

**IN RE: PETITION FOR ADMINISTRATIVE
VARIANCE**

NE of Sharon Drive, 1,680' SE c/line of
Harford Road

(11511 Harford Road)

11th Election District

3rd Council District

Roland C. Twining, et ux
Petitioners

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 08-527-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Roland C. Twining and his wife, Ida C. Thompson. Petitioners are requesting variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (wind turbine generator) with a height of 66-feet in lieu of the maximum 15-feet.¹ The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

As will be explained in greater detail, this is nearly a case of first impression as the Petition represents only the second Baltimore County Zoning case involving a request to use wind power as an alternative method of providing energy to a Baltimore County home. Since the B.C.Z.R. does not currently contain a section pertaining to the construction or maintenance of a wind turbine generator (hereinafter referred to as a "windmill"), this Petition was appropriately filed as a request for variance from the accessory structure height limitations contained in Section 400.3

¹ This case was originally filed as a Petition for Administrative Variance but a public hearing was scheduled at the request of the Office of People's Counsel.

By
Date 7-31-08
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of the B.C.Z.R. The subject matter, however, is far from the typical requests for variance that frequent the Office of the Zoning Commissioner.

Appearing at the requisite public hearing in support of the variance request were Petitioners Roland Twining and Ida Thompson along with several of their family members and friends including Noah Twining, Mike Pierce and Shawn Kidd. The Office of People's Counsel was represented by Carole S. Demilio, Esquire who appeared in opposition to the requested relief. There were no Protestants or other interested persons in attendance at the hearing.

Testimony describing the subject property and requested relief was offered by Petitioner Roland Twining. The evidence revealed that the subject property is a large irregular-shaped site containing approximately 24.442 acres of land zoned R.C.2 and R.C.5. The property is located in the Glen Arm area of Baltimore County, southeast of Harford Road, and is essentially made up of what appears to be two rectangular shaped parcels connected via a central thin stretch of land as illustrated on the site plan. The first rectangular section, which is closest to Harford Road, is zoned R.C.2. The second rectangular section, on the northwestern portion of the site, is where the proposed windmill is to be located in the R.C.5 zone.

Mr. Twining testified that this property, along with over 300 acres of surrounding land, has been owned by his family since 1859. In the 1970's, the property was subdivided into three parts, each currently owned by a member of the Twining family. A portion of the property was also purchased by Baltimore County for use as the Gunpowder Falls State Park. The Petitioners submitted numerous photographs (Petitioners' Exhibit 3) which provide an overview of the layout of the subject property and surrounding area. The photographs reveal a rural, green, wooded area that is primarily dedicated to open farmland. Mr. Twining's brother operates a commercial farm business by growing hay on over 20 acres of the site.

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By [signature]

Mr. Twining marked on several of the aforementioned photographs the location of the windmill. This proposed location is over 200 feet from the nearest property line, appears far from any public roads or utilities and is shielded from the vision of all but a few surrounding neighbors. Mr. Twining submitted a Petition signed by seven surrounding neighbors who own all of the adjoining properties that may be able to see the windmill from their homes, and all signed in favor of the requested relief. The Petition was marked and accepted into evidence as Petitioners' Exhibit 2. All of the evidence presented at the hearing demonstrated that the surrounding community fully supports the Petitioners' request to construct a windmill. The Petitioners appeared true to their words: "hard-working blue collar people" who are simply trying to use technological advancements to decrease their energy costs and increase the likelihood that they will be able to maintain their family farmland.

In addition to the support of the surrounding community, the Petitioners indicated that the State of Maryland, through its WindSwept Grant Program, had agreed to provide a significant financial contribution (\$2,750.00) to the cost of their windmill construction. The Petitioners submitted a pamphlet from the United States Department of Energy that is entitled "A Maryland Consumer's Guide to Small Wind Electric Systems," which was marked and accepted into evidence as Petitioners' Exhibit 5. The pamphlet supports the Petitioners contention that the State of Maryland is making significant efforts to support the use of alternative energy to fuel residential homes throughout the State. The Petitioners had conducted a wind assessment which revealed that the proposed site would receive an average of 11 mph of wind, just over the 10 mph necessary to power a windmill. The only step remaining for the Petitioners to obtain their grant and start constructing their windmill is the zoning relief which is the subject of this Petition.

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By DJJ

Mr. Twining's testimony provided further insight as to the type of structure that the family intends to build. The proposed windmill would stand 66 feet in height and would provide four to seven kilowatt-hours of electricity per month or approximately 50-75% of the Petitioners' energy costs. The windmill would plug directly into the existing electrical grid and would be composed of a single pole, similar to a lamp pole, which would stand without guy wires or other support mechanisms. The top of the pole would contain fan style blades spanning 6 feet in diameter. Petitioners submitted several photographs containing examples of the type of structure that they intend to build, which were collectively marked and accepted into evidence as Petitioners' Exhibit 4. As previously mentioned, all of the surrounding neighbors who may be able to see the windmill from their homes signed a Petition in support of the requested relief. See Petitioners' Exhibit 2.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

On behalf of the Office of People's Counsel, Carole S. Demilio appeared at the hearing in opposition to the requested relief. Ms. Demilio, who herself lives on a farm, appeared sympathetic to the Petitioners' request but argued that the Zoning Commissioner currently does not have the authority to grant the requested variance. She presented legal argument that a windmill is not a "customary accessory use" which is permissible as an accessory structure as currently delineated in the B.C.Z.R. Citing to the case of *Kowalski v. Lamar*, 25 Md. App. 493, 334 A.2d 536 (1975), Ms. Demilio argued that the only permissible property uses are those directly suggested in the B.C.Z.R. Since windmills are not referenced in the regulations, Ms. DeMilio claimed that the Zoning Commissioner currently does not have the authority to address

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By [signature]

this Petition, or any windmill petition. Additionally, Ms. Demilio pointed to the fact that the County Council recently passed Resolution 52-08 on July 7, 2008, which directs the Planning Board to look into the use of windmills and acknowledges that the current regulations do not currently govern the use of windmills. Thus, the crux of her argument is that this Petition is not ripe until the Council evaluates the use of windmills and provides guidelines that will prevent the adjudication of similar requests on a case-by-case basis. Ms. Demilio did flatly state that if this Petition or any similar relief were granted, the Office of People's Counsel would have no choice but to file an appeal to the County Board of Appeals.

At the conclusion of the public hearing, the parties essentially agreed to stay the current proceedings until the County Council produces formal regulations governing requests for windmills on residential properties. Mr. Twining, along with his son Noah Twining, expressed their frustration with Baltimore County for continually promoting "being green" and making their family's quest to build an eco-friendly device that would provide alternative energy so difficult. However, at this point the parties agreed that the most cost efficient method of helping the Petitioners reach their goal would be to stay the current proceeding until regulations are passed that might eventually render this Petition moot.

WHEREFORE, it is ORDERED by the Zoning Commissioner for Baltimore County this 31st day of July 2008 that a continuance of these proceedings should be granted in favor of Petitioners pending amendments to the Zoning Regulations that govern the location or use of windmills for the generation of power for residential energy use; and

IT IS FURTHER ORDERED that in the event that the Planning Board or County Council of Baltimore County, Maryland unduly delay the implementation of the said proposed amendments to the Zoning Regulations, Petitioners may, in that event, request a final

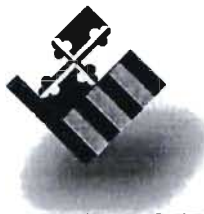
RECEIVED, ON FILE
Date 7-31-08
By [signature]

determination on their Petition based upon the testimony and evidence presented at the hearing on July 16, 2008.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

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Date 7-31-08
By [Signature]



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 30, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

Roland C. Twining
Ida C. Thompson
11511 Harford Road
Glen Arm, Maryland 21057

RE: PETITION FOR ADMINISTRATIVE VARIANCE

NE of Sharon Drive, 1,680' SE c/line of Harford Road
11511 Harford Road
11th Election District - 3rd Council District
Roland C. Twining, et ux - Petitioners
Case No. 08-527-A

Dear Mr. Twining and Ms. Thompson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. A continuance of these proceedings (Petition for Administrative Variance) should be granted in favor of Petitioners pending amendments to the Zoning Regulations that govern the location or use of windmills for the generation of power for residential energy use, 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: Noah Twining, 11511 Harford Road, Glen Arm, MD 21057
Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087
Shawn Kidd, 2732 Maryland Avenue, Baltimore, MD 21218
I. John Twining, III, 5629 Sharon Drive, Glen Arm, MD 21057
Randy G. Twining, 5630 Sharon Drive, Glen Arm, MD 21057
Kathy A. Kadow, 5619 Sharon Drive, Glen Arm, MD 21057
Carol L. Sibiski, 5712 Sharon Drive, Glen Arm, MD 21057
Lorraine M. Baake, 5617 Sharon Drive, Glen Arm, MD 21057
Helen and Kenneth Kadlec, 5626 Sharon Drive, Glen Arm, MD 21057
Patrick A. Norton, 5622 Sharon Drive, Glen Arm, MD 21057
Carole S. Demilio, Esquire, People's Counsel
File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 11511 Harford Road, Glen Arm MD 21057
which is presently zoned RC2/RC5

Deed Reference: 22639 / 568 Tax Account # 230008576

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)

400.3
to allow an (accessory structure wind generator) with a height of
up to 66 feet in lieu of the required maximum 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

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):

Roland C. Twining
Name - Type or Print _____
Signature _____
Ida C. Thompson
Name - Type or Print _____
Signature _____
11511 Harford Road 410-592-5301
Address Telephone No. _____
Glen Arm MD 21057
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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 2008-0527-A

Reviewed By [Signature] Date 5.9.08

REV 7/20/07

Estimated Posting Date 5.18.08

UNDER RECEIVED FOR FILING
Date 7-31-08
By [Signature]

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 11511 Harford Road

Address

Glen Arm
City

MD
State

21057
Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (Indicate hardship or practical difficulty):

Maryland Energy Administration is promoting a "Windswept Grant Program" to encourage small-scale residential wind-generated power. We would like to install a single residential pole not to exceed 66' total height including blades, which exceeds the maximum allowable height per zoning regulations. The grants will only be available for a limited time and requires compliance with County standards. Neighbors have signed a statement of no objection to the Wind-generator.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Roland C. Twining
Signature

Roland C. Twining
Name - Type or Print

Ida C. Thompson
Signature

Ida C. Thompson
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of May, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Edith Rosemarie Dallas
Notary Public

My Commission Expires July 18, 2011

REV 7/24/07



**ZONING DESCRIPTION
#11511 HARFORD ROAD
LOT 1**

PROPERTY OF ISAAC J. TWINING, III 7 ROLAND C. TWINING (99121M)

BEGINNING for the same at a point on the northeast side of Sharon Drive, 50 feet wide, at the distance of 1680 feet, more or less, southeast of the center of Harford Road, (normally 60 foot turnpike width) thence **(1) North 39 degrees 24 minutes 47 seconds East 688.92 feet** thence **(2) South 40 degrees 43 minutes 59 seconds East 711.43 feet** thence **(3) South 33 degrees 10 minutes 27 seconds East 395.05 feet** thence **(4) North 54 degrees 00 minutes 32 seconds East 87.77 feet** thence **(5) South 49 degrees 23 minutes 08 seconds East 364.58 feet** thence **(6) South 51 degrees 39 minutes 29 seconds West 20.34 feet** thence **(7) South 49 degrees 07 minutes 35 seconds East 174.85 feet** thence **(8) South 40 degrees 53 minutes 11 seconds West 299.42 feet** thence **(9) South 53 degrees 08 minutes 32 seconds West 57.97 feet** thence **(10) South 43 degrees 31 minutes 12 seconds West 156.00 feet** thence **(11) South 58 degrees 30 minutes 23 seconds West 29.78 feet** thence **(12) South 36 degrees 45 minutes 46 seconds West 51.21 feet** thence **(13) North 50 degrees 02 minutes 03 seconds West 100.00 feet** thence **(14) North 49 degrees 19 minutes 16 seconds West 522.96 feet** thence **(15) South 54 degrees 00 minutes 32 seconds West 866.10 feet** thence **(16) North 41 degrees 39 minutes 24 seconds West 964.67 feet** to the place of beginning.

CONTAINING 1,064,694 square feet or 24.442 acres of land, more or less.

BEING that parcel which by deed dated September 21, 2005 and recorded among the Land Records of Baltimore County in Liber S.M. No. 22639 folio 568 etc. was conveyed by Roland C. Twining and Ida C. Thompson to Roland C. Twining and Ida C. Thompson (and Lillian Martha Twining and Noah William Twining, Remaindermen).

ALSO being known as # **11511 Harford Road** and located in the 11th Election District 3rd Councilmanic District.

Note: above description is for zoning purposes only.

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: #2008-0527-A

11511 Harford Road

N/east of Sharon Drive, 1680 feet +/- s/east of centerline of Harford Road

11th Election District

3rd Councilmanic District

Legal Owner(s): Roland C. & Ida C. Twining

Variance: to allow an (accessory structure - wind generator) with a height of up to 66 feet in lieu of the required maximum 15 feet.

Hearing: Wednesday, July 16, 2008 at 11:00 a.m. the Jefferson Building, 1st Floor, 105 W. Chesapeake Avenue, 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) 887-4386

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

JT 7/603 July 1 177240

CERTIFICATE OF PUBLICATION

7/3/, 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 7/1/, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **13957**

Date: **5-9-08**

PAID RECEIPT

BUSINESS ACTUAL TIME BRN
 5/9/2008 5/09/2008 09:16:45 1
 REC #001 WALKEH JRIC JRB
 >>RECEIPT # 373911 5/09/2008 OFLH
 Dept 5 528 ZONING VERIFICATION
 013957

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6180				65.-

Total: **65.-**

Rec From: **R. Twining**

For: **2005-0527-A**

Recpt Tot \$65.00
 \$65.00 OK \$1.00-CA
 Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 05/19/08

Case Number: 2008-0527-A

Petitioner / Developer: ROLAND TWINING~J.S. DALLAS INC.

Date of Hearing (Closing): JUNE 2, 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:
11511 HARFORD ROAD

The sign(s) were posted on: 05/16/08



Linda O'Keefe
(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)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/04/08

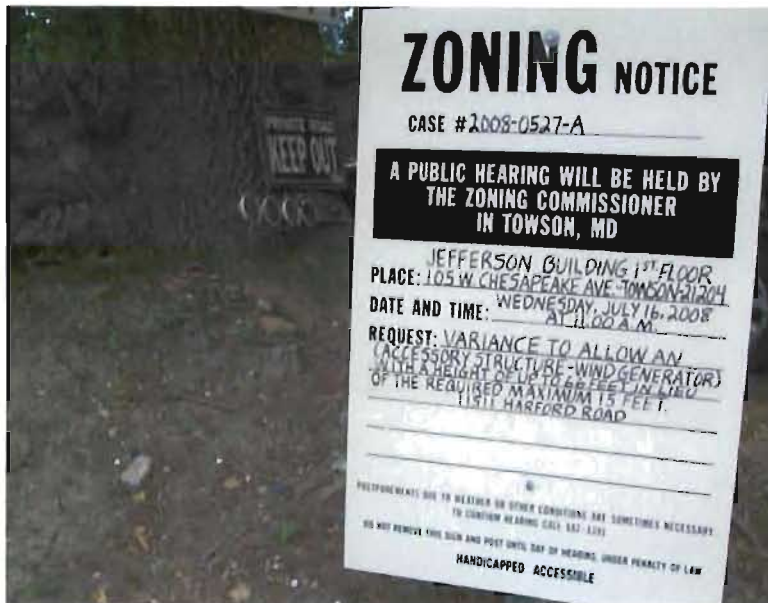
Case Number: 2008-0527-A

Petitioner / Developer: ROLAND & IDA TWINING~J. SCOTT DALLAS

Date of Hearing (Closing): JULY 16, 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:
11511 HARFORD ROAD

The sign(s) were posted on: JUNE 29, 2008



Linda O'Keefe
(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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ²⁰08- 0527 -A Address 11511 Harbor Rd

Contact Person: _____ Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5.9.08 Posting Date: 5.18.08 Closing Date: 6.2.08 ~~5.26.08~~

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ²⁰08- 0527 -A Address 11511 Harbor Rd.
Petitioner's Name ROLAND TWINING Telephone 410-592-5301
Posting Date: 5.18.08 Closing Date: 6.2.08 ~~5.26.08~~
Wording for Sign: ^{A VARIANCE}
To Permit A WIND-TURBINE ELECTRIFYING
GENERATOR WITH A Height of 66 ft.
IN LIEU of The Permitted 15 ft.

WCR - Revised 6/25/04

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: 0527

Petitioner: Roland C. Twining and Ida C. Thompson

Address or Location: # 11511 Harford Road

PLEASE FORWARD ADVERTISING BILL TO:

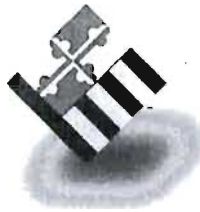
Name: same

Address: 95

above

Telephone Number: 410 592. 5301

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 18, 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: 2008-0527-A

11511 Harford Road

N/east of Sharon Drive, 1680 feet +/- s/east of centerline of Harford Road

11th Election District – 3rd Councilmanic District

Legal Owners: Roland C. & Ida C. Twining

Variance to allow an (accessory structure – wind generator) with a height of up to 66 feet in lieu of the required maximum 15 feet.

Hearing: Wednesday, July 16, 2008 at 11:00 a.m. in the Jefferson Building, 1st Floor,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Roland & Ida Twining, 11511 Harford Road, Glen Arm 21057
J. Scott Dallas, P.O. Box 26, Baldwin 21013

**NOTES: (1) THE ZONING OFFICE WILL POST A NOTICE WITH THE HEARING
INFORMATION ON THE PROPERTY BY TUESDAY, JULY 1, 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, July 1, 2008 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-4587

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: 2008-0527-A

11511 Harford Road

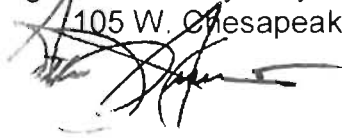
N/east of Sharon Drive, 1680 feet +/- s/east of centerline of Harford Road

11th Election District – 3rd Councilmanic District

Legal Owners: Roland C. & Ida C. Twining

Variance to allow an (accessory structure – wind generator) with a height of up to 66 feet in lieu of the required maximum 15 feet.

Hearing: Wednesday, July 16, 2008 at 11:00 a.m. in the Jefferson Building, 1st Floor,
105 W. Chesapeake 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

July 10, 2008

Dear Mr. & Mrs. Twining:

RE: Case Number: 2008-0527, 11511 Harford Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 9, 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.

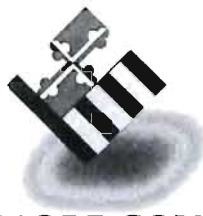
Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

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



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

June 16, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 09, 2008

Item Number: **0527A**, 0549A, 0550A, 0551SPH, 0552SPHA, 0553X, 0554A, 0555A,
0556A, 0557SPH

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 21, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For May 26, 2008
Item Nos. 08-520, 521, 522, 523, 524,
525, 526, 527, 528, 532, 533, and 534

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

ZAC-05212008-NO COMMENTS
DAK:CEN:lrk
cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 6/20/2008

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

RE: Baltimore County
Item No. 2008-0527-A
MD 147 (HARFORD RD)
11511 HARFORD ROAD
THOMPSON PROPERTY
ADMIN. VARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 6/10/08. A field inspection and internal review reveals that the existing entrance onto MD 147 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 11511 HARFORD RD, Case Number 2008-0527-A approval.

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

Very truly yours,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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





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

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

Maryland Department of Transportation

Date: May 20, 2008

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

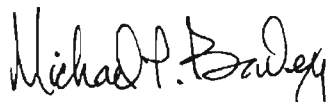
RE: Baltimore County
Item No. 8-927-A
11511 HARFORD ROAD
MD 147
THOMPSON PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 5/18/08. A field inspection and internal review reveals that the existing entrance onto MD 147 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 11511 HARFORD ROAD, Case Number 8-927-A approval.

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

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

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

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BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 20, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: May 19, 2008

Item No.: 518, 520-528, 530, and 532-534.

527

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.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File

BW 7/16
11 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JUN 04 2008
BY: _____

TO: Timothy M. Kotroco

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

DATE: June 4, 2008

SUBJECT: Zoning Item # 08-527-A
Address 11511 Harford Road
(Twinning Property)

Zoning Advisory Committee Meeting of May 19, 2008

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

 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).

 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: GES, WSL

Date: June 4, 2008

RE: PETITION FOR ADMINSTRATIVE * BEFORE THE
VARIANCE *
11511 Harford Road; NE of Sharon Drive, * ZONING COMMISSIONER
1680' SE c/line of Harford Road *
11th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Roland Twining *
& Ida Thompson * BALTIMORE COUNTY
Petitioner(s) *
08-527-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUN 05 2008

Per. (w).....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, 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).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 5, 2008

CAROLE S. DEMILIO
Deputy People's Counsel

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: Roland Twining & Ida Thompson - Petitioners
Case No: 08-527-A

RECEIVED
JUN 05 2008

BY:.....

Dear Mr. Wiseman:

The aforementioned case involves administrative variance to allow an accessory structure wind generator with a height of up to 66 feet in lieu of the required maximum of 15 feet. Due to the nature and magnitude of this request, we believe a hearing is required. In addition, our office would be present at this hearing to voice our concerns.

The threshold question is whether such a wind generator is a permitted use in the R.C. 2 and/or R.C. 5 Zones. The further question is whether, if so, the application satisfies the requirements of variance law.

As such, we request that your office schedule a hearing on this matter so that all issues can be addressed.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel for Baltimore County

PMZ/CSD/rmw

cc: J. Scott Dallas
Roland Twining & Ida Thompson

From: Thomas Bostwick
To: Richards, Carl
Date: 6/10/2008 4:21:24 PM
Subject: Windmill Cases

Carl,

I wanted to follow up on the most recent windmill case we received as an Administrative Variance. This one is Case No. 2008-0527-A. Petitioner is requesting an accessory structure wind generator with a height of up to 66 feet. When we spoke on the phone about this case last week, I gleaned from our conversation that it qualified for an Admin. Variance because the request is for an accessory structure where there is already an existing home on Petitioner's property. On the other hand, the case that was also filed recently (Case No. 2008-0474-A) requests a tower with a wind turbine generator accessory structure with a height of 120 feet. That was taken as a regular variance because the Petitioner does not have a dwelling on the property.

In any event, Bill and I talked about these cases late last week -- and the likelihood that there might be more on the horizon, given the rising costs of energy. Because this is relatively new ground for us as well as the community, and since there really is a dearth of coverage for these specific structures in the County Code or Zoning Regulations, Bill and I think it would be a good idea, at least in the near future, to accept Petitions involving these windmills (unless it is under 15 feet) as regular variance cases with a public hearing, rather than administrative variances. That way, we can develop some consistency in our decisions and in the imposition of conditions of use, etc. And if we start getting a significant number of these Petitions, perhaps even the Council might want to look into legislation to specifically deal with these "structures."

I have the file for the Admin. Variance (Case No. 2008-0527-A) and am sending it back to the Zoning Review Office for it to be set in for a public hearing. I think my secretary, Patti Zook, also took a phone call from the Petitioner, Roland Twining, informing him that we intended to set it in for a hearing.

Let me know if you think differently or if you want to discuss it further. Thanks. Tom.

CC: Kotroco, Timothy; Wiseman, Bill

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2008, Legislative Day No. 12

Resolution No. 52-08

Mr. Vincent J. Gardina, Councilman

By the County Council, July 7, 2008

A RESOLUTION of the Baltimore County Council requesting the Planning Board to propose amendments to the Zoning Regulations in order to regulate the location and use of windmills for residential energy use.

WHEREAS, Baltimore County is committed to the goal of environmental sustainability; and

WHEREAS, the County Council has asked the Planning Board, in conjunction with other agencies, to create a model for a Baltimore County Sustainability Program; and

WHEREAS, wind energy is a plentiful, renewable and clean source of power that can be used in a wide range of applications from wind farms to home wind power; and

WHEREAS, wind turbines have been used for household electricity generation over many decades in remote areas as a reliable source of residential wind power; and

WHEREAS, creating electricity using windmill power can help homeowners reduce utility costs, provide power during emergency situations or when traditional sources of power are unavailable, and provide a benefit to the environment; and

WHEREAS, the Baltimore County Zoning Regulations do not currently regulate the location or use of windmills for the generation of power for residential energy use; now, therefore be it

RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Planning Board be and it is hereby requested to propose amendments to the Zoning Regulations in order to regulate the use of windmills for residential energy use.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1)

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Account Identifier: District - 11 **Account Number -** 2300008576

Owner Information

Owner Name:	TWINING ROLAND C THOMPSON IDA C	Use:	AGRICULTURAL
Mailing Address:	11511 HARFORD RD GLEN ARM MD 21057-9202	Principal Residence:	YES
		Deed Reference:	1) /22639/ 568 2)

Location & Structure Information

Premises Address	Legal Description
11511 HARFORD RD	24.442 AC 11511 HARFORD RD SER 1500FT NE LONG GREEN PK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	MS
63	7	524					1	3	Plat Ref:	

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1910	1,960 SF	24.44 AC	05

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2006	07/01/2007	07/01/2008	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	66,150	136,150			
Improvements:	88,410	115,730			
Total:	154,560	251,880	219,440	251,880	
Preferential Land:	6,150	6,150	6,150	6,150	

Transfer Information

Seller: TWINING ROLAND C	Date: 09/30/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /22639/ 568	Deed2:
Seller: TWINING ISAAC JOHN 3RD	Date: 05/19/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14476/ 690	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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:

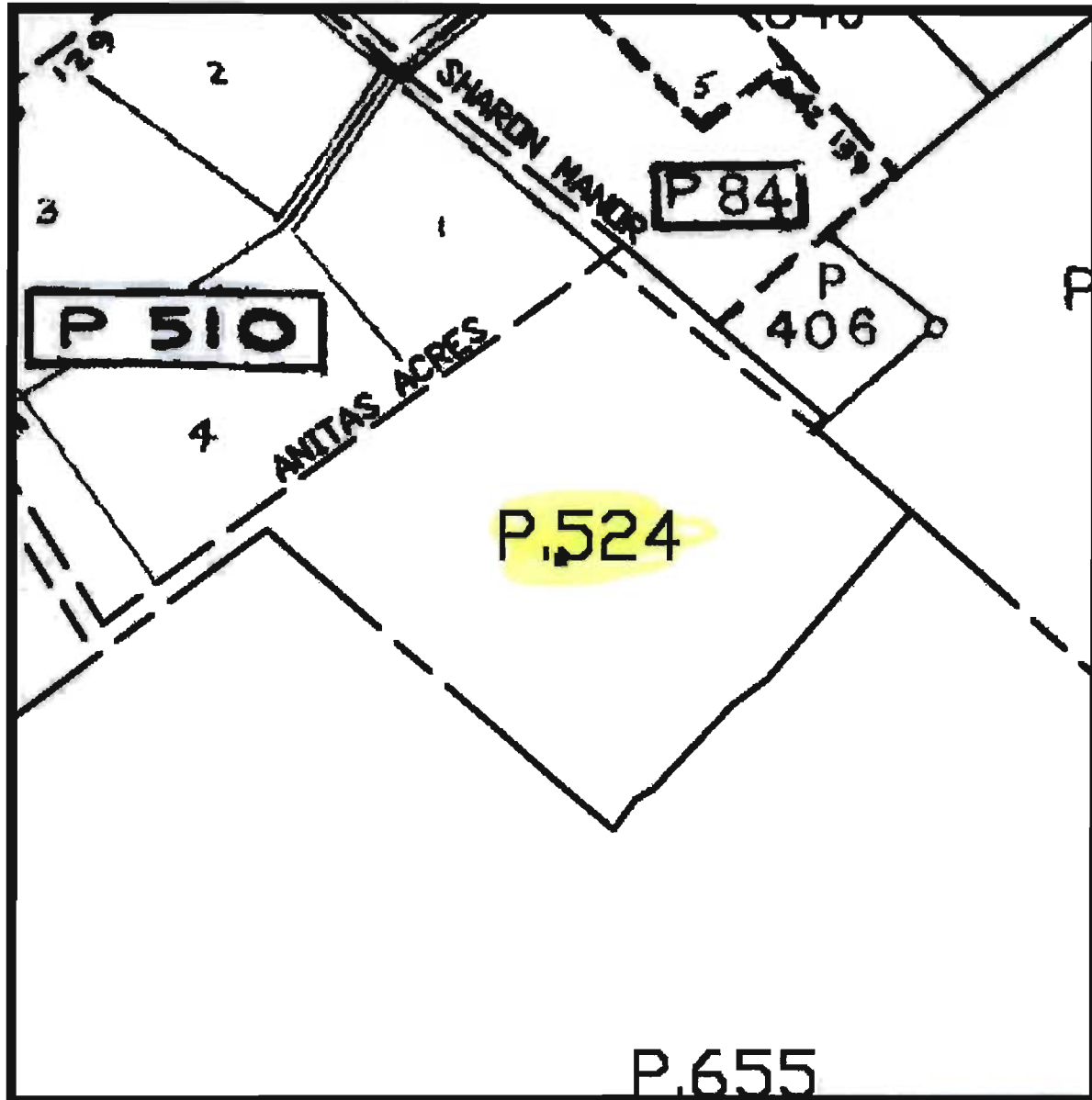
Special Tax Recapture:
 AGRICULTURAL TRANSFER TAX



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 11 Account Number - 2300008576



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For more information on electronic mapping applications, visit the Maryland Department of Planning web
site at www.mdp.state.md.us/tax_mos.htm



CASE NAME _____
CASE NUMBER 2008-0527-A
DATE 7/16/08
ET _____

[illegible]

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 2008-0527-A
DATE 7/16/08

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Mike Pierce
Noah Twining
Shawn Kidd

7448 Bradshaw Rd
11511 Harford Rd
2732 Maryland Ave

Kingsville 21087
Glen Arm, 21057
Baltimore, MD 21218

Office of Peoples Council
Present Card Demos

Case No.: 2008-0527-A 11511 HARFORD RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Petition in Support	
No. 3	PHOTOGRAPHS OF Existing Conditions	
No. 4	Photographs of Exemplar Wind generator	
No. 5	SMALL WIND Electric Systems U.S. DEPARTMENT OF ENERGY	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NUMBER: 2008-0527-A

11511 Harford Road

Location: NE of Sharon Drive, 1680 Feet +/- SE of c/l of Harford Road

11th Election District, 3rd Council District

Legal Owner(s): Roland c. Twining & Ida C. Thompson

ADMINISTRATIVE VARIANCE to allow an accessory structure (wind generator) with a height of up to 66 feet in lieu of the required maximum 15 feet.

Hearing: Wednesday, 7/16/2008 at 11:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

OPPOSE	FAVOR
	I. John Twining, III 5629 Sharon Drive Glen Arm, MD 21057
	Randy G. Twining 5630 Sharon Drive Glen Arm, MD 21057
	Kathy A. Kadow 5619 Sharon Drive Glen Arm, MD 21057
	Carol L. Sibiski 5712 Sharon Drive Glen Arm, MD 21057
	Lorraine M. Baake 5617 Sharon Drive Glen Arm, MD 21057
	Helen and Kenneth Kadlec 5626 Sharon Drive Glen Arm, MD 21057
	Patrick A. Norton 5622 Sharon Drive Glen Arm, MD 21057

As of : 05/01/08 (Petition Dated)

PETITIONER' S

EXHIBIT NO. 2

Re: Wind powered electrical generator (windmill) on the property of:
Roland Twining/ Ida Thompson
11511 Harford Rd.
Glen Arm, MD 21057
Zoned RC2/ RC5

Name	Address
L. John Tuning III	5629 Sharon Dr, Glen Arm Md 21057
Randy Tuning	5630 SHARON DR GLEN ARM MD 21057
Kathy Gadow	5619 Sharon Drive Glen Arm MD 21057
Carl Schubert	5712 Sharon Drive Glen Arm Md 21057
Joyann Baake	5617 Sharon Dr. Glen Arm, MD 21057
Nelen & Ken Kadlec	5626 Sharon Dr., Glen Arm, Md. 21057
Patrick NORTON	5622 Sharon Dr., Glen Arm, Md 21057



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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Account Identifier: District - 11 Account Number - 2300008577

Owner Information

Owner Name:	TWINING ISAAC JOHN, 3RD TWINING MARTHA C	Use:	AGRICULTURAL
Mailing Address:	5629 SHARON DR GLEN ARM MD 21057-9360	Principal Residence:	YES
		Deed Reference:	1) /14476/ 701 2)

Location & Structure Information

Premises Address	Legal Description
5629 SHARON DR	48.886 AC 5629 SHARON DR SS 2200 FT SE HARFORD RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	MS
63	8	655					2	3	Plat Ref:	

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1909	1,809 SF	48.89 AC	05
Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2006	07/01/2007	07/01/2008	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	72,570	142,570			
Improvements:	114,680	137,600			
Total:	187,250	280,170	249,196	280,170	
Preferential Land:	12,570	12,570	12,570	12,570	

Transfer Information

Seller: TWINING ISAAC JOHN 3RD	Date: 05/19/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14476/ 701	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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:
 AGRICULTURAL TRANSFER TAX



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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Account Identifier: District - 11 Account Number - 2200004815

Owner Information

Owner Name:	TWINING RANDY G TWINING JOAN M	Use:	AGRICULTURAL
Mailing Address:	5630 SHARON DR GLEN ARM MD 21057-9359	Principal Residence:	YES
		Deed Reference:	1) /11124/ 414 2)

Location & Structure Information

Premises Address	Legal Description
5630 SHARON DR	12.299 AC SER RER 750 FT SHARON DR 1250 SE HARFORD RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
63	8	628						3	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1992	1,770 SF	12.29 AC	05
Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2006	07/01/2007	07/01/2008	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	64,230	124,230			
Improvements:	199,180	281,380			
Total:	263,410	405,610	358,210	405,610	
Preferential Land:	4,230	4,230	4,230	4,230	

Transfer Information

Seller: TWINING RANDY G	Date: 07/12/1995	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /11124/ 414	Deed2:
Seller: TWINING ISAAC J, JR	Date: 10/29/1990	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8634/ 531	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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:
 AGRICULTURAL TRANSFER TAX



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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Account Identifier: District - 11 **Account Number -** 1800002343

Owner Information

Owner Name: KADOW BERNARD JOHN **Use:** RESIDENTIAL
 KADOW KATHY ANN **Principal Residence:** YES
Mailing Address: 11601 CAMP CONE RD **Deed Reference:** 1) / 6828/ 646
 GLEN ARM MD 21057-9361 2)

Location & Structure Information

Premises Address **Legal Description**
 5619 SHARON DR 1.03 AC
 SHARON MANOR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
63	8	84					1	3	Plat Ref: 42/ 139

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1893	2,612 SF	1.03 AC	04
Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	60,180	120,360		
Improvements:	170,030	242,420		
Total:	230,210	362,780	318,590	362,780
Preferential Land:	0	0	0	0

Transfer Information

Seller: KADOW BERNARD JOHN	Date: 11/29/1984	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6828/ 646	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vvw1.1)

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Account Identifier: District - 11 **Account Number -** 1600011797

Owner Information

Owner Name: SIBISKI GREGORY J **Use:** RESIDENTIAL
 SIBISKI CAROL L **Principal Residence:** YES
Mailing Address: 5712 SHARON DR **Deed Reference:** 1) / 9624/ 685
 GLEN ARM MD 21057-9318 2)

Location & Structure Information

Premises Address **Legal Description**
 5712 SHARON DR 5712 SHARON DR
 ANITAS ACRES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
63	7	510					1	3	Plat Ref: 36/ 129

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1973	1,446 SF	2.26 AC	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2007	As Of 07/01/2008
Land	67,560	135,120		
Improvements:	116,180	165,190		
Total:	183,740	300,310	261,452	300,310
Preferential Land:	0	0	0	0

Transfer Information

Seller: DAILEY DONALD J	Date: 02/25/1993	Price: \$165,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 9624/ 685	Deed2:
Seller: DAILEY DONALD J	Date: 01/27/1986	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7089/ 320	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1)

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Account Identifier: District - 11 Account Number - 1600011800

Owner Information

Owner Name:	BAAKE BERNHARD H,3RD BAAKE LORRAINE M	Use:	RESIDENTIAL
Mailing Address:	5617 SHARON DR GLEN ARM MD 21057-9360	Principal Residence:	YES
		Deed Reference:	1) / 5754/ 177 2)

Location & Structure Information

Premises Address
5617 SHARON DR

Legal Description

1271 S HARFORD ROAD
ANITAS ACRES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
63	7	510					4	3	Plat Ref: 36/ 129

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built 1974	Enclosed Area 1,830 SF	Property Land Area 3.84 AC	County Use 04
Stories 1	Basement YES	Type STANDARD UNIT	Exterior FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	77,040	154,080		
Improvements:	130,330	187,920		
Total:	207,370	342,000	297,122	342,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: PAGELLA RICHARD C,SR	Date: 05/18/1977	Price: \$77,500
Type: IMPROVED ARMS-LENGTH	Deed1: / 5754/ 177	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 11 Account Number - 1115074300

Owner Information

Owner Name: KADLEC KENNETH E
 KADLEC HELEN T
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 5626 SHARON DR
 GLEN ARM MD 21057-9359
Deed Reference: 1) / 5488/ 234
 2)

Location & Structure Information

Premises Address
 5626 SHARON DR
Legal Description
 0.98 AC SESR 600 FT
 SHARON DR
 1840 SE HARFORD ROAD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
63	8	406						3	Plat Ref:

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1963	2,543 SF	.98 AC	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-In Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	58,800	117,600		
Improvements:	156,840	234,670		
Total:	215,640	352,270	306,726	352,270
Preferential Land:	0	0	0	0

Transfer Information

Seller: OTTO ROBERT L	Date: 11/04/1974	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5488/ 234	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1)

[Go Back](#)
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Account Identifier: District - 11 Account Number - 1800002344

Owner Information

Owner Name: NORTON PATRICK A
 NORTON THERESA C
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 5622 SHARON DR
 GLEN ARM MD 21057-9359
Deed Reference: 1) / 8295/ 191
 2)

Location & Structure Information

Premises Address
 5622 SHARON DR

Legal Description

SHARON MANOR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
63	8	84					2	3	Plat Ref: 42/ 139

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1980	1,446 SF	1.00 AC	04

Stories	Basement	Type	Exterior
SPFOY		SPLIT FOYER	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	60,000	120,000		
Improvements:	141,730	204,140		
Total:	201,730	324,140	283,336	324,140
Preferential Land:	0	0	0	0

Transfer Information

Seller: SERSEN PETER P	Date: 10/11/1989	Price: \$165,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8295/ 191	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *

W.G.

SITE
11511

PETITIONER' S

EXHIBIT NO.

3

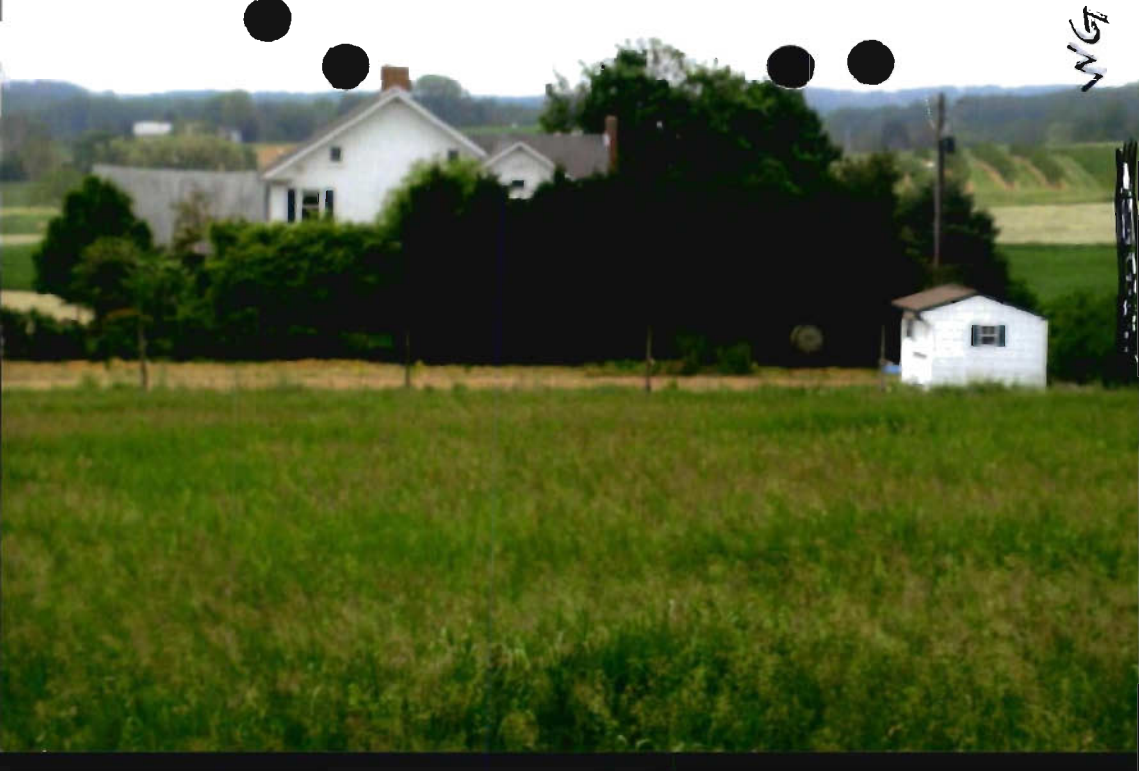
SITE # 11511





5.5







© W.G.
LOOKING S.



© W.G.
LOOKING N.E.



@ W.G.
LOOKING



@ W.G.
LOOK @ MADLEC



W.G.

KADLEC
RESID.





*Example
only*

PETITIONER'S

EXHIBIT NO.

4



*Example
only*



Example
only



Example only.

Income Tax (Corporate and Personal) Credit for Green Buildings

This income tax credit applies to nonresidential and residential multifamily buildings (with at least 12 dwelling units) of at least 20,000 square feet that are constructed or rehabilitated to meet criteria set forth by the U.S. Green Building Council or other similar criteria. Credits for wind projects can only be claimed if they serve a green whole building, a green base building, or green tenant space.

Newly constructed buildings must be located on a qualified brownfields site or in a priority funding area and not in a wetlands area. Building rehabilitation projects are eligible if they do not increase the size of the building by 25% or if they are located in a priority funding area.

The tax credit is allowed for 25% of the wind turbine costs, including installation.

Credits will be allowed for amounts spent on or after July 1, 2001 and will be available for tax years beginning after December 31, 2002. Once the taxpayer applies for the credit from the Maryland Energy Administration, he/she will be issued an initial credit certificate. This credit certificate will provide the earliest taxable year that the credit may be claimed and an expiration date. Any unused credit may be carried forward and applied for succeeding taxable years for up to 10 years. There are some restrictions on eligibility, and there is an annual cap on the total number of credits allowed. These provisions are scheduled to expire on December 31, 2011.

Web Site: business.marylandtaxes.com/taxinfo/taxcredit/greenbldg/default.asp

Authority 1: Maryland Code: Tax — General § 10-722 (HB 8 of 2001)

A Strong Energy Portfolio for a Strong America

Energy efficiency and clean, renewable energy will mean a stronger economy, a cleaner environment, and greater energy independence for America. Working with a wide array of state, community, industry, and university partners, the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy invests in a diverse portfolio of energy technologies.

Produced for the U.S. Department of Energy by the National Renewable Energy Laboratory, a DOE national laboratory

DOE/GO-102004-1956 • August 2004

Printed with a renewable-source ink on paper containing at least 50% wastepaper, including 20% postconsumer waste.



Maryland Contacts

Maryland Energy Administration

1623 Forest Drive, Suite 300
Annapolis, MD 21403
Phone: (410) 260-7523
Toll-free: 1-800-72-ENERGY
Fax: (410) 974-2250

www.energy.state.md.us

U.S. Department of Energy

Maryanne Daniel

Mid-Atlantic Regional Office

The Wanamaker Building

100 Penn Square East, Suite 890

Philadelphia, PA 19107-3396

Phone: (215) 656-6964

Fax: (215) 656-6981

Maryanne.Daniel@ee.doe.gov

www.eere.energy.gov/regions/mid-atlantic

Wind Powering America

www.windpoweringamerica.gov

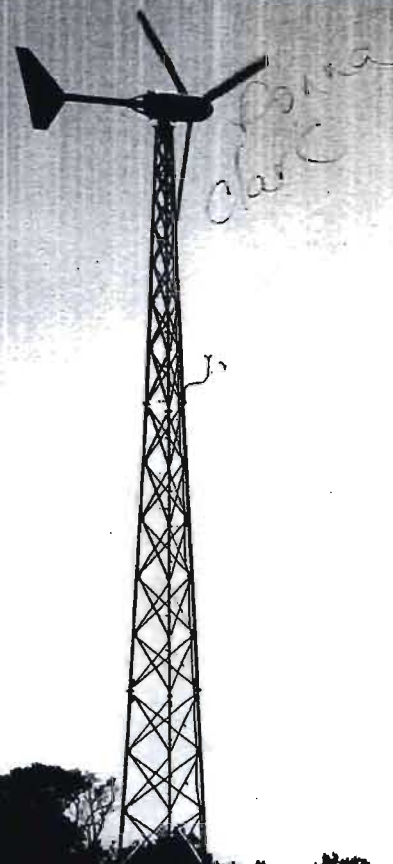


U.S. Department of Energy Wind Energy Program

www.eere.energy.gov/windandhydro

Small Wind Electric Systems

A Maryland Consumer's Guide



PETITIONER'S

EXHIBIT NO. 5

U.S. Department of Energy

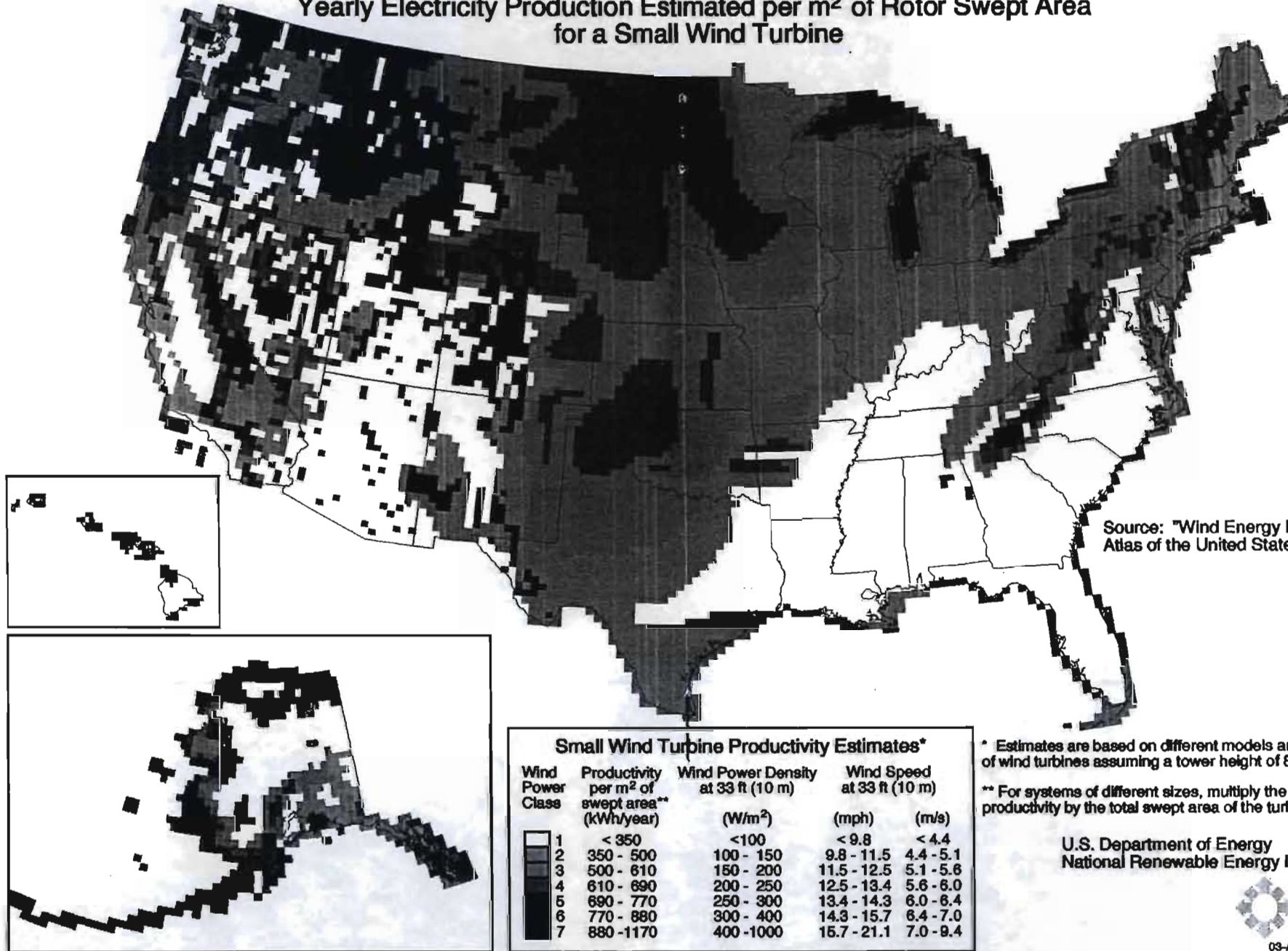
Energy Efficiency and Renewable Energy

Bringing you a prosperous future where energy is clean, abundant, reliable, and affordable



United States - Wind Resource Map

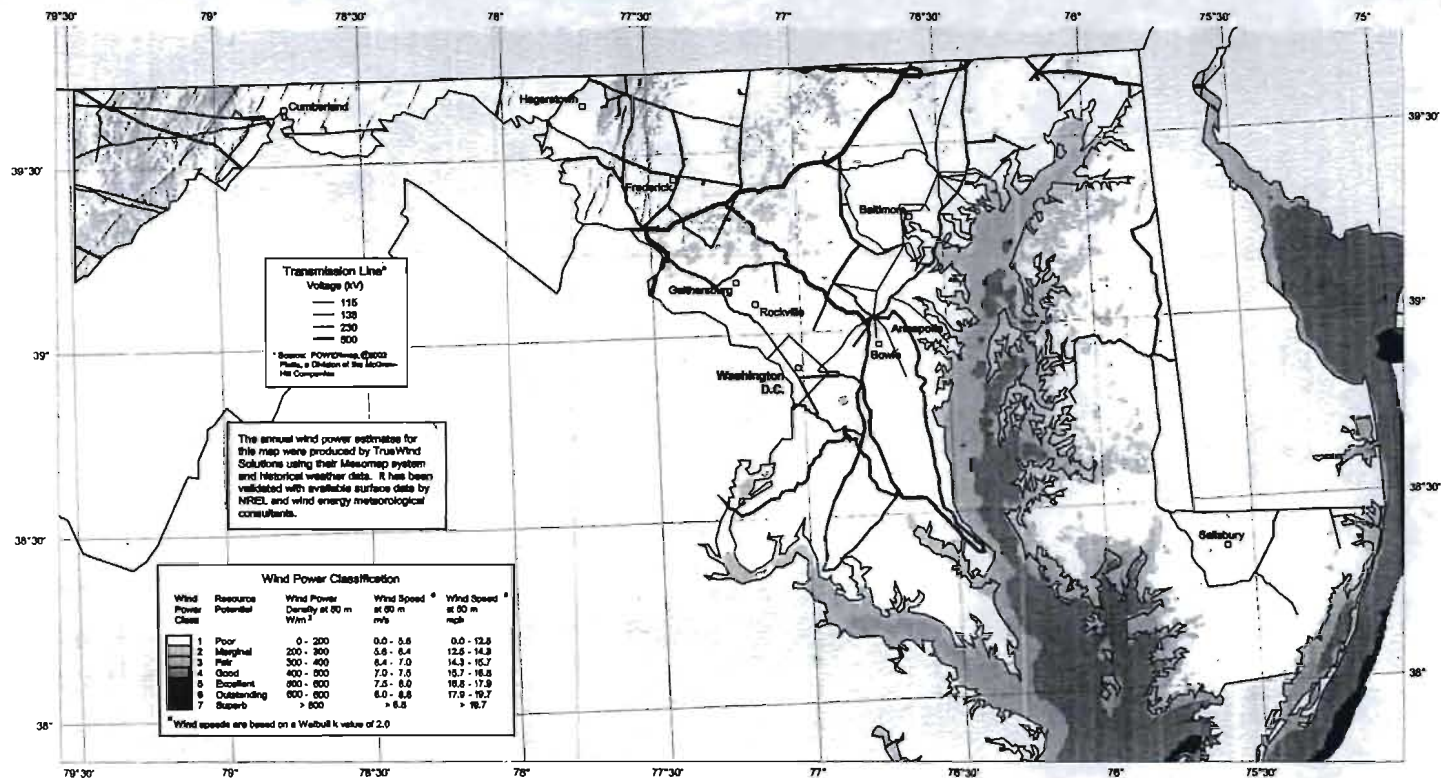
Yearly Electricity Production Estimated per m² of Rotor Swept Area
for a Small Wind Turbine



U.S. Department of Energy
National Renewable Energy Laboratory



03-APR-2001 1.1.8



U.S. Department of Energy
National Renewable Energy Laboratory

Maryland 50-Meter Wind Resource Map



This resource map shows wind speed estimates at 50 meters above the ground and depicts the resource that could be used for utility-scale wind development. As a renewable resource, wind is classified according to wind power classes, which are based on typical wind speeds. These classes range from Class 1 (the lowest) to Class 7 (the highest). In general, at 50 meters, wind power Class 4 or higher can be useful for generating wind power with large turbines. Class 4 and above are considered good resources. Particular locations in the Class 3 areas could have higher wind power class values at 80 meters than shown on the 50 meter map because of possible high wind shear. Given the advances in technology, a number of locations in the Class 3 areas may be suitable for utility-scale wind development.

07-PWR-3005 2.1.1

WIND ENERGY Information Sources

Maryland Wind Working Group

Crissy Godfrey, Maryland Energy Administration
1623 Forest Drive, Suite 300
Annapolis, MD 21403
(410) 260-7190
CGodfrey@energy.state.md.us

American Wind Energy Association

1101 14th St. NW, 12 Floor
Washington, D.C. 20005
(202) 383-2500
windmail@awea.org
www.awea.org

National Renewable Energy Laboratory/

National Wind Technology Center

1617 Cole Blvd.
Golden, CO 80401
(303) 275-4090
public_affairs@nrel.gov
www.nrel.gov/wind

National Wind Coordinating Collaborative

c/o RESOLVE
1255 23rd St. NW, Ste. 275
Washington, D.C. 20037
Toll free: (888) 764-WIND (9463)
nwcc@resolv.org
www.nationalwind.org

Utility Wind Integration Group

PO Box 2787
Reston, VA 20195
(865) 691-5540, ext. 141
sandy@uwig.org
www.uwig.org

Windustry

2105 First Ave. South
Minneapolis, MN 55404
Toll-free: (800) 946-3640
info@windustry.org
www.windustry.org



www.windpoweringamerica.gov

Photo: The 195 turbines at the Maple Ridge Wind Farm in Lewis County, New York, generate enough power to run 100,000 average New York homes. Almost 100 landowners receive a total of approximately \$1.65 million per year for leasing their land to Horizon Wind Energy and EPM Energy. PEX15249



Carroll County Maryland

Code of Public Local Laws and Ordinances

ARTICLE XXXII, Small Wind Energy Systems.

[Added 05/06/08 by Ord. No. 08-02]

§ 223-214. Applicability.

[Added 05/06/08 by Ord. No. 08-02]

In order to properly integrate all regulating provisions affecting Small Wind Energy Systems, as defined in § 223-2, and to regulate such systems in an orderly and comprehensive manner, it is hereby provided that Small Wind Energy Systems are subject to the regulations as set forth herein. The purpose of this Article is to oversee the permitting of Small Wind Energy Systems, and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a Small Wind Energy System. These provisions shall apply to all Small Wind Energy Systems located in Carroll County.

§ 223-215. Standards.

[Added 05/06/08 by Ord. No. 08-02]

A Small Wind Energy System shall be an accessory use in all zoning districts subject to the following requirements:

- A. **Setbacks.** A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height plus an additional 20 feet from:
 - (1) any State or County right-of-way or the nearest edge of a State or County roadway, whichever is closer;
 - (2) any right of ingress or egress on the owner's property;
 - (3) any overhead utility lines;
 - (4) all property lines; and
 - (5) any existing guy wire, anchor or small wind energy tower on the property.
- B. **Access.**
 - (1) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - (2) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
- C. **Electrical wires.** All electrical wires associated with a Small Wind Energy System, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- ✓ D. **Lighting.** A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the Small Wind Energy Systems, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from abutting properties.
- ✓ E. **Appearance, color, and finish.** The wind generator and wind tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.
- F. **Signs.** All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a Small Wind Energy System visible from any public road shall be prohibited.
- G. **Code compliance.** A Small Wind Energy System including wind tower shall comply with all applicable construction and electrical codes.
- H. **Utility notification and interconnection.** Small Wind Energy Systems that connect to the electric utility shall comply with the Public Service Commission regulations.
- I. Small Wind Energy Systems shall not be attached to any building, including guy wires.

*Tom's
From
Case*



J. Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a Small Wind Energy System.

K. Each property is eligible for two Small Wind Energy Systems only.

§ 223-216. Abandonment.

[Added 05/06/08 by Ord. No. 08-02]

A. A Small Wind Energy System that is out-of-service for a continuous 6-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the owner of a Small Wind Energy System that is deemed to have been abandoned. The Owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within 30 days from the date of the Notice. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

B. If the Small Wind Energy System is determined to be abandoned, the owner of a Small Wind Energy System shall remove the wind generator from the wind tower at the Owner's sole expense within 3 months of the date of Notice of Abandonment. If the owner fails to remove the wind generator from the wind tower, the Administrator may pursue a legal action to have the wind generator removed at the Owner's expense.

§ 223-217. Public Service Commission.

[Added 05/06/08 by Ord. No. 08-02]

In accordance with the Maryland Annotated Code, Public Utilities Companies, Section 7-207.1, any property owner seeking to construct a Small Wind Energy System and connect such system to the main power grid with the capability of transporting energy back to their main power company shall apply to the Public Service Commission (PSC) for approval and provide documentation of such approval to the County prior to construction and being issued a building permit.

§ 223-218. Variances.

[Added 05/06/08 by Ord. No. 08-02]

Variances to the distances, restrictions, and standards contained in this Article are not permitted.

§ 223-219. Noise.

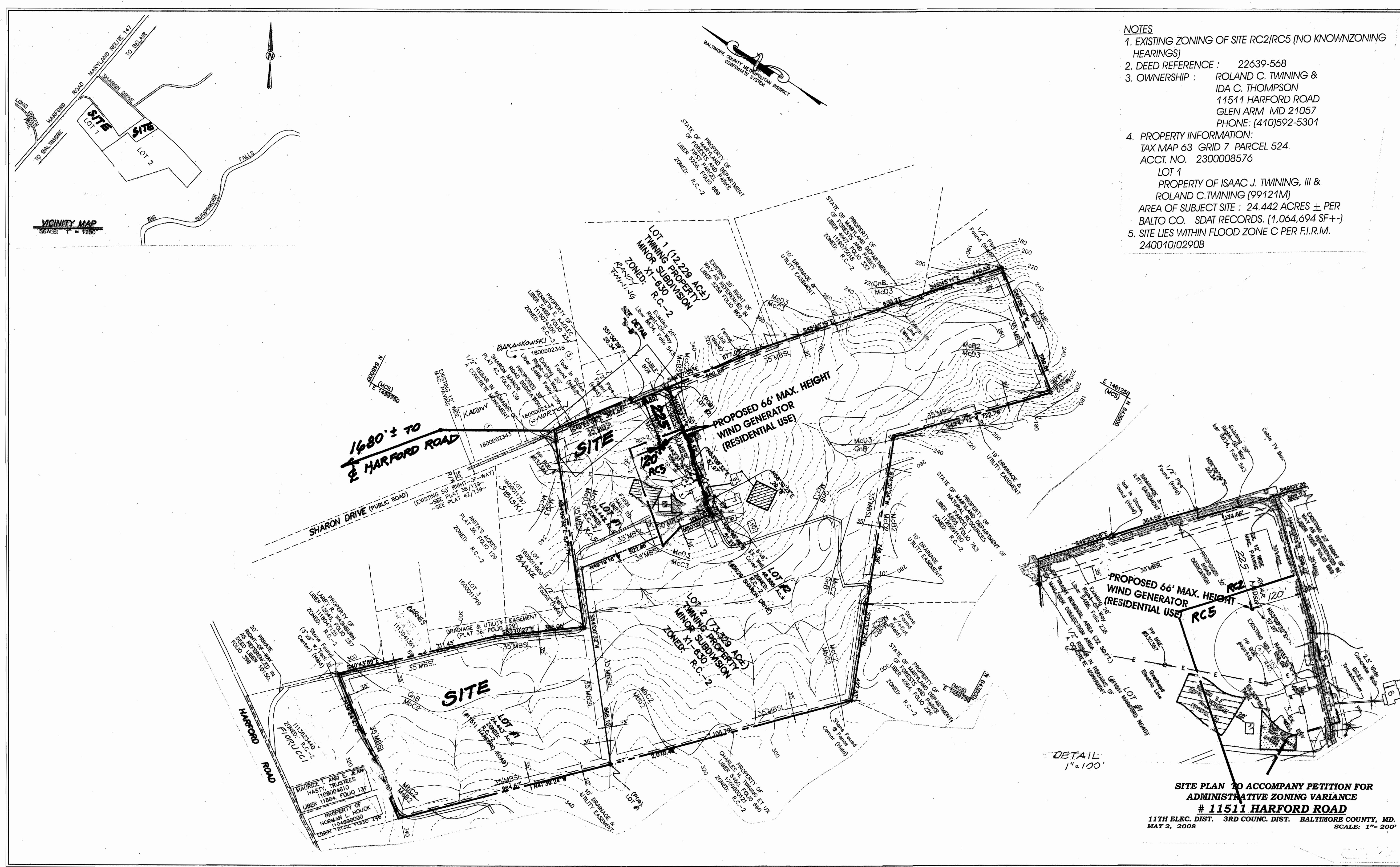
[Added 05/06/08 by Ord. No. 08-02]

All Small Wind Energy Systems shall comply with the limitations contained in the Code of Public Local Laws and Ordinances, Chapter 146, Noise.

§ 223-220. Violations.

[Added 05/06/08 by Ord. No. 08-02]

It is unlawful for any person to construct, install, or operate a Small Wind Energy System that is not in compliance with this chapter or with any condition contained in a building permit issued pursuant to this chapter.



- NOTES
1. EXISTING ZONING OF SITE RC2/RC5 (NO KNOWN ZONING HEARINGS)
 2. DEED REFERENCE : 22639-568
 3. OWNERSHIP : ROLAND C. TWINING & IDA C. THOMPSON
11511 HARFORD ROAD
GLEN ARM, MD 21057
PHONE: (410)592-5301
 4. PROPERTY INFORMATION:
TAX MAP 63 GRID 7 PARCEL 524
ACCT. NO. 2300008576
LOT 1
PROPERTY OF ISAAC J. TWINING, III & ROLAND C. TWINING (99121M)
AREA OF SUBJECT SITE : 24.442 ACRES ± PER BALTO CO. SDAT RECORDS. (1,064,694 SF ±)
5. SITE LIES WITHIN FLOOD ZONE C PER F.I.R.M. 240010/0290B

SITE PLAN TO ACCOMPANY PETITION FOR ADMINISTRATIVE ZONING VARIANCE
11511 HARFORD ROAD
11TH ELEC. DIST. 3RD COUNC. DIST. BALTIMORE COUNTY, MD.
MAY 2, 2008
SCALE: 1"=200'

PETITIONER'S
EXHIBIT NO. 1

08-1205