

IN RE: PETITION FOR VARIANCE

S side of Timberfield Lane, 650 feet S
of c/l of Lightfoot Drive
3rd Election District
2nd Councilmanic District
(3315 Timberfield Lane)

David S. Blum
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0060-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, David S. Blum. Petitioner is requesting variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (windmill) with a height of 80 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.¹

Appearing at the requisite public hearing in support of the variance request was Petitioner David S. Blum. Two citizens, Ruth Goldstein and Ellen Levy, appeared in opposition to the Petition for Variance. While there were no other Protestants or interested citizens in attendance at the hearing, a number of nearby residents and neighborhood associations submitted letters opposing the requested relief. These letters, which will be explained in greater detail, were marked and accepted into evidence as Protestants' Exhibits 1 through 6.

At the outset of the hearing, Protestants raised a preliminary issue arguing that Petitioner had not met the notice requirement since the property was not properly posted on October 14,

¹ Before reaching the merits of the variance request, Mr. Blum proposed an amendment to the site plan to move the location of the proposed windmill farther south on the property, near the marking in the center of the southern section of the property stating "owned by David S. Blum." Since this amendment did not change the nature of the variance request, and the requested relief remained the same, Mr. Blum was permitted to proceed with the petition as amended.

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[Signature]

2008, fifteen days prior to the public hearing. However, the case file reflects that Richard E. Hoffman, who is an approved sign poster, certified under the penalties of perjury that the property had been posted at least fifteen days prior to the scheduled public hearing. After weighing the evidence, I found that Petitioner had met his notice requirement by conspicuously posting notice of the upcoming hearing on the subject property. Consistent with the Court of Appeals standard, the sign provided notice that alerted interested parties to defend their interest and described the nature of the request at issue before the Zoning Commissioner. *See Cassidy v. Board of Appeals of Baltimore County*, 218 Md. 418, 421-2 (1958). Furthermore, actual notice of the public hearing was evidenced by the attendance and participation of various Protestants at the public hearing, along with the large number of opposing letters contained in the case file. *See Largo Civic Ass'n v. Prince George's County*, 21 Md. App. 76, 86 (1974). Thus, the public hearing was permitted to proceed.

Testimony and evidence offered revealed that the subject property is an irregular-shaped property containing approximately 0.98 acre of land zoned D.R.2. The property is located south of Timberfield Lane, immediately east of Pikesville Middle School, in a residential neighborhood in the Pikesville area of Baltimore County. The property, similar to many parcels in the surrounding area, is improved with a one-story brick rancher style home. The home also contains an addition with an indoor swimming pool. Mr. Blum testified that the property is actually made up of two parcels, and he purchased the area marked "parcel A" on the site plan from Baltimore County in 1984. Together, the two parcels comprise approximately one acre.

Further testimony revealed that Mr. Blum is seeking to reduce his energy costs, which are apparently higher than average due to the maintenance of an indoor swimming pool and Mr. Blum's hobby of model railroading with toy trains. Mr. Blum indicated that he believes his

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MB

proposed windmill is a first step in what he hopes will be a larger effort -- participated in by more and more citizens -- to find and utilize more innovative, cost effective, and environmentally responsible energy sources. He is hopeful that permitting the proposed windmill will have far-reaching, positive consequences in the surrounding area. Mr. Blum also testified that the location of the proposed windmill is ideal due to the "natural wind tunnel" that is created by a gap in the trees toward the rear of his property. According to Mr. Blum, the windmill would be sheltered on three sides by trees and would not easily be visible to neighbors.

Protestants were represented at the hearing by Ms. Goldstein and Ms. Levy, each of whom testified in opposition to the variance request. Ms. Goldstein, President of the Midfield Association, Inc., presented a two-page letter opposing the variance for a number of reasons. The letter, which was marked and accepted into evidence as Protestants' Exhibit 3 and was essentially read into the record, reflected the neighbors' concerns that the windmill would be incompatible, unsafe, and premature due to the fact that the Baltimore County Planning Board is in the process of providing comments to the County Council on the issue of windmills. Similar concerns were expressed in letters from interested citizens Noel Levy; Rebecca Gutin; Alan Zukerberg, President of the Pikesville Communities Corporation; Arthur Putzel, President of the Pikesville-Greenspring Community Coalition, and Karen and David Whitehead. These letters were respectively marked and accepted into evidence as Protestants' Exhibits 1, 2, 4, 5, and 6.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated September 29, 2008, which indicate that the property is in a residential neighborhood inside the Urban Rural Demarcation Line. The site is located east of Pikesville Middle School and has single-family detached units to the east and north. With an 80 foot tower, the residence at 3313 Timberfield

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11-24-08
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Lane would be impacted should the tower fail and fall. County Council passed Resolution 52-08 asking the Planning Board to prepare a report addressing the issue of wind turbines. At its September 4, 2008 meeting, the Planning Board acknowledged that request and asked the Office of Planning staff to prepare a report on wind turbines. Without clear guidance on how and where wind turbines should be sited and the potential impact to the adjoining property, the Office of Planning recommends denial. When clear guidance has been established, the Office of Planning will evaluate each request fairly and consistently.

As the Office of the Zoning Commissioner determined in previous Case number 08-474-A, which was the first request for variance to permit a windmill in Baltimore County, given the B.C.Z.R. framework that presently governs Petitioner's request to construct a windmill, the Petition was appropriately filed as a request for an "accessory structure." The determination that windmills qualify as accessory structures will not be revisited in this case. Thus, the only remaining issue is whether the requested variance should be granted for the proposed accessory structure. Section 307.1 of the B.C.Z.R. states in pertinent part that:

The Zoning Commissioner of Baltimore County ... shall have and [is] hereby given the power to grant variances from height and area regulations ... only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

For the following reasons, and after considering all of the testimony and evidence presented, I am not persuaded that the requested relief should be granted.

Initially, I cannot find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property lies in a residential neighborhood filled with similar sized properties, many of which are improved with houses of a similar size and nature to Petitioner's. In short, Petitioner did not present sufficient

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evidence to support a conclusion that the property is unique in a zoning sense, or that there are unique characteristics of the property that drive the need for the variance.

Additionally, I am not convinced that the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district, and I cannot find that the denial of this variance would cause Petitioner any undue burden or expense. Section 400.3 appears to affect the subject property in the same manner as the surrounding properties, and any undue financial burden caused by the maintenance of an indoor pool and toy train hobby appears self imposed.

Finally, at this juncture, I cannot find that this variance could be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to meet the requirements of Section 307.1 of the B.C.Z.R, as set forth in *Cromwell v. Ward*, 102 Md.App. 691 (1995). While I have great respect for Petitioner's request to forge new ground in the growing field of alternative, renewable energy, and I believe that the interpretation of the B.C.Z.R. must be enduring and responsive to novel and innovative approaches that account for changes in technologies and the unpredictable global dynamics of the world, I cannot find any legal or practical basis for approving a windmill on this particular property. The size of the subject site, the potential size of the wind turbine and the height of the tower in relation to its proximity to other homes in the neighborhood and a nearby school, and Petitioner's lack of specificity regarding the type of wind turbine proposed, leads me to the conclusion that this property does not lend itself to such a substantial accessory structure. Accordingly, the Petition for Variance is denied.

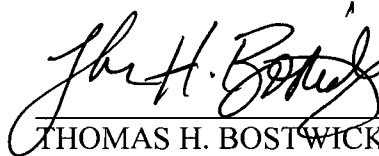
ORDER PREPARED FOR FILING

11-24-08
m

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be denied.

THEREFORE, IT IS ORDERED this 24th day of November, 2008 by this Deputy Zoning Commissioner, that Petitioner's Variance request from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (windmill) with a height of 80 feet in lieu of the maximum 15 feet allowed, be and is hereby DENIED.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILE
11-24-08
pm



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 24, 2008

DAVID S. BLUM
3315 TIMBERFIELD LANE
PIKESVILLE MD 21208

Re: Petition for Variance
Case No. 2009-0060-A
Property: 3315 Timberfield Lane

Dear Mr. Blum:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

- c: Ruth Goldstein, Midfield Association, Inc., 3326 Midfield Road, Baltimore MD 21208
Ellen Levy, 3310 Timberfield Lane, Baltimore MD 21208
Noel Levy, 11 Windsong Court, Baltimore MD 21208
Rebecca Gutin, 3210 Timberfield Lane, Pikesville MD 21208
Alan Zukerberg @apzuk@msn.com
Arthur Putzel, Pikesville-Greenspring Community Coalition, Inc., 2317 Sugarcone Road, Pikesville MD 21209
Mical Wilmoth Canton, Executive Director, Pikesville-Greensprings Community Coalition, Inc., 3004 Old Court Road, Pikesville MD 21208
Karen and David Whitehead, 3307 Timberfield Lane, Baltimore MD 21208

TAX COUNT #

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Petition for Variance

to the **Zoning Commissioner of Baltimore County**
for the property located at 3315 Timberfield Lane 21208
which is presently zoned ~~DR 2~~ DR 2

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

400.3; BCZR, to Permit A

Windmill with A Height of 80 ft. in Lieu of the
permitted 15 ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Installation of wind turbine for purpose of providing electrical power to residence. Turbine to be placed on a support structure 80 feet above ground and electrically coupled to house supply and B&E Electrical feed. Power to be supplied by turbine, 5kW @ 120 V AC

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

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

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

Contract Purchaser/Lessee:

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):

DAVID S. Blum

Name - Type or Print

Signature

Name - Type or Print

Signature

3315 timberfield Lane 410 653 2440

Address

Telephone No.

Pikesville MD 21208

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2009-0060-A

REV 9/15/98

Reviewed By

Date

5-29-08

Zoning Description for 3315 Timberfield Lane Pikesville Maryland 21208

Beginning at the point on the south side of Timberfield Lane, which is 50 feet wide at the distance of 650 feet south of the centerline of Lightfoot Drive. Being Lot#1 and Parcel A, Block "C", section 3 in the subdivision of MIDFIELD, as recorded in Baltimore County Plat Book #W.J.R 27, Folio 7, containing 0.98 acres. Also known as 3301 Timberfield Lane and located in the 3rd election district, ~~3rd~~ Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 28509

Date: 8.29.08

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 8/29/2008 8/29/2008 09:26:03

REG WSDI MALKIN JRIC JNR
 RECEIPT # 390931 8/29/2008 QFLR

5 520 ZONING VERIFICATION

NO. 026509

Receipt Tot \$45.00
 \$45.00 CR \$45.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub-Obj	Dept Obj	BS Acct	Amount
001	006	0000		6150						65.00

Total: 65.00

Rec From: DAVID BLUM

For: 2007-0060-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: #2009-0060-A

3315 Timberfield Lane
S/side of Timberfield Lane, 650
+/- feet south of Lightfoot
Drive

3rd Election District

2nd Councilmanic District

Legal Owner(s): David S. Blum

Variance: to permit a windmill
with a height of 80 feet in lieu
of the permitted 15 feet.

Hearing: Wednesday, Octo-
ber 29, 2008 at 9:00 a.m.,
Room 104, Jefferson Build-
ing, 105 West 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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

JT 10/657 Oct. 14 185962

CERTIFICATE OF PUBLICATION

10/16/2008

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 10/14/2008.

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

S. Wilkinson

LEGAL ADVERTISING

Certificate of Posting

RE: Case NO. 2009-0060-A

Petitioner/Developer _____

David S. Blum

Date of Hearing/Closing 10/29/08

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

3315 Timberfield Lane

The sign(s) were posted on 10/14/08
(Month, Day, Year)

Sincerely,

 10/14/08
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

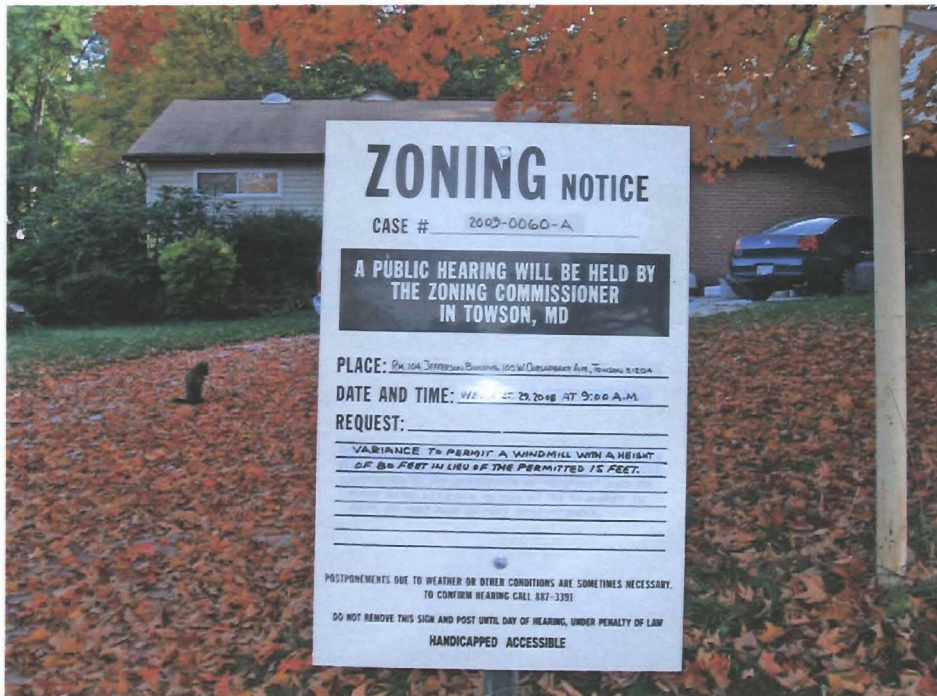
Certificate of Posting
Photograph Attachment

Re: 2009-0060-A

Petitioner/Developer: _____

David S. Blum

Date of Hearing/Closing: 10/29/08



3315 Timberfield Lane

Posting Date: 10/14/08

Richard E. Hoffman

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 30, 2008 Issue - Jeffersonian

Please forward billing to:
David Blum
3315 Timberfield Lane
Pikesville, MD 21208

410-653-2440

NOTICE OF ZONING HEARING

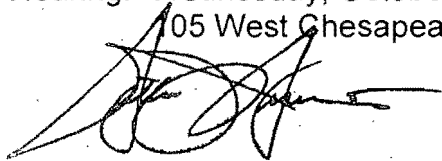
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0060-A

3315 Timberfield Lane
S/side of Timberfield Lane, 650 +/- feet south of Lightfoot Drive
3rd Election District – 2nd Councilmanic District
Legal Owners: Davis S. Blum

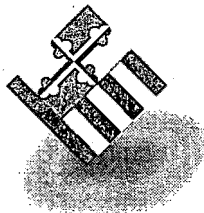
Variance to permit a windmill with a height of 80 feet in lieu of the permitted 15 feet.

Hearing: Wednesday, October 15, 2008 at 9:00 a.m., Hearing Room 1, Jefferson Building,
105 West 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 KOTROCO, Director
September 15, 2008
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: 2009-0060-A

3315 Timberfield Lane

S/side of Timberfield Lane, 650 +/- feet south of Lightfoot Drive

3rd Election District – 2nd Councilmanic District

Legal Owners: Davis S. Blum

Variance to permit a windmill with a height of 80 feet in lieu of the permitted 15 feet.

Hearing: Wednesday, October 15, 2008 at 9:00 a.m., Hearing Room 1, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: David Blum, 3315 Timberfield Lane, Pikesville 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 30, 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.

**BALTIMORE COUNTY**
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY ~~September 15, 2008~~
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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3315 Timberfield Lane

S/side of Timberfield Lane, 650 +/- feet south of Lightfood Drive

3rd Election District – 2nd Councilmanic District

Legal Owners: Davis S. Blum

Variance to permit a windmill with a height of 80 feet in lieu of the permitted 15 feet.

Hearing: Wednesday, October 15, 2008 at 9:00 a.m., Hearing Room 1, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: David Blum, 3315 Timberfield Lane, Pikesville 21208

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- (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.**

**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: 0060

Petitioner: DAVID BLUM

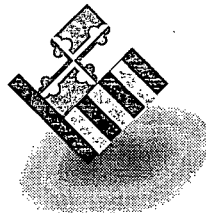
Address or Location: 3315 TIMBERFIELD LANE, PIKESVILLE, MD. 21208

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 410-653-2440



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
October 23, 2008

David S. Blum
3315 Timberfield Ln.
Pikesville, MD 21208

Dear: David S. Blum

RE: Case Number 2009-0060-A, 3315 Timberfield Ln.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 29, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

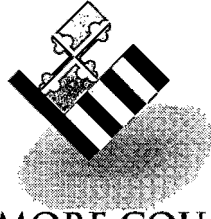
DATE: September 9, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For September 15, 2008
Item Nos. 09-0058, 0059, 0060, 0061,
0062, 0063, and 0064

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

DAK:CEN:lrk
cc: File
ZAC-09092008-NO COMMENTS



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

September 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 8, 2008

Item Number: 0059, ~~0060~~, 0063, 0062, 0064

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

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

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

State Highway
Administration

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

Maryland Department of Transportation

Date: 9/12/2008

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

RE: Baltimore County
Item No 2009-0060A
3315 TIMBERFIELD RD
BLM 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. 2009-0060A.

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,

For 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



TB 10/29
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 29, 2008

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

SUBJECT: 3315 Timberfield Lane

INFORMATION:

Item Number: 9-060

Petitioner: David S. Blum

Zoning: DR 2

Requested Action: Variance

RECEIVED
OCT 02 2008

BY:.....

SUMMARY OF RECOMMENDATIONS:

The petitioner wishes to place a wind turbine on top of a 80' tower in a residential neighborhood inside of the Urban Rural Demarcation Line (URDL). The subject property is located east of Pikesville Middle School and has single family detached units to the east and north. With an 80' tower, the residence at 3313 Timberfield Lane would be impacted should the tower fail and fall.

County Council passed Resolution 52-08 asking the Planning Board to prepare a report addressing the issue of wind turbines. At its September 4, 2008 meeting, the Planning Board acknowledged that request and asked the Office of Planning staff to prepare a report on wind turbines.

Without clear guidance on how and where wind turbines should be sited and the potential impact to the adjoining property, the Office of Planning recommends denial. When clear guidance has been established, the Office of Planning will be to evaluate each request fairly and consistently.

For further information concerning the matters stated here in, please contact Jeff Mayhew at 410-887-3480.

Reviewed by:

Division Chief:
AFK/LL: CM

TB 10/29
9 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 20, 2008
SUBJECT: Zoning Item # 09-060-A
Address 3315 Timberfield Lane
(Blum Property)

RECEIVED
OCT 20 2008

BY:

Zoning Advisory Committee Meeting of September 8, 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: J. Livingston

Date: October 20, 2008

RE: PETITION FOR VARIANCE
3315 Timberfield Lane; S/S Timberfield
Lane, 650' S of c/line of Lightfoot Drive
3rd Election & 2nd Councilmanic Districts
Legal Owner(s): David S. Blum
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 09-060-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

RECEIVED

SEP 09 2008

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 9th day of September, 2008, a copy of the foregoing Entry of Appearance was mailed to David Blum, 3315 Timberfield Lane, Pikesville, MD 21208, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Bill Wiseman - Re: Case #2009 - 0060 - A

From: <PGCCInc@aol.com>
To: <wwiseman@baltimorecountymd.gov>
Date: 10/15/08 11:24 AM
Subject: Re: Case #2009 - 0060 - A
CC: <aputzel@troutsegall.com>, <ruthgoldstein@comcast.net>

Dear Commissioner Wiseman:

Thank you very much for meeting Ruth Goldstein and me at Hearing Room 1 this morning even though this case was postponed to October 29th. Unfortunately, I will be unable to attend that morning, but I believe that Mrs. Goldstein is planning to be there.

I am copying the text of a letter hand delivered by Arthur W. Putzel, president of PGCC, to the Office of the Zoning Commissioner yesterday. A pdf copy of this letter is also attached to this e-mail. While at the Office of the Zoning Commissioner this morning, I did not see a copy of this letter in the file, and I would like to be certain that you have a copy for your records in advance of the Hearing on this case.

"October 13, 2008

Office Of The Zoning Commissioner
Baltimore County Office Building, Room 111
Attention: Kristen Matthews
111 West Chesapeake Avenue
Towson, MD 21204

RE: A A A A A A A A A A A A A CASE#: 2009-0060A PETITIONER: A A A A A A A A A A
DAVID BLUM

Dear Ms. Matthews:

I am writing as President of the Pikesville-Greenspring Community Coalition, Inc. (PGCC), an alliance of 17 neighborhood associations stretching from the Mount Washington area to Stevenson Road.

Our board has been asked by the Midfield Association to support its efforts in opposing the request by the petitioner, David Blum, who resides at 3315 Timberfield Lane, to permit an 80-foot high windmill on his property in lieu of the permitted 15 feet. I have attached a copy of Mrs. Goldstein's letter, which we believe eloquently and cogently describes the valid reasons for opposing the granting of this petition.

While we, like Mrs. Goldstein, recognize the importance of maximizing the use of alternative, renewable energy sources, we believe that, for the reasons cited in her letter, the use is incompatible with this particular neighborhood, potentially hazardous (depending on undisclosed safety features and site placement). Â In addition, in that we understand that the County is currently drafting regulations, the approval of this variance would be premature. Â Therefore, our Board has voted to go on record in opposition to this variance.

Please feel free to contact me should you have any questions as to our position.

Yours Truly,,

Arthur W. Putzel
President, Pikesville-Greenspring Community Coalition

cc: **À À À À À À À À À À Kevin Kamenetz, Chairman, Baltimore County Council**

file://C:\Documents and Settings\wwiseman\Local Settings\Temp\GW}00001.HTM

10/15/08

À À À À À À À À À À À À À À À Ruth Goldstein, President, Midfield Association"

If there are any questions about this e-mail, please do not hesitate to contact me.

Yours truly,

Mical Wilmoth Carton, Executive Director
Pikesville-Greenspring Community Coalition, Inc.
PGCC Inc@aol.com
410 486-6420

New MapQuest Local shows what's happening at your destination. Dining, Movies, Events, News & more. Try it out (<http://local.mapquest.com/?ncid=emlcntnew00000002>)

October 27, 2008

William J. Wiseman, III
Zoning Commissioner

Dear Commissioner Wiseman,

We write to you regarding Case #: 2009-0060-A, which involves the approval of a zoning variance to construct an 80 Ft. windmill at 3315 Timberfield Lane, Baltimore MD 21208. We write to express our concern about this proposed windmill and the potential negative impact it will have on our family, our property and our community. In further support of these concerns, attached please find a list of signatories from adjoining or nearby properties who share these concerns.

Specifically, our concerns fall into three categories:

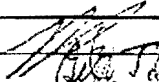
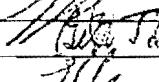
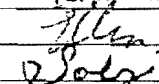
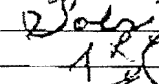
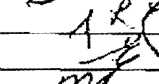
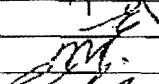
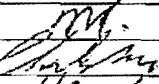
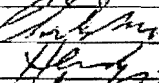
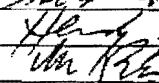
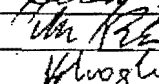
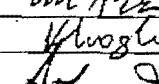
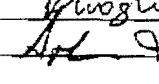
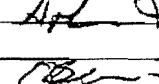
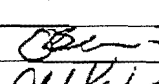
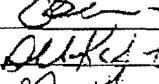
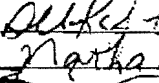
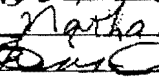
1. **Noise** - Of most immediate concern to our family is how the windmill will impact our day to day lives. In our research it is clear that all windmills produce noise. Without further information as to the decibel level and "character" of this noise, it is reasonable for us to assume that a large mechanical device operating 24 hours a day, 7 days a week, would produce enough noise to affect both the daytime activities and sleep patterns of our family including, our two young sons and our 6 month old daughter. Certainly, in times of higher wind it will be louder, with no "volume control" to turn it down in the evening.
2. **Aesthetics** - We believe our neighborhood and community should be lovely and scenic, benefitting from spacious yards and beautiful trees and landscaping. Indeed, this factored significantly in our decision to purchase our home two years ago. The construction of an 80 Ft. tall whirling "monstrosity" will adversely affect the skyline and the look and feel of the neighborhood. Of course, given the current trend in real estate, the fear that this would further negatively impact home prices in the area is no small concern.
3. **Precedence** - The construction of an 80 Ft. windmill without a better understanding of items 1 and 2 above, as well as research by the county into wind patterns, zoning needs and other risks not yet identified, establishes a potentially foolhardy and dangerous precedent. Should it resolve at a later date that there is a critical problem with the building of windmills in the region that could have been identified and dealt with, it seems reasonable to assume some culpability would rest at the feet of the county. Approving this windmill variance application without this awareness and further understanding would encourage others to do so under the illusion of it being a safe and well researched undertaking, thus increasing the risk and exposure to the county and its citizens.

Given the reasons above, we, together with our neighbors, urge you to reject the request for a zoning variance to permit construction of an 80 Ft. windmill. We all are strong advocates for environmentalism and better use of natural resources. However, without a better understanding of the above items, something which has not heretofore been provided by the applicant (in point of fact, to our knowledge, no communication regarding the windmill's construction was made at all prior to notice of this hearing) we see no guarantee that this variance will lead to anything other than a noisy, unattractive and less valuable neighborhood.

Respectfully,




Karen and David Whitehead
3307 Timberfield Lane
Baltimore, MD 21208

	NAME	ADDRESS	SIGNATURE
1	Ivan Pine	3315 Timberfield Lane	
2	Dr. & Mrs. Goldberg	3311 " " "	 atly in fact
3	Ellen Levy	3310 " "	
4	Paula T. Hirsch	3308 " "	
5	A. R. Hirsch	3306 " "	
6	M/M Steven Lesser	3304 Timberfield Lane	
7	Mr. Gieger	3302 " "	
8	Charles R. Morrison	3302 3220 Timberfield Lane	
9	Hendy Pancer	3206 Lightfoot Dr	
10	Devorah Pancer	3206 Lightfoot Dr	
11	Khosrovi/Rakham	3301 Timberfield Lane	
12	Sabrina Thompson	3303 Timberfield La	
13	Ellen Goldberg	3314 Lee Cr.	
14	Dore Ben	3303 Lee Court	
15	DOVE-KOUDANK HIRSH	3306 Lee Court	
16	Nathan Zaba	3305 Timberfield Ln	
17	Boris Slutsky	3309 Timberfield La	
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Pikesville-Greenspring Community Coalition, Inc.
Arthur W. Putzel, President
2317 Sugarcone Road, Pikesville, MD 21209
410 435-4000 Work Phone / 410 435-4277 Fax / aputzel@troutsegall.com
<http://pgccinc.org>

October 13, 2008

Office Of The Zoning Commissioner
Baltimore County Office Building, Room 111
Attention: Kristen Matthews
111 West Chesapeake Avenue
Towson, MD 21204

RE: CASE#: 2009-0060—A PETITIONER: DAVID BLUM

Dear Ms. Matthews:

I am writing as President of the Pikesville-Greenspring Community Coalition, Inc. (PGCC), an alliance of 17 neighborhood associations stretching from the Mount Washington area to Stevenson Road.

Our board has been asked by the Midfield Association to support its efforts in opposing the request by the petitioner, David Blum, who resides at 3315 Timberfield Lane, to permit an 80-foot high windmill on his property in lieu of the permitted 15 feet. I have attached a copy of Mrs. Goldstein's letter, which we believe eloquently and cogently describes the valid reasons for opposing the granting of this petition.

While we, like Mrs. Goldstein, recognize the importance of maximizing the use of alternative, renewable energy sources, we believe that, for the reasons cited in her letter, the use is incompatible with this particular neighborhood, potentially hazardous (depending on undisclosed safety features and site placement). In addition, in that we understand that the County is currently drafting regulations, the approval of this variance would be premature. Therefore, our Board has voted to go on record in opposition to this variance.

Please feel free to contact me should you have any questions as to our position.

Yours Truly,

Arthur W. Putzel
President, Pikesville-Greenspring Community Coalition

cc: Kevin Kamenetz, Chairman, Baltimore County Council
Ruth Goldstein, President, Midfield Association

PGCC Inc. Member Associations

Dumbarton-Stevenson Civic & Improvement Assn., Inc. • Falls Garden Condo Assn. • Greengate Community Association •
• Greenspring East HOA • Helmsley Court HOA, Inc. • Jones Valley Community Assn. • Midfield Assn., Inc. •
• Old Court-Greenspring Improvement Assn., Inc. • Quarry Lake at Greenspring • Smith-Greenspring Assn., Inc. •
• Stevenson Commons Condominium • Stevenson Crossing HOA • Stevenson Post HOA • Stevenson Ridge-Halcyon Assn. •
• Stevenson Village Condominium Assn., Inc. • Summit Chase HOA • The Parke at Mt. Washington •

TB 10/29
9 AM

MIDFIELD ASSOCIATION, INC.

Ruth Goldstein, President

October 14, 2008

Baltimore County Office Building, Room 111
Attention: Kristen Matthews
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case# 2009-0060—A
Petitioner: David Blum

I am writing this letter on behalf of the board of Midfield Association, which represents approximately 150 homes delineated by Lightfoot Drive north of Greenspring Quarry, all of Timberfield Lane, Midfield Road east of Seven Mile Lane, and Lighttown Court, as well as a few miscellaneous homes on Seven Mile Lane and Old Court Road. Midfield Association is a member of Pikesville-Greenspring Community Coalition (PGCC), an alliance of 17 neighborhood associations.

Our board has considered the petition by our neighbor, David Blum, who resides at 3315 Timberfield Lane, to permit an 80-foot high windmill on his property in lieu of the permitted 15 feet. As we enter an era that calls upon all citizens to make more economical choices about fuel consumption, our board recognizes the need for more sources of renewable energy and the use of appropriate technology to achieve those goals. However, we believe the emphasis must be on the word "appropriate," selecting the most suitable tool for the individual situation, such as passive solar panels in a residential, suburban setting vs. a wind turbine on a rural acreage.

With that principle in mind, we are unanimously opposed to this request for the following reasons:

- **Incompatibility:** Midfield is a populous suburban neighborhood where the lots are mostly between one-half to about three-quarters of an acre, with almost none being more than one acre in size. Most of the houses are ranch-style in design, i.e. one story in height. A pole looming 80 feet in the air—the equivalent of an 8-story high building—would tower over these homes. The fact that a variance is required for anything over 15 feet places this request in the proper perspective.

In addition, *The Maryland Consumers' Guide to Small Wind Electric Systems* addresses some of the practical issues homeowners must assess before they decide to invest in a small wind energy system. On page 3 the guide stipulates that such a system is practical if "your home or business is located on at least one acre of land in a rural area," where "most zoning ordinances have a height limit of 35 feet." This technology is clearly not intended for a congested suburban setting.

- **Insufficient information:** As far as we are aware, the petitioner did not provide either the Department of Permits or our Association with any technical information regarding the actual design for the proposed windmill in the application that was submitted to the Zoning Commissioner. In order to be able to adequately evaluate the request for a variance, the petitioner should be required to submit technical plans and manufacturer's specifications to the Zoning Commissioner detailing the design, wind studies, safety features and proposed site placement relative to neighboring structures and property lines, of the proposed device so that the Zoning Board and affected neighbors can properly evaluate it.
- **Timeliness:** Since the issue of wind turbines and windmills has been raised several times recently in Baltimore County, the County Council has been asked to write guidelines to regulate

MIDFIELD ASSOCIATION, INC.

Ruth Goldstein, President

their location and use for residential energy use. Until they do, it would be a waste of taxpayers' money and time to proceed further with this petition at this time.

- **Precedence:** If an 80-foot high wind turbine were permitted in a congested, residential neighborhood like Midfield, that decision would have the potential to be a precedent-setting case with far-reaching ramifications. It could have an impact on comparable properties both in our immediate region as well as other metropolitan areas.
- **Safety:** An 80-foot high tower would put the residence at 3313 Timberfield Lane in jeopardy if it should fail and fall.

Thus far, the only windmill that has been permitted in Baltimore County has been on a 97-acre property in a rural area of northern Baltimore County. While that may be appropriate, we feel that until regulations are written that provide clear guidelines, no wind turbine should be permitted in Baltimore County, and none within the Urban Rural Demarcation Line (URDL) except on a case-by-case basis, and only after the guidelines are in place.

Respectfully submitted by,

Ruth Goldstein
President, Midfield Association

cc: Kevin Kamenetz, Chairman, Baltimore County Council
Art Putzel, President, PGCC

9/22/08

Zoning Review
County Office Building
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

ATTN: Kristen

RE: Notice of Zoning Hearing (attached)
Case 2009-0060-A
3315 Timberfield Lane

The above case was scheduled for a hearing on 10/15/08. I will be out of town that day
(the entire week).
Please reschedule the hearing date.

Other dates of which I am unavailable:

Friday, 11/7

Friday, 11/14

Friday 12/12

David S. Blum
3315 Timberfield Lane
Pikesville, MD 21208

(cel) 443-834-2871

DR 2
3 ED
078B1
NW 8-E
2 CD

TIMBERFIELD LN

CARLA RD

0312034390 3310
Pt. Bk. 27 Folio 41

3309

0308056730

3311

0307051540

3313

0301085210

3315

Flood Zone X

0318052730

Pt. Bk. 27 Folio 7

078C1

Pt. Bk. 26 Folio 129
0311048480

7630

0311078920

7628

7626

0305034530

DR 5.5

7624

0301000150

7622

0323053175
Pt. Bk. 18 Folio 54

7620

0316002050

7621

0325015080

0303050600

0322035291

0302019003

0302058193

0310001600

0304051660

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 7009-0060-A
DATE 10-29-08

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Ruth Goldstein
Ellen Levy

3226 Midfield Rd.
3310 Timberfield Ln

Balto. MD 21208
Baltimore MD 21208

Ruthgoldstein@comcast.net
didi.levy@verizon.net

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 2009-0060-A

DATE 10-29-08

PETITIONER'S SIGN-IN SHEET

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

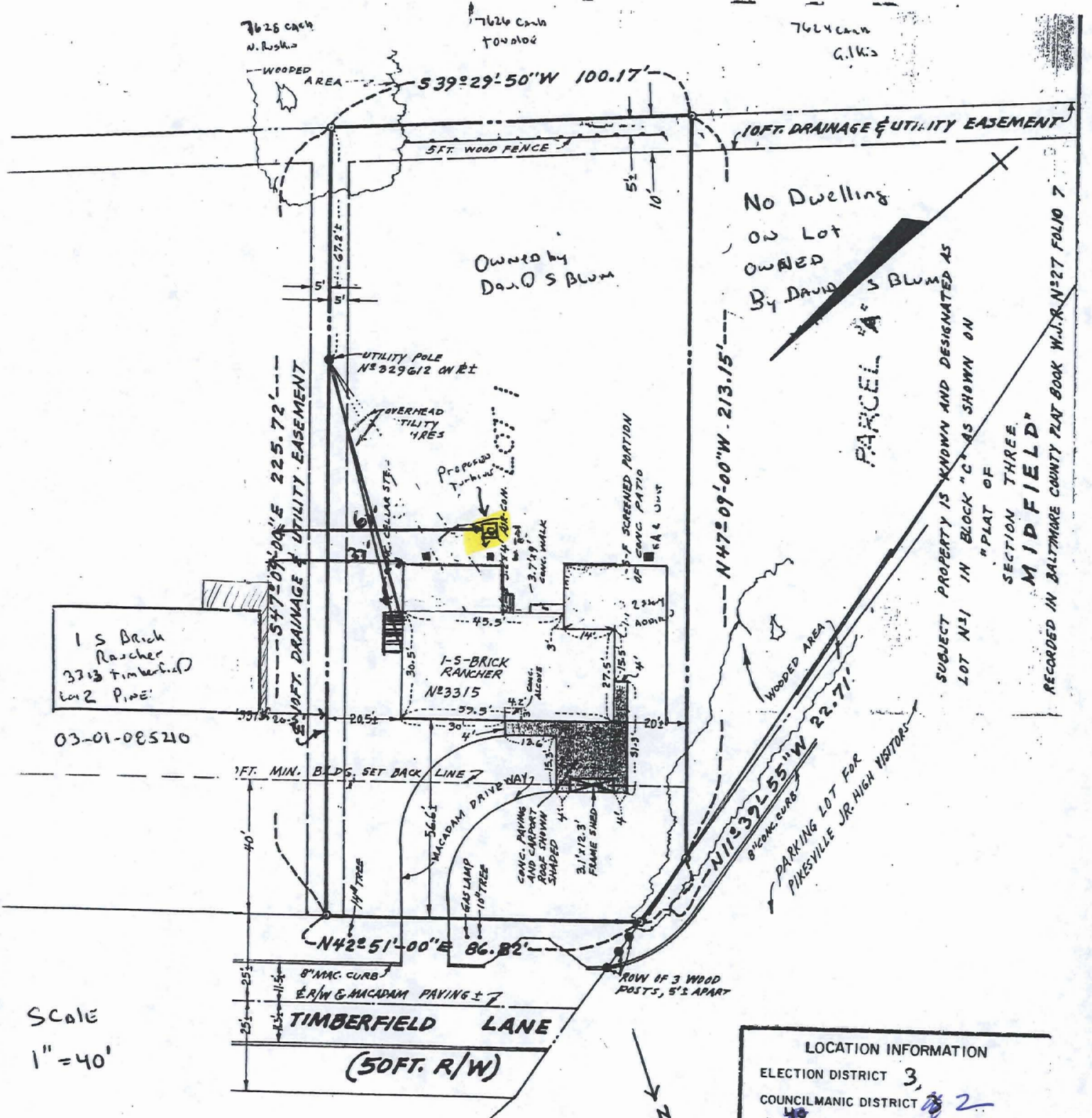
PROPERTY ADDRESS 3315 Timberfield Ln

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME MIDFIELD

PLAT BOOK # 27 FOLIO # 7 LOT # 1 SECTION # 3

OWNER DAVID S BLUM

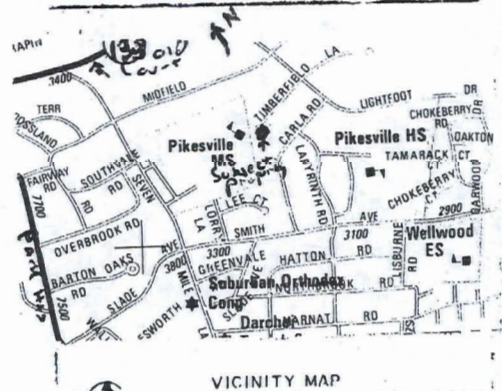


PARCEL A-3 BLUM

SUBJECT PROPERTY IS KNOWN AND DESIGNATED AS LOT N#1 IN BLOCK "C" AS SHOWN ON "PLAT OF SECTION THREE, MIDFIELD" RECORDED IN BALTIMORE COUNTY PLAT BOOK W.I.R. N#27 FOLIO 7

PETITIONER'S

EXHIBIT NO. 1



LOCATION INFORMATION			
ELECTION DISTRICT	3		
COUNCILMANIC DISTRICT	2		
SCALE MAP #	07881		
ZONING	DR. 2		
LOT SIZE	Y ₁ + V ₂ = 0.98		
ACREAGE	SQUARE FEET		
SEWER	☒ PUBLIC	☐ PRIVATE	
WATER	☒ PUBLIC	☐ PRIVATE	
CHESAPEAKE BAY CRITICAL AREA	☐ YES	☒ NO	
100 YEAR FLOOD PLAIN	☐ YES	☒ NO	
HISTORIC PROPERTY/ BUILDING	☐ YES	☒ NO	
PRIOR ZONING HEARING			
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE #	

**Maurice Noel Levy III
11 Windsong Court
Baltimore, MD 21208-1930**

October 3, 2008

Baltimore County Government
Office of Permits and Development Management
Attention: Karen Matthews
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

Dear Ms. Matthews:

This letter focuses on Case #2009-0060-A, David Blum, Petitioner.

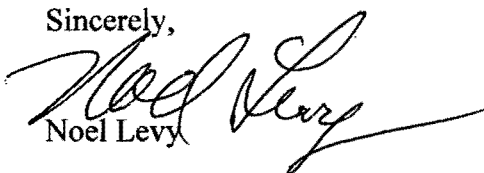
Earlier this year, there was a zoning proposal to subdivide a narrow strip of property in my Pikesville neighborhood, so that as many as nine separate homes could be built there. This project was simply not compatible with our neighborhood, and it was denied. Similarly, zoning for a commercial strip center was proposed across from Stevenson Village very recently. Here again, this proposed construction was entirely inappropriate for Pikesville, and it was turned down.

Pikesville largely is a bedroom community, and we want to keep it that way. This isn't Dundalk. And it certainly isn't Anne Arundel County. But Pikesville is under severe pressure to become overdeveloped and another victim of urban sprawl, as has happened in Owings Mills. We don't want overdevelopment to happen to us.

Now we have a proposal for an 80-foot tall windmill, on Midfield Road near Pikesville Middle School. Don't get me wrong, I am a great advocate for renewable energy, as well as energy independence. But, let's face it, neighborhood standards come first for me and my Pikesville neighbors. Consequently, I oppose the construction of this 80-foot tall windmill because it is completely wrong for our residential community.

Thank you very much for your attention to my concerns.

Sincerely,


Noel Levy

PROTESTANT' S

EXHIBIT NO. 1

Rebecca Harris Gutin
3210 Timberfield Lane • Pikesville Maryland 21208-4422 • 410-484-3346

Date: October 5, 2008

To: Zoning Commissioner for Baltimore County

Re: Case Number 2009-0060-A

Location: 3315 Timberfield Lane

Legal Owner: David S. Blum

Variance to permit a windmill with a height of 80 feet in lieu of the permitted 15 feet.

I applaud Mr. Blum's decision to utilize "green" energy, however as a Baltimore County resident, and more specifically, a Timberfield Lane resident, I disagree with his choice to erect an 80 foot high windmill on his property. Although I am not located in the "fall zone" of the windmill, I am close enough that I would see the windmill constantly. There are at least two homes and one middle school located in the fall zone, and although children are not likely to be playing on the middle school playground in a high wind, I feel that Mr. Blum's plan is not safe for those within the fall zone, nor is it appropriate for a high-density residential area such as ours.

I request that the Zoning Commissioner deny Mr. Blum's request for the variance, and respectfully suggest that Mr. Blum utilize a different venue for his "green" energy.

Sincerely,


Rebecca H. Gutin

Mail to:
Baltimore County Office Building, Room 111
Attention: Karen Matthews
111 West Chesapeake Avenue
Towson, MD 21204

PROTESTANT' S

EXHIBIT NO. 2

MIDFIELD ASSOCIATION, INC.

Ruth Goldstein, President

October 6, 2008

Baltimore County Office Building, Room 111
Attention: Kristen Matthews
111 West Chesapeake Avenue
Towson, MD 21204

PROTESTANT' S

EXHIBIT NO.

3

Re: Case# 2009-0060—A
Petitioner: David Blum

I am writing this letter on behalf of the board of Midfield Association, which represents approximately 150 homes delineated by Lightfoot Drive north of Greenspring Quarry, all of Timberfield Lane, Midfield Road east of Seven Mile Lane, and Lighttown Court, as well as a few miscellaneous homes on Seven Mile Lane and Old Court Road. Midfield Association is a member of Pikesville-Greenspring Community Coalition (PGCC), an alliance of 17 neighborhood associations.

Our board has considered the petition by our neighbor, David Blum, who resides at 3315 Timberfield Lane, to permit an 80-foot high windmill on his property in lieu of the permitted 15 feet. As we enter an era that calls upon all citizens to make more economical choices about fuel consumption, our board recognizes the need for more sources of renewable energy and the use of appropriate technology to achieve those goals. However, we believe the emphasis must be on the word "appropriate," selecting the most suitable tool for the individual situation, such as passive solar panels in a residential, suburban setting vs. a wind turbine on a rural acreage.

With that principle in mind, we are unanimously opposed to this request for the following reasons:

- **Incompatibility:** Midfield is a populous suburban neighborhood where the lots are mostly between one-half to about three-quarters of an acre, with almost none being more than one acre in size. Most of the houses are ranch-style in design, i.e. one story in height. A pole looming 80 feet in the air—the equivalent of an 8-story high building—would tower over these homes. The fact that a variance is required for anything over 15 feet places this request in the proper perspective.

In addition, The *Maryland Consumers' Guide to Small Wind Electric Systems* addresses some of the practical issues homeowners must assess before they decide to invest in a small wind energy system. On page 3 the guide stipulates that such a system is practical if "your home or business is located on at least one acre of land in a rural area," where "most zoning ordinances have a height limit of 35 feet." This technology is clearly not intended for a congested suburban setting.

- **Insufficient information:** As far as we are aware, the petitioner did not provide either the Department of Permits or our Association with any technical information regarding the actual design for the proposed windmill in the application that was submitted to the Zoning Commissioner. In order to be able to adequately evaluate the request for a variance, the petitioner should be required to submit technical plans and manufacturer's specifications to the Zoning Commissioner detailing the design, wind studies, safety features and proposed site placement relative to neighboring structures and property lines, of the proposed device so that the Zoning Board and affected neighbors can properly evaluate it.
- **Timeliness:** Since the issue of wind turbines and windmills has been raised several times recently in Baltimore County, the County Council has been asked to write guidelines to regulate

MIDFIELD ASSOCIATION, INC.

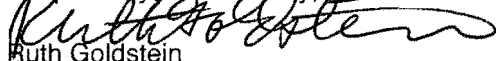
Ruth Goldstein, President

their location and use for residential energy use. Until they do, it would be a waste of taxpayers' money and time to proceed further with this petition at this time.

- **Precedence:** If an 80-foot high wind turbine were permitted in a congested, residential neighborhood like Midfield, that decision would have the potential to be a precedent-setting case with far-reaching ramifications. It could have an impact on comparable properties both in our immediate region as well as other metropolitan areas.
- **Safety:** An 80-foot high tower would put the residence at 3313 Timberfield Lane in jeopardy if it should fail and fall.

Thus far, the only windmill that has been permitted in Baltimore County has been on a 97-acre property in a rural area of northern Baltimore County. While that may be appropriate, we feel that until regulations are written that provide clear guidelines, no wind turbine should be permitted in Baltimore County, and none within the Urban Rural Demarcation Line (URDL) except on a case-by-case basis, and only after the guidelines are in place.

Respectfully submitted by,



Ruth Goldstein

President, Midfield Association

cc: Kevin Kamenetz, Chairman, Baltimore County Council
Art Putzel, President, PGCC

10/29 @ 9:00

Bill Wiseman - (Case# 2009-0060-A) Wednesday, October 15, 2008 at 9:00 am to permit a windmill to be erected at 3315 Timberfield Lane

From: "Alan Zukerberg" <apzuk@msn.com>
To: <wwiseman@baltimorecountymd.gov>, <tbostwick@baltimorecountymd.gov>
Date: 10/12/08 7:44 PM
Subject: (Case# 2009-0060-A) Wednesday, October 15, 2008 at 9:00 am to permit a windmill to be erected at 3315 Timberfield Lane
CC: "Executive Director, Pikesville Communities Corporation" <pccexdir@gmail.com>, "Ed and Ruth Goldstein" <music@comcast.net>, <apzuk@msn.com>

Dear Zoning Commissioner Wiseman and Asst Commissioner Bostwick:

I regret that circumstances do not allow me the time to send a letter to you via the US mail.

We are writing to advise you that the Pikesville Communities Corporation is OPPOSED to the variance requested to permit a windmill to be erected at 3315 Timberfield Lane with a height of 80 feet in lieu of any permitted 15 feet. In fact, we are concerned that perhaps any such structure must be reconsidered in a community conservation like area. Further, we are concerned that any decision that exceeds the current permitted use may set a dangerous precedent for the County's community conservation areas. It seems to us that energy saving goals are very laudable, but perhaps, in light of current circumstances the laws regulating same must be reviewed in light of the current and near future anticipated technologies.

Very truly yours,
Pikesville Communities Corporatin

By: Alan P. Zukerberg, President

PROTESTANT' SEXHIBIT NO. 4



Pikesville-Greenspring Community Coalition, Inc.

Arthur W. Putzel, President

2317 Sugarcone Road, Pikesville, MD 21209

410 435-4000 Work Phone / 410 435-4277 Fax / aputzel@troutsegall.com

<http://pgccinc.org>

October 13, 2008

Office Of The Zoning Commissioner
Baltimore County Office Building, Room 111
Attention: Kristen Matthews
111 West Chesapeake Avenue
Towson, MD 21204

RE: CASE#: 2009-0060—A PETITIONER: DAVID BLUM

Dear Ms. Matthews:

I am writing as President of the Pikesville-Greenspring Community Coalition, Inc. (PGCC), an alliance of 17 neighborhood associations stretching from the Mount Washington area to Stevenson Road.

Our board has been asked by the Midfield Association to support its efforts in opposing the request by the petitioner, David Blum, who resides at 3315 Timberfield Lane, to permit an 80-foot high windmill on his property in lieu of the permitted 15 feet. I have attached a copy of Mrs. Goldstein's letter, which we believe eloquently and cogently describes the valid reasons for opposing the granting of this petition.

While we, like Mrs. Goldstein, recognize the importance of maximizing the use of alternative, renewable energy sources, we believe that, for the reasons cited in her letter, the use is incompatible with this particular neighborhood, potentially hazardous (depending on undisclosed safety features and site placement). In addition, in that we understand that the County is currently drafting regulations, the approval of this variance would be premature. Therefore, our Board has voted to go on record in opposition to this variance.

Please feel free to contact me should you have any questions as to our position.

Yours Truly,

Arthur W. Putzel

President, Pikesville-Greenspring Community Coalition

PROTESTANT' S

EXHIBIT NO. 5

cc: Kevin Kamenetz, Chairman, Baltimore County Council
Ruth Goldstein, President, Midfield Association

PGCC Inc. Member Associations

Dumbarton-Stevenson Civic & Improvement Assn., Inc. • Falls Garden Condo Assn. • Greengate Community Association •
• Greenspring East HOA • Helmsley Court HOA, Inc. • Jones Valley Community Assn. • Midfield Assn., Inc. •
• Old Court-Greenspring Improvement Assn., Inc. • Quarry Lake at Greenspring • Smith-Greenspring Assn., Inc. •
• Stevenson Commons Condominium • Stevenson Crossing HOA • Stevenson Post HOA • Stevenson Ridge-Halcyon Assn. •
• Stevenson Village Condominium Assn., Inc. • Summit Chase HOA. • The Parke at Mt. Washington •

Midfield Association, Inc.

Ruth Goldstein, President

October 13, 2008

Baltimore County Office Building, Room 111
Attention: Kristen Matthews
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case# 2009-0060—A
Petitioner: David Blum

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Midfield Association, Inc.

Ruth Goldstein, President

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Respectfully submitted by,

Ruth Goldstein
President, Midfield Association

cc: , Chairman, Baltimore County Council
Art Putzel, President, PGCC

TB 10/29
9 Am

FAX

TO: Commissioner William J. Wiseman, III FROM: Karen and David Whitehead
FAX: 410-887-3468 FAX:
PHONE: 410-887-3868 PHONE: 347-743-4665
SUBJECT: Case #: 2009-0060-A DATE: October 28, 2008
COMMENTS: Please see attached letter and petition re: 80 Ft. Windmill variance application (Hearing date 10/29/08)

2009-0060-A
Tom - 12:25 10/28
Spoke to Karen Whitehead.
She wanted to confirm our receipt of her fax and to let you know that she's unable to attend tomorrow --
she has a 6 - mo. old child.
Del

PROTESTANT'S

EXHIBIT NO. 6