

IN RE: **PETITION FOR VARIANCE**

E/S Gunpowder Road, 550' S of the c/l

Weaver Road

(21021 Gunpowder Road)

6th Election District

3rd Council District

Erik G. Gerhardt, et ux

Petitioners

*

BEFORE THE

*

ZONING COMMISSIONER

*

OF

*

BALTIMORE COUNTY

*

Case No. 08-347-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Erik G. Gerhardt, and his wife, Amy L. Gerhardt. The Petitioners seek relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet (south side) for proposed Lot 1 in lieu of the required 35 feet. The subject property and relief requested are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Erik Gerhardt, property owner, and J. Scott Dallas, of J.S. Dallas, Inc., the surveying and engineering firm that prepared the site plan and is assisting the Petitioners through the minor subdivision process. There were no Protestants or other interested persons present. It is noted, however, that immediate neighbors and adjacent property owners within eyesight of the subject property signed a letter of support which was submitted into evidence as Petitioners' Exhibit 2.

Testimony and evidence presented revealed that the subject property consists of a gross area of 2.09 acres, more or less, zoned R.C.2, and is improved with a single-family dwelling (52'7" x 24'5" ranch home) and attached garage (24'3" x 22'3") known as 21021 Gunpowder Road in the Millers area of the County. The property is a rectangularly shaped parcel, with 210 feet of frontage on Gunpowder Road; however, the property narrows to a 140-foot width across the rear. This portion of the site is open and unimproved.

ORDER RECEIVED FOR FILING
Date 3-28-08
By [Signature]

Mr. & Mrs. Gerhardt's three-year-old son has Angelman Syndrome, a complicated medical condition requiring extensive treatment at the Johns Hopkins Hospital and Kennedy Krieger Institute in downtown Baltimore. They have owned and resided on the property since 2001 and are now desirous of subdividing their land to create two lots and conveying one lot to a homebuilder. The proposed lot to be conveyed will be hereinafter known as Lot 2, and will contain 1.00 acre in area. Lot 2 will be accessed by a 20-foot wide panhandle driveway running along the southern boundary. Lot 1 will be retained by Mr. & Mrs. Gerhardt and consist of the remaining 1.09 acres and the existing improvements. Both lots are permissible under the R.C.2 zoning regulations insofar as density and area. The property has been held in tact as a single lot of record since 1979 when the R.C.2 zoning classification was established in the B.C.Z.R. Under the R.C.2 regulations, any property between 2 and 100 acres can be subdivided one time to create two lots. However, variance relief is necessary for the proposed dwelling to be constructed on Lot 2. In this regard, and as illustrated on the site plan, a 50'x 55' "boxed out area" is required to be placed around the proposed well. The 20-foot setback is, therefore, measured from this internal property line to the existing structure on Lot 1. Because of the narrow width of the lot, relief is requested to permit the side yard setback as this is the only area that the Department of Environmental Protection and Resource Management (DEPRM) will approve for a well location on proposed Lot 2. Testimony indicated that the nearest adjacent dwelling to the south of the proposed house is the Yinger home and, obviously, they are not opposed to the request (*See* Petitioners' Exhibit 2). To the north, an area of woods and septic reserve areas separate the property from the nearest dwellings, which are apparently located a substantial distance away.

As discussed above, the Petitioners are desirous of subdividing the property to create a second building lot in order to raise money for their son's medical needs and to be able to afford to move closer to his caregivers, especially important in case of seizure or emergency. Due to site constraints associated with the property and the location of existing improvements thereon, the proposed driveway access will be located along the southern property line, adjacent to the Reider/Yinger property.

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. The proposed location of the well for Lot 2 is most appropriate according to DEPRM, the site distance for traffic entering the property is adequate and percolation tests conducted for the rear lot reportedly were successful. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and it appears that relief can be granted without detrimental impact upon the health, safety or general welfare of the surrounding locale. However, the property is subject to review by the Development Review Committee (DRC) under the Minor Subdivision Process. It was indicated that the plan has been submitted and review is pending approval of the zoning variance.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of March 2008 that the Petition for Variance seeking relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet for proposed Lot 1 in lieu of the required minimum 35 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

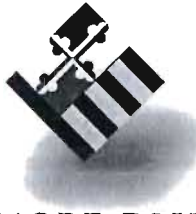
- 1) Having received a variance to permit the proposed well's location in the southwestern corner of the property, the Petitioners may apply for their subdivision and are required to proceed to the Development Review Committee (DRC) for a limited exemption under Baltimore County Code (B.C.C.) Section 32-4-106(a)(1)(viii).

Any appeal of this Order shall be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 3-28-08
By 193



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 28, 2008

Erik G. and Amy L. Gerhardt
21021 Gunpowder Road
Millers, MD 21102

RE: PETITION FOR VARIANCE

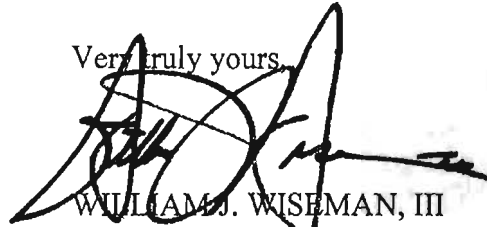
E/S Gunpowder Road, 550' S of the c/l Weaver Road
(21021 Gunpowder Road)
6th Election District - 3rd Council District
Erik G. Gerhardt, et ux – Petitioners
Case No. 08-347-A

Dear Mr. and Mrs. Gerhardt:

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: J. Scott Dallas, J.S. Dallas, Inc., P.O. Box 26, Baldwin, MD 21013
People's Counsel; DEPRM; Development Review Committee; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 21021 Gunpowder Road
which is presently zoned RC2
Deed Reference: 15705 / 382 Tax Account # 1600007941

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A01.3B3. to permit a sideyard setback of 20 feet for proposed Lot 1 in lieu of the required minimum 35 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.) In accordance with our 12-28-07 P.D.M. opinion letter, the property can be subdivided to create a total of 2 1-acre lots. Through discussions and revisions with DEPRM water and sewer division, the current layout was found to be acceptable, but creates a new lot line around the well for proposed Lot 2 lying within 20' of the existing dwelling on proposed Lot 1. In meeting DEPRM requirements, the zoning variance was our only option. Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning only regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Erik G. Gerhardt
Name - Type or Print _____
Signature _____
Amy L. Gerhardt
Name - Type or Print _____
Signature _____
21021 Gunpowder Rd. 410-239-6134
Address Telephone No.
Millers MD 21102
City State Zip Code

Representative to be Contacted:

J.Scott Dallas (J.S. Dallas, Inc.)
Name _____
P.O. Box 26 410-817-4600
Address Telephone No.
Baldwin MD 21013
City State Zip Code

Case No. 08-347-A

REV 8/20/07

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by 71-TSU Date 2/1/08

ORDER RECEIVED FOR FILING

Date 3-28-08

By DW

P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

ZONING DESCRIPTION
#21021 GUNPOWDER ROAD

BEGINNING at a point on the East side of Gunpowder Road which is 70' wide at a distance of 246', more or less south of the center of an unnamed County Road, 50' wide as shown on Minor Subdivision Plan 05053M "Property of Roy M. Matthews #21025 Gunpowder Road".

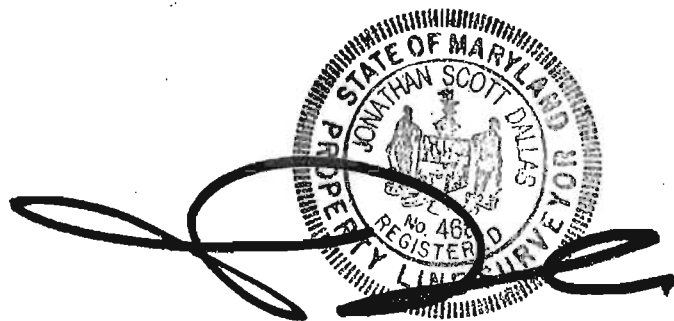
BEING known as Lot 6 in the subdivision of "Gunpowder Acres" as recorded in Baltimore County Plat Book 35 folio 119.

CONTAINING 2.09 acres more or less, or 91,100 sq. ft., more or less (gross).

Also known as #21021 Gunpowder Road and located in the 6th Election District, 3rd Councilmanic District.

Containing proposed Lots 1 and 2.

Note: Above description is for zoning purposes only.



08-347-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 09780

Date:

02/01/08

PAID RECEIPT

REC'D ACTUAL TIME 0000

02/01/2008 15:25:30 2

02 MAIL JENNA JEE

>RECEIPT # 541013 2/01/2008 0FLH

DATA 5-320 ZIRING VERIFICATION

009780

Recpt Tot \$45.00

\$45.00 CL 1.75 CA

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			150				65

Total: \$65

Rec

From:

J.S. DALLAS, INC

For:

31021 GUNPOUNDER RD

28-347-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

**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: #08-347-A

21021 Gunpowder Road
E/side of Gunpowder Road,
550 feet south of the
centerline of Weaver Road
6th Election District
3rd Councilmanic District
Legal Owner(s): Erik &
Amy Gerhardt

Variance: to permit a side
yard setback of 20 feet for
proposed Lot 1 in lieu of
the required 35 feet.

**Hearing: Tuesday, March
25, 2008 at 10:00 a.m. in
Room 407, County Courts
Building, 401 Bosley
Avenue, Towson 21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT/3/667 Ma11 166425

CERTIFICATE OF PUBLICATION

3/14/, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 3/11/, 2008.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 03/5/08

Case Number: 08-347-A

Petitioner / Developer: ERIK & AMY GERHARDT~J.S. DALLAS, INC.

Date of Hearing (Closing): MARCH 25, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
21021 GUNPOWDER ROAD

The sign(s) were posted on: 03/02/08



Linda O'Keefe 3/5/08
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 08-347-A

Petitioner: ERIK G. GERHARDT

Address or Location: 21021 GUNPOWDER ROAD

PLEASE FORWARD ADVERTISING BILL TO: (SAME)

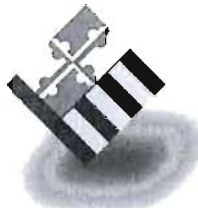
Name: _____

Address: _____

21021 GUNPOWDER RD

MILLERS MD. 21102

Telephone Number: 410 239-6134



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 19, 2008
TIMOTHY M. KOTROCO, *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: 08-347-A

21021 Gunpowder Road
E/side of Gunpowder Road, 550 feet south of the centerline of Weaver Road
6th Election District – 3rd Councilmanic District
Legal Owners: Erik & Amy Gerhardt

Variance to permit a side yard setback of 20 feet for proposed Lot 1 in lieu of the required 35 feet.

Hearing: Tuesday, March 25, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy M. Kotroco
Director

TK:klm

C: Erik & Amy Gerhardt, 21021 Gunpowder Road, Millers 21102
J. Scott Dallas, J.S. Dallas, Inc., P.O. Box 26, Baldwin 21013

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 10, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 11, 2008 Issue - Jeffersonian

Please forward billing to:
Erik Gerhardt
21021 Gunpowder Road
Millers, MD 21102

410-239-6134

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: 08-347-A

21021 Gunpowder Road

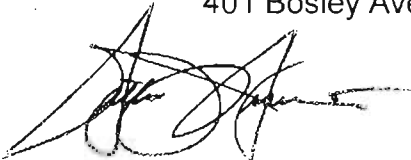
E/side of Gunpowder Road, 550 feet south of the centerline of Weaver Road

6th Election District – 3rd Councilmanic District

Legal Owners: Erik & Amy Gerhardt

Variance to permit a side yard setback of 20 feet for proposed Lot 1 in lieu of the required 35 feet.

Hearing: Tuesday, March 25, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

March 19, 2008

Erik G. Gerhardt
Amy L. Gerhardt
21021 Gunpowder Road
Millers, MD 21102

Dear Mr. and Mrs. Gerhardt:

RE: Case Number: 08-347-A, 21021 Gunpowder Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 1, 2008. 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:amf
Enclosures

c: People's Counsel
J. Scott Dallas P.O. Box 26 Baldwin 21013

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

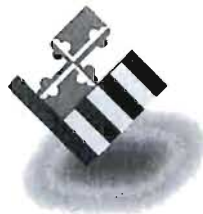
DATE: February 14, 2008

FROM: ^{DAK}
Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 18, 2008
Item Nos. 08-343, 344, 345, 346, 347,
350, 351, 352, 353, and 354

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-02142008.doc



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 11, 2008

Item Number: 342, 343, 344, 345, 346, 347, 350, 351, 353, 354

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: FEB. 11, 2008

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

RE: Baltimore County
Item No. 8-347-A
21021 GUNPOWDER ROAD
GERHARDT PROPERTY
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-347-A.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

For ^A Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

BW 3/25
10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 4, 2008

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

RECEIVED
MAR 05 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-347- Variance**

The Office of Planning has reviewed the above referenced case(s) and recommends this proposal be subject to minor subdivision review.

For further questions or additional information concerning the matters stated herein, please contact Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:

Carla Murray

Division Chief:

John L. Loebe

CM/LL

BW 3/25
10am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAR 06 2008

BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JAL*

DATE: March 6, 2008

SUBJECT: Zoning Item # 08-347-A
Address Gerhardt Property
21021 Gunpowder Road

Zoning Advisory Committee Meeting of February 11, 2008

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

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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

Additional Comments:

Reviewer: Jonathan Bowman

Date: February 21, 2008

RE: PETITION FOR VARIANCE
21021 Gunpowder Road; E/S Gunpowder
Road, 550' S c/line Weaver Road
6th Election & 3rd Councilmanic Districts
Legal Owner(s): Erik & Amy Gerhardt
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 08-347-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 12th day of February, 2008, a copy of the foregoing Entry of Appearance was mailed to, J. Scott Dallas, P.O. Box 26, Baldwin, MD 21013, Representative for Petitioner(s).

RECEIVED

FEB 12 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

December 28, 2007

Mr. Scott Dallas
J. S. Dallas Inc.
12126 Long Green Pike
Glen Arm, MD 21057

RE: 21021 Gunpowder Road
Maryland State Tax Account #1600007941, 6th Election District

Dear Mr. Dallas:

Your letter to Timothy Kotroco, Director of Permits and Development Management has been referred to me for reply. Based on the information contained in the BCZR (Baltimore County Zoning Regulations), research of the available records and conferring with my supervisor, W. Carl Richards and staff the following has been determined. This is an amended response from my letter dated August 10, 2007 to your client Mr. Gerhardt.

The property known as 21021 Gunpowder Road is in fact currently zoned R.C. 2 (Resource Conservation 2). Attached please find a copy of the definition for "Acreage, Gross Residential" taken out of the BCZR for 1963. The record plat for your property known as "Gunpowder Acres" was approved under the regulations in place for R.D.P. was based on net area. Pursuant to 1A01.3B.1. BCZR states: "No lot of record lying within an R.C. 2 Zone and having a gross area of less than two acres may be subdivided." Adding the area of land to the centerline of street will give you more than the two acres necessary. Minimum lot size will also be based on gross area. This response is for zoning purposes only. Any subdivision of land will need to go through the minor subdivision process. For information on this procedure please call the Bureau of Development Management at 410-887-3335

THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVISE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALITMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Should you have any additional questions, please do not hesitate calling me at 410-887-3391.

Sincerely,

Donna Thompson
Planner II, Zoning Review

Cc: Mr. Erik G. Gerhardt, 21021 Gunpowder Rd., Millers, MD 21102

08-347-A

CASE NAME _____
CASE NUMBER 08-347-A
DATE 3-25-08

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 v04.3)

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Account Identifier: District - 06 **Account Number -** 1600007941

Owner Information

Owner Name: GERHARDT ERIK G **Use:** RESIDENTIAL
 GEPHARDT AMY L **Principal Residence:** YES
Mailing Address: 21021 GUNPOWDER RD **Deed Reference:** 1) /15705/ 382
 MILLERS MD 21102-2403 2)

Location & Structure Information

Premises Address **Legal Description**
 21021 GUNPOWDER RD 2 AC
 21021 GUNPOWDER RD ES
 GUNPOWDER ACRES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
5	9	14					6	2	Plat Ref: 35/ 119

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1978	1,248 SF	2.00 AC	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	88,000	165,000		
Improvements:	106,180	164,870		
Total:	194,180	329,870	194,180	239,410
Preferential Land:	0	0	0	0

Transfer Information

Seller: GERHARDT ERIK G	Date: 10/30/2001	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /15705/ 382	Deed2:
Seller: PETROSKI NOEL M	Date: 10/03/2000	Price: \$150,000
Type: IMPROVED ARMS-LENGTH	Deed1: /14732/ 273	Deed2:
Seller: TALBOT TIMOTHY C	Date: 05/02/1991	Price: \$113,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8775/ 742	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 1A, RESOURCE CONSERVATION ZONES [Bill No. 98-1975****Section 1A01, R.C.2 (Agricultural) Zone****1A01.3 Height and area regulations.**

A. Height regulation. No structure hereafter erected in an R.C.2 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations. [Bill No. 178-1979]

1. Subdivision lot density. No lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area. In cases where land in 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 shall not be considered separate parcels for the purpose of calculating the number of lots of record. [Bill Nos. 199-1990; 125-2005]

2. Lot size. A lot having an area less than one acre may not be created in an R.C.2 Zone.

3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C.2 Zone may be situated within 75 feet of the center line of any street or within 35 feet of any lot line other than a street line.

4. Principal dwellings per lot. No more than one principal dwelling is permitted on any lot in an R.C.2 Zone.

1A01.4 Maryland Agricultural Land Preservation Program. The use or development of land in an agricultural district established in accordance with Title 2, Subtitle 5 of the Agriculture Article of the Annotated Code of Maryland shall be governed by agricultural land preservation provisions enacted by the County Council pursuant to § 2-513 of the Agriculture Article in the case of any conflict between those provisions and these regulations. [Bill Nos. 178-1979; 137-2004]

Section 1A02, R.C.3 (Deferral of Planning and Development) Zone

1A02.1 Legislative policy. [Bill Nos. 178-1979; 54-2004 ^{EN}]

A. The R.C. 3 zoning classification and its regulations are established as a rural development zone to foster conditions favorable to agricultural and residential use of the land while still maintaining the rural character of the area.

B. Location. The R.C.3 classification may be applied only to land that lies beyond the urban-rural demarcation line, as established in the 1975 Master Sewer and Water Plan, as amended from time to time.

1A02.2 Use regulations.

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C.3 Zones:

1. Churches or other buildings for religious worship.

Case No.: 08-347-A 21021 Gunpowder Rd

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	LETTERS OF SUPPORT FROM ADJACENT NEIGHBORS	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

To whom it may concern:

I have reviewed the Site Plan to Accompany Petition for Zoning Variance- #21021 Gunpowder Road and am aware of Mr. and Mrs. Gerhardt's plans to create one new lot behind their existing residence, for a total of 2 lots. I am not opposed to their plans and feel that the variance should be granted.

MARY M. MATTHEWS

21025 GUNPOWDER RD.

ROY M. MATTHEWS

21025 GUNPOWDER RD.

Name Mary M. Matthews

Address

3-16-08

ROY M. MATTHEWS

3-16-08

Signature

Amanda Yinger
Amanda Yinger

Date

3-16-08
21013 Gunpowder rd

Name

Address

Signature

Date

Name

Address

Signature

Date

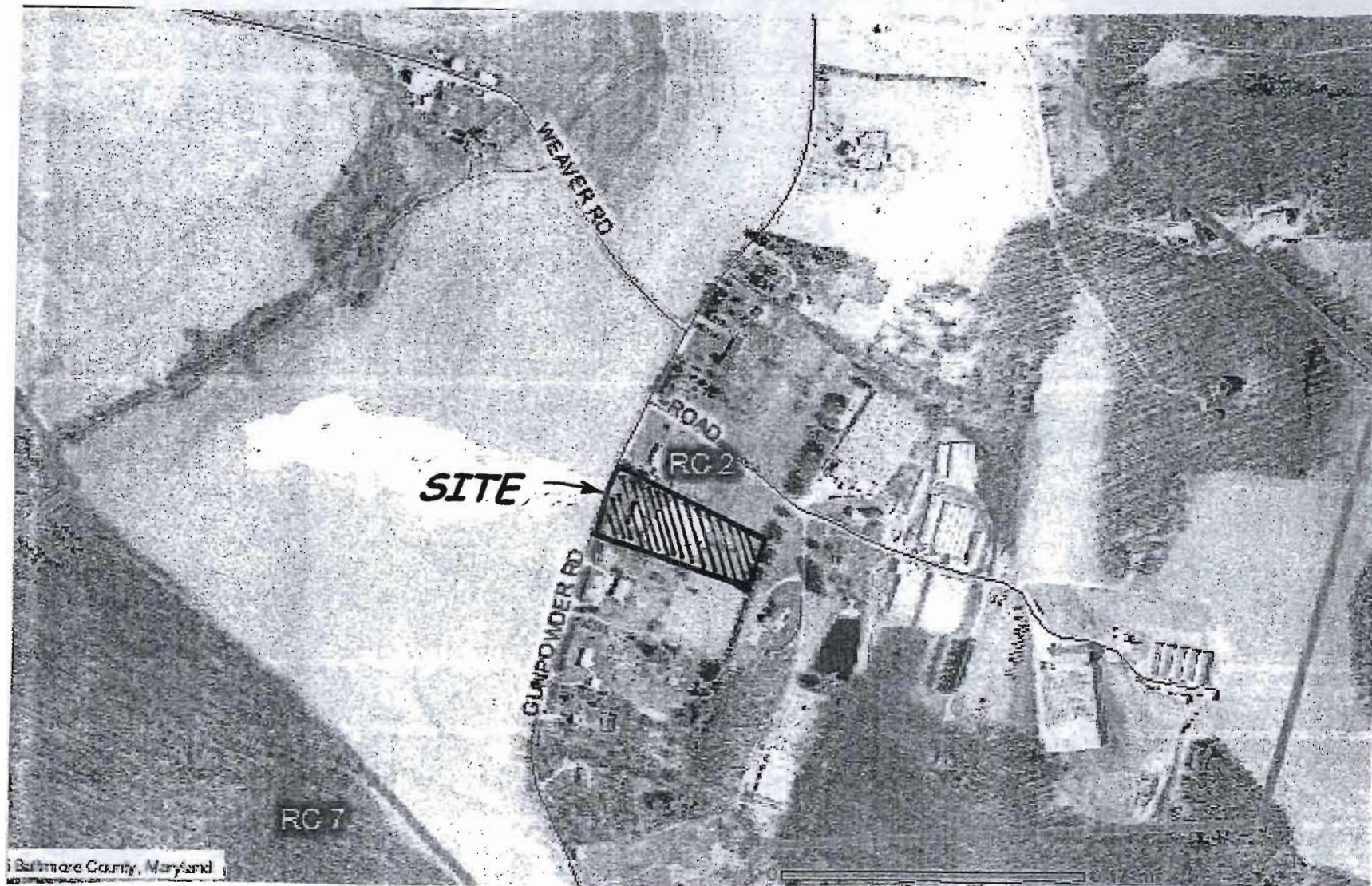
Name

Address

Signature

Date

Petitioner Exhibit 2



ZONING MAP

BALTIMORE COUNTY OFFICE OF
PLANNING AND ZONING

#21021 GUNPOWDER ROAD

3RD COUNCILMANIC DISTRICT

6TH ELECTION DISTRICT

BALTIMORE COUNTY, MD

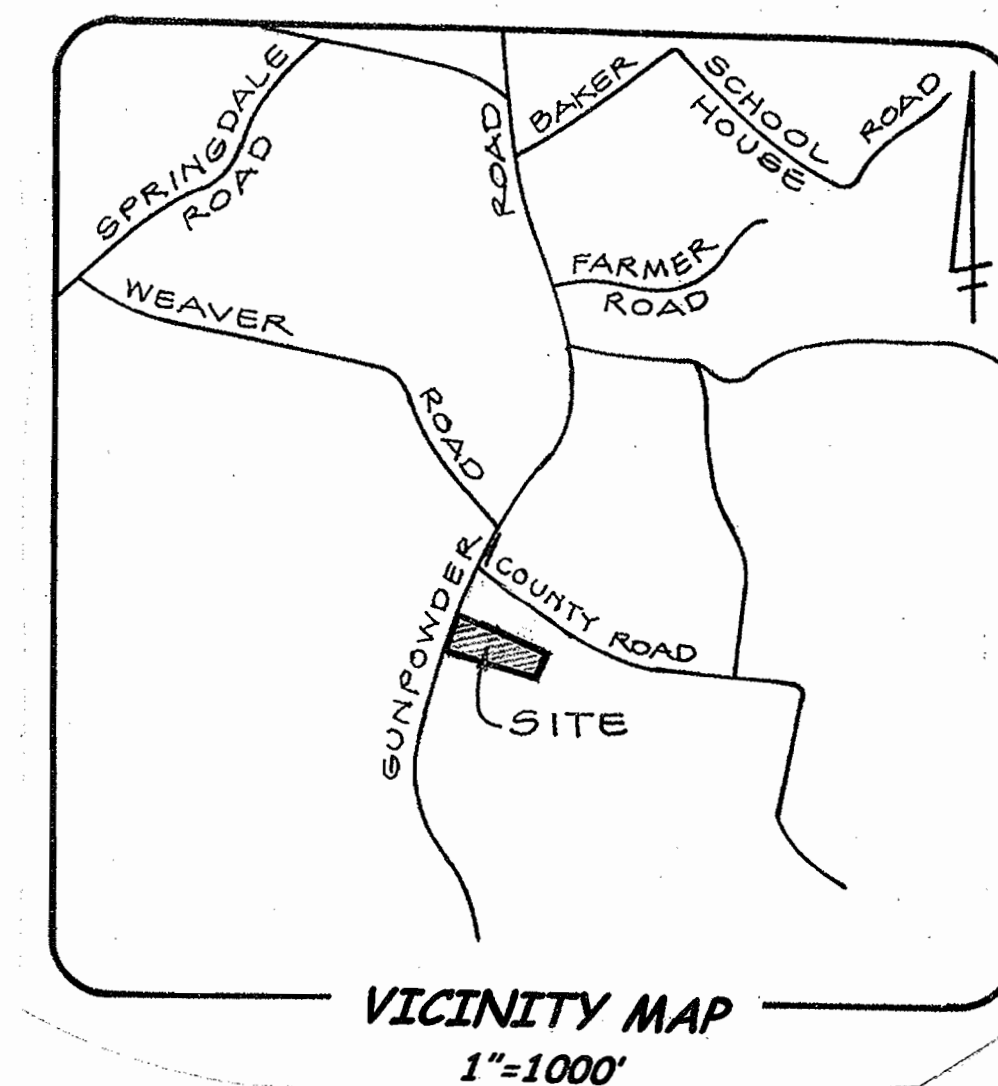
NOT TO SCALE

TAMM ADV 2008

08-347-A

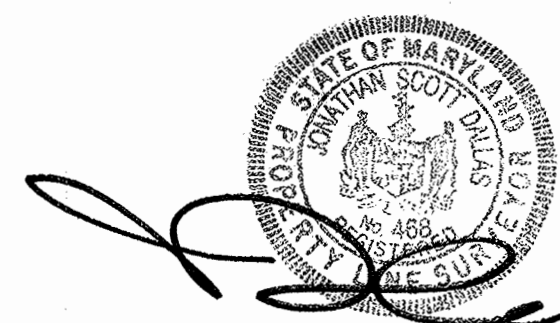
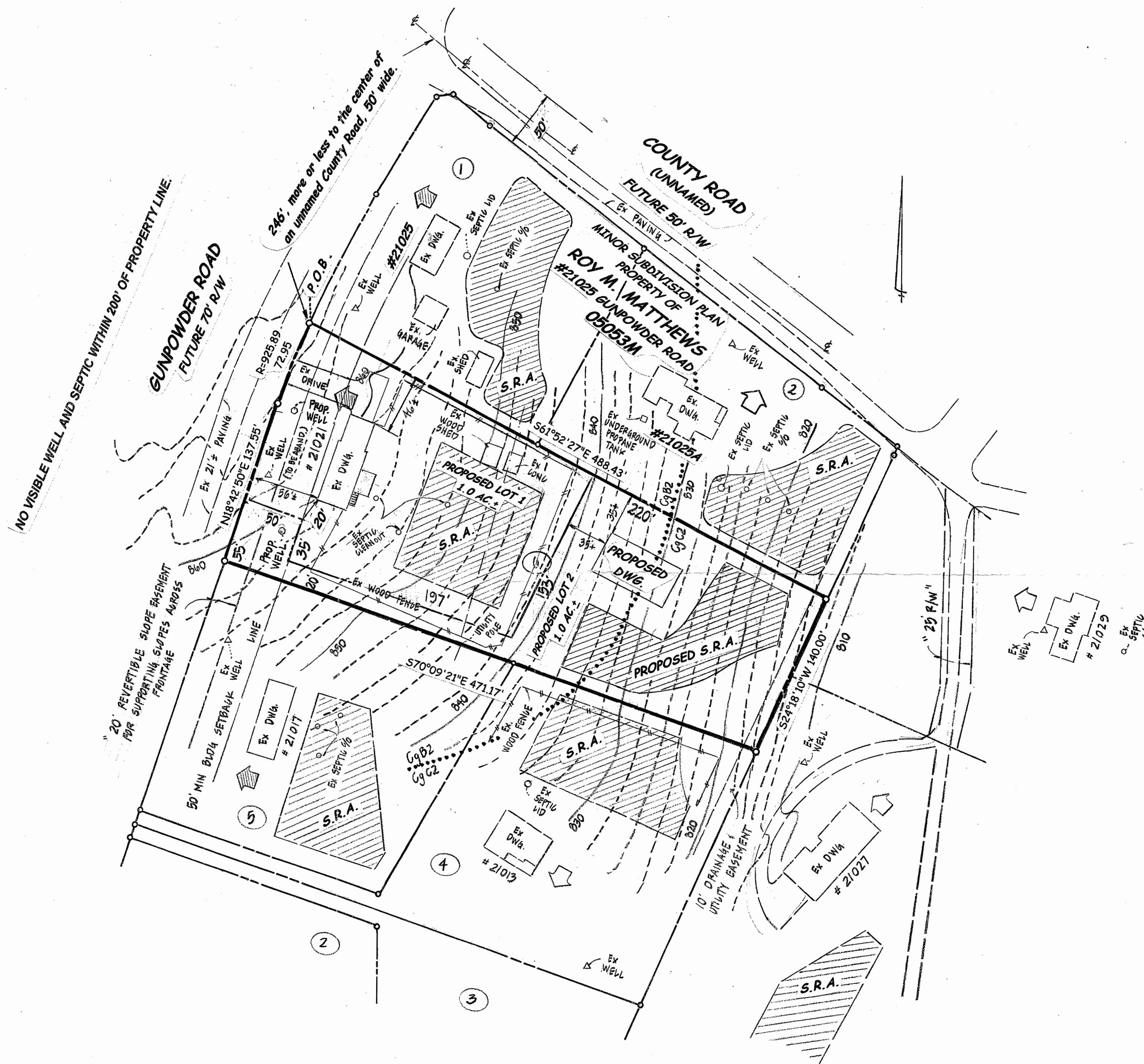


ZONING MAP (N.T.S.)
BALTIMORE COUNTY OFFICE OF
PLANNING AND ZONING



NOTES:

1. OWNERSHIP :
ERIK G. AND AMY L. GERHARDT
21021 GUNPOWDER RD
MILLERS MD 21102
2. PROPERTY INFORMATION :
TAX MAP 5 GRID 9 PARCEL 14
TAX ACCOUNT NO. 1600007941
3. DEED REFERENCE : 15705-382
LOT NO. 6 (35:119)
"GUNPOWDER ACRES"
4. AREA OF SUBJECT SITE: 83750 S.F.± OR 1.92 AC.± (NET)
91100 S.F.± OR 2.09 AC.± (GROSS)
5. SITE LIES IN FLOOD ZONE C PER F.I.R.M. 240010-025B
6. PRIVATE WELL AND SEPTIC SYSTEM.
(EXISTING AND PROPOSED)
7. EXISTING ZONING OF SITE RC2
(NO KNOWN ZONING HISTORY.)
8. SITE IS NOT IN CBCA.
9. NOT A HISTORIC DWG. OR PROPERTY.
10. SOILS SHOWN HEREON PER U.S.D.A. SOILS
MAP NO. 1
11. TOPOGRAPHY SHOWN HEREON PER BALTIMORE COUNTY
ARCHIVED DATA.
12. EXISTING USE OF SITE : 1 RESIDENTIAL LOT
13. PROPOSED USE OF SITE : 2 RESIDENTIAL LOTS
14. SITE AREA AND PROPOSED LOT AREAS "WILL BE BASED ON
GROSS AREA" PER PDM LETTER DATED 12-28-07.



J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
(410) 817-4600

08-347-A
SITE PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE
#21021 GUNPOWDER ROAD
3RD COUNCILMANIC DISTRICT
6TH ELECTION DISTRICT
BALTIMORE COUNTY, MD
JANUARY 2008

PROTESTANT'S
EXHIBIT NO. 1

4LE 1"=60'