the tax roll. Map for depicts Baltimore County's rural preservation program areas.

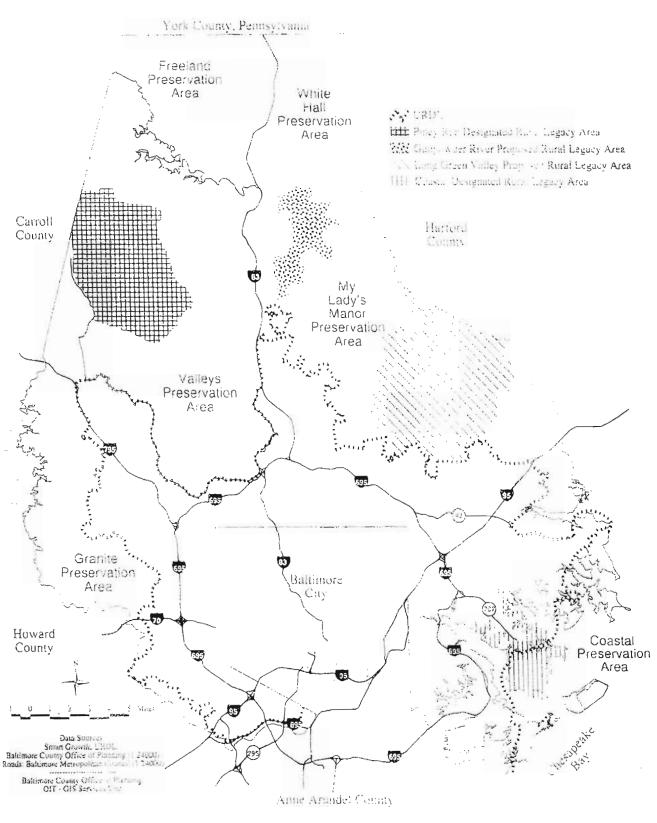
The purchase of easements, however, has not kept up with the demand of andowners willing to sell easements. This has in part been due to the accommic declines the rounty experienced in the early 1990s but more significantly to its continued dependence on the PDRs through the Maryland varieultural Land Preservation Foundation. The easement programs are my just keeping pace with land development.

As of January 19, 1999, 27,438 acres of farmland and rural landscape have been placed in permanent casement (Table 14. The county and state have numeriased easements on approximately 500 acres per year out of the 2,000 acres that apply. Fortunately, an additional 500 acres per year has been masserved through the actions of the private sector. Landowners who make conservation donations of development rights do so through the Maryland controlling Trust of a local land trust.

THE ONLY WAY
IN WHICH
AGRICULTURAL USE
CAN BE GUARANTEED
IS THROUGH THE USE
OF PERMANENT
MECHANISMS SUCH
AS PRESERVATION
EASEMENTS.

Table 1.
Accomplishments of Easement Programs through January 19, 1999

PRESERVATION PROGRAM	151818161		EASEMENTS	
	aumies:	acres	mumber	acres
Meryland Agricultural Land Preservation Foundation	25%	27.43×	18	13,000
Baltimore Counts Agricultural Program	Χ.	X 4.		905
Mary land bits inventential Task	` 1	X X	15	9,728
TALS	3dx	27,438	275	23,633



MAP 36 LAND PRESERVITION PRINCE



It is may a any mean the remainent elsement permit of the county. As a may a any mean to be remained as entering element of the county. As a more county will also be remained as a more state in the number of the act of the elements. These in sements represent the equivalent distillants of domain none of to the one by is assement program each year, ands under purchased easements contain more forests and streams than artist under purchased easements, but they still have, an average, 40% hastage and cropland. Private sector denotes also play a role in recruiting other tannowners to participate in easement programs. Five local land as is one upage landarymers to place their and in permanent preservation to grams. They also hold easements in cooperation with the Maryland invitronmental Trust or outright.

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so the 1982 there has a been approximate in 1,480 acres of agricultural land to pleas procedure through permanent easements, and approximately 1,000 as its per year-constitute to nonagricultural use. If working farms continue tisappear as the sourcest rate, there is enturily with the insufficient qualitural resources available to explicitle to support the agricultural resources available to explicitle to support the agricultural resistry, and the mean landscape will be immunificably after at

. 2410 ns

- Delinione of uneus in be targeted on long term presentation.
- Actively pursue and memore easeme, thand other programs designed to preserve agriculture.
- Preserve 80,566 seres of agricultural land through permanent casements, either purchased or domated, and TDR programs.

 Develop new recame sources to sumplimine mereased funds required for familiand preservation.
- 5 implement preative financing programs to increase the rate of casement purchase.
- Provide technical support and seek input from local land trusts on preservation issues
- Investigate the use of a TDR program.
- s. Implement raral legacy area plans.
 - Work with areal and trusts to establish rand legacy boundaries, and with our construction majoritorial english miniment by lander tiers
 - propose so aspects the countries of protection elements such as for so the line is the countries shore in the state of the source protection elements.

IF WORKING FIRMS
CONTINUE TO
DISAPPEAR AT THE
CURRENT RATE.
THERE EVENTUALLY
WILL BE
INSUFFICIENT
RESOURCES AT TUABLE
TO SUPPORT THE
AGRICULTURAL
INDUSTRY.

endangered species, and the aspects of the county's planning, growth management and zoning elements that reduce spraw!

- Provide a financial partnership with the state for fural legacy area plans.
- Investigate using a TDR program that enables the county to he'd
 development rights purchased through the Rural Legacy Program
 until such time as they han be sold.
- Adopt legislation that will allow the county to use an installment
 payment program to purchase easements, in the same manner as
 authorized in the county's Agricultural Land Preservation Program.
 By paying in installments, more county money will be available to
 purchase additional casements, and obtain matching state and rural
 legacy funds.



RESOURCE PRESERVATION AREAS

These areas are intended to areserve and protect the historic, cultural, recreational and environmental resources, while providing for a limited amount of residential development. Designated resource preservation areas include:

- Patansco Granice
- Gunpowder
- Chesmenke Bar.
- Soldiers Delight
- · Pietry Boy Reservoir
- Liberty Reservoir
- Loch Resen Reservoir

POLICY

 Preserve the county's valuable cultural, historic, recreational, and environmental resources by multing residential development and acquiring available hand for public benefit.

ISSUES AND ACTIONS

Issue: Preserving Land Designated for Resource Preservation Resource preservation areas have historic, cultural, recreational, and environmental value to the region in general and Baltimore County in particular. These natural, environmentally-sensitive open spaces bulance the intensely developed urban portion of the county. Large portions of these areas are publicly owned, such as Soldiers Deligia Natural Environmental Area, Guapowder Falls State Park, Parapses Valley State Park, North Pro-



Land devig and us resource areas contain

State Park and the Prettyboy, Eaberty and Loch Raven Reservoirs. As staperties within or adjacent to the boundaries of resource preservation areas become available for sale, their acquisition as easements by entities such as the MET should be given priority by the county and state.

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The majority of the 'and area within resource preservation areas (outside of critical areas) is zoned RC 4, which permits a residential density of one dwelling unit per rive acres. For example, the owner of a 100-acre undeveloped parcel zoned RC 4 currently has the right to develop 20 single family residences in the current permitted density of one dwelling unit per five acres. The county should reduce the permitted density to be more in keeping with the michi of this preservation zone. If the permitted density is reduced to one dwelling unit per 50 nm as the owner could develop only two residences. However, if an accompanying TDR program is adopted, the owner could receive equity for the remaining 18 dwelling units, with time of them transferred to a designated area, and the other sine purchased by a land mass.

Actions

- Pursue programs for permanent resource protection
- Revise the zoning regulations to remaine watershed protection areas as
 resource preservation areas. This definition will encompass cultural,
 historical, recreational, and environmental resources.
- tise the following guidelines in evaluating reguests. In general, resource preservation areas are intended to support a limited amount of residential development while still protecting the country's ground and surface water quality, forest resources, and significant plant and wildlife habitats. Zoning conversions that would increase the development potential of land a thin this management area are inappropriate.
 - Outside of the Chesapeake Bay Cruical Areas, the current combination of RC 2 and RC 41- the best zoning mechanism for achieving the management goals of this classification. Zoning changes that would permit additional residential density or increased commercial development should not be granted. It is especially important to avoid setting presedents that could read to future upzoning by producing a change in the area's rural character.
 - The RC 20 and RC 50 zones in the Chesapeake Bay Critical Area provide the best protection for these air monmentally sensitive areas.



Resource preservation areas are intended to support oil, a limited amount of residents.

Changes in zoning that would adversely affect the natural resources of the bay would be subject to possible disapproval by the Chesapeake Bay Critical Area Commission and should not be granted. All zoning in the Chesapeake Bay Critical Area should foster stewardship of the bay by providing the most appropriate land use, should ensure that impacts of development activity are minimized, and should preserve quality of life in surrounding communities.

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- Requests for zoning changes that increase development densities
 in the Loch Raven, Prettyboy, and Liberty dramage areas should
 not be granted, in accordance with the county's commitments in
 1984 and 1990 to the cooperative, regional Reservoir Watershed
 Management Agreement. Additionally, any zoning changes should
 be consistent with any applicable watershed study
- 4. Complete detailed studies to determine the existing and potent... residential densities in resource preservation areas
- 5. Limit residential densities to one dwelling unit per 25-50 acres. As part of the reduction of residential density, consider the use of TDRs to permit half of the allowable net density of a site in a resource preservation area to be utilized in a rural residential area, rural commercial center, or other designated area, with the remaining density purchased through a PDR program.
- Develop a PUD-RP process that will allow large institutionar, educational, religious, and recreational uses only through a planned unit development process. Create locational criteria and development standards.
- 7. Establish resource preservation area watershed priorities in order to apprade environmental systems that have become degraded
- 8. Define and coordinate the public use of resource preservation areas for added recreational benefits.
- 9. Develop and assist private organizations that enhance the public nature of, and care for, resource preservation areas.

THE COUNTY
WILL CONSIDER
USING TDR'S TO
LIMIT RESIDENTIAL
DENSITIES IN RESOURCE
PRESERVATION AREAS.

RURAL RESIDENTIAL AREAS

The rural residential areas are a mix of single family residential development and woodlands, farm fields, stream unleys and areas of significant historic and cultural value. They have accommodated the bulk of new residential





e compiners in the runn areas. Includes in the runn residential land taragement areas are

- Freeland
- Patansco Grande
- Kingsville

- Chesmin Ridge
- Hereford
- Jacksonville

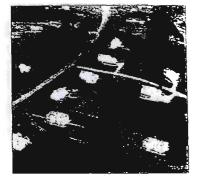
POLICIES

Limit new residential growth
 Protect and maintain the area's rural character.

ISSUES AND ACTIONS

Issue: Limiting Suburban Development in Rural Areas

The 1979 growth management program designated rural residential areas as suitable for development. The 1989 master plan recognized some of the issues created by this choice. The majority of the land within these areas is coned RC 5. The intensity of this development is a suburban residential development pattern with densities equal to one dwelling unit per 1-1/2 to est. Because this rural-suburban residential development is dependent upon well and septic services, the development pattern takes on a haphazard appearance and consumes large quantities of land. This type of development is in great demand, but it comes at a tremendous cost to the county in terms of traffic, increased infrastructure demands, and the disruption of the area's rural character. These demands on county resources directly compete with the needs of the established, urban areas of the county.



Rural residential development is in great demand, but it comes at a tremendous cost to a second.

Actions

- Conduct thorough and detailed land use studies to determine: () buildable areas, 2) agricultural areas, 3) environmentally sensitive areas, and 4) appropriate areas for future rural village type development (see below).
- Deny rezoning requests for additional office, business or industrial zoning in rural residential areas, unless recommended in an approved plan.
- 3. While maintaining some residential development density, consider developing a mechanism to allow hairding within these areas only if development rights are obtained through a TDR from an agricultural preservation area or a resource preservation area. Natural constraints that reduce buildout would not be affected.

- Develop and adopt county standards appropriate for rural residential areas that include roads, open space, architecture, site inyout, lighting bicycles, and pedestrians
- Consider adapting cluster principles to maintain adjacent forests one open space, which help retain raral character.
- Develop a PAD-RP process that will allow large institutional, educational, religious, and recreational uses only through a planned development process. Create locational criteria and development standards.
- Provide effective buffers between development projects as required to maintain tural character.

Issue: Investigating a Rural Village Concept

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The rural village concept should be investigated as a way to accommodate rural residential development in Baltimore County at a manner that is less intrusive to the rural character than current rural residential development patterns. This concept should be thoroughly studied to ensure that overall density is not increased. The present RC 5 and RC 4 cluster residential development zones were improvements over the pre-1976 tone house peracre) rural zoning; however, even this type of development is not in keeping with the rural character. In fact, most RC 4 and RC 5 development but met with increased opposition.

The rural village concept is a method of accommodating in rural areas residential and commercial development that is strictly innited marea. The compatible with the rural character. It concentrates small pockets of development, with a consistent rural scale and appearance, in specific locations so that larger agricultural or environmentally sensitive areas can be preserved. A max of housing types and lot sizes is provided. Buffers, preserved in an ensement program, surround the villages to prevent conflict with adjacent agricultural uses. The rural village concept should have specific design standards for all elements ranging from site selection and layout to building appearance.

Two essential elements of the regulating mechanisms that need to be developed for a rural village concepture: I ru properly drafted code, with esspells out rules and procedures to produce desired results, and 2% is strate, examples to enable the reader to "see" the rode as we comes to life on the landscape. The design principles must be adapted to the realities of movem



THE RURAL
VILLAGE CONCEPT
CONCESTRATES
RURAL DEVELOPMENT
IN SMALL POCKETS,
PRESERVING LARGER
AGRICULTURAL AND
ENVIRONMENTALLY
SENSITIVE AREAS.



trie, primarily the importance of the automobile, but in a way that does not cede total control to the automobile. Locational factors such as proximity to existing schools and roads should be considered. The economic and environmental feasibility of providing water and sewage service on site riso must be addressed for any village development.

Actions

- Investigate the feasibility of a rural village concept based on the following
 - Map potential focations for runs vallages within rural residential tareas and rural commercial centers to minimize impact on agriculture and resource overers ation areas.
 - · Locate villages within proximity of adequate roads.
 - Create appropriate design standards.
 - Provide buffers between rural villages and agricultural uses.
 - Rumi villages should not be located close to one another.
 - Set limits on the amount of dessey, and determine the appropriate mix of land uses for each rural village.
- 2 Determine the economic and environmental feasibility of providing water and sewage systems required for a regal village.
- Investigate using the rural village as a receiving area for a TDR program, transferring density from an agricultural or resource preservation area.
- Apply the program on a limited has a lest case and evaluate its merits for rural preservation.

4. Allow rend village development as a PUD: however, this would be an optional, not mandated, approach.



Hereford is and of the cost designated runs commercial centers.

RURAL COMMERCIAL CENTERS

Only two designated rural commercial contess will continue to provide local services and facilities for the surmonding rural area. They are:

- · Herefurd
- Jacksonville

POLICY

 The nature size and seale of rural commercial centers should remain geographically setall, thrains character, and be regulated through a master plan process.



P.C.Ex#3

401 Bosley Avenue Towson, Maryland 21204

(410) 887-3495 Fax: (410) 887-5862

June 7, 2000

The Honorable Joseph Barrenfelder Chairman, Baltimore County Council Court House Towson, MD 21204

Re: RC 7 Resource Preservation Zone

Dear Councilman Bartenfelder:

In its meeting on June 1, 2000, the Baltimore County Planning Board voted to approve the enclosed report on a proposed new RC 7 Resource Preservation Zone, in response to County Council Resolution No. 27-00.

The Office of Planning will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Amold F. 'Par' Keller, III

mat Cellis

Secretary

AFK:JMAC:rlh

Enclosure

c. Members, Baltimore County Council
John Wasilisin, Administrative Officer
Thomas Peddicord, Legislative Counsel Secretary
Brian Rowe, County Auditor
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Staff report March 16, 2000; Planning Board Public Hearing May 4, 2000; Revised Staff Reports April 27 and June 1; Final Report June 1, 2000

Amendments to the Zoning Regulations Regarding a New RC 7 Resource Preservation Zone

A Final Report of the Baltimore County Planning Board June 1, 2000

PROJECT DESCRIPTION

This report responds to Council Resolution No. 27-00 which asks the Planning Board to recommend criteria and standards for a new zone to preserve critical resources, in accordance with the recommendations of *Master Plan 2010*, adopted by the County Council in 2000.

BACKGROUND

Master Plan 2010, the county's comprehensive plan 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. These rural resources are of value to the region in general and to Baltimore County in particular. These natural, environmentally-sensitive open spaces balance the intensely developed urban portion of the county. A majority of these lands are contained within the current RC 4 zone. Large portions of these areas are publicly owned, such as Soldiers Delight Natural Environment Area, Gunpowder Falls State Park, Patapsco Valley State Park, Northpoint State Park, and the Prettyboy, Liberty, and Loch Raven Reservoirs.

Among the actions recommended in Master Plan 2010 to protect resources in the Resource Preservation Areas are: the reduction of permitted residential densities in these areas to one dwelling per 25-50 acres of land; and the creation of a planned unit development (PUD) process for the approval of large institutional, educational, religious and recreational developments in the Resource Preservation Areas.

DISCUSSION

This report recommends a new Resource Preservation Zone that would:

- Limit residential density to 0.04 lot per acre of gross area, or an average of one lot per twenty five acres with a minimum lot size of one acre.
- Require a PUD process for large-scale non-residential uses; and

- Provide design standards that would promote attractive, high-value, environmentally-sensitive site design.
- Encourage creative building location through the use of a building envelope that is fixed in area but flexible with regard to location.
- Allow the Planning Director to determine when plans or permits are consistent with flexible performance standards, through a finding, subject to appeal.

RECOMMENDATIONS

Staff recommends the enactment of a new resource conservation zone to be called RC 7, Resource Preservation Zone, by adding a new Section 1A08 to the Baltimore County Zoning Regulations, and by amending the Baltimore County Code, 1988, as follows:

Amendments to the Zoning Regulations

1. Amend the zoning regulations by adding an entirely new Section 1A08, RC 7, Resource Preservation Zone, as follows:

IA08 RC 7 – Resource Preservation Zone

1A08.1 Legislative Findings and 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
 - 2. Among the actions recommended in Master Plan 2010 to protect resources in the Resource Preservation Areas are: the reduction of permitted residential densities in these areas to one dwelling per 25-50 acres of land; and the creation of a planned unit development (PUD) process for the approval of large institutional, educational, religious and recreational developments in the Resource Preservation Areas.
 - 3. RC 7 would allow limited development, compatible with the rural community, and at the same time, protect rural resources
 - 4. The County recognizes the importance of retaining large-acreage parcels to protect and promote the agricultural industry; the RC 7 zone is therefore not intended to be applied to lands currently zoned RC 2
- B. Goals. Pursuant to the findings declared above, Baltimore County seeks to achieve the following goals in the RC 7 zone:
 - 1. To preserve and protect total eco-system function, including riparian and aquatic ecosystems.
 - 2. To protect forests, streams, wetlands, and floodplains;
 - 3. To protect the water quality of watercourses, reservoirs, the Chesapeake Bay, and regional biodiversity;

- 4. To provide for the environmentally sound use of land and forest resources; and to prevent forest fragmentation, especially of areas of extensive interior forest;
- 5. To implement state and federal mandates for the protection of natural resources and rural legacy.
- 6. To enhance rural character and environmental protection by locating buildings in harmony with site conditions 7. To preserve the traditional character of rural communities by limiting the scale and intensity of development;
- 8. To incorporate traditional features of the local built environment into development;
- 9. To maintain the rural scale and character of area roads by limiting growth in the volume of traffic generated by local development.
- 1A08.2 Definitions. The following definition applies in the RC 7 zone:

Building envelope – The area within which all structures except wells, septic systems, stormwater management systems, driveways, or fences are permitted to be puilt on a lot

1A08.3 Permitted Uses

- A. *Uses permitted by right.* The following uses, only, are permitted by right in an RC 7 Zone:
 - 1. Dwellings, one-family detached
 - 2. Farms, and limited acreage wholesale flower farms, (Subject to Section 404).
 - 3. Open space, common.
 - 4. Public schools.
 - 5. Streets and ways.
 - 6. Telephone, telegraph, electrical-power or other lines or cables, provided that any such line or cable is underground; underground gas mains; or other underground conduits, except interstate pipelines.
 - 7. Antennas used by CATV systems operated by companies franchised under Title 8, Article II, Division 1, of the Baltimore County Code, 1988, if situated on property owned by the county, state or federal government or by a governmental agency.
 - 8. Accessory uses or structures, subject to Section 429, including but not limited to:
 - 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 as 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 Section 450 and \$1A08.8.C.4
- f. Swimming pools, tennis courts, and other recreational amenities, if accessory to a dwelling or residential subdivision only.
- 9. Commercial film production, subject to Section 435.
- B. Uses permitted by special exception. The following uses, only, may be permitted by special exception in the RC 7 zone, provided that in each case the hearing authority empowered to approve the petition finds that the use would be of a scale and character which furthers the goals established in Section 1A08.1.B.
 - 1. The following uses, provided that they are located in a principal building that was originally constructed before [effective date]; and provided that the building is converted to the new use without any external enlargement after [effective date]:
 - a. Antique shop
 - b. Bed and breakfast home
 - c. Community care center
 - d. Tea room
 - e. Residential art salon
 - 2. Animal boarding places (regardless of class) kennels, veterinarians offices
 - 3. Cemeteries.
 - 4. Churches and other improvements for religious worship, so long as the cumulative square footage of all existing and planned buildings is less than 10,000 square feet gross floor area.
 - 5. Home occupations of people with disabilities, as defined in Section 101, subject to Section 502.10.
 - 6. Offices for agriculture-related uses.
 - 7. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists musicians or other professional persons as an accessory use, provided that any such office of studio is established within the same building as that serving as 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.
 - 8. Public utility uses not permitted by right.
 - 9. Riding stables.
 - 10. Wireless telecommunications towers, subject to Section 426.
 - 11. Bottled water plant as an agriculture support use, if the source of water is located on the same site as the plant, and provided that the director of Environmental Protection and Resource Management (DEPRM) makes a finding that the proposed facility is not expected to adversely affect the quality or capacity of surface water or groundwater.
 - C. Uses permitted by Planned Unit Development (PUD). The following uses, only, may be permitted by PUD in the RC 7 zone, provided that in each case the hearing authority empowered to approve the petition finds that the use would be of a scale and character which furthers the goals established in Section 1A08.1.B.
 - a. Camps, including day camps.

- b. Churches and other improvements for religious worship if the cumulative square footage of all existing and planned buildings is greater than or equal to 15,000 square feet gross floor area.
- c. Farm market, subject to the provisions of Section 404.4.
- d. Golf courses, as defined in Section 101.
- e. Horticultural nurseries, subject to the provisions of Sections 404.1 and 404.2.
- f. Landscape service operations, subject to provisions of Sections 404.1 and 404.3.
- g. Riding stables
- h. Private schools,
- i. Shooting ranges, including, but not limited to, archery, pistol, skeet, trap, target (small-bore rifle only) except that any such use existing at the time of date of enactment of this subsection may continue at the same level, provided that, within 365 days of the enactment date of this legislation, the owner shall file for a use permit as prescribed under Section 500.4; turkey shoots.
- j. Volunteer fire company or ambulance-rescue facilities.
- k. 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 PUD approval process.
- Plans and Permits. All development, must be in accordance with this section, and the standards and guidelines for "Rural Conservation/Preservation and Residential Zones," 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 plans are with the spirit and intent of these regulations. To support the finding, the director may require information, such as building elevations, building cross-sections, or viewshed analyses, pursuant to Paragraph 26-203(d)(22) of the Baltimore County Code. The director must 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 LA08.1.B.

- B. Before the issuance of any building permit, the Director of Planning or the director's designee must certify that the proposed development is in conformance with these regulations or is in conformance with a plan approved pursuant to these regulations.
- C. A finding pursuant to this section may be appealed, within 30 days of the date of the finding, to the Baltimore County Board of Appeals by any person aggrieved or feeling aggrieved by the finding.
- Scenic Views. To protect scenic views or, when necessary pursuant to 1A08.4, to mitigate the disturbance of scenic views, the Director of Planning may, in accordance with 1A08.4, require that the one or more of the following be clearly designated on the final record plat with appropriate notations:
 - A. Areas where disturbance of natural vegetation is prohibited.
 - B. Areas where re-vegetation or landscaping is required.
- 1A08.6 Development Area and Standards.
 - A. *Maximum height*. No structure with a height greater than 50 feet is permitted, except as otherwise provided under Section 300.
 - B. Area regulations.
 - 1. Maximum lot density. A tract may be developed in a RC. 7 zone at a maximum density of 0.04 lot per acre of gross tract area (an average of 1 lot per 25 gross acres). No lot lying within an RC 7 zone and having a gross area of less than 50 acres may be subdivided. Any lot having a gross area of 50 acres or more may be subdivided at the rate of 1 lot for each 25 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights of ways, or easements, the portions of land on either side of the road, right of way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record.
 - 2. Lor area. The area of any residential lot in a major or minor subdivision must be not less than 1 acre.
 - 3. Building envelope. The maximum area of the building envelope on any residential lot, other than a farm, is 20,000 square feet. The placement of the building envelope is determined on the basis of:
 - a. The goals for the zone (IA08.1.B);
 - b. The minimum setbacks for the zone.
 - 4. *Minimum development allowance*. Any lot or parcel of land lawfully existing on [effective date], may be developed with a single dwelling
 - 5. Seibacks.
 - a. Any principal building constructed in the RC 7 zone must be situated at least:
 - 25 feet from the public right of way of public interior streets or 35 feet from the paved area of private interior streets
 - ii 80 feet from any other principal building

- iii. 50 feet from the rear lot line;
- b. Any principal building or well constructed in the RC 7 zone must be at least 200 feet from any adjacent property that was cultivated or used for pasture during the previous three years, as determined by DEPRM, or that is otherwise subject to an agricultural or conservation easement.
- 6. Impervious surface coverage non-residential development.

 Except for residential lots, which are subject to a building envelope restriction, no more than 10% 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 (MHT), 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 Commission or the MHT, 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 for preservation has been submitted; and is determined to be in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and
 - 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 Commission or the MHT, prior to issuance of any building permit
 - d. When the provisions of this paragraph apply to any proposed development, the conditions for approval pursuant to this paragraph must be noted on the concept plan and development plan, or the minor subdivision plan.
- C. Performance standards. Conditions for approval pursuant to this subsection must be noted on the concept plan and development plan, or the minor subdivision plan. The following standards are intended to foster creative development that responds to the goals stated in 1A08.1.B.
 - 1. Stormwater Management. Stormwater management facilities must be integrated with the topography of the site and consistent with the visual appearance of the surrounding natural features.
 - 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 landscape context
- c. Dwellings and other principal buildings should be frontoriented to public rights-of-way: reverse-frontage lots usually will not be permitted.
- d. Institutional uses, when perinitted, are regarded as community landmarks, and treated as permanent, special uses. This status is reflected in building orientation and location on the site, entryways, landscaping, architecture, and exterior building materials.
- e. All of the exterior walls of a building must be treated similarly with respect to color and architectural details.
- f. Accessory structures, including but not limited to solar panels, antennas, and storage sheds are not permitted in the front yard of any principal use. Subsection 400.1 does not apply in RC 6, but the height of accessory structures in RC 6 is governed by the provisions of Section 400.
- g. When buildings are located in open fields because of site constraints, additional landscaping or berms may be required to soften views

3. Roads, Parking Areas, Storage Areas

- a. Interior public roads must conform to Baltimore County's standards for rural roads, and no paved section of road may exceed a width of 18 feet.
- b. Curbing must not be used unless required for stormwater management, as determined by the Baltimore County Department of Public Works (DPW). When curbing is required, it must consist of mountable curbs of a dark color that simulates the appearance of aged concrete, in accordance with specifications established by the Baltimore County Department of Public Works.
- c. Fences 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 non-residential or non-farm uses, must be visually screened by fencing, buildings or vegetation, or a combination of these elements, from all 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 of these elements, from all public roads and dwellings.

- f. Street lights, if permitted on interior streets, must be no higher than 14 feet and illuminated by no more than one 100 watt sodium vapor lamp. Fluorescent and incandescent lights are not permitted. The lamps should be of a style that directs light downward.
- 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 nor obstruct scenic views.
- 5. Signs
 - a. Community signs, as defined in Section 450, are prohibited. Subdivisions may be identified by street signs.
 - b. A non-residential principal use may be identified by:
 - i. Enterprise signs, as regulated by Section 450, paragraphs 5(l) and 5(m), or
 - ii. Identification signs as regulated by Section 450, paragraph
- 2. Change §101 of the Zoning Regulations by adding the following definitions. Strike through indicates text to be deleted; **bold** indicates text to be added.

Antique Shop – A retail establishment for the sale of valuable goods of a type that are often purchased by collectors and that may include furniture, pottery, glassware, jewelry, linens, tools, artworks, and books which were manufactured at least 50 years in the past. An antique shop may include the outside display of merchandise offered for sale in front of the establishment on the same lot within five feet of the front porch or front building façade.

Campground – A tract of land upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Camping Unit – A tent, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

Campsite – Any plot of land within a campground intended for exclusive occupancy by a camping unit or units, occupied by the camper.

Day Camps – A plot of ground upon which children may engage in supervised recreational, educational, cultural, or artistic activities outdoors during daylight hours, but not including schools or child care centers.

Golf Course – A tract of land laid out for at least nine holes for playing golf, and improved with tees, greens, fairways and hazards, and that may include facilities for collecting fees, storing golf equipment for rental or limited sale, and storing equipment for maintenance of the golf course. Golf courses may include snack stands, and a restaurant with seating for no more than 50 persons. They may not include catering facilities, nor any other facilities for entertainment or recreation.

Home Occupations of A Person With Disabilities – A home occupations established in a structure originally constructed as a dwelling or as accessory to a dwelling or where the use is established in a structure that is situated on the same lot as a dwelling and which the hearing officer finds to be compatible with its surrounding neighborhood, provided that:

- A. Only three persons, including the person with a disability and the members of his or her immediate family who are residents of the dwelling, are employed in the use on the premises; and
- B. In any case, the use is conducted by a person with a disability whose domicile is the dwelling to which the use is accessory and whose disabilities are so severe, as determined by the hearing authority, that he or she is unable to engage in his or her occupation away from the premises of his or her home.
- 3. Add \$502.10 to amend the special exception provisions, as follows:

502.10 Notwithstanding any provision of Section 502.2 to the contrary, any special exception granted pursuant to this item shall expire upon the first to occur of the following:

- (1) Five years after the issuance of the permit;
- (2) The death of a disabled person;
- (3) The termination of the disability; or
- (4) The failure of the person with a disability to permanently reside at the premises.

A new special exception for the use may be granted when the previous special exception expires but only upon the completion of the entire application and hearing process in the same manner as if it were the initial application for this special exception. It is the purpose of this provision to prevent the use of residential property for business purposes by an occupant other than a person with disabilities and to ensure that any occupation permitted pursuant to this item will be conducted in a manner appropriate to its surroundings.

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COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2000, Legislative Day No. 15

B进 No. 74-00

Mr. T. Bryan McIntire, Councilman

By the County Council, August 7, 2000

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 7 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 agriculture inconveniences; prohibiting certain special exceptions in certain resource conservation zones; excluding certain special exception use property area from the area used for the calculation of residential density in all zones; and generally relating to the use and development of resource conservation zones.

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Brackets] indicate matter stricken from existing law.

Strike out indicates matter stricken from bill.

Underlining indicates amendments to bill.

By adding

Sections 100.1.A.2, the zoning classification of "R.C. 7 Resource Preservation Zone", 101, the definitions of "Antique Shop", "Campground", "Camping Unit", "Campsite", "Day Camp", and "Golf Course", 102.7, 1A08, and 502.1.! Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report, dated June 7, 2000, from the Planning Board concerning the subject legislation, and has held a public hearing thereon on July 3, 2000, now, therefore,

SECTION I. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Sections 100.1.A.2, the zoning classification of "R.C. 7 Resource"

- Preservation Zone", 101, alphabetically, the definitions of "Antique Shop", "Campground",
- 4 "Camping Unit", "Campsite", "Day Camp", and "Golf Course", 102.7, 1A08, and 502.1.1 are
- 5 hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:
- 6 Section 100 Zones and Districts; Boundaries
- 7 100.1 Baltimore County is hereby divided into zones and districts in accordance with this section.
- 8 A. Zones.
- 9 2. Zones are classified as follows:
- 10 R.C. 7 RESOURCE PRESERVATION ZONE
- 11 Section 101 Definitions
- 12 ANTIQUE SHOP -- A RETAIL ESTABLISHMENT FOR THE SALE OF GOODS OF A
- 13 TYPE THAT ARE OFTEN PURCHASED BY COLLECTORS AND THAT MAY INCLUDE
- 14 FURNITURE, POTTERY, GLASSWARE, JEWELRY, LINENS, TOOLS, ARTWORKS, AND
- BOOKS WHICH WERE MANUFACTURED AT LEAST 50 YEARS IN THE PAST.

- ANTIQUE SHOP INCLUDES THE OUTSIDE DISPLAY OF MERCHANDISE OFFERED
- 2 FOR SALE IN FRONT OF THE ESTABLISHMENT ON THE SAME LOT WITHIN FIVE
- 3 FEET OF THE FRONT PORCH OF FRONT BUILDING FACADE.
- 4 CAMPGROUND -- A TRACT OF LAND UPON WHICH TWO OR MORE CAMPSITES ARE
- 5 LOCATED, ESTABLISHED, OR MAINTAINED FOR OCCUPANCY BY CAMPING UNITS
- 6 AS TEMPORARY LIVING QUARTERS FOR RECREATION, EDUCATION, OR
- 7 VACATION PURPOSES.
- 8 CAMPING UNIT -- A TENT, CABIN, LEAN-TO, RECREATIONAL VEHICLE, OR
- 9 SIMILAR STRUCTURE ESTABLISHED OR MAINTAINED AND OPERATED IN A
- 10 CAMPGROUND AS TEMPORARY LIVING QUARTERS FOR RECREATION.
- 11 EDUCATION, OR VACATION PURPOSES.
- 12 CAMPSITE -- ANY PLOT OF LAND WITHIN A CAMPGROUND INTENDED FOR
- 13 EXCLUSIVE OCCUPANCY BY A CAMPING UNIT OR UNITS. OCCUPIED BY A
- 14 CAMPER.
- 15 DAY CAMP -- A PLOT OF GROUND UPON WHICH CHILDREN MAY ENGAGE IN
- 16 SUPERVISED RECREATIONAL, EDUCATIONAL, CULTURAL, OR ARTISTIC
- 17 ACTIVITIES OUTDOORS DURING DAYLIGHT HOURS, BUT DAY CAMP DOES NOT
- 18 INCLUDE SCHOOLS OR CHILD CARE CENTERS.
- 19 GOLF COURSE -- A TRACT OF LAND LAID OUT FOR AT LEAST NINE HOLES FOR
- 20 PLAYING GOLF, AND IMPROVED WITH TEES, GREENS, FAIRWAYS, AND HAZARDS,
- 21 FACILITIES FOR COLLECTING FEES, STORING GOLF EQUIPMENT FOR RENTAL OR
- 22 LIMITED SALE, AND STORING EQUIPMENT FOR MAINTENANCE OF THE GOLF

- 1 COURSE. GOLF COURSE INCLUDES SNACK STANDS AND A RESTAURANT WITH
- 2 SEATING FOR NO MORE THAN 50 PERSONS. GOLF COURSE DOES NOT INCLUDE
- 3 CATERING FACILITIES, NOR ANY OTHER FACILITIES FOR ENTERTAINMENT OR
- 4 RECREATION.
- 5 SECTION 1A08 R.C. 7 (RESOURCE PRESERVATION) ZONE
- 6 IA08.1 FINDINGS AND LEGISLATIVE GOALS.
- 7 A. FINDINGS.
- 8 1. MASTER PLAN 2010, ADOPTED BY THE COUNTY COUNCIL IN FEBRUARY
- 9 2000, IDENTIFIES SPECIFIC RESOURCE PRESERVATION AREAS WHERE VALUABLE
- 10 CULTURAL, HISTORIC, RECREATIONAL, AND ENVIRONMENTAL RESOURCES ARE
- LOCATED AND SHOULD BE PROTECTED FOR THE HEALTH OF THE LOCAL
- 12 COMMUNITY AND THE COMMUNITY AT LARGE.
- 2. AMONG THE ACTIONS RECOMMENDED IN MASTER PLAN 2010 TO
- PROTECT RESOURCES IN RESOURCE PRESERVATION AREAS IS THE REDUCTION
- 15 OF PERMITTED RESIDENTIAL DENSITIES IN THESE AREAS TO ONE DWELLING
- 16 PER 25-50 ACRES OF LAND.
- 3. AN R.C. 7 ZONE WOULD ALLOW LIMITED DEVELOPMENT, COMPATIBLE
- WITH THE RURAL COMMUNITY, AND AT THE SAME TIME, PROTECT RURAL
- 19 RESOURCES.
- 20 4. THE COUNTY RECOGNIZES THE IMPORTANCE OF RETAINING LARGE-
- 21 ACREAGE PARCELS TO PROTECT AND PROMOTE THE AGRICULTURAL INDUSTRY;
- 22 R.C. 7 SHALL BE APPLIED ONLY TO LANDS CURRENTLY 20NED R.C. 4 AS OF

- 1 AUGUST 7, 2000.
- 2 B. LEGISLATIVE GOALS. THE BALTIMORE COUNTY COUNCIL SEEKS TO
- 3 ACHIEVE THE FOLLOWING GOALS IN THE R.C. 7 ZONE:
- 4 I. TO PRESERVE AND PROTECT TOTAL ECOSYSTEM FUNCTION.
- 5 INCLUDING RIPARIAN AND AQUATIC ECOSYSTEMS,
- 6 2. TO PROTECT FORESTS, STREAMS, WETLANDS, AND FLOODPLAINS;
- TO PROTECT THE WATER QUALITY OF WATERCOURSES, THE
- 8 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 IN AREAS
- 12 NOT CURRENTLY PROTECTED BY THE R.C. 2 ZONE.
- 7. TO MAINTAIN THE UMIQUE CHARACTER OF A RURAL AREA BY
- 14 PRESERVING ITS NATURAL, HISTORIC, CULTURAL, RECREATIONAL, SCENIC,
- 15 ARCHITECTURAL, AND ARCHAEOLOGICAL RESOURCES.
- 16 8. TO PROVIDE FOR THE ENVIRONMENTALLY SOUND USE OF LAND AND
- 17 FOREST RESOURCES, AND TO PREVENT FOREST FRAGMENTATION, ESPECIALLY
- 18 IN AREAS OF EXTENSIVE INTERIOR FOREST;
- 9. TO IMPLEMENT STATE AND FEDERAL MANDATES FOR THE
- 20 PROTECTION OF NATURAL RESOURCES AND RURAL LEGACY;
- 21 IO. TO ENHANCE RURAL CHARACTER AND ENVIRONMENTAL
- 22 PROTECTION BY LOCATING BUILDINGS IN HARMONY WITH SITE CONDITIONS:

- 1 · 11. TO PRESERVE THE TRADITIONAL CHARACTER OF RURAL
- 2 COMMUNITIES BY LIMITING THE SCALE AND INTENSITY OF DEVELOPMENT;
- 3 12. TO INCORPORATE TRADITIONAL FEATURES OF THE LOCAL BUILT
- 4 ENVIRONMENT INTO DEVELOPMENT; AND
- 5 13. TO MAINTAIN THE RURAL SCALE AND CHARACTER OF AREA ROADS
- 6 BY LIMITING GROWTH IN THE VOLUME OF TRAFFIC GENERATED BY LOCAL
- 7 DEVELOPMENT.
- 8 1A08.2 IN THIS SECTION, THE FOLLOWING TERM HAS THE MEANING
- 9 INDICATED:
- 10 BUILDING ENVELOPE -- THE AREA ON A LOT WITHIN WHICH ALL
- STRUCTURES EXCEPT WELLS, SEPTIC SYSTEMS, STORMWATER MANAGEMENT
- 12 SYSTEMS, DRIVEWAYS, OR FENCES ARE PERMITTED TO BE BUILT.
- 13 IA08.3 PERMITTED USES.
- A. USES PERMITTED BY RIGHT. THE FOLLOWING USES ARE PERMITTED BY
- 15 RIGHT IN AN R.C. 7 ZONE:
- 16 I. DWELLINGS, ONE-FAMILY DETACHED.
- 2. FARMS AND LIMITED ACRE WHOLESALE FLOWER FARMS, SUBJECT TO
- 18 SECTION 404.
- 19 3. OPEN SPACE, COMMON.
- 4. SCHOOLS.
- 21 5. STREETS AND WAYS.
- 22 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 2 APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT: OR OTHER UNDERGROUND CONDUITS, EXCEPT INTERSTATE PIPELINES. 5 7 ACCESSORY USES OR STRUCTURES, SUBJECT TO SECTION 429. 6 NCLUDING: 7 A. FARMER'S ROADSIDE STAND AND PRODUCE STAND, SUBJECT TO 8 SECTION 404.4: B. HOME OCCUPATIONS: :0 C. OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS. 11 ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, OR OTHER PROFESSIONALS. 12 13 PROVIDED THAT ANY SUCH OFFICE OR STUDIO IS ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING THE PROFESSIONAL PERSON'S PRIMARY 14 RESIDENCE: DOES NOT OCCUPY MORE THAN 25% OF THE TOTAL FLOOR AREA OF 15 16 THAT RESIDENCE: AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN 17 ONE NONRESIDENT EMPLOYEE: D. PARKING AND RESIDENTIAL GARAGE SPACE, SUBJECT TO SECTION 18 409: 19 20 E. SIGNS, SUBJECT TO SECTIONS 450 AND 1A08.8.C.5; AND F. SWIMMING POOLS, TENNIS COURTS, AND OTHER RECREATIONAL 21

AMENITIES, IF ACCESSORY TO A DWELLING OR RESIDENTIAL SUBDIVISION

- I . ONLY.
- 2 8. COMMERCIAL FILM PRODUCTION, SUBJECT TO SECTION 435.
- B. USES PERMITTED BY SPECIAL EXCEPTION. THE FOLLOWING USES ONLY
- 4 MAY BE PERMITTED BY SPECIAL EXCEPTION IN AN R.C. 7 ZONE.
- 5 I. THE FOLLOWING USES PROVIDED THAT THEY ARE LOCATED IN A
- 6 PRINCIPAL BUILDING THAT WAS ORIGINALLY CONSTRUCTED BEFORE THE
- 7 EFFECTIVE DATE OF BILL 74-00; AND THE BUILDING IS CONVERTED TO THE NEW
- 8 USE WITHOUT ANY EXTERNAL ENLARGEMENT AFTER THE EFFECTIVE DATE OF
- 9 BILL 74-00:
- 10 A. ANTIQUE SHOP:
- B. BED AND BREAKFAST:
- 12 C. TEA ROOM: AND
- D. RESIDENTIAL ART SALON.
- 2. CHURCHES AND OTHER BUILDINGS FOR RELIGIOUS WORSHIP
- 15 3. 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
- 18 ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING THE
- PROFESSIONAL PERSON'S PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN
- 20 25% OF THE TOTAL FLOOR AREA OF THAT RESIDENCE: AND DOES NOT INVOLVE
- THE EMPLOYMENT OF MORE THAN ONE NONRESIDENT PROFESSIONAL
- 22 ASSOCIATE NOR TWO OTHER NONRESIDENT EMPLOYEES:

- 4. PUBLIC UTILITY USES NOT PERMITTED BY RIGHT.
- BOTTLED WATER PLANT AS AN AGRICULTURAL SUPPORT USE OF THE
- 3 SOURCE OF WATER IS LOCATED ON THE SAME SITE AS THE PLANT, AND
- 4 PROVIDED THAT THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL
- 5 PROTECTION AND RESOURCE MANAGEMENT MAKES A FINDING THAT THE
- 6 PROPOSED FACILITY IS NOT EXPECTED TO ADVERSELY AFFECT THE QUALITY OF
- 7 CAPACITY OF SURFACE WATER OR GROUND WATER.
- 8 6. CAMPGROUNDS, INCLUDING DAY CAMPS.
- 9 7. FARM MARKET, SUBJECT TO SECTION 404.4.
- 10 8. GOLF COURSES.
- 9. HORTICULTURAL NURSERY, SUBJECT TO SECTIONS 434.1 AND 404.2.
- 12 10. RIDING STABLES.
- 13 II. TARGET ARCHERY AND FIELD ARCHERY RANGES.
- 14 12. VOLUNTEER FIRE COMPANY OR AMBULANCE-RESCUE FACILITIES.
- 15 WINERY AS AN AGRICULTURAL SUPPORT USE, INCLUDING
- 16 ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF WINE PRODUCED ON
- 17 PREMISES, TEMPORARY PROMOTIONAL EVENTS SUCH AS WINE TASTING OR
- 18 PUBLIC GATHERINGS ASSOCIATED WITH THE WINERY ARE PERMETTED WITHIN
- ANY LIMITS SET THROUGH THE SPECIAL EXCEPTION PROCESS.
- 20 14. WIRELESS TELECOMMUNICATION TOWERS, SUBJECT TO SECTION
- 21 426.
- 22 C. NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR ANY OTHER

- 1. COUNTY LAW OR REGULATION TO THE CONTRARY, IF A PROPERTY TO WHICH
- THE ZONING CLASSIFICATION R.C. 7 IS APPLIED HAD A DEVELOPMENT PLAN
- 3 PENDING FOR APPROVAL ON OR BEFORE AUGUST 7, 2000, THE DEVELOPMENT
- 4 PROPOSED SHALL BE REVIEWED AND APPROVED BASED ON THE ZONING
- 5 CLASSIFICATION APPLICABLE TO THE PROPERTY AT THE TIME THE
- 6 DEVELOPMENT PLAN WAS FILED.
- 7 IA08.4 PLANS AND PERMITS. ALL DEVELOPMENT MUST BE IN ACCORDANCE
- 8 WITH THIS SECTION AND THE STANDARDS AND GUIDELINES FOR "RURAL"
- 9 PRESERVATION" AND "SCEMIC VIEWS" ADOPTED PURSUANT TO THIS SECTION,
- AND PUBLISHED AS PART OF THE COMPREHENSIVE MANUAL OF DEVELOPMENT
- 11 POLICIES.

- 12 A. BEFORE THE APPROVAL OF ANY CONCEPT PLAN, DEVELOPMENT PLAN,
- 13 LIMITED EXEMPTION, SPECIAL EXCEPTION PLAN, OR VARIANCE, THE DIRECTOR
- OF PLANNING OR THE DIRECTOR'S DESIGNEE MUST CERTIFY IN A WRITTEN
- 15 FINDING THAT THE PLAN, EXEMPTION, OR VARIANCE IS CONSISTENT WITH THE
- 16 SPIRIT AND INTENT OF THESE REGULATIONS. TO SUPPORT THE FINDING, THE
- DIRECTOR MAY REQUIRE INFORMATION SUCH AS BUILDING ELEVATIONS,
- 18 BUILDING CROSS-SECTIONS, OR VIEWSHED ANALYSES PURSUANT TO SECTION
- 19 26-203(D)(22) OF THE BALTIMORE COUNTY CODE. THE DIRECTOR MUST CERTIFY
- THAT ANY DEVIATION FROM THIS SECTION OR THE STANDARDS AND
- 21 GUIDELINES CITED ABOVE WAS NECESSARY TO:
 - I. MEET ANOTHER STANDARD OR GUIDELINE;

- 2. COMPLY WITH ENVIRONMENTAL REGULATIONS OR OTHERWISE
- 2 PROTECT RESOURCES; OR
- 3. ACHIEVE THE BEST POSSIBLE SITE DESIGN BASED ON THE GOALS IN
- 4 SECTION (A08.1.B)
- 5 B. BEFORE THE ISSUANCE OF ANY BUILDING PERMIT, THE DIRECTOR OF
- 6 PLANNING OR THE DIRECTOR'S DESIGNEE MUST CERTIFY THAT THE PROPOSED
- 7 DEVELOPMENT IS IN CONFORMANCE WITH A PLAN APPROVED PURSUANT TO
- 8 THESE REGULATIONS.
- 9 C. A FINDING PURSUANT TO THIS SECTION MAY BE APPEALED TO THE
- 10 BALTIMORE COUNTY BOARD OF APPEALS WITHIN 30 DAYS OF THE DATE OF THE
- THE FINDING BY ANY PERSON AGGREVED BY THE FINDING
- 12 LA08.5 SCENIC VIEWS. TO PROTECT THE SCENIC VIEWS OR WHEN NECESSARY
- PURSUANT TO 1A08.4, TO MITIGATE THE DISTURBANCE OF SCENIC MEWS. THE
- DIRECTOR OF PLANNING MAY REQUIRE THAT ONE OR BUTH OF THE FOLLOWING
- 15 BE CLEARLY DESIGNATED ON THE FINAL RECORD PLAT WITH APPROPRIATE
- 16 NOTATIONS:
- 17 A. AREAS WHERE DISTURBANCE OF NATURAL VEGETATION IS PROHIBITED:
- 18 OR
- B. AREAS WHERE RE-VEGETATION OF LANDSCAPING IS REQUIRED.
- 20 LA08.6 DEVELOPMENT AREA AND STANDARDS.
- 21 A. MAXIMUM HEIGHT. NO STRUCTURE WITH A HEIGHT GREATER THAN 35
- FEET IS PERMITTED; EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 300.

- B. AREA REGULATIONS.
- 2 I. MAXIMUM LOT DENSITY. A TRACT MAY BE DEVELOPED IN AN R.C. 7
- 3 ZONE AT A MAXIMUM DENSITY OF 0.04 LOT PER ACRE OF GROSS TRACT AREA
- 4 (AN AVERAGE OF 1 LOT PER 25 ACRES). NO LOT LYING WITHIN AN R.C. 7 ZONE
- 5 AND HAVING A GROSS AREA OF LESS THAN 50 ACRES MAY BE SUBDIVIDED. ANY
- 6 LOT HAVING A GROSS AREA OF 50 ACRES OR MORE MAY BE SUBDIVIDED AT THE
- 7 RATE OF ONE LOT FOR EACH 25 ACRES OF GROSS AREA. IN CASES WHERE
- 8 SINGLE OWNERSHIP IS CROSSED BY EXISTING OR PROPOSED ROADS, RIGHTS OF
- 9 WAY, OR EASEMENTS, THE PORTIONS OF LAND ON EITHER SIDE OF THE ROAD,
- 10 RIGHT OF WAY, OR EASEMENT MAY NOT BE CONSIDERED SEPARATE PARCELS
- FOR THE PURPOSE OF CALCULATING THE NUMBER OF LOTS OF RECORD.
- 2. LOT AREA. THE AREA OF ANY RESIDENTIAL LOT IN A MAJOR OR
- MINOR SUBDIVISION MUST NOT BE LESS THAN ONE ACRE.
- 3. BUILDING ENVELOPE. FOR RESIDENTIAL DEVELOPMENT, THE
- MAXIMUM AREA OF THE BUILDING ENVELOPE ON ANY RESIDENTIAL LOT OTHER
- 16 THAN A FARM IS 20,000 SQUARE FEET, AND NO SINGLE DWELLING, INCLUSIVE OF
- 17 A GARAGE OR ACCESSORY BUILDING, SHALL HAVE A BUILDING FOOTPRINT
- THAT EXCEEDS 5,000 SQUARE FEET. THE PLACEMENT OF THE BUILDING
- 19 ENVELOPE IS DETERMINED ON THE BASIS OF:
- 20 A. THE GOALS FOR THE ZONE, AND
- B. THE MINIMUM SETBACKS FOR THE ZONE.
- 4. MINIMUM DEVELOPMENT ALLOWANCE. ANY LOT OR PARCEL OF LAND

- LAWFULLY EXISTING ON THE EFFECTIVE DATE OF BILL 66-00 MAY BE DEVELOPED WITH A SINGLE DWELLING. 3 5. SETBACKS. A. ANY PRINCIPAL BUILDING CONSTRUCTED IN AN R.C. 7 ZONE MUST BE SITUATED AT LEAST. 1. 35 FEET FROM THE RIGHT OF WAY OF PUBLIC OR PRIVATE. INTERIOR STREETS: 7 II. 80 FEET FROM ANY PRINCIPAL BUILDING: AND 8 III. 50 FEET FROM THE REAR LOT LINE. 9 B. ANY PRINCIPAL BUILDING OR WELL CONSTRUCTED, OR ANY USE 10 THAT MAY BE IN CONFLICT WITH ANY PERMITTED AGRICULTURAL OPERATION. 11 IN AN R.C. 7 ZONE MUST BE AT LEAST 300 FEET FROM ANY ADJACENT PROPERTY 12 THAT WAS CULTIVATED OR USED FOR PASTURE DURING THE PREVIOUS THREE 13 14 YEARS, AS DETERMINED BY THE DEPARTMENT OF ENVIRONMENTAL 15 PROTECTION AND RESOURCE MANAGEMENT, OR THAT IS SUBJECT TO A 16 PERPETUAL AGRICULTURAL OR CONSERVATION EASEMENT. 17 6. IMPERVIOUS SURFACE COVERAGE -- NON-RESIDENTIAL DEVELOPMENT. EXCEPT FOR RESIDENTIAL LOTS WHICH ARE SUBJECT TO A 18 BUILDING ENVELOPE RESTRICTION, NO MORE THAN 10% OF ANY LOT MAY BE 19 COVERED BY IMPERVIOUS SURFACES SUCH AS STRUCTURES OR PAVEMENT. 20 21 7. HISTORIC PROPERTIES. NO BUILDING OR STRUCTURE ON A
 - DEVELOPMENT TRACT WHICH IS OFFICIALLY INCLUDED ON THE PRELIMINARY

1 .	OR FINAL LIST OF THE LANDMARKS PRESERVATION COMMISSION OR THE
2	NATIONAL REGISTER OF HISTORIC PLACES, OR WHICH IS SUBJECT TO AN
3	EASEMENT HELD BY THE MARYLAND HISTORIC TRUST WILL BE COUNTED AS A
4	LOT OR DWELLING FOR PURPOSES OF CALCULATING DENSITY, PROVIDED THAT:
5	A. THERE IS AN AREA OF SUFFICIENT SIZE, AS DETERMINED BY THE
6	DIRECTOR OF PLANNING IN CONSULTATION WITH THE LANDMARKS
7	PRESERVATION COMMISSION OR MARYLAND HISTORIC TRUST, SURROUNDING
8	THE BUILDING, STRUCTURE, OR LANDMARK TO PRESERVE THE INTEGRITY OF
9	ITS HISTORIC SETTING;
10	B. AN OVERALL PHOTOGRAPHIC AND WRITTEN DESCRIPTION OF THE
l l	BUILDING, STRUCTURE, OR LANDMARK IDENTIFIED HAS BEEN SUBMITTED AND
12	IS DETERMINED TO BE IN COMPLIANCE WITH THE SECRETARY OF THE
13	INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES;
14	C. DOCUMENTATION OF THE PRESERVATION, RESTORATION, AND
15	PROTECTION FOR THE BUILDING, STRUCTURE, OR LANDMARK HAS BEEN
i 6	APPROVED BY THE DIRECTOR OF PLANNING IN CONSULTATION WITH THE
17	MARYLAND HISTORICAL TRUST PRIOR TO ISSUANCE OF ANY BUILDING PERMIT
18	AND
19	D. WHEN PROVISIONS OF THIS PARAGRAPH APPLY TO ANY
20	DEVELOPMENT, THE CONDITIONS FOR APPROVAL MUST BE NOTED ON THE
21	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 POSTER CREATIVE DEVELOPMENT THAT PROMOTES THE GOALS STATED IN 1A08.1.B. 1. STORMWATER MANAGEMENT, STORMWATER MANAGEMENT 5 FACILITIES MUST BE INTEGRATED WITH THE TOPOGRAPHY OF THE SITE AND CONSISTENT WITH THE VISUAL APPEARANCE OF THE SURROUNDING NATURAL FEATURES. 8 9 2. BUILDINGS. A BUILDINGS MUST BE LOCATED ON THE LEAST VISUALLY 10 PROMINENT PORTION OF THE SITE FROM THE PUBLIC ROAD. CONSISTENT WITH l l EFFECTIVE RESOURCE PROTECTION, EXCEPT WHERE APPROPRIATE TO 12 CONTINUE AN ESTABLISHED PATTERN OF DEVELOPMENT ALONG THE EDGE OF 13 14 THE ROAD. B. BUILDINGS SHOULD REFLECT THE TRADITIONAL RURAL 15 CHARACTER OF THE AREA IN ARCHITECTURAL FORM, SCALE, MATERIALS, AND 16 DETAILING, AND IN LANDSCAPING CONTEXT. 17 C. DWELLINGS AND OTHER PRINCIPAL USE BUILDING SHOULD BE 18 FRONT-ORIENTED TO PUBLIC RIGHTS OF WAY: REVERSE-FRONTED LOTS 19 20 GENERALLY WILL NOT BE PERMITTED.
 - D. INSTITUTIONAL USES, WHEN PERMITTED, SHOULD BE REGARDED

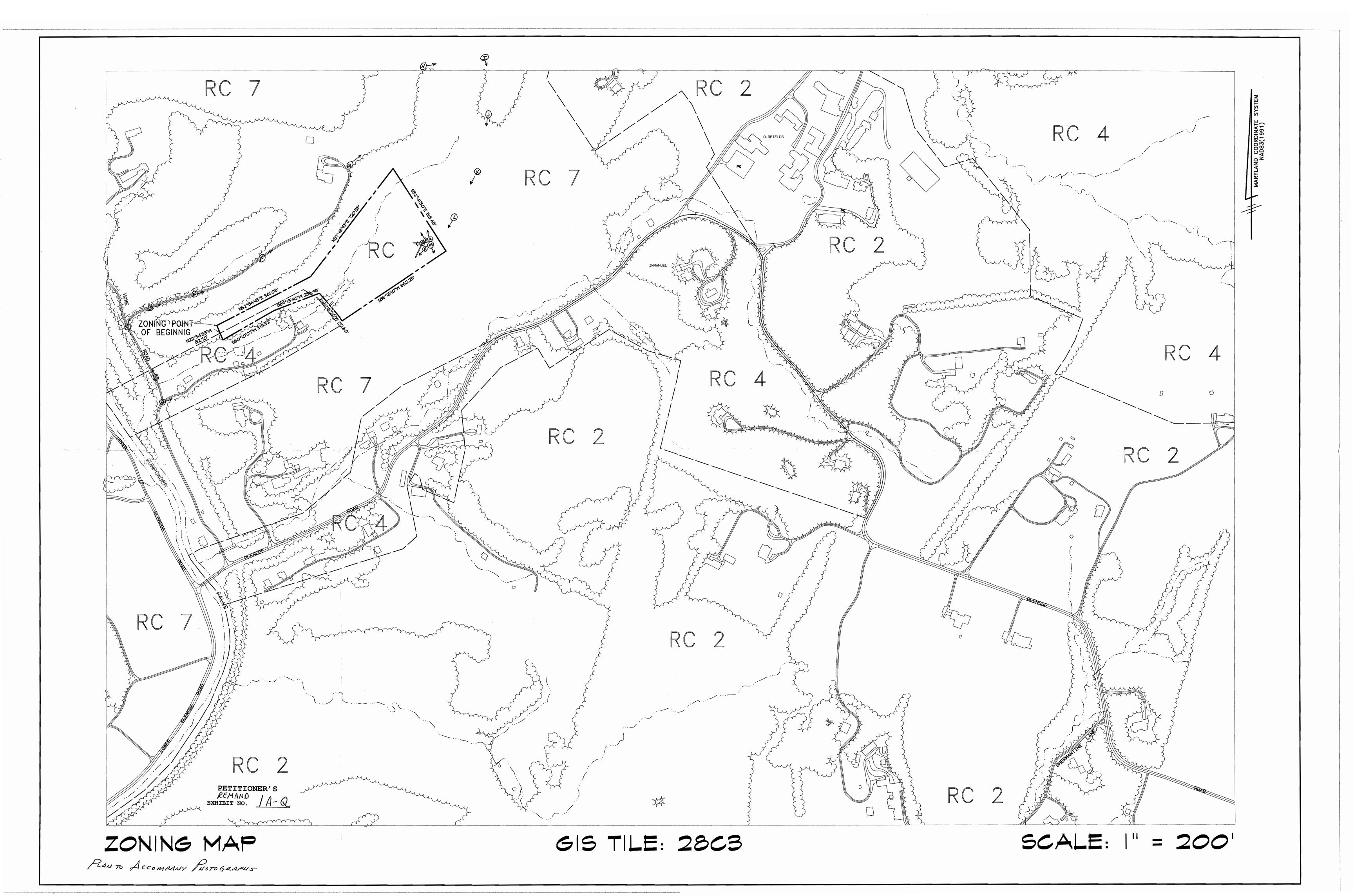
 AS COMMUNITY LANDMARKS, AND TREATED AS PERMANENT, SPECIAL USES.

- 1 · THIS STATUS SHOULD BE REFLECTED IN BUILDING ORIENTATION AND
- 2 LOCATION ON THE SITE, ENTRYWAYS, LANDSCAPING, ARCHITECTURE, AND
- 3 EXTERIOR BUILDING MATERIALS.
- 4 E. ALL OF THE ENTERIOR WALLS OF A BUILDING MUST BE TREATED
- 5 SIMILARLY WITH RESPECT TO COLOR AND ARCHITECTURAL DETAILS.
- 6 F. ACCESSORY STRUCTURES, INCLUDING SOLAR PANELS, ANTENNAS.
- AND STORAGE SHEDS ARE NOT PERMITTED IN THE FRONT YARD OF ANY
- 8 PRINCIPAL USE. SECTION 400.1 IS NOT APPLICABLE IN AN R.C. 7 ZONE.
- 9 HOWEVER, THE HEIGHT OF ACCESSORY STRUCTURES IS SUBJECT TO THE
- 10 PROVISIONS OF SECTION 400.
- II G. WHEN BUILDINGS ARE LOCATED IN OPEN FIELDS BECAUSE OF SITE
- 12 CONSTRAINTS, ADDITIONAL LANDSCAPING OR BERMS MAY BE REQUIRED TO
- 13 SOFTEN VIEWS.
- 14 3. ROADS, PARKING AREAS, AND STORAGE AREAS.
- A. INTERIOR ROADS MUST CONFORM TO BALTIMORE COUNTY'S
- 16 STANDARDS FOR RURAL ROADS, AND NO PAVED SECTION OF ROAD MAY
- 17 EXCEED A WIDTH OF 18 FEET.
- 18 B. CURBING MUST NOT BE USED UNLESS REQUIRED FOR
- 19 STORMWATER MANAGEMENT, AS DETERMINED BY THE DEPARTMENT OF
- 20 PUBLIC WORKS. WHEN CURBING IS REQUIRED, IT MUST CONSIST OF
- 21 MOUNTABLE CURBS OF A COLOR THAT SIMULATES THE APPEARANCE OF AGED
- 22 CONCRETE, IN ACCORDANCE WITH SPECIFICATIONS ESTABLISHED BY THE

- DEPARTMENT OF PUBLIC WORKS.
- 2 C. FENCING OF RESIDENTIAL PROPERTIES MUST BE IN KEEPING WITH
- RURAL CHARACTER. FENCES MUST BE EITHER SPLIT RAIL OR BOARD ON POST.
- 4 AND THE TYPE OF FENCE MUST BE CONSISTENT THROUGHOUT THE
- 5 DEVELOPMENT.
- D. OFF-STREET PARKING AND VEHICLE OR EQUIPMENT STORAGE
- 7 AREAS, WHEN MECESSARY FOR NONRESIDENTIAL OR NON-FARM USES. MUST BE
- 8 VISUALLY SCREENED BY FENCING, BUILDINGS, OR VEGETATION, OR A
- 9 COMBINATION THEREOF, FROM THE PUBLIC ROADS AND DWELLINGS.
- 10 E. AREAS FOR THE OUTSIDE STURAGE 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
- 14 ROADS AND DWELLINGS
- F. STREET LIGHTS, IF PERMITTED ON INTERIOR STREETS, MUST BE NO
- 16 HIGHER THAN 14 FEET AND ILLUMINATED BY NO MORE THAN ONE 100-WATT
- 17 SODIUM VAPOR LAMP. FLUORESCENT AND INCANDESCENT LIGHTS ARE NOT
- 18 PERMITTED. THE LIGHT FIXTURES SHOULD BE OF A STYLE THAT DIFFUSES
- 19 LIGHT.
- 4. SCREENING, VISUAL SCREENING FOR PRIVACY OR TO BLOCK
- 21 DISTRACTING VIEWS SHOULD BE NATURAL IN APPEARANCE AND SENSITIVE TO
- 22 GRADE RELATIONSHIPS. SCREENS SHOULD NOT DISRUPT THE HARMONY OF THE

- 1. NATURAL LANDSCAPE OR OBSTRUCT SCENIC VIEWS.
- SIGNS.
- a. COMMUNITY SIGNS ARE PROHIBITED. SUBDIVISIONS MAY BE
- 4 IDENTIFIED BY STREET SIGNS.
- B. A NON-RESIDENTIAL PRINCIPAL USE MAY BE IDENTIFIED BY:
- 6 I. AN ENTERPRISE SIGN, SUBJECT TO SECTION 450; OR
- 7 II. AN IDENTIFICATION SIGN, SUBJECT TO SECTION 450.
- 8 1A08.7 INCONVENIENCES ARISING FROM AGRICULTURAL OPERATIONS. ANY
- 9 DWELLING IN AN R.C. 7 ZONE MAY BE SUBJECT TO INCONVENIENCES OR
- 10 DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING NOISE.
- ODORS, FUMES, DUST, THE OPERATION OF MACHINERY OR AIRCRAFT OF ANY
- 12 KIND DURING ANY 24-HOUR PERIOD, THE STORAGE AND DISPOSAL OF MANURE,
- AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL
- 14 FERTILIZERS, SOIL AMENDMENTS, HERBICIDES, AND PESTICIDES.
- 15 Section 102 General Requirements
- 16 102.7 WHERE DEVELOPMENT OF A PROPERTY INCLUDES BOTH A SPECIAL
- 17 EXCEPTION AND A RESIDENTIAL SUBDIVISION, THE AREA ALLOCATED FOR USE
- AS A SPECIAL EXCEPTION SHALL NOT BE INCLUDED IN THE CALCULATION OF
- 19 RESIDENTIAL DENSITY.
- 20 Section 502 Special Exceptions
- 502.1 Before any special exception may be granted, it must appear that the use for which the

- special exception is requested will not:
- 2 I. BE DETRIMENTAL TO THE ENVIRONMENTAL AND NATURAL RESOURCES.
- 3 OF THE SITE AND VICINITY INCLUDING FORESTS, STREAMS, WETLANDS,
- 4 AQUIFERS, AND FLOODPLAINS IN AN R.C. 2, R.C. 4, R.C. 5, OR R.C. 7 ZONE.
- 5 SECTION 2. AND BE IT FURTHER ENACTED, that this Act having been passed by
- 6 the affirmative vote of five members of the County Council, shall take effect September 15, 2000.
- 7 807±00 ord



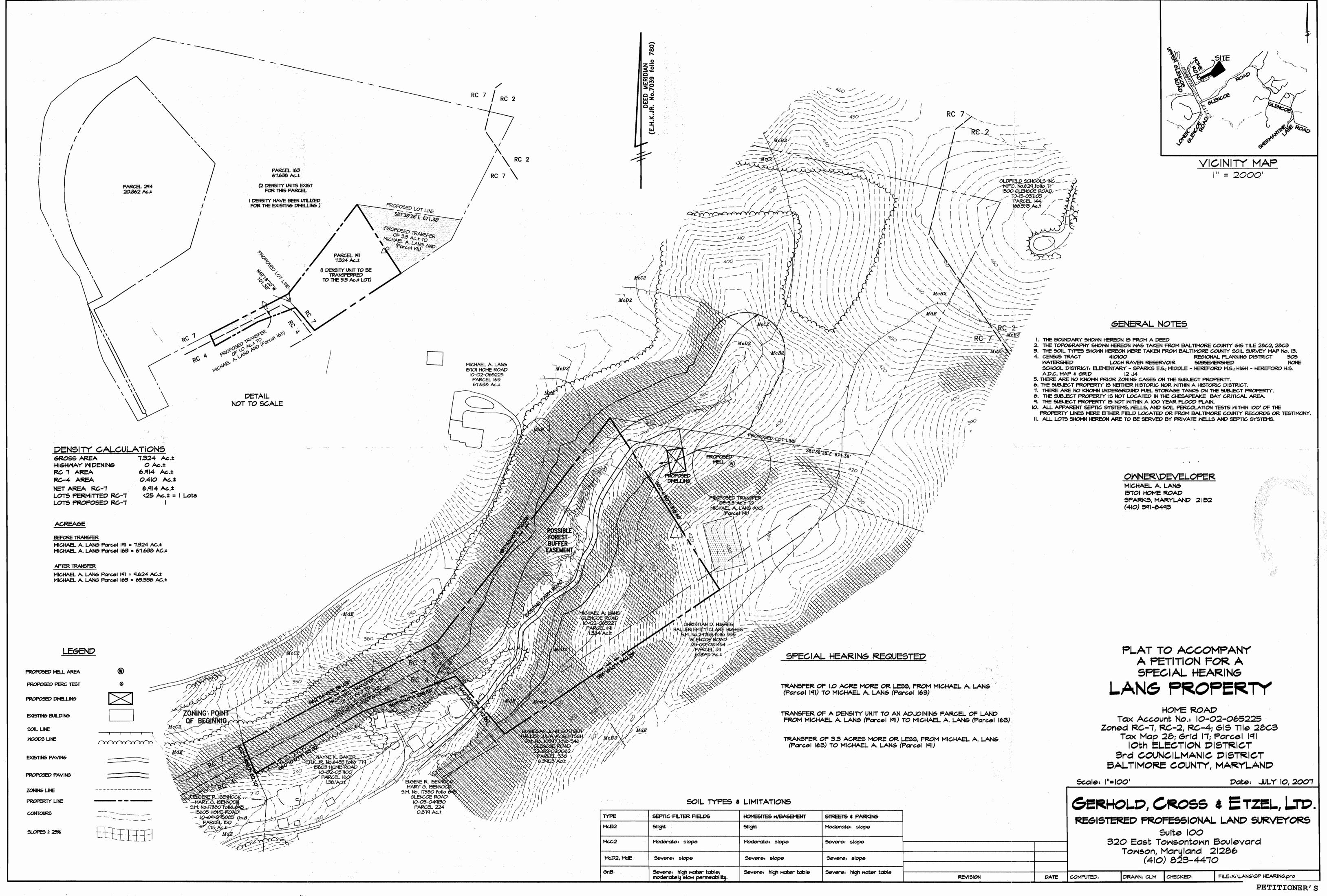
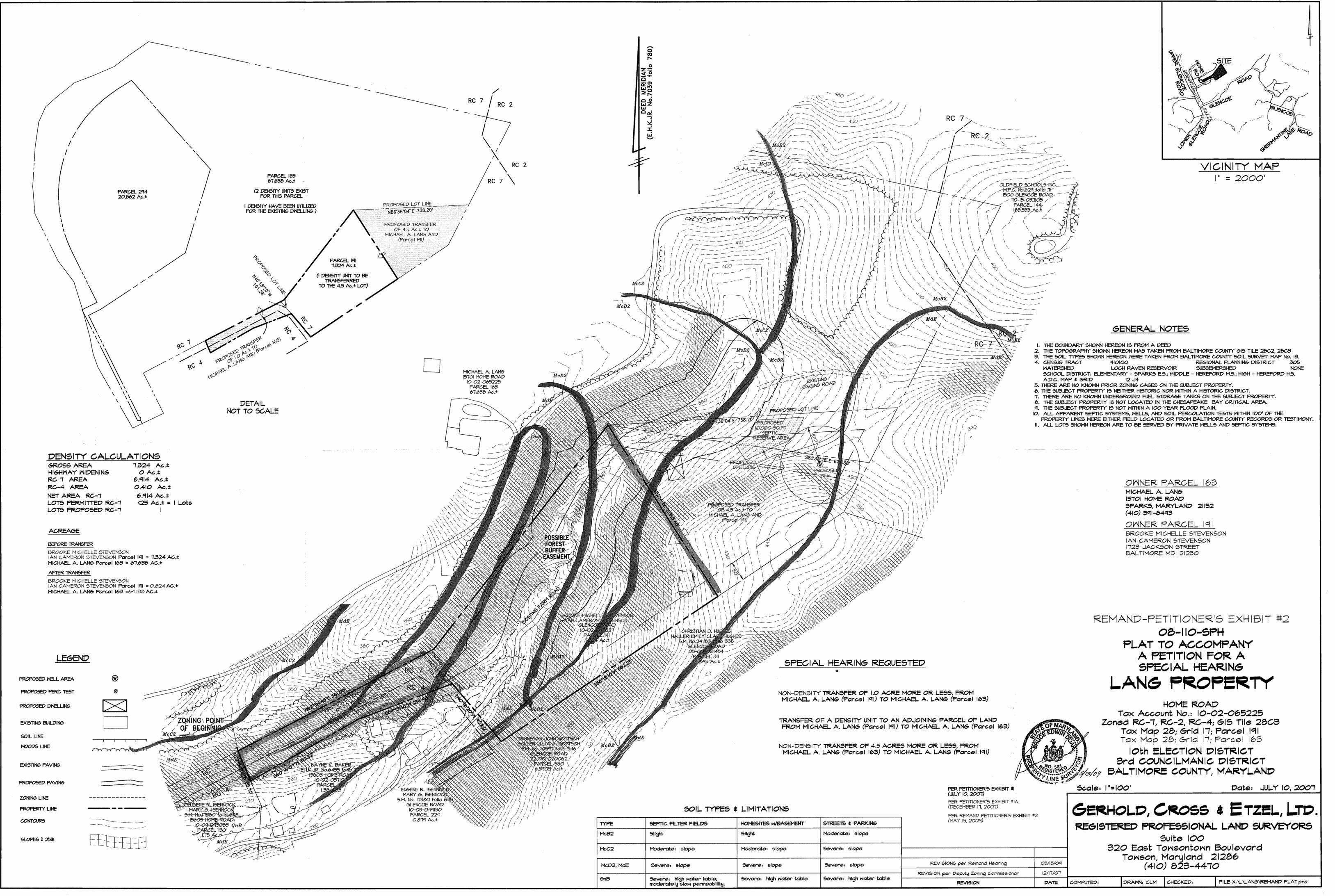


EXHIBIT NO.



01/04/08

10/19/07

10/09/07

09/12/07

09/10/07

DATE

COMPUTED

Suite 100

Towson, Maryland 21286

DRAWN: C.L.M. CHECKED:

(410) 823-4470

FILE: X:\C\Cumberland\zoning.pro

320 East Towsontown Boulevard

FBE, Wetland delineation and springs location

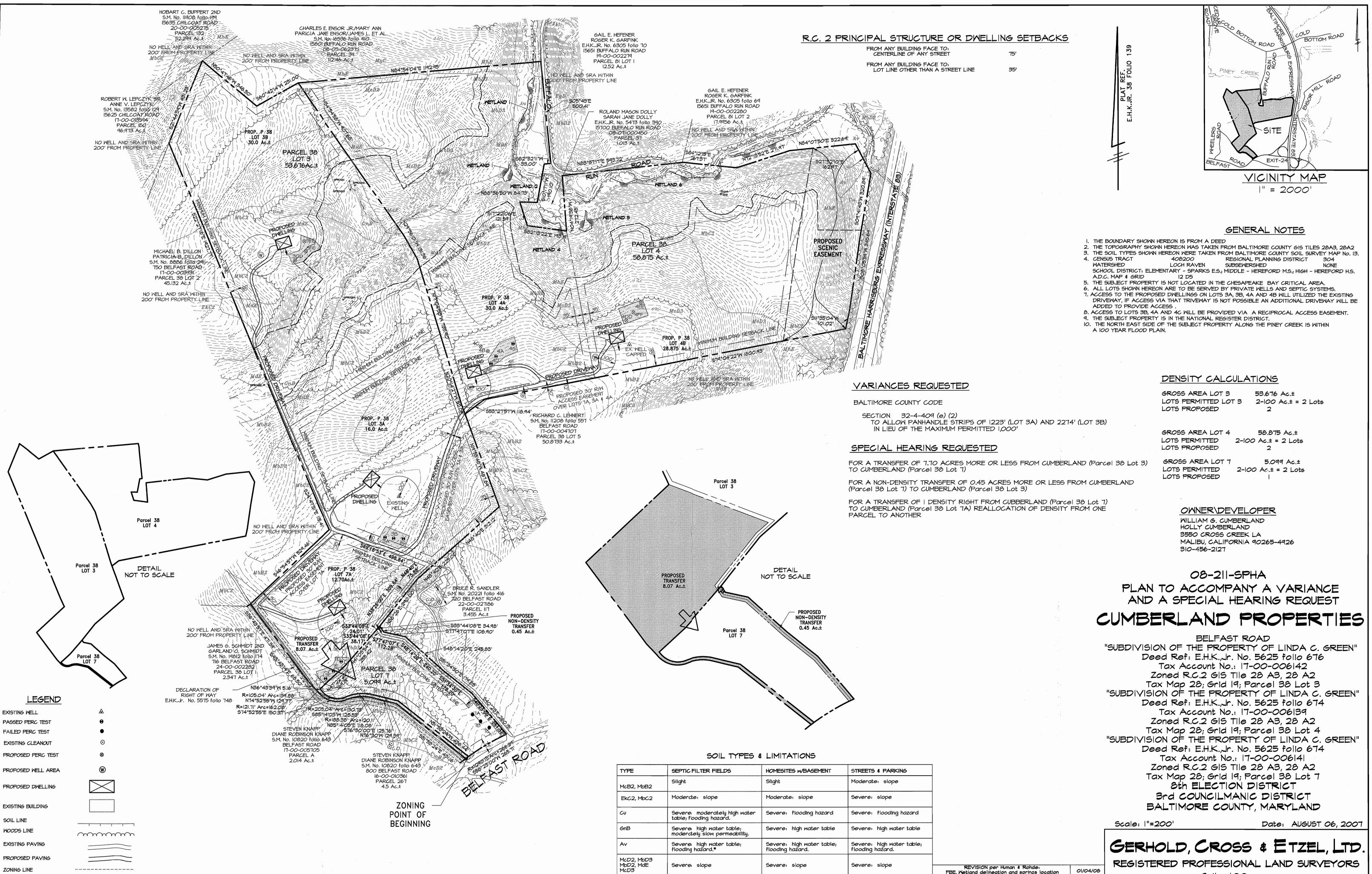
REVISION per owner request

REVISION per request of Wally Lippincott

REVISION per Rob Ponell

REVISION per Rob Powell

REVISION



CWB2

MhE, EgD

Slight *

Severe: slope *

flight to moderate: slope

Slight

* Strong possibility of polluting nearby springs, wells, ponds, streams, or other surface or underground water sources.

Severe: slope

Moderate: stoniness; slope

Moderate: slope

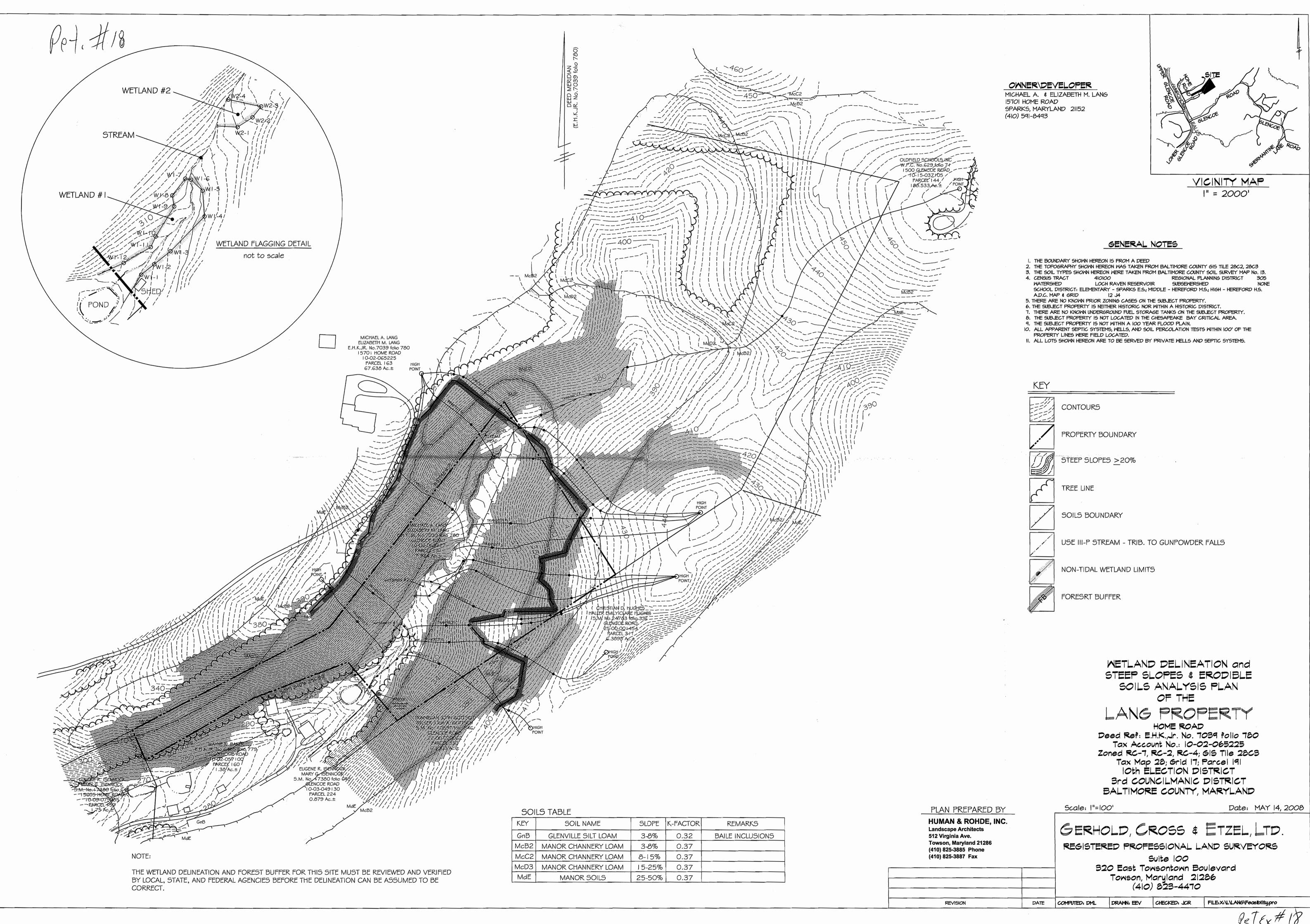
Severe: slope

PROPERTY LINE

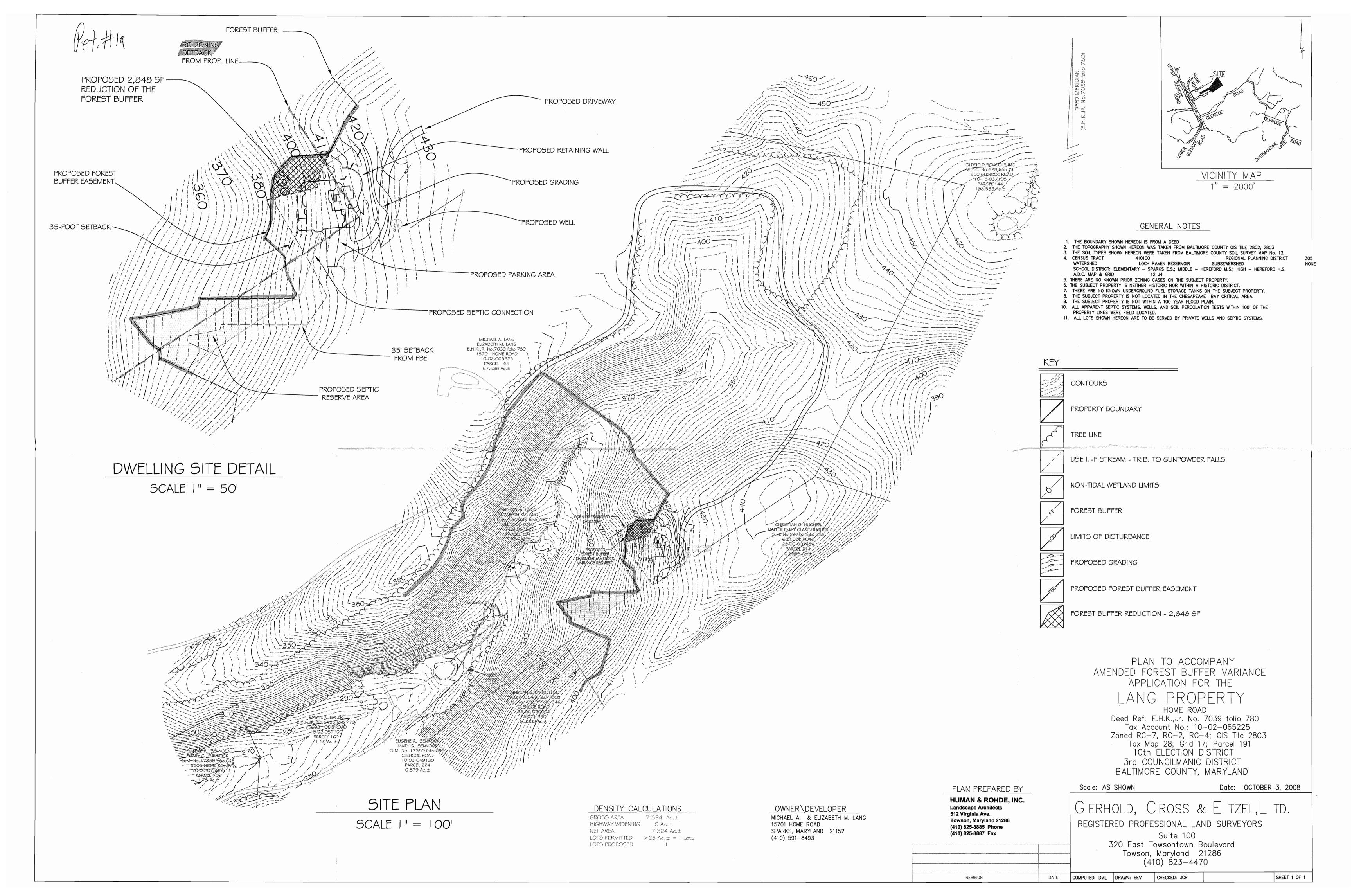
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CONTOURS

SLOPES ≥ 25%

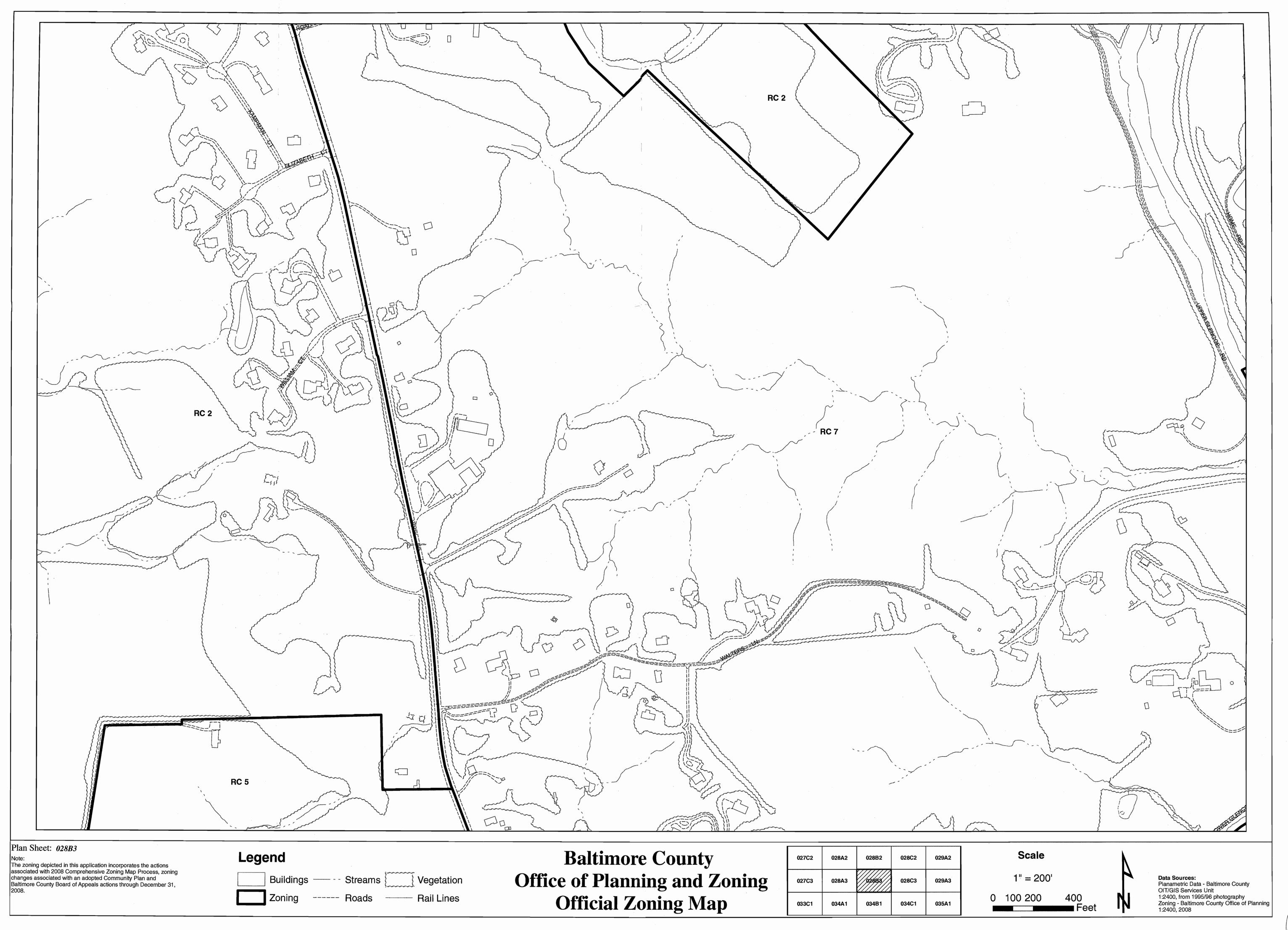


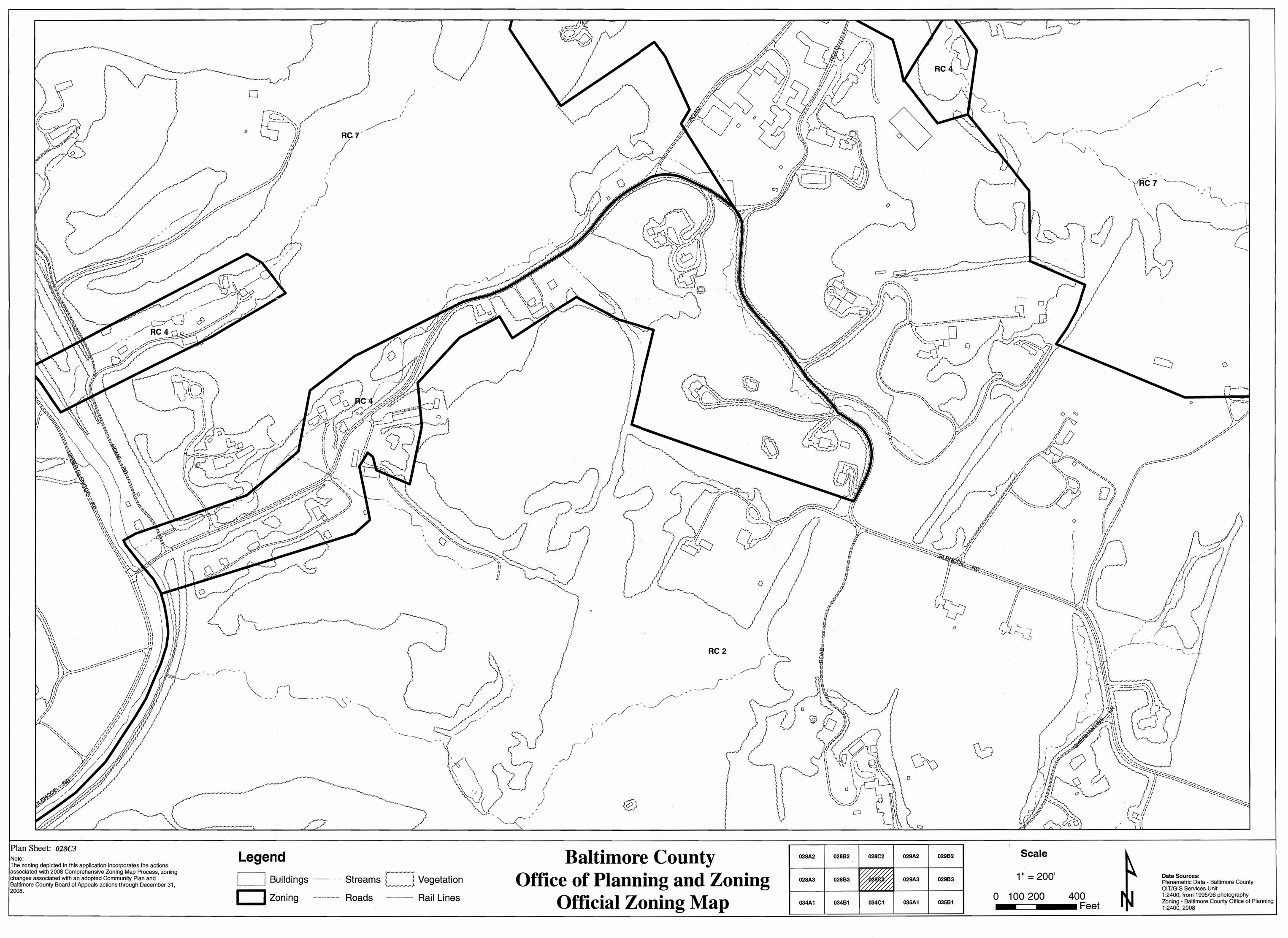
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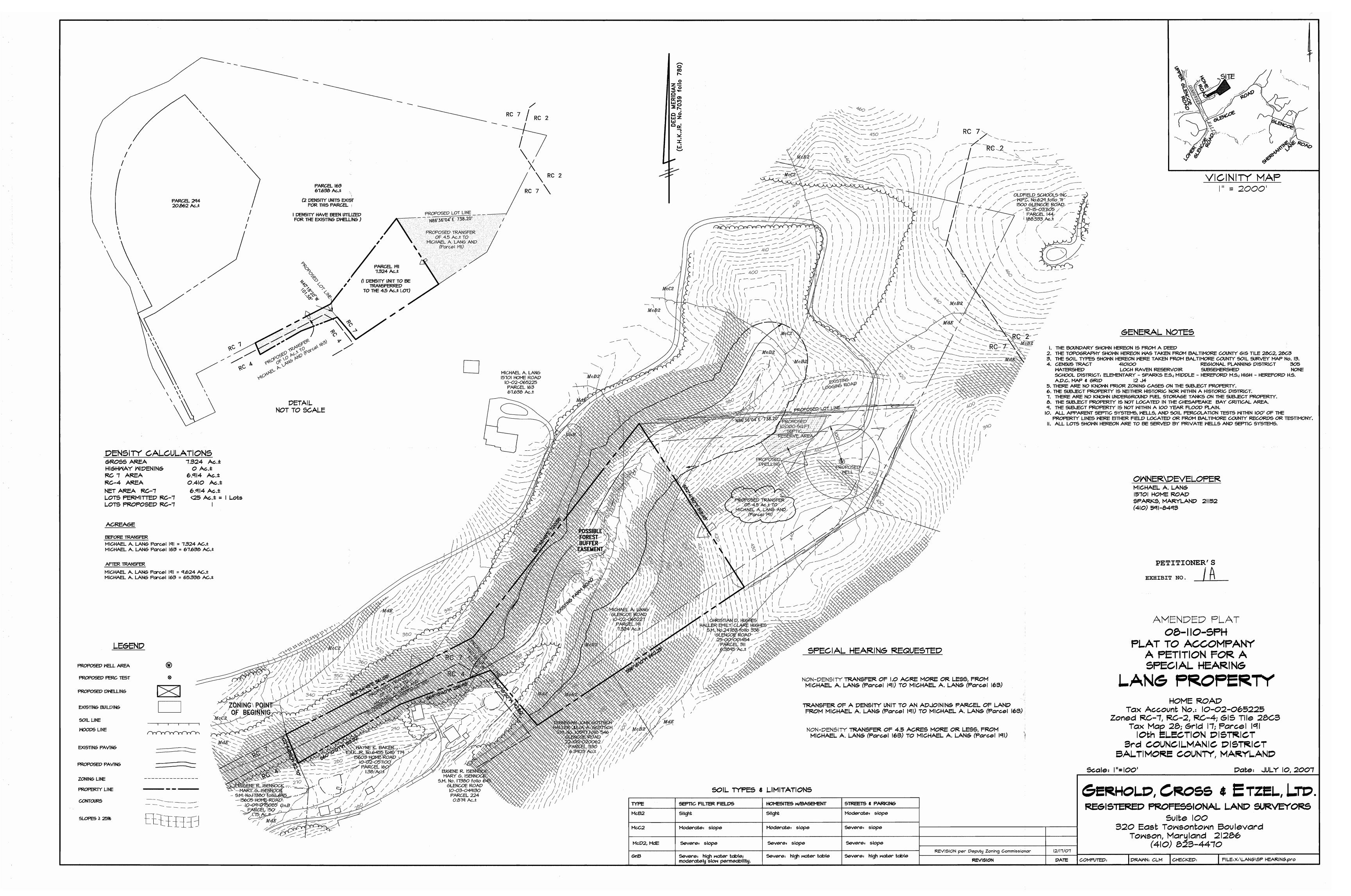
C. Eh. 6

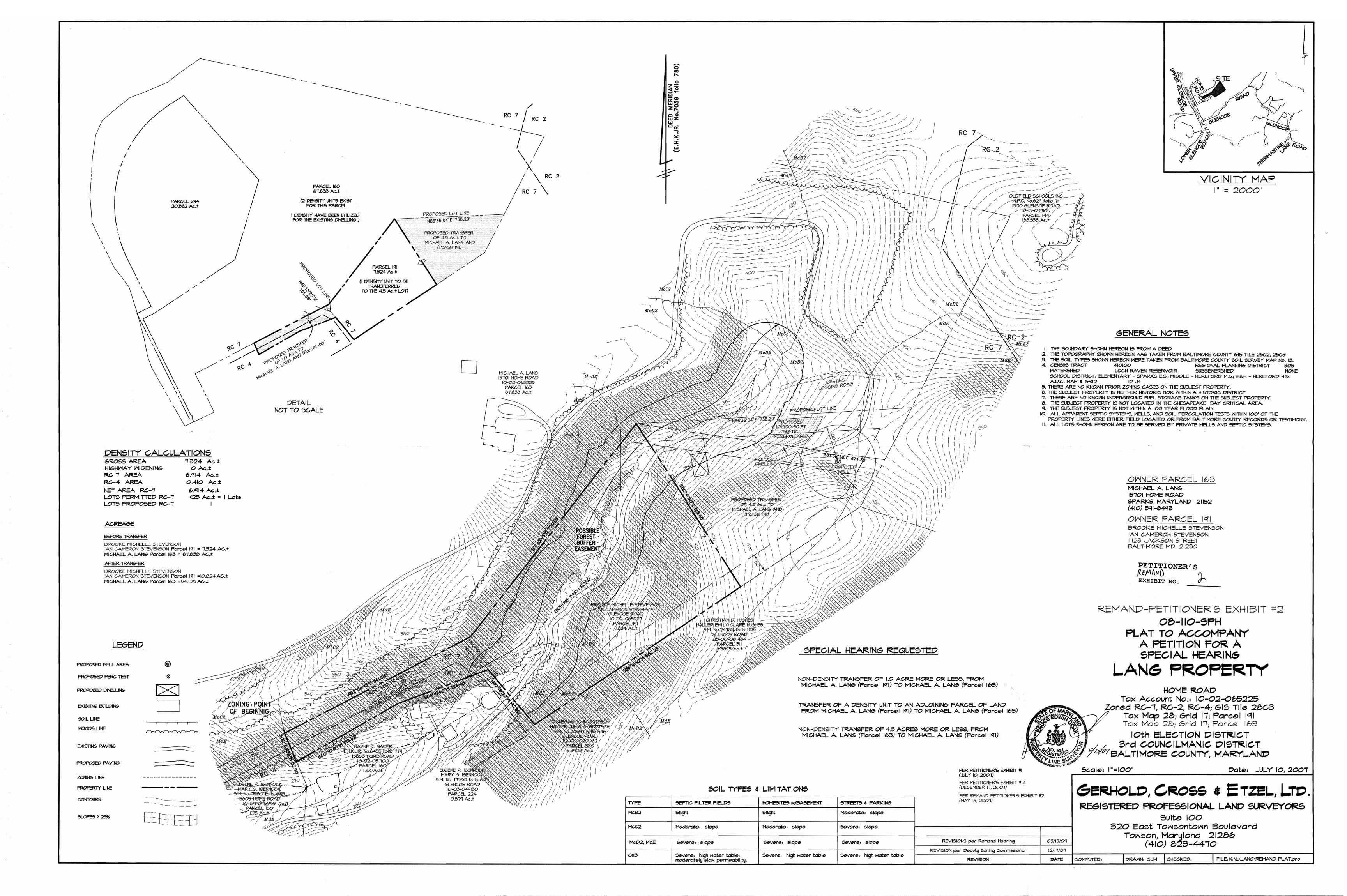




PC. Ex JA







IN RE: PETITION FOR SPECIAL HEARING NE side Home Road, 1100 feet +/-	*	BEFORE THE
NW of Glencoe Road 10 th Election District	*	DEPUTY ZONING
3 rd Councilmanic District (15701 Home Road)	*	COMMISSIONER
Michael A. Lang	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 08-110-SPH

ORDER ON REQUESTS FOR AMENDMENT AND RECONSIDERATION

This matter originally came before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by Michael Lang, the legal property owner, requesting relief as follows:

- To appove the transfer of a density unit to an adjoining parcel of land from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163); and
- To approve the transfer of 3.3 acres more or less, from Michael A. Lang (Parcel 163) to Michael A. Lang (Parcel 191); and
- To approve the transfer of 1.0 acre more or less, from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163).

The requested relief was granted with restrictions in this Commission's Findings of Fact and Conclusions of Law dated November 30, 2007.

This office then received correspondence dated December 18, 2007 from Cornelia L. Marin with Gerhold, Cross & Etzel, Ltd., the surveying firm that prepared the site plan. Also attached was a redlined copy of the site plan. In the letter, Ms. Marin requested to amend the site plan marked and accepted into evidence as Petitioner's Exhibit 1 with the aforementioned redlined site plan. In addition, Ms. Marin requested a reconsideration of the conditions in the

undersigned's November 30, 2007 Order; in particular, reconsideration was requested as to Condition 6 wherein the undersigned indicated:

6. In keeping with the rural character of the area and the R.C. zone, Petitioner agrees and acknowledges that he is forfeiting any further dwelling (and/or density) rights on Parcels 191 and 163 and that a total of only two dwelling rights (Petitioner's existing dwelling and the proposed new dwelling shown on the site plan) shall be permitted in any event.

Ms. Marin explained that the main parcel (Parcel 163) has two density rights -- one for the existing dwelling and one other that could be utilized in the event of any future development -- and that it was a misunderstanding, based on my imposition of condition 6, that Petitioner intended to relinquish the other density right on Parcel 163.

In considering the request for reconsideration, the undersigned reviewed the file as well as notes taken during the hearing. The undersigned also reviewed the tape of the proceedings concerning the issue of available density rights discussed by Bruce Doak, Petitioner's consultant, during the hearing. After reviewing the testimony and evidence, I believe there was a miscommunication between the undersigned and Mr. Doak concerning the density or dwelling rights potentially available to Petitioner as it relates to the requested relief. As such, I shall grant Petitioner's request for reconsideration, and the latter part of the first paragraph on page 6 of the Findings of Fact and Conclusions of Law shall be revised and read as follows:

"In fact, in requesting the aforementioned relief, Petitioner specifically understands that he will be limited to a total of three potential dwelling rights on the two parcels. He will be limited to two dwelling rights (Petitioner's existing dwelling and one additional dwelling right in the event of future development) on Parcel 163 and one dwelling right on the newly created Parcel 191 (combined with the 3.3. acres from Parcel 163)."

In addition, and in order to clarify this issue, the Findings of Fact and Conclusions of Law shall be further revised such that Condition 6 of the Order is hereby deleted and stricken from the Order. Finally, the undersigned shall permit the amendment to the site plan as shown in the redlined site plan accompanying Ms. Marin's December 18, 2007 letter. This redlined site plan shall be marked and admitted into evidence as Petitioner's Exhibit 1A.

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

PHOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

IN RE: PETITION FOR SPECIAL HEARING

NE side Home Road, 1100 feet +/NW of Glencoe Road
10th Election District
3rd Councilmanic District

(15701 Home Road)

Michael A. Lang
Petitioner

BEFORE THE

DEPUTY ZONING

* COMMISSIONER

FOR BALTIMORE COUNTY

* Case No. 08-110-SPH

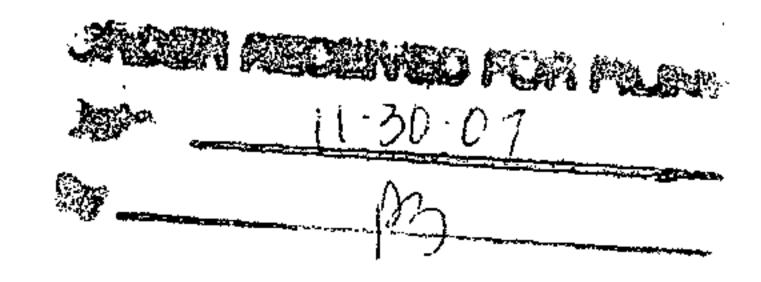
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Michael Lang, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To appove the transfer of a density unit to an adjoining parcel of land from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163); and
- To approve the transfer of 3.3 acres more or less, from Michael A. Lang (Parcel 163) to Michael A. Lang (Parcel 191); and
- To approve the transfer of 1.0 acre more or less, from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163).

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

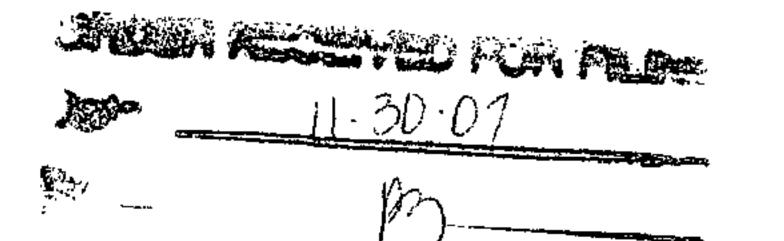
Appearing at the hearing in support of the requested special hearing was Petitioner Michael Lang, and also appearing was Bruce Doak with Gerhold Cross & Etzel, Ltd., the consultant who prepared the site plan. Appearing as Protestants against the requested relief were Wayne Baker of 15603 Home Road, Mr. and Mrs. Dansicker of 15729 Home Road, and Edward



and Heather Funk of 15609 Home Road. There were no other interested persons in attendance at the hearing.

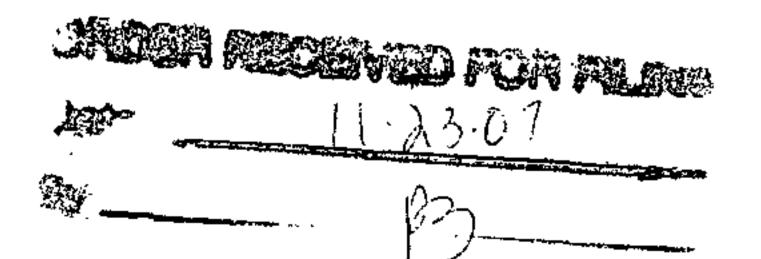
Testimony and evidence offered revealed that Petitioner owns two adjacent parcels in this Glencoe area of Baltimore County which are the subject of the special hearing requests. The property identified on the site plan as Parcel 163 is a large, irregular-shaped property containing approximately 67 acres. As shown on the aerial photograph which was marked and accepted into evidence as Petitioner's Exhibit 2, a significant portion of the land is cleared and is improved with Petitioner's single-family home as well as several accessory structures. Access to the site is from a long driveway that extends from a use-in-common 12 foot wide access road running from Home Road, off Glencoe Road to the north. The second property is identified on the site plan as Parcel 191 and is also an irregular-shaped property containing 7.3 acres, of which approximately 6.9 acres is zoned R.C.7 and 0.4 acre is zoned R.C.4. As shown on Petitioner's Exhibit 2, this parcel is unimproved and appears completely wooded. The aforementioned access road that branches to Petitioner's driveway also serves several other improved properties to the southwest of Parcel 191, including the neighbors present at the hearing. However, as the access road extends to Parcel 191, it has a very unimproved character, with no paving and limited clearing. A copy of the deed dated November 18, 1985 conveying the subject properties from Olga and Armin Bruning to Petitioner and his wife was marked and accepted into evidence as Petitioner's Exhibit 3. Mr. Doak, Petitioner's consultant, believes Parcel 191 has been a lot of record since at least 1939, as evidenced by the deed which was marked and accepted into evidence as Petitioner's Exhibit 4.

At this juncture, Petitioner desires to develop Parcel 191, which contains one dwelling right. In doing so, Petitioner also desires relief in order to make some changes to Parcel 191



which Petitioner believes will provide a better and more efficient configuration of the property. In particular, Petitioner proposes transferring the panhandle portion of Parcel 191, which does not serve any particular purpose such as a right-of-way or access road, to Parcel 163. Petitioner also proposes transferring a 3.3 acre triangular-shaped portion of Parcel 163 to Parcel 191. Finally, Petitioner proposes transferring the dwelling right (or density unit) from Parcel 191 to the new larger parcel to result from the 3.3 acre transfer from Parcel 163 to Parcel 191. The reason for this somewhat complicated exercise is because Petitioner believes this will enable him to build a home on Parcel 191 as allowed by the zoning regulations, but because of the topography, the heavily wooded character, and other environmental constraints on the land, will allow him to do so in the most appropriate, environmentally responsible manner. Mr. Doak notes that there will be no transfer of additional dwelling rights in giving the 3.3 acres from Parcel 163 to Parcel 191. He also indicates that although the R.C. zone permits two dwellings on the 67 acre Parcel 163 and one dwelling on Parcel 191, for a total of three dwelling rights, Petitioner desires only to develop one dwelling in addition to his residence, for a total of two dwellings. In keeping with the rural character of the R.C. zone, Mr. Doak also indicates Petitioner's willingness to forfeit any further development rights related to these parcels as a condition of any Order issued in the case.

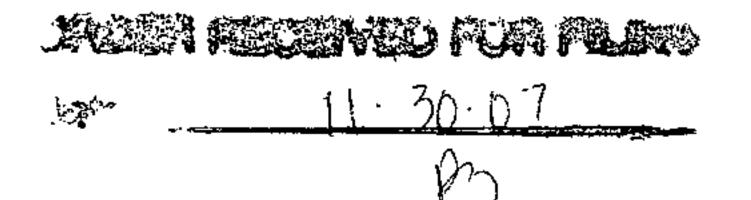
As to the plan itself, although the site plan shows "proposed paving" of the access road as it traverses through Parcel 191, Mr. Doak indicates that access to the proposed dwelling on Parcel 191 has changed. Rather than traveling through the environmentally sensitive areas on Parcel 191, Petitioner desires to utilize the access road as it branches to his driveway. As the driveway extends to Petitioner's home, it would keep going in a northeasterly direction, and



would wrap around to the back of the proposed dwelling. The dwelling would be located in the 3.3 acre triangular-shaped area that is the subject of the transfer from Parcel 163 to Parcel 191.

• Testifying in opposition to the requested special hearing were several adjacent neighbors. The first to testify was Wayne Baker of 15603 Home Road. Mr. Baker introduced his letter in opposition to the requested relief dated October 18, 2007 which was marked and accepted into evidence as Protestant's Exhibit 1. He also introduced a hand-drawn map which showed the subject properties as well as the properties potentially affected by Petitioner's proposed development. This map was marked and accepted into evidence as Protestant's Exhibit 2. In addition, photographs of the access road as it branches to Petitioner's driveway and as it serves the adjacent neighbors was marked and accepted into evidence as Protestant's Exhibits 3A through 3H. Mr. Baker stated in his letter and testified that his main concern over the proposed development of Parcel 191 is access to the property. Mr. Baker believes that if access is permitted via the use-in-common access road through the three adjoining properties, it will cause irreversible congestion, as well as a hazard from flood that could threaten adjoining properties and public safety. When it was pointed out that Petitioner has changed the proposed access to Parcel 191 so that it proceeds through the access road to Petitioner's driveway and wraps around the back of Parcel 191, Mr. Baker still objected since the initial use of the road by a potential additional homeowner would still cause congestion for those currently utilizing the access road. He also believes any potential development in this area needs to be carefully balanced against the fact that this is a resource conservation area.

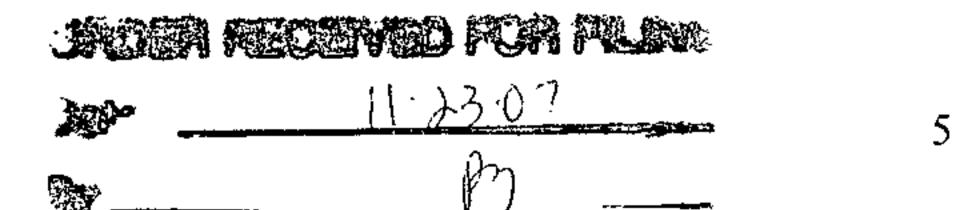
Next to testify was Mr. Funk of 15609 Home Road. Mr. Funk submitted the opposition letters dated October 22, 2007 from he and his wife which were marked and accepted into evidence as Protestant's Exhibits 4A and 4B. The letters indicated and Mr. Funk testified that



Petitioner's requests for relief will adversely and negatively affect his home, property, and natural environment. He indicated that Parcel 191 sits up on a steep slope surrounded by hills that drain into a small stream that feeds the Gunpowder River. Any additional development of the parcel will result in possible flooding onto the adjacent properties below. In addition, Mr. Funk opposes the development due to increases in congestion and traffic from another home utilizing the access road. In short, Mr. Funk believes the development of Parcel 191 will be detrimental to everyone except Petitioner, and therefore should not be permitted.

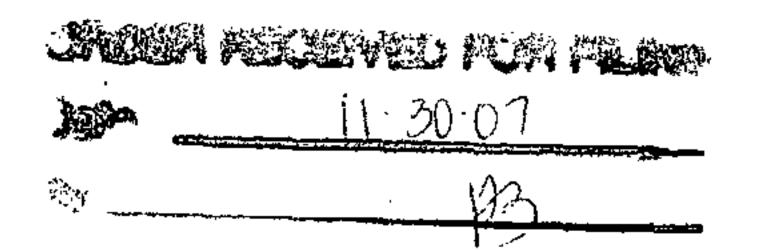
The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comment received from the Bureau of Development Plans Review dated September 17, 2007 indicates that Office has no objection to the proposed density transfer provided that the subdivision is approved in accordance with all development regulations.

Based upon the testimony and evidence offered, I am persuaded to grant the requested relief. In my judgment, the proposed transfers, and in particular, the density transfer from one adjoining parcel to another, appear appropriate. The zoning regulations allow Petitioner to place one dwelling on Parcel 191 as it exists now. I also believe, based on the deeds submitted into evidence by Petitioner, that access to the parcel is available via the access road currently utilized by the adjacent property owners, several of whom testified at the hearing. It is important to note that the relief granted herein is only as to the non-density transfer of land, as well as the transfer of a dwelling right between adjoining parcels, with no additional dwelling rights being sought or created. Moreover, the granting of relief is pursuant only to the limited relief sought under the Petition for Special Hearing. That is, the relief granted herein is not to be construed as a waiver of any of the requirements the property owner will need to satisfy as part of the overall development review process through the Development Review Committee (DRC). The



requested approval of the transfer of the panhandle portion of Parcel 191 and the transfer of 3.3 acres of Parcel 163 will not result in any increases in density. The result of these transfers, as well as the transfer of a dwelling right, will result in two, intact, separately defined parcels and there will not be an increase in overall density as a result of the requested relief. In fact, in requesting the aforementioned relief, Petitioner specifically understands he will be forfeiting a density right; that is, Petitioner realizes and agrees that rather than three potential dwelling rights on the two parcels, he will be limited to one dwelling right (Petitioner's existing dwelling) on Parcel 163 and one dwelling right on the newly created Parcel 191 (combined with the 3.3 acres from Parcel 163). Finally, it does not appear that Petitioner's plans will be detrimental to the health, safety, or general welfare of the surrounding locale.

While I am mindful of the testimony from the adjacent neighbors over concerns related to possible congestion and potential flooding and environmental impacts, based on the evidence adduced, I do not believe these concerns mandate denying the relief requested. As previously indicated, Petitioner's proposed development will undergo stringent review and evaluation through the County's development review process. As such, it is anticipated that Petitioner's proposal will be reviewed in more detail by appropriate County agencies during that process, and determinations will be made as to the project's feasibility in the R.C. zone, including such factors as environmental impacts and storm water management. Hence, I believe a number of the concerns put forth by the adjoining neighbors can be addressed during that process as well. I also do not believe the addition of one dwelling on Parcel 191 will create a significant problem with congestion on the access road or on Home Road.



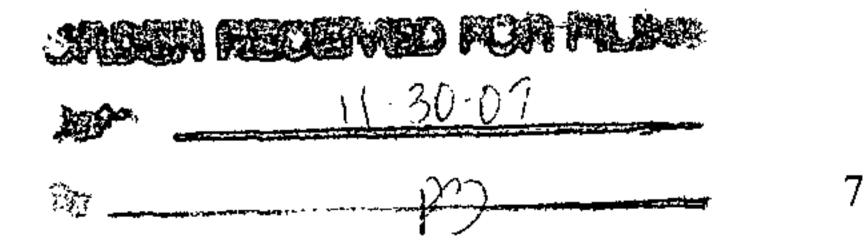
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 30th day of November, 2007, that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To approve the transfer of a density unit to an adjoining parcel of land from Michael A.
 Lang (Parcel 191) to Michael A. Lang (Parcel 163); and
- To approve the transfer of 3.3 acres more or less, from Michael A. Lang (Parcel 163) to Michael A. Lang (Parcel 191); and
- To approve the transfer of 1.0 acre more or less, from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163)

is hereby GRANTED subject to the following restrictions which are conditions precedent to the relief granted herein:

- 1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Within one hundred and eighty (180) days of the date of this Order, Petitioner shall record new deeds in the Land Records of Baltimore County referencing this case and the terms and conditions hereof. Copies of the new deeds shall be forwarded to the Department of Permits and Development Management (DPDM) for inclusion in the case file.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



- 4. Prior to being granted approval by the Development Review Committee (DRC) during the development process, Petitioner shall submit a revised site plan that is consistent with the changes announced during the hearing, specifically with respect to the new location of the driveway for the proposed new dwelling, which instead of running through Parcel 191, shall run on Petitioner's driveway and shall then extend beyond and around the back of Parcel 191 to the back of the proposed new dwelling.
- 5. Petitioner shall apply to the DRC for a limited exemption under Section 32-4-106(a)(1)(viii) concerning the lot line adjustment.
- 6. In keeping with the rural character of the area and the R.C. zone, Petitioner agrees and acknowledges that he is forfeiting any further dwelling (and/or density) rights on Parcels 191 and 163 and that a total of only two dwelling rights (Petitioner's existing dwelling and the proposed new dwelling shown on the site plan) shall be permitted in any event.

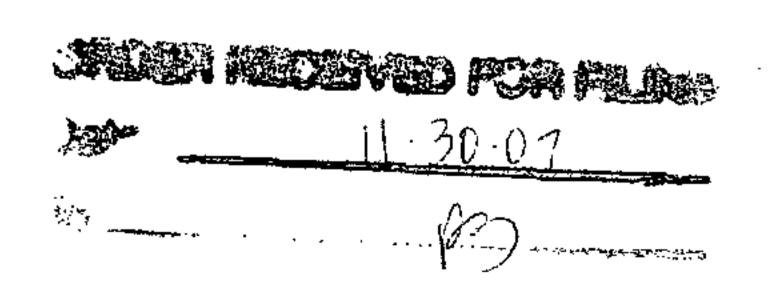
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK

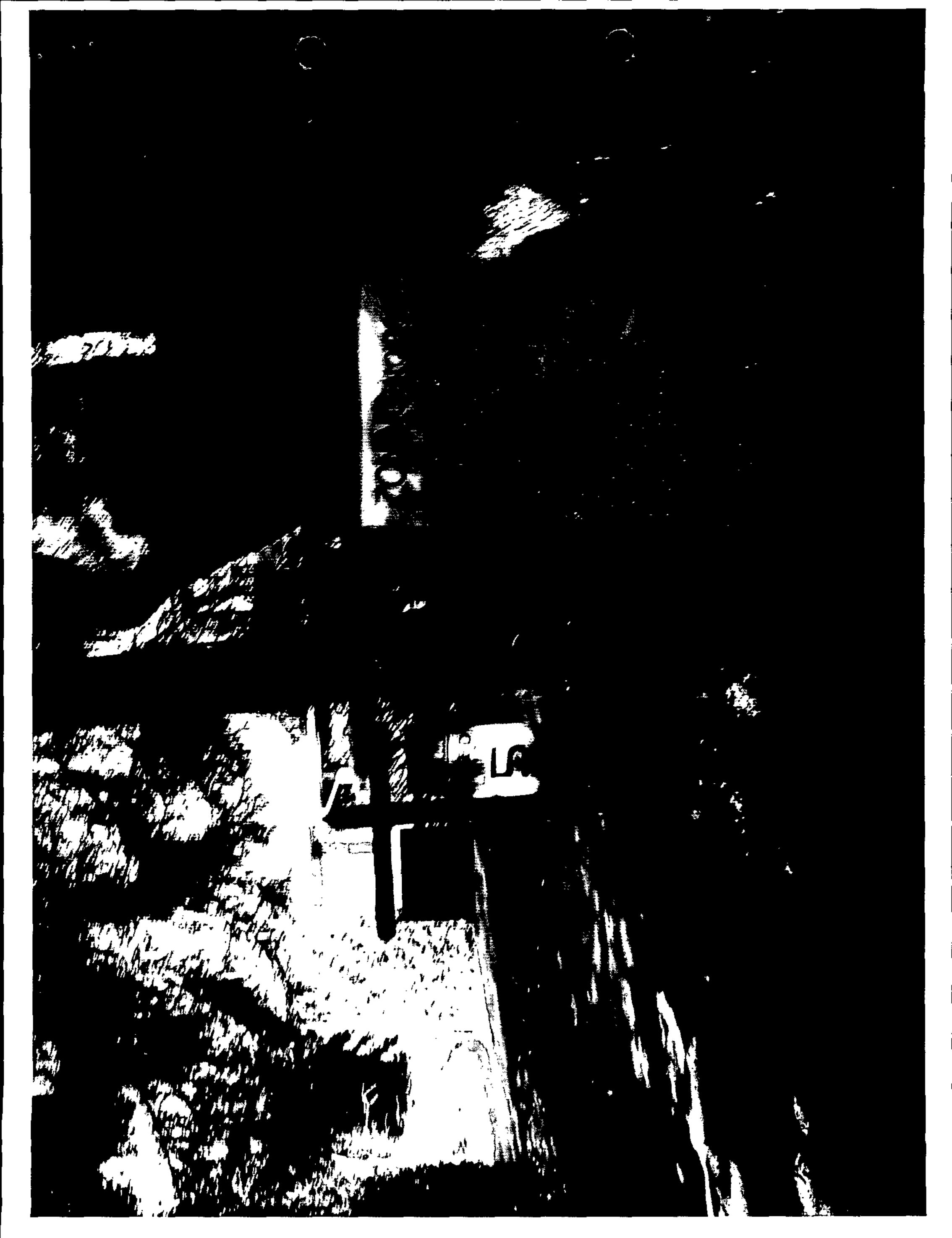
Deputy Zoning Commissioner

for Baltimore County

THB:pz



BALTÍMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE No. 03865 REGIESS MITH HISTORY NO. 03865 REGIESS MITH HISTORY Date: 8.2.6.07 (127/2807 12/2807 11/19/29) Fund Agcy Orgh Orgh Source Rev Catg Acct Amount Pret Cates (127/2807 11/19/29) Fund Agcy Orgh Orgh Source Rev Catg Acct Amount Pret Cates (127/2807 11/19/29) For Cashier Cashier Form Cates (127/29) For Cashier From Cates (127/29) For Cashiers Financial Cashiers VALIDATION VALIDATION		=		3			· ·		- way to	- · t.	***	 **		k s - z	
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TO: PATUXENT PUBLISHING COMPANY

Thursday, October 4, 2007 Issue - Jeffersonian

Please forward billing to:

Michael Lang
C/o Bruce Doak
Gerhold, Cross & Etzel
320 E. Towsontown Blvd.
Towson, MD 21286

410-823-4470

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: 08-110-SPH

15701 Home Road N/east side of Home Road, 1100 feet +/- northwest of Glencoe Road 10th Election District – 3rd Councilmanic District Legal Owners: Michael Lang

Special Hearing for a transfer of a density unit to an adjoining parcel of land from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163) and transfer of 3.3 acres more or less, from Michael A. Lang (Parcel 163) to Michael A. Lang (Parcel 191) and transfer of 1.0 acre more or less, from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163).

Hearing: Manday, October 22, 2007 at 11:00 a.m. in Room 407, County Courts Building,

Rosley Menue, Towson 21204

WILLIAM J. WISEMAN III
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.

Item Numb	ber or Case Number: 08-110 SPH	
Address or	MICHAEL A. LANG. r Location: 15701 HOME Rand.	574RKS MD 21152
	•	
PLEASE F	FORWARD ADVERTISING BILL TO:	
PLEASE FO	FORWARD ADVERTISING BILL TO:	•
	FORWARD ADVERTISING BILL TO:	· · · · · · · · · · · · · · · · · · ·
Name:	FORWARD ADVERTISING BILL TO:	
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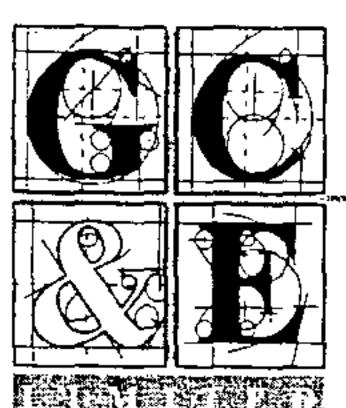
HOME ROAD

SPECIAL HEARING REQUESTED

TRANSFER OF A DENSITY UNIT TO AN ADJOINING PARCEL OF LAND FROM MICHAEL A. LANG (Parcel 191) TO MICHAEL A. LANG (Parcel 163)

TRANSFER OF 3.3 ACRES MORE OR LESS, FROM MICHAEL A.LANG (Parcel 163) TO MICHAEL A.LANG (Parcel 191)

TRANSFER OF 1.0 ACRE MORE OR LESS, FROM MICHAEL A.LANG (Parcel 191) TO MICHAEL A.LANG (Parcel 163)



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

August 8, 2007

ZONING DESCRIPTION Lang property Home Road Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Tenth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point on the north side of the intersection of Glencoe Road with Home Road, running northerly along the East side of Home Road 1150', thence leaving the east side of Home Road 410' in a easterly direction and running thence,

- 1) North 62 degrees 34 minutes 45 seconds East 561.08 feet,
- 2) North 37 degrees 48 minutes 45 seconds East 720.55 feet,
- 3) South 32 degrees 41 minutes 50 seconds East 518.43 feet,
- 4) South 56 degrees 18 minutes 10 seconds West 662.25 feet,
- 5) North 40 degrees 18 minutes 20 seconds West 192.60 feet,
- 6) South 69 degrees 13 minutes 40 seconds West 256.98 feet,
- 7) South 60 degrees 10 minutes 07 seconds West 313.32 feet,
- 8) North 22 degrees 54 minutes 53 seconds West 82.70 feet to the point of beginning.

Containing 7.324 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.



IAMES T. SMITH, JR. County Executive

TBEPIEMBEK CBR QOD Director
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: 08-110-SPH

15701 Home Road

N/east side of Home Road, 1100 feet +/- northwest of Glencoe Road

10th Election District – 3rd Councilmanic District

Legal Owners: Michael Lang

Special Hearing for a transfer of a density unit to an adjoining parcel of land from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163) and transfer of 3.3 acres more or less, from Michael A. Lang (Parcel 163) to Michael A. Lang (Parcel 191) and transfer of 1.0 acre more or less, from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163).

Hearing: Monday, October 22, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286 Michael Lang, 15701 Home Road, Sparks 21152

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 6, 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.

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: # 08-110-SPH

15701 Home Road

N/east side of Home Road, 1100 feet +/- northwest of Glencoe Road .

10th Election District

3rd Councilmanic District

Legal Owner(s): Michael Lang

Special Hearing: for a transfer of a density unit to an adjoining parcel of land from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163) and transfer of 3.3 acres more or less, from Michael A. Lang (Parcel 163) to Michael A. Lang (Parcel 191) and transfer of 1.0 acre more or less, from Michael A. Lang (Parcel 191) to Michael A. Lang (Parcel 163).

Hearing: Monday, October 22, 2007 at 11:00 a.m.in Room 407, County Courts Building, 401 Bosley Avenue Towers 21204

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.

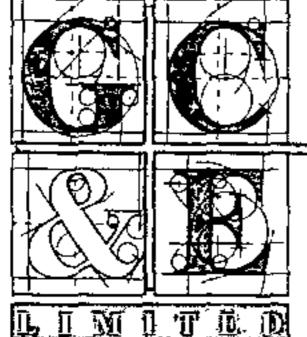
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

10/057 Oct. 4 <u> 151164</u>

CERTIFICATE OF PUBLICATION

10/4/,2007
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 104,20 <u>07</u>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
▲

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CERTIFICATE OF POSTING

RE: CASE#08-110-SPH PETITIONER/OWNER:

Michael Lang

DATE OF HEARING: October 22, 2007

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: 15701 Home 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: October 4, 2007

PUBLIC HEARING WILL BE HELD IN TOWSON, MD.

PLACE: 401 Bosley Avenue, Towson, MD

The am Wonday, October 22, 7 07

Special Hearing: for a transfer of a der .ity
unit to an adjoining parcel of land from Michael A.
Lang (Parcel 191) to Michael A. Lang (Farcel 163)
and transfer of 3.3 acres more or less, from
Michael A. Lang (Parcel 163) to Michael A. Lang
(Parcel 191) and transfer of 1.0 acre more or less.
From Michael A. Lang (Parcel 191) to Michael A.
Lang (Parcel 163)

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES.
NECESSARY TO CONFIRM HEARING.
CALL 410 887 3381 THE DAY BEFORE THE SCHEDULED HEARING DATE.

HEARINGS ARE HAND APPED ACCESSIBLE



REV 9115198

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 15701 Home Read which is presently zoned RC7; RC-4

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

SEE ATTACHED

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.

			-	clare and affirm, under the the legal owner(s) of the Petition.	•
Contract Purchaser/l	Lessee:		Legal Owner(s):		
			MICHAEL	4. LANG	
Name - Type or Print			Name - Type or Print	R	
Signature		· · · · · · · · · · · · · · · · · · ·	Signature		
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		<u></u>
Attorney For Petition	<u>er:</u>		Address	, <u> </u>	Telephone No.
Name - Type or Print	•		City	State	Zip Code
Signature		<u> </u>	Representative to	o be Contacted:	-, LTD
Company		-	Name	SON TOUN BLUD	4/0-823-4470
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City	State	Zıp Code	City	State	Zip Code
			<u>OF</u>	FICE USE ONLY	
•			ESTIMATED LEN	GTH OF HEARING _	
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Reviewed By Date P.29.07

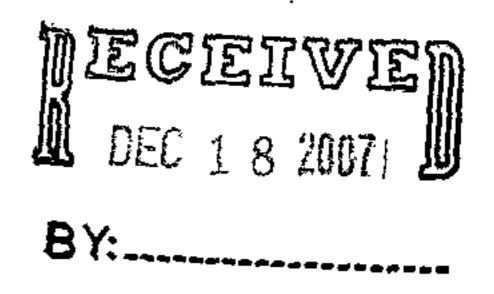
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Phone: (410) 823-4470 ● Fax: (410) 823-4473 ● www.gcelimited.com

December 18, 2007

Thomas H. Bostwick Deputy Zoning Commissioner Baltimore County 401 Bosely Avenue Towson. MD 21204



Subject: Special Hearing for the Lang Property – Home Road. (Case No. 08-110-SPH)

Dear Mr. Bostwick;

I am asking to amend the zoning plat that was submitted as petitioner's exhibit number 1 and to ask for a reconsideration of the conditions in your order. It was a misunderstanding that we will give away one density right; the main parcel (Parcel 163) has 2 densities rights (1 for the existing dwelling and one to be utilized for any future development);

We feel that the amended house and septic reserve area site will better protect any environmental concerns and will meet the spirit and intent of your order.

Thank you for consideration in this matter.

Sincerely, Cornelia L. Marin GERHOLD, CROSS & ETZEL, LTD. Registered Professional Land Surveyors

Corullus Mar 12/18/07



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

January 18, 2008

MICHAEL A. LANG 15701 HOME ROAD SPARKS M 21152

RE: Petition for Special Hearing Motion for Reconsideration (15701 Home Road) Case No. 08-110-SPH

Dear Mr. Lang:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz Enclosure

Bruce E. Doak, Gerhold Cross & Etzel, Ltd., 320 East Towsontown Boulevard,
 Towson, MD 21286
 Wayne Baker, 15603 Home Road, Sparks, MD 21152
 Mr. and Mrs. Dansicker, 15729 Home Road, Sparks, MD 21152
 Edward and Heather Funk, 15609 Home Road, Sparks, MD 21152
 People's Counsel; Development Review Committee, DPDM; File

Teb 15,2008 RECEIVED Case # FEB 15 2000 Per Jan 08-110 Order on Regrest for Amend ment & Reconsideration Jan 17, 2008 We wish to appeal this ammendment to original Patition for Special Hearing Docision dated Nov 30, 2007. our decision not to appeal the original hearing decision was based on the condition stating that Mr. Cango dwelling rights would be limited as stated in Conditions # 6 and stated whe finding statement

Case # 08-110 2/15/08 The fact that this annuend ment is not a small change but inpacts the enteredicision. We are appealing the original decision also based on not pursuing our many other concerns and abiding and agreeing to Condition#6 as stated in the original decision. Attached Please find addutional reasons for appeal for each of the decisions. Edward D. Fink Elind for & Hather K. Funk Skunk PO BOX 392 Sparks, MD 21152 40-771-8279

Zoning Appeal- case #08-110-SPH

- 1. Use of other "right of ways" other than the existing current "right of way" that exists and conveys with subject property and that was **not** posted or notified as a reason or issue of change for the original zoning hearing.
- 2. Use of "right of way" not granted by current "right of way" owner without due process.
- 3. Misleading statements of purpose of pan-handle on subject property by petitioner.
- 4. Acceptance of evidence, opinions and statement from other county agency's (i.e. .environmental) based on maps, plats, access to property etc. that was different, inaccurate and not the advertised subject of the original zoning hearing.
- 5. Lack of notification and participation of petitioner's additional comments/evidence/statements to the zoning commissioner <u>after</u> the original decision that resulted in a <u>significant</u> change in the zoning decision without going thru the appeal process.

APPEAL

Petition for Special Hearing 15701 Home Road N/east side of Home Road, 1100 ft. +/- n/west of Glencoe Road 10th Election District – 3rd Councilmanic District

Legal Owners: Michael Lang

Case No.: 08-110-SPH

Petition for Special Hearing (August 29, 2007)

Zoning Description of Property

Notice of Zoning Hearing (September 18, 2007)

Certification of Publication (The Jeffersonian - October 4, 2007)

Certificate of Posting (October 4, 2007) by Bruce Doak

Entry of Appearance by People's Counsel (September 14, 2008)

Petitioner(s) Sign-In Sheet - One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

- 1. Plat to accompany petition for Special Hearing
- 2. Aerial Photograph
- 3. Deed
- 4. Deed

Protestants' Exhibits:

- Letters of Opposition
- 2. Drawing
- 3. Photos (A thru G)
- 4. (A & B) Letters of Opposition
- 5. Letter of Concern

Miscellaneous (Not Marked as Exhibit)

Deputy Zoning Commissioner's Order (GRANTED w/rest. ~ November 30, 2007)

Request for Reconsideration of conditions in Order - December 18, 2007

Order on Request - GRANTED - January 18, 2008

Notice of Appeal received on February 15, 2008 from Mr. & Mrs. Funk

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Michael Lang, 15701 Home Road, Sparks 21152
Bruce Doak, 320 E. Towsontown Blvd., Towson 21286
Wayne Baker, 15603 Home Road, Sparks 21152
Mr. & Mrs. Dansicker, 15729 Home Road, Sparks 21152
Mr. & Mrs. Funk, 15609 Home Road, Sparks 21152

date sent March 5, 2008, klm



JAMES T. SMITH, JR. County Executive

March 15, 26 Ko TROCO, Director Department of Permits and Development Management

Michael Lang 15701 Home Road Sparks, MD 21152

Dear Mr. Lang:

RE: Case: 08-110-SPH, 15701 Home Road

Please be advised that an appeal of the above-referenced case was filed in this office on February 15, 2008 by Mr. & Mrs. Funk. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Bruce Doak, 320 E. Towsontown Blvd., Towson 21286 Wayne Baker, 15603 Home Road, Sparks 21152 Mr. & Mrs. Dansicker, 15729 Home Road, Sparks 21152 Mr. & Mrs. Funk, 15609 Home Road, Sparks 21152

- RE: PETITION FOR SPECIAL HEARING
 15701 Home Road; NE/S Home Road,
 1,100' NW Glencoe Road
 10th Election 3rd Councilmanic Districts
 Legal Owner(s): Michael A. Lang
 Petitioner(s)
- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * 08-110-SPH

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 14th day of September, 2007, a copy of the foregoing Entry of Appearance was mailed to, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Attorney for Petitioner(s).

RECEIVED

CEP 14 ZIII

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

POF CLASSICIONES

PLEASE PRINT CLEARLY

Ш	BER	
NAM	NCM	
CASE	CASE	

ETITIONER'S SIGN-IN SHEET

ł	ADDRESS	CITY, STATE, ZIP	F- 1/1411
Michael Lang	15701 Hours Rd	(V)	7
7	320 C. 1012 35 TOWN BUD	Courses Me Diese	
Cresticio Cara i Gree			

PLEASE PRINT CLEARLY

CASE NAME	CASE NUMBER	DATE

CITIZEN'S SIGN-IN SHEET

E- MAIL	RAREBREEDI2SY EGMAK.00	EDF56 DAUCE							
CITY, STATE, ZIP	SPAKS MD 21153 Spaks MD 21112	5 6							
ADDRESS	15003 HOWE RD 15729 HOWE 120 15729 Home 120	15 Gog Hamella				-			
NAME	WAYNE BAKEN (M.)								



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 18, 2007

Mr. Michael A. Lang 15701 Home Road Sparks, Maryland 21152

Dear Mr. Lang:

RE: Case Number: 08-110-SPH 15701 Home Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 29, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

WCR:rjc Enclosures

c: Peoples Council

Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd. Towson, Md. 21286

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 24, 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) 08-110-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 Jessie Bailek 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: September 17, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 17, 2007

Item No. 08-110

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We have no objection to the proposed density transfer provided that the subdivision is approved in accordance with all development regulations.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 08-110-09172007.doc



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor-

Neil J. Pedersen, Administrator

John D. Porcari, Secretary

Maryland Department of Transportation

Date: 5=PT. 10, 2007

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

RE: **Baltimore County**

Item No. &-110 5PH

15701 HOME ROAD

LANG PROPERTY SPECIAL HEARING

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. 8-1105PH

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,

Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

15701 HOME ROAD SPARKS, MARYLAND 21152 (410) 591-8493

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL HEARING LANG PROPERTY

HOME ROAD

Tax Account No.: 10-02-065225

Zoned RC-7, RC-2, RC-4; GIS Tile 28C3

Tax Map 28; Grid IT; Parcel I9I

10th ELECTION DISTRICT

3rd COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

Scale: |"=100"

Date: JULY 10, 2007

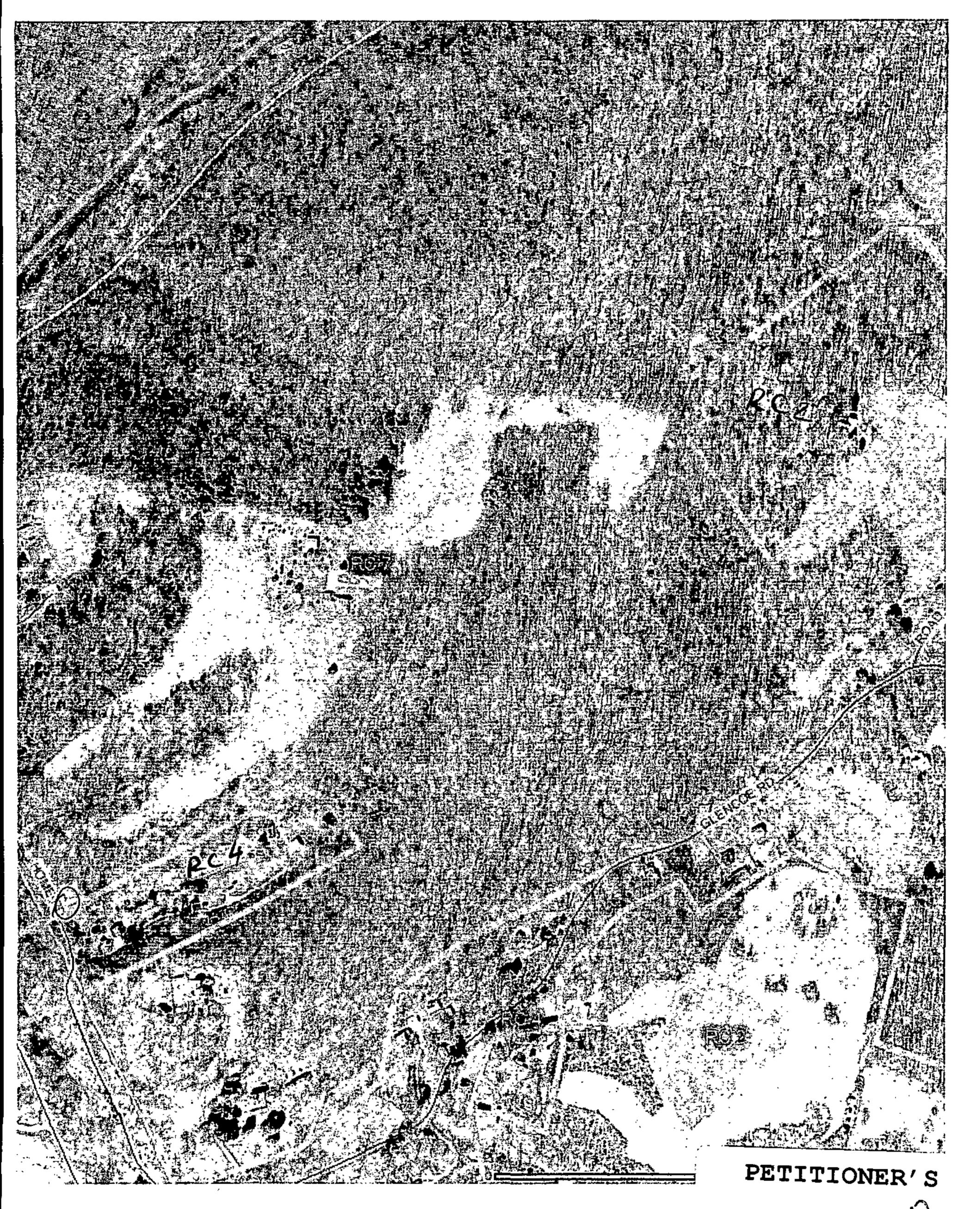
GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100 320 East Towsontown Boulevard Towson, Maryland 21286 (410) 823-4470

DATE COMPUTED: DRAWN: CLM CHECKED: FILE: X: \LANG\SP HEARING.pro

PETITIONER'S



AGRICULTURAL: TRANSFER TAX NOT APPLICABLE-LETTER OF INTENT

IGNATURE	G.	V. 2
WAR TONE	Non	ATE W.

This Deed, MADE THIS 18th

day of November

in the year one thousand nine hundred and eighty five

by and between

Olga M. Bruning and Armin M. Bruning.

of Baltimore County, State of Maryland

Michael A. Lang and M. Elizabeth-Lang, his wife, of said County and of the first part, and ...

of the second part.

WITNESSETH, That in consideration of the sum of Two hundred thousand dollars (\$200,000.00) and other good and valuable considerations the rec the said Parties of the first part

DIT-TX 1000:00 (

0 00CS 1000.00 % 3010.00%

#89670 'COOR ROZ 1114:35

grunt and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor so

personal representatives/sucressors and assigns

, in fee simple, all. those two of ground situate in Baltimore County, State of Maryland

and described as follows, that is to say.

The first parcel containing 70.069 acres of land, more or less, is more particularly described according to a survey of E.F. Raphel & Associates dated Movembers 11, 1985, a copy of which descriptions is attached hereto and marked "Addendum No. One"

Being a portion of all those parcels of land contained in a deed dated April: 14. 1943; and recorded among the Land Records of Baltimore County in Liber RJS No. 1287 folio 64 was granted and sconveyed by GiffordaH. Teeple and wife to Armin J. Bruning and Olga M. Bruning.

The second parcel containing 7.324 acres of land, more or less, is more particularly described according to a survey of E.F. Raphel & Associates dated November 11, 1985, a copy of which description is attached heretogand marked "Addendum No. Three"

Being the same parcel of land which by deed dated August 24, 1959 and recorded among the aforesaid Land Records in Liber WJR No. 3584 folio:542; was: granted and; conveyed by Grason Bosley and wife to Armin

See also deed dated June 4. 1984 and recorded among the aforesaid Land Records in Liber EHK. Jr. No. 6728 folio 437 from Olga: M. Bruning. Personal Representative of the Estate of Olga Menzel Bruning to the

> STATE DEPARTMENT OF ASSESSMENTS & TAXATION

CLERK # DATE

PETITIONER'S

E. F. RAPHEL & ASSOCIATES:

Registered Professional Land Surveyore:

201 COURTLAND, AVENUE:

TOWSON, MARYLAND: 21204

ADDENDUM NO. ONE

OFFICE, 825.3901

70 069 ACRE PARCEL OF LAND

RESIDENCE, TT. ...

PROFERTY ARMIN AL BHUNING &C

GLENCOE, BALTO. CO. MD.

November 11, 1985

Beginning for the same at a stone heretofore set at the end of the lst or S 652 E 137 perch line of the first percel of land which by deed dated April 13, 1943 and recorded among the Land Records of Baltimore County in Liber R.J.S. 1287, folio 64, was conveyed by Gifford H. Teeple and Olive May Teeple, his wife, to Armin J. Bruning and Olgo M. Bruning, his wife, running thence and binding on the 2nd" and 3rd lines of the aforemaid doed, as now surveyed, N 27° 11' 53" E. . 872.50' to a stone heretofore set and N 77° 11' 46" W 1934:57' to a stone heretofore set at the end of the 2nd or N 613 0 E 44 perch line of the second parcel of the aforesaid deed, running thence and binding on the 3rd line of the last mentioned parcel, as now surveyed, 78° 11' 46" W 420.07' to the east bank of the Cumpowder Falls, running thence and binding on the east bank of the Gunpowder Falls, us now a logated the seventeen following courses and distances, as now surveyed: 1) S 55° 00' 00" W 157.55'; 2) S 58° 21' 30" W 108.97'; 3). \$ 66° 58' 05" W.144.49'; 4) \$ 69° 06' 10" W 128.15'; 5) \$ 51° 28' 50" W 145.92'; 6) \$ 48° 55' 50" W 92.03'; 7) \$ 24° 04' 30" W 105.70'; 8) \$ 8° 14' 20" W 158.24'; 29) 039 191 40" W 194 71" (10) 21 48 191 00" E117h 191; 25 11) s 26° 11' 10" E 330.23'; 12) s 37° 10' 20" E 166.22';

13) S 17° 26' 40" E 184.80'; 14) S 14° 55' 20" E 176.42'; 15) S 10° 40' 30" E 114.93'; 16) S 20° 04' 10" E 86.09'; and 17) S 29° 37' 20" E 445.12' to a point, thence leaving the Gunpowder Falls and binding on the 9th line and continuing the same course and binding on a part of the 10th line the third parcel. of the aforesaid deed, as now surveyed, and crossing Home Road, ... N 640 33' 50" Era total distance in all of 216.90' to a point on the east right of way line of that parcel of land which by deed dated Oct. 29, 1980 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6227, folio 154, was quit claimed unto the State of Maryland to the use of the Department of Natural Resources by the Penn Central Corporation et al, running thence and binding on said east right of way line, as now surveyed, N 26° 31' 13" W 285.84' to the end of the 5th or S 71° W 58.54 perch line of the land which by deed dated July 1, 1921 and recorded among: the Land Records of Bultimore County in Liber W.P.C. 541, folio 346, was conveyed by Daniel F. Leight and wife to Charles H. Leight, running thence and binding reversely on the 5th, 4th and 3rd lines of the last mentioned deed, the three following courses and distances, nd now durveyed: 1) N 62° 34' 45" E 1003.37'; 2) N 37° 48' 45" E 720.55'; and 3) 3-320 41' 50" E 518.43' to intersect the 11th line of the third percel of the aforesaid deed, Temple to Bruning at the distance of 384.31' from the end of said lith line; running thence and binding on a part of said-lith line, as now surveyed, N 56° 18' 10" E 384.31' to the place of beginning.

Containing 90-931 Acres of land, more or less.

Saving and excepting from the above described property all that parcel of land, which by deed dated Jan. 8, 1985 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6847, folio 47, was conveyed by Olga M. Bruning and Armin M. Bruning,

to William S. Chewning, leaving 70.069 Acres to be hereby conveyed as more particularly described in "Addendum No. Two" attached

Subject to a right of way as set forth in a deed dated Oct. 29, 1980, and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6227, folio 154, was quit claimed unto the State of Maryland to the use of the Department of Natural Resources by the Penn Central Corporation et al.

Subject to the rights of others in the bed of the existing Home Road.

Together with the use in common with others entitled thereto and together with all of the right, title and interest of the said Armon J. Bruning and wife which said 12' existing lane they have actually been using openly, continuiusly, hostily and notoriously for a period of more than years; which said lane runs from the 23rdor N 620 34' 45" = 1003.37 foot line of the above described parcel to Home Road.

Addendum No. Two

E. F. RAPHEL & ASSOCIATES

Registered Professional Land Surveyors

201. COURTLAND: AVENUE:
TOWGON, MARYLAND: 21204

#ELT 0 3 9 ALET 8 4

OFFICE: \$25.3004

20.862 AC. + PARCEL

RESIDENCE 771

PART OF THE ESTATE OF

ARMIN M. BRUNING AND OLGA M. BRUNING GLENCO, BALTIMORE COUNTY, MARYLAND

November 27. 1984

Beginning for the same at a point on the northwest side of Home Road as now widened, said point being located the two following courses and distances from the intersection of the centerline of the Right of Way as set forth in Deed dated October 29th, 1980 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6227, folio 154, was quitclaimed unto the State of Maryland to the use of the Department of Natural Resources by the Penn Central Corporation, et al and the 10th or N 67° E 57.2 perch line of the third percel of land which by deed dated April 13, 1943 and recorded among the Land Records of Baltimore County in Liber R.J.S. 1287, folio:64, was conveyed by Gifford H. Teeple and Olive May Teeple to Armin J. Bruning and Oiga M. Bruning his wife; (1) reversely along said loth line as now surveyed 5 64° 33' 50" W 60.33' and (2) N 25° 26' 10" W 21.19' thence leaving the northwest side of Home Road and running for lines of division the fifteen following courses and distances (1) s 890 04" 34" W 18.88° thence purallel to and distant 73° from the centerline of the Right of Way as set forth in aforesaid deed Penn Central Corp. to the State of Maryland. (2) N 26° 31' 13" W 785.10', thence crossing said Right of Way, (3) N 63° 28' 47" E 106.00' to the east side of the Right of Way as set forth in aforesaid deed thence binding on the east Right

deed, five courses and distances (4) N 260 31' 13" W 349.54' (5) by a curve to the right with a radius of 836.28! for a distance of 372.59' (the chord of smid are being N 130 45' 22" W 369.52') (6) by a curve to the right with a radius of 774.00' for a distance. of 692.42', (the chord of said are being N 242 38' 07" E 669.56'), (7) by a curve to the right with a radius of 1086.43' for a distance of 141.83', (the chord of said are being N 540 00' 19" E 141.73'); and (8) N 570 44' 37" E 79.82', thence leaving the aforesaid Right of Way, (9) S 41° 37' 36" E 752.70', (10) S 16° 41' 37" W 554.39', (11) S 560 18' 05" W 643.97' to the east Right of Way line of the aforesaid deed, Penn Central Corp. to State of Maryland. crossing said Right of Way (12) S 63° 28' 47" W 86.00' thence parellel to and distant-53' from the centerline so described in the said deed (13) S 26° 31' 13" E 720.66', thence (14) S 81° 30' 33" E 8.67' to the northwest side of Home Road as now widehed, thence binding on the ; Northwest side of Home Road as now widened. (15) by a curve to the ... left with a radius of 110' for a distance of 20', (the chord of said are being S 30 16' 56" W 19.97') to the place of beginning.

Containing 20.862 Acres of land more or less.

Being part of the first, second and third parcels of Land which by deed dated April 13. 1943 and recorded among the Land Records of Baltimore County in Liber R.J.S. 1287, folio 64, was conveyed by Gifford H. Teeple and Olive May Teeple, his wife to Armin J. Bruning and Olga M. Bruning, his wife.

Together with the use in common with others entitled thereto to the 12' existing lane from the 11th line of the above described parcel to Home Road.

Addendum No. Three

Registered Professional Land Surveyors 201 COURTLAND AVENUE TOWSON, MARYLAND 21204

OFFICE: 828 200-

7.324 ACRE PARCEL OF LAND

RESIDENCE, 271.45m2

PROPERTY ARMIN M. BRUNING &C.
GLENCOE, BALTO. CO. MD.

November 11, 1985:

Beginning for the same at a point at the end of the 6th or N'63 to E'16.7 perch line of the land which by deed dated August 24, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3564, folio 542, was conveyed by Grason Bosley and Mary E. Bosley, his wife, to Armin J. Bruning and Olge M. Bruning, his wife, said point being also in the 11th or N 590 E 78% perch line of the third parcel of land which by deed dated April 13, 1943. and recorded among the Land Records of Baltimore County in Liber R.J.S. 1287, folio 64, was conveyed by Girford H. Teeple and Olive May Teeple, his wife, to Armin'J. Bruning and Olgo M. Bruning, his wife, at the distance of 384.31' from the end of said lith line, running thence and binding reversely on a part of said lith line and binding reversely. on the 6th and 5th lines of the first above mentioned deed, as now Surveyed, S 56° 18' 10" W o total distance in all of 662.25', thence leaving said lith line and binding reversely on the 4th, 3rd, 2nd and lst lines of the first above mentioned deed four following courses and distances; es now surveyed: 1) N 40° 18' 20" W 192,60'; 2) S 60° 13' 40" W 256.98'; 3) S 60° 10' 07" W 313.32'; and 4) N 72° 54' 53" W 82.70', running thence and binding reversely on the 9th, 8th and 7th lines of the first above mentioned deed the three following courses and distances,

as now surveyed: 1) N 62° 34' 45" E 561.08'; 2) N 37° 48' 45" E. 720.55'; and 3) S 32° 41' 50" E 518.43' to the place of beginning. Containing 7.324 Acres of land more or less.

Being the same land which by deed dated Aug. 24, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3584, folio 542, was conveyed by Grason Bosley and Mary E. Bosley, his wife, to Armin J. Bruning and Olga M. Bruning, his wife.

Together with the right of way as set forth in the above mentioned deed, Bosley to Bruning.

Together with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To Houp the said described lots

of ground and premises to the said

parties of the second part as tenants by the entireties, their assigns, the survivor of them, and the survivor's

personal representatives/sucreamy

And the said part lesof the first part hereby covenant that they suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed: that they will warrant specially the property hereby granted; and that they such further assurances of the same as may be requisite.

Witness the hand S and seals of said granter S

Armin M. Bruning

STATE OF MARYLAND, Baltimore County, to wit:

I HEREBY CERTIFY, That on this 18th day of November in the year one thousand nine hundred and eighty five.

the subscriber, a Notary Public of the State aforesaid, personally appeared

Olga M. Bruning and Armin M. Bruning known to me (or satisfactorily proven) to be the personS the within instrument, and acknowledged that . they

whose name S Ware subscribed to executed the same for the purposes

therein contained, and in my presence signed and scaled the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

J. Donald Connor

Notary Public

State of Maryland City of Baltimore to wit

I Hereby certify that on this 1 day of Oct in the year one thousand nine hundred and thirty-might before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared Grason Bosley and Mary E Bosley the grantors herein and they acknowledged the aforegoing deed to be their act As witness my hand and Notarial Seal)

(Notarial Seal)

E Levering Foster

Notary Public

Recorded Jan 12 1939 at 11.45 A M and Exd per C Willing Browne Jr Clerk

115772

: This Deed made this 1st day of October in the year one thousand nine

Margaret W Stedman

: hundred and thirty-eight by and between Margaret W Stedman of the

Deed ţο

: City of Baltimore in the State of Maryland party of the first part Grason Bosley & Wf : and Grason Bosley and Mary E Bosley his wife of Baltimore County in

: the State of Maryland parties of the second part

Witnesseth that for and in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations the receipt whereof is hereby acknowledged the said Margaret W Stedman does grant and convey unto the said Grason Bosley and Mary E Bosley his wife as tenants by the entireties the survivor of them their assigns and the heirs and assigns of the survivor in fee simple all those two tracts or parcels of land situate lying and being in the 10th Election District of Baltimore County eforesaid hear Glencoe and described as follows

Beginning for the first thereof at a walnut tree standing north 78 degrees east 105-1 feet from the end of the north 70 degrees east 325 foot line of the land which by deed dated on or about the 11th day of June in the year 1923 and recorded among the Land Records of seid County in Liber W P C No 574 folio 263 etc was conveyed by Charles H Leight to Daniel F Leight and Caroline E Leight his wife thence running for a line of division north 15-2 degrees west 9-32/100 perches to a stake by a post on the south 71 degrees west 58-54/100 perches line of the land which by deed dated on or about July 1st 1921 and recorded among the Land Records of said County in Liber W P C No 541 folio 346 etc was conveyed by Daniel F Leight and wife to Charles H Leight the: ce running with and binding reversely on a part of said line north 71 degrees east 34-34/100 perches to a planted stake thence running by a line of division south 15-2 degrees east 10-72/100 perches to a planted stake and thence still running by a line of division south 73-2 degrees west 34-3/10 perches to the first place of beginning Containing 2 acres and 23 square perches of land more or less

Beginning for the second thereof at a walnut tree standing north 78 degrees east 105-1 feet from the end of the north 70 degrees east 325 foot line of the land which by deed dated on or about the 11th day of June in the year A D 1923 and recorded among the Land Records of said County in Liber W P C No 574 folio 263 atc was conveyed by Charles H Leight to Daniel F Leight and Caroline E Leight his wife said point of beginning being also the beginning of the land which by deed dated on or about July 16th A D 1924 and recorded among the Land Records of said County in Liber W P C No 595 folio 531 eto was conveyed by Charles H Leight to Joseph W Leight and wife thence running for a line of division as surveyed in the year 1926 south 12-2 degrees east 9-82/100 perches to a planted iron pipe standing on the outline of said lend thence binding on the outlines of the land conveyed by Daniel Frederick Leight and wife to Charles H Leight by deed deted July let A C 1921 and recorded among the Land

PETITIONER'S

EXHIBIT NO.

٠. C/J MAR HOKET

Records of said County in Liber W P C No 541 folio 346 etc north 70-1 degrees east 24-12/100 perches to a planted stone thence north 63-2 degrees east 38-3/10 perches to a planted stone thence still north 63-2 degrees east 16-7/10 perches to a planted iron pin thence north 252 degrees west 31-42/100 perches to a planted iron pin thence south 42-1 degrees west 43-67/100 perches to a planted iron pin a boundary of the land conveyed as aforesaid by Charles H Leight to Joseph W Leight and wife thence running with and binding on said last named deed south 17 degrees east 10-72/100 perches to a planted from pin and thence south 74-2 degrees west 34-3/10 perches to the first place of beginning Containing 7 acres and 154 equare perches of land more or less

Being the same two lots of ground which by deed dated even date herewith and recorded or intended to be recorded among the Land Records of Baltimore County immediately prior hereto were granted and conveyed by the grantees herein unto the grantor herein

Together with the buildings and improvements erected on said two tracts of land and the rights and appurtenances thereto belonging or appertaining and sepecially the following desi cribed right of way to be used in common with other lot owners to wit the road as now used running southwesterly from the walnut tree the place of beginning of the two tracts of land described in this deed and running thence through the land of the said Charles H Leight and on the southerly side of the land conveyed as aforesaid by Charles H Leight to Daniel F Leight and wife to the road on the east side of the Northern Central Railroad thence running southerly on the east side of said Railroad and thence westerly crossing said railroad to the County Road and also the use of a right of way about 12 feet wide running east of the dwelling on the remaining land of the said Joseph W Leight and wife through said remaining land to the County Road

To have and to hold the two tracts of land and premises hereby granted and conveyed and all the right and appurtenences thereto belonging or appertaining unto the said Grason Bosley and Mary E Bosley his wife as tenants by the entireties the survivor of them their assigns and the heirs and assigns of the survivor in fee simple subject to the right of said Joseph W Leight and wife their heirs and assigns to draw water from a spring of water on the second imact of land hereby conveyed and to lay remove and repair when necessary water pipes now running from said spring of water to the said Joseph W Leight and wife's dwelling

And the said grantor hereby covenants that she has not done or suffered to be done any ect matter or thing whatsoever to encumber the property hereby conveyed that she will warrant specially the property granted and that she will execute such further assurances of the same

Witness the hand and seal of said grantor Test

Margaret W Stedman

(SEAL)

Florence Sollod

State of Maryland City of Baltimore to wit

I Hereby certify that on this 10th day of January in the year one thousand nine hundred and thirty-eight before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared Margaret W Stedman the grantor herei in and she acknowledged the aforegoing Deed to be her act

As witness my hand and Noterial Seal

Florence Sollod

(Noterial Seal)

Notary Public

Recorded Jan 12 1939 at 11.45 A M and Erd per C #illing Browne Jr Clerk

10/22 11PM

Wayne K. Baker 15603 Home Road Sparks, Md. 21152

October 18, 2007

Baltimore County Maryland Office of Zoning 111 W. Chesapeake Ave.. Towson, Md. 21204

Timothy Kotroco, Director

Re: Case #8-110-SPH

I ask that the request for transfer of a density unit to an adjoining parcel of land from Michael A. Lang (parcel 191) to Michael A. Lang (parcel 163), not be granted.

The reasons being, it is obvious the transfer request is to allow for sale & development of parcel 191. Being a Resource Preservation Zone, with natural surface water flowing directly into the Gunpowder Falls, any development of this parcel needs to be strictly limited.

The main concern is the possible access to parcel 191. If access is allowed through the three adjoining properties, there will be irreversible congestion to the existing road and alley way. There will also be hazard from flood, property damage, and public safety.

My intention is to attend the 11 AM hearing on 10/22/07 to provide photographs, maps and testimony.

Sincerely.

Wayne K. Baker 15603 Home Road

Sparks-Glencoe, Md. 21152

410-472-3033

PROTESTANT'S

Tammy Coverdale 15601 Home Road Sparks, Md. 21152

October 22, 2007

Baltimore County Maryland
Office of Zoning
401 Bosley Ave.
Towson, Md. 21204

Re: Case #8-110-SPH

To Whom it May Concern,

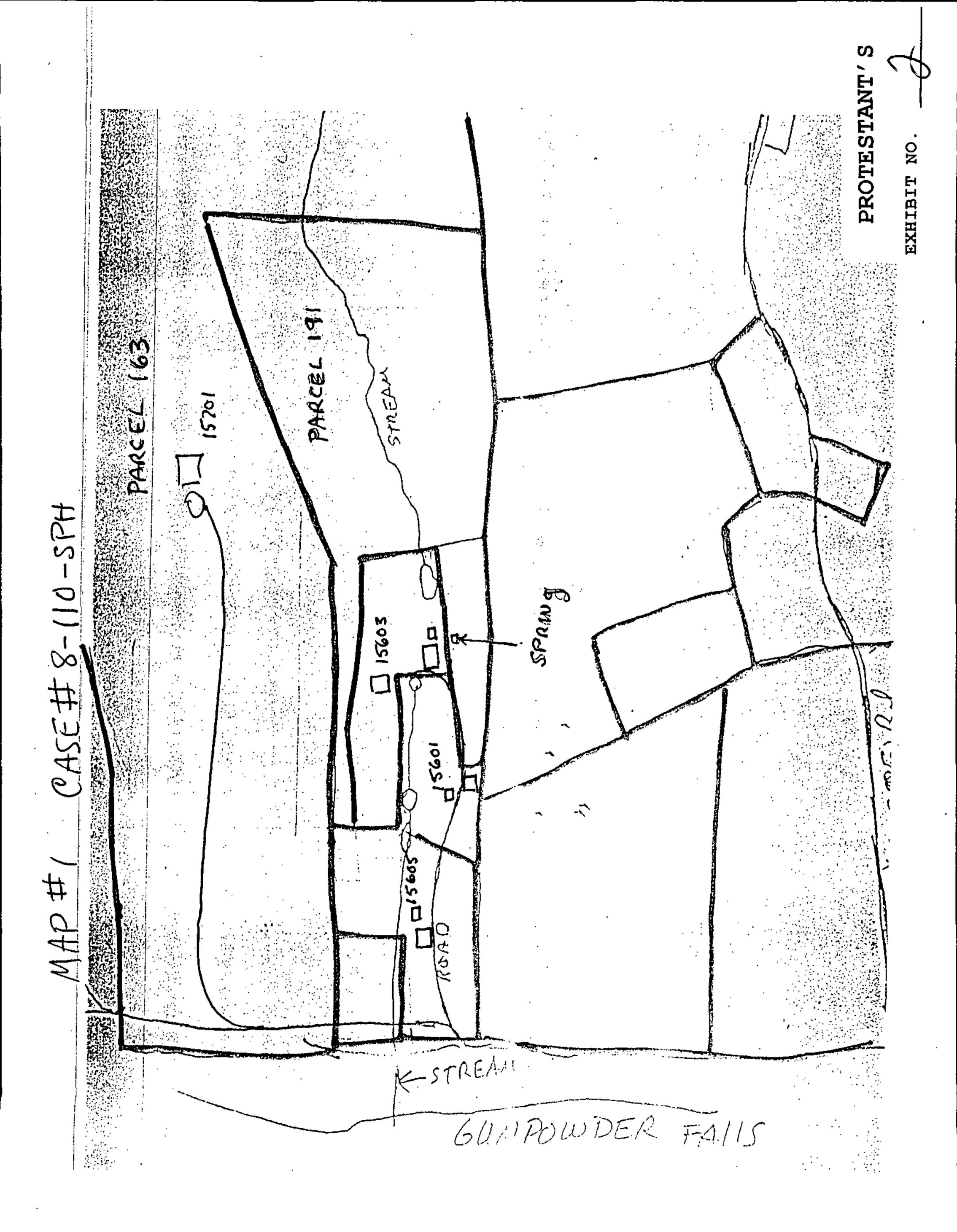
lask that the request for transfer of a density unit to an adjoining parcel of land from Michael A. Lang (parcel 191) to Michael A. Lang (parcel 163), not be granted.

If access is allowed through the three adjoining properties of 15601,15603, and 15605 Home Rd, there will be irreversible congestion to the existing road and alley way. There will also be hazard from flood, property damage, and public safety.

Sincerely.

Tammy Coverdale

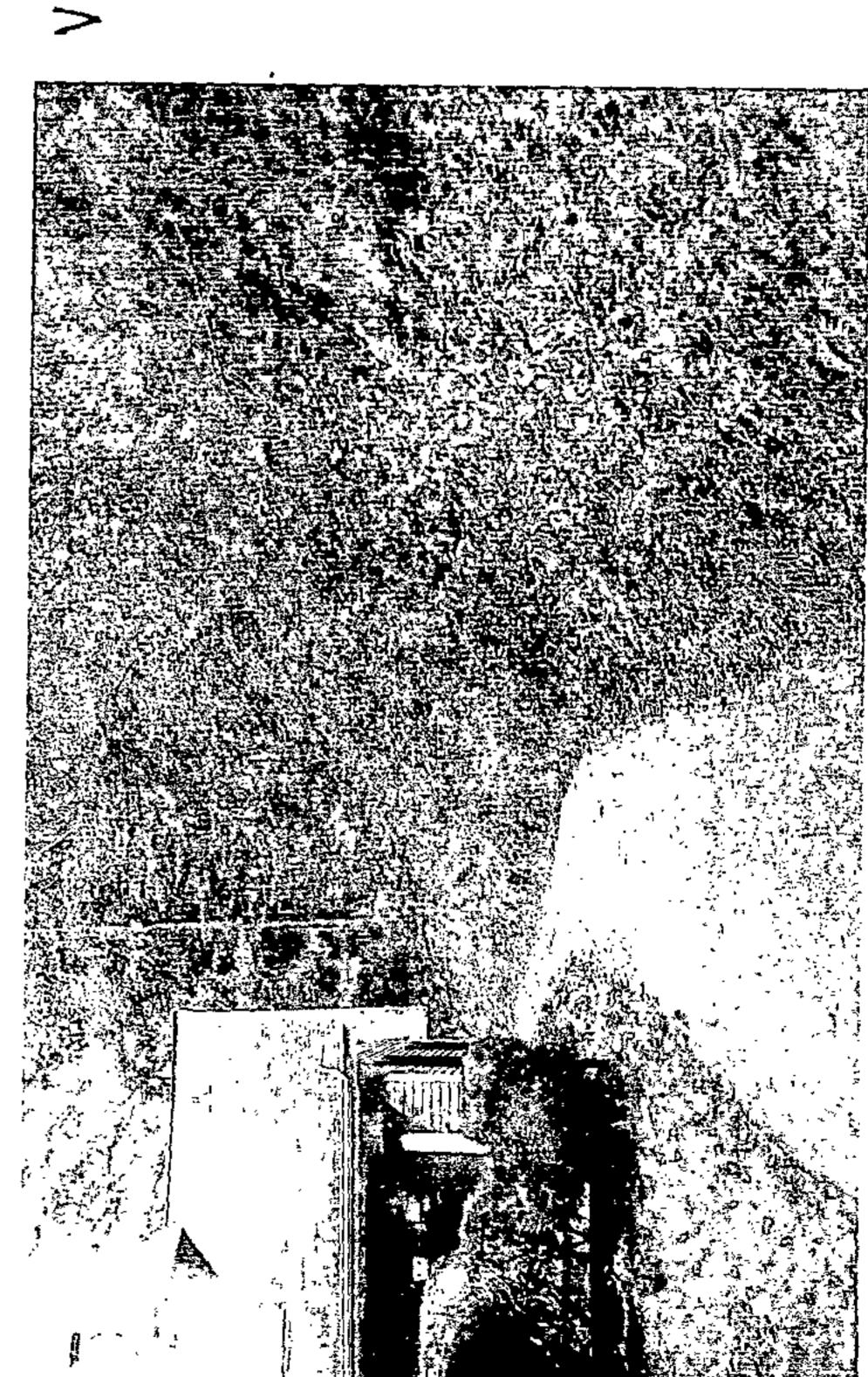
15601 Home Road Sparks, Md. 21152



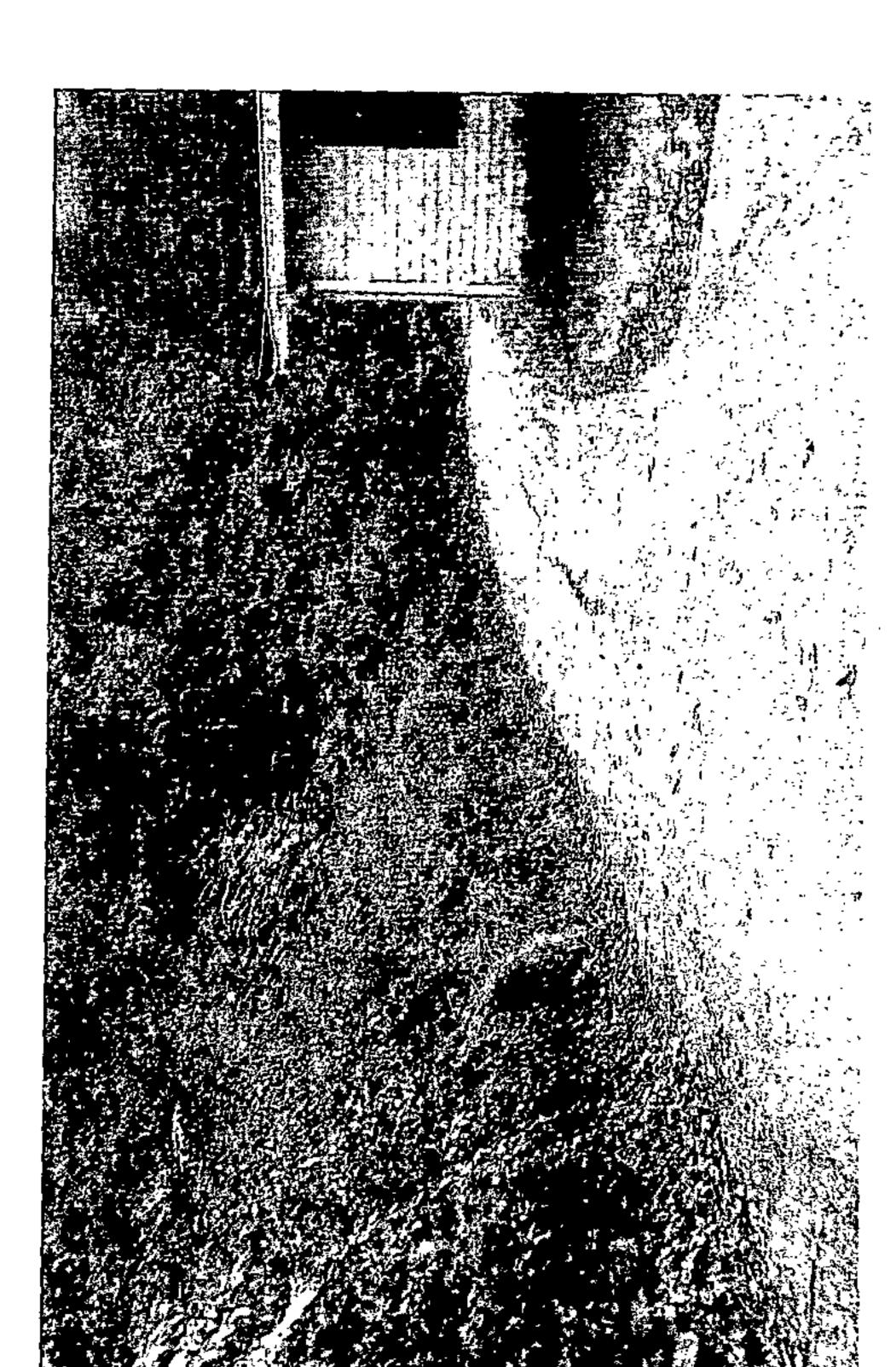
PROTEST

EXHIBIT

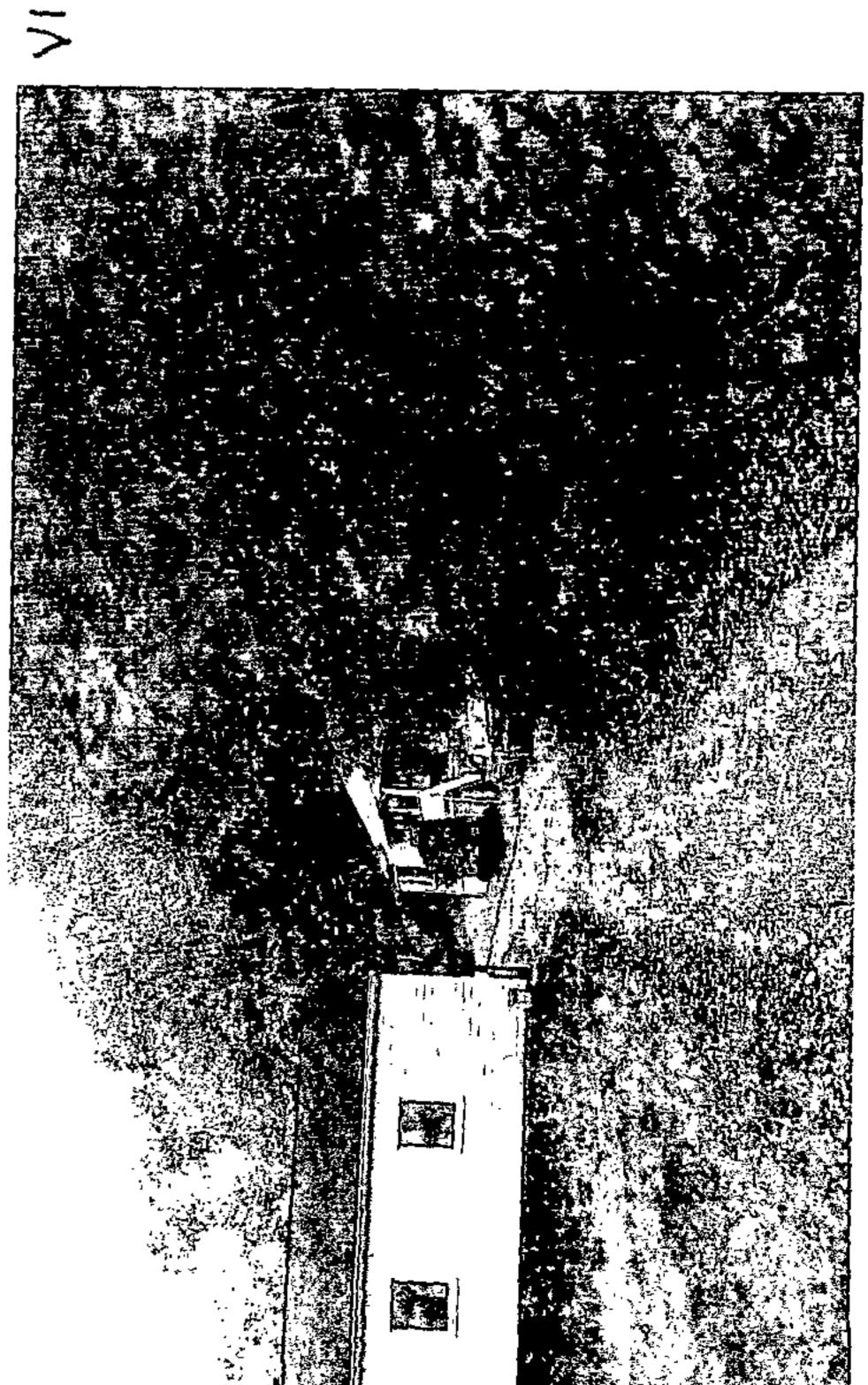
NORTH TOWARD MR. LANGS DRIVEWAY



VIEW- EAST TOWARD 15605 HOME



VIEW-WEST TOWARD 15605 HOMI Shows 8' between house And WALL



VIEW-EAST TOWARD 15601 HOME RD,



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VIEW-EAST TOWARD 15603 HOME Rd.

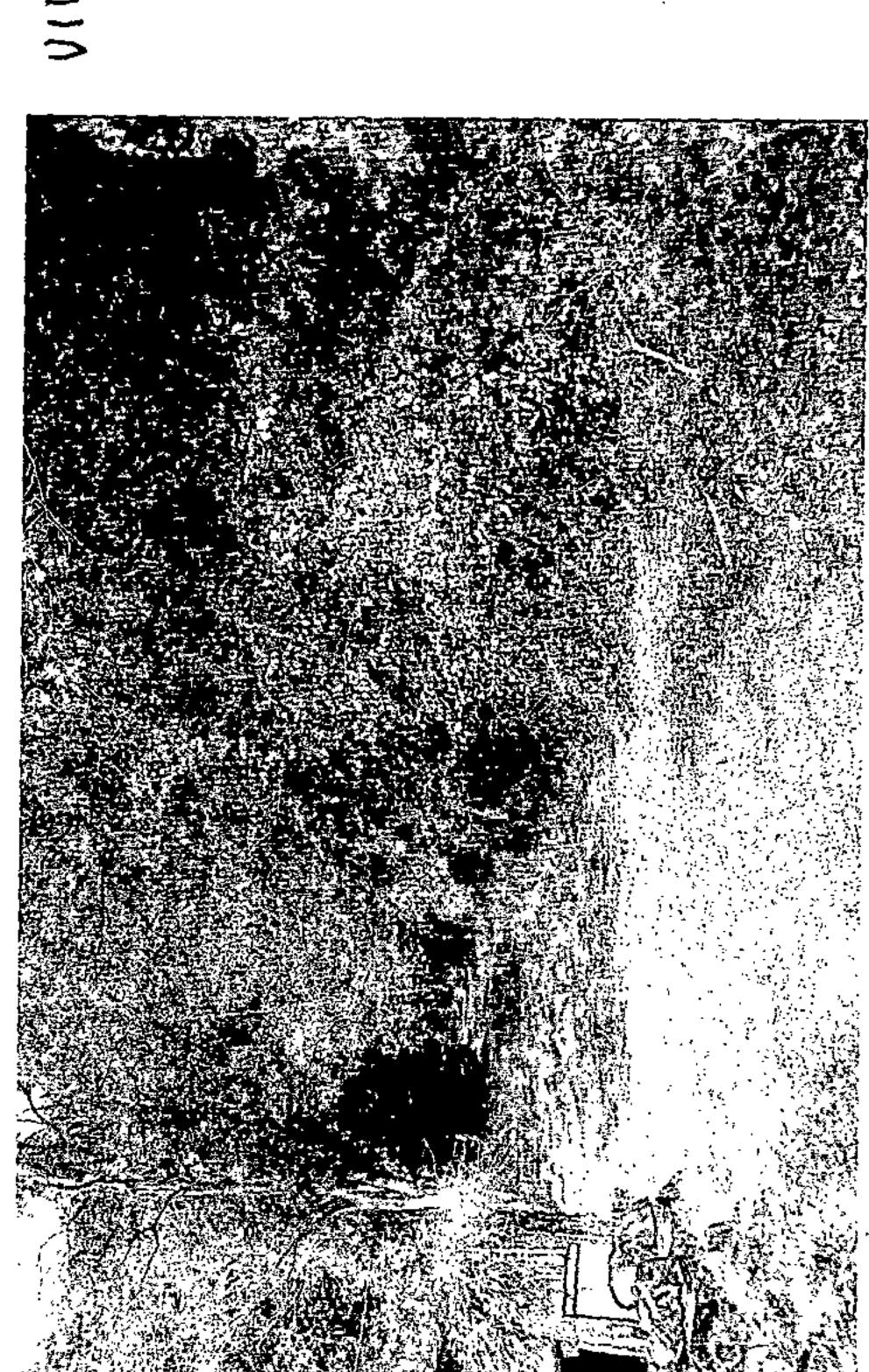
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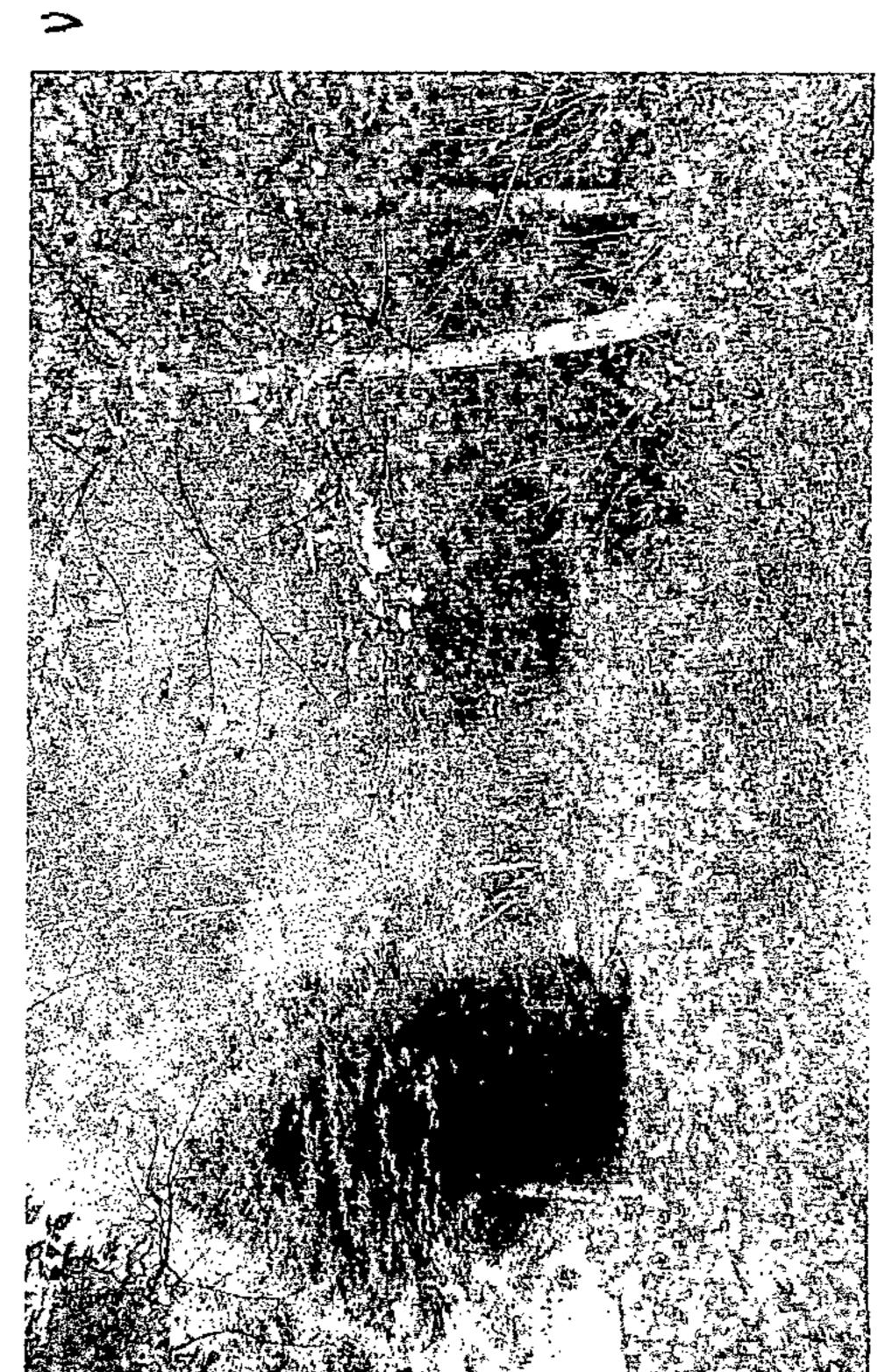
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VIEW- EAST TOWARD SPRING RUNOFF



VIEW - SOUTH TOWARD SPRING HEAD



VIEW-EAST TOWARD SURFACE WATER

October 22, 2007

Edward D Funk

Glencoe, MD 21152

15609 Home Road

Zoning Hearing

Case # 08-110-SPH

To all it may concern.

I am writing in regards to the special hearing case# 08-110-SPH.

I object to the proposed zoning and density changes as noted in the above case #. These changes will adversely and negatively affect my home, property and natural environment. This change would allow more building than is presently allowed. This change, of not only additional building lots, but the addition of new roads would affect my current standard of living; infringe upon my privacy and impact forest land and local streams that have been undisturbed for nearly a century.

The properties at discussion, sits up on a steep slope surrounded by three hills that all drain into a very small stream that feeds into the Gunpowder River. Additional roads and buildings of more than is currently allowed would have a negative environmental impact on all properties downstream. Flooding is a huge concern to all of us in this immediate area and building more than is already allowed would exacerbate an already established flooding problem.

We moved into this area knowing all of the existing building restrictions as I am sure Mr. Lang knew of when he purchased these properties. Any change in those restrictions that are not to the great benefit of the public at large would be an unfair invasion upon our current homestead and community.

Edward D. Funk

Sund) Hund

PROTESTANT'S



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 30, 2007

Michael A. Lang 15701 Home Road Sparks, Maryland 21152

RE: PETITION FOR SPECIAL HEARING

NE side Home Road, 1100 feet +/- NW of Glencoe Road 10th Election District - 3rd Councilmanic District (15701 Home Road)
Michael A. Lang – Petitioner
Case'No. 08-110-SPH

Dear Mr. Lang:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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,


THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:dlw Enclosure

Bruce E. Doak, Gerhold Cross & Etzel, Ltd., 320 East Towsontown Boulevard, Towson, MD 21286
 Wayne Baker, 15603 Home Road, Sparks, MD 21152
 Mr. and Mrs. Dansicker, 15729 Home Road, Sparks, MD 21152
 Edward and Hoother Funk, 15600 H.

Edward and Heather Funk, 15609 Home Road, Sparks, MD 21152 People's Counsel; Development Review Committee, DPDM; File



Eugene R. Isennock 15605 Home Road Sparks, Md. 21152

Octobert 7, 2007

Baltimore County Maryland Office of Zoning 401 Bosley Ave. Towson, Md. 21204

Re: Case #8-110-SPH

To Whom it May Concern,

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Sincerely

Eugene R. Isennock 15605 Home Road Sparks, Md. 21152

PROTESTANT'S

EXHIBIT NO.

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October 22, 2007

Heather K. Funk

Glencoe, MD 21152

15609 Home Road

Zoning Hearing

Case # 08-110-SPH

To all it may concern.

I am writing in regards to the special hearing case# 08-110-SPH.

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Heather K. Funk