

IN RE: PETITION FOR VARIANCE

E side of Grave Run Road, 1930 feet N
of the c/l of Church Road
6th Election District
3rd Councilmanic District
(20017 Grave Run Road)

David and Judith Ann Horst
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0179-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 owners of the subject property, David and Judith Ann Horst. Petitioners are requesting Variance relief from Section 32-4-409(e)(2) of the Baltimore County Code (B.C.C.) to permit a panhandle strip in an R.C.2 Zone of 1,500 feet +/- in lieu of the allowed 1,000 foot maximum specified in the Baltimore County Code. 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.

Appearing at the requisite public hearing in support of the variance request were Petitioners David and Judith Ann Horst, their son, Zachary Horst, and their attorney, Howard Alderman, Jr., Esquire. Also appearing in support of the requested relief was Guy Ward with McKee & Associates, the firm that prepared the site plan. Appearing on behalf of the Baltimore County Department of Environmental Protection and Resource Management ("DEPRM") was Wallace S. Lippincott, Jr. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is an irregular-shaped property containing approximately 14.673 acres, more or less, split zoned R.C.2 (14.543 acres)

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jm

and R.C.8 (0.130 acre). The lower southeast corner of the property contains a very small sliver of land situated in the R.C.8 Zone. The property is located on the east side of Grave Run Road, south of Hoffmanville Road and north of Church Road, in the Hampstead area of northwest Baltimore County near the Carroll County line. The property is presently improved with Petitioners' existing two-story dwelling located at the easternmost side of the property.

Petitioners are currently proceeding through the minor subdivision process in order to subdivide the property and create a lot for their son, Zachary Horst. As shown on the site plan, Petitioners would retain a 2.789 acre area to be known as Lot 1 where their existing home is located. The remaining 11.884 acres would create Lot 2 for their son, with a dwelling to be constructed near the center of that lot, along with a proposed septic reserve area and well, as also shown on the site plan. As presently configured, Petitioners have access to their home from Grave Run Road via a private road known as Graves Road; however, as a result of the minor subdivision, Petitioners will no longer have frontage access from Grave Run Road. Thus, as part of the minor subdivision, Petitioners propose that their Lot 1 will have Graves Road as a panhandle strip running along the southern portion of the property from Grave Run Road to the existing dwelling -- with a length of approximately 1,500. Section 32-4-409(e)(2) of the B.C.C. states that in an R.C. Zone, the panhandle length may not exceed 1,000 feet. Section 32-4-409(e)(3) also states that the maximum permitted length of a panhandle is subject to variance under Section 307 of the B.C.Z.R.; hence the instant variance request.

In support of the requested relief, Mr. Alderman proffered that access to Petitioner's existing home would not change with the minor subdivision or the variance request. It would still be via the Graves Road private road. He also points out that there is no other practical alternative to keeping access for Petitioners' proposed Lot 1. Mr. Alderman also noted that there

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would be a use-in-common agreement for the upkeep and maintenance of this private road, and Petitioners would comply with all applicable requirements concerning access for public works vehicles and emergency equipment in consultation with the Fire Marshal's Office.

In further support of the requested variance, Mr. Alderman indicated that the conditions which are the subject of the variance request, including Petitioners' home and the private Graves Road, are existing conditions. He also indicated that the properties in the area are very unique in size and shape, with the subject property being very long and narrow. He emphasized that there would be no increase in density stemming from the variance request. In addition, Mr. Alderman explained that the need for the variance is also driven by the agricultural use of the property and the desire to keep that use on one large lot -- to be in keeping with the R.C.2 Zone's agricultural use and appearance, and protection of prime and productive soils. Mr. Lippincott with DEPRM confirmed his agency's support of the variance in order to retain the larger proposed Lot 1 for agricultural uses and supplemented his statements at the hearing with a written comment that will be expounded upon later in this Order. Mr. Lippincott also indicated as a separate, but related issue, that DEPRM preferred that the proposed location of the well shown on the site plan as 35 feet from the property line to the north be moved at least 100 feet from the adjacent property, which is also used for agricultural operations. In response, Mr. Alderman indicated that Petitioners would attempt to comply with this request and had requested a well location variance from DEPRM to allow the proposed well area to be situated lower in elevation than the proposed septic reserve area. If this variance is granted, Petitioners would certainly comply with Mr. Lippincott's request.

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 February 19

2009 which states that it does not oppose the requested variance as it is for the existing driveway. The placement of the new dwelling on Lot 2 should be consistent with the comments provided by DEPRM. Comments were received from the Bureau of Development Plans Review dated January 14, 2009 which indicate that a 30 foot by 70 foot tee turn around is required for a panhandle driveway over 300 feet in length, the shared portion of the driveway shall be 15 feet paved width, and the driveway grade cannot exceed 14%. A revised comment dated March 4, 2009 was received from Mr. Lippincott with DEPRM indicating that the variance request is supported because the need for the variance for the panhandle length is due to the subdivision of a small lot from the larger parcel. This proposal meets DEPRM agricultural policies by retaining a larger lot for future agricultural uses. Mr. Lippincott also reiterates the concern regarding placement of the well and a request that the well be located 100 feet off the property line if this meets with other DEPRM policies.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In addition to the irregular long and narrow shape of the property and the existing conditions on the property that necessitate the variance, I find the DEPRM concern over preserving the agricultural use of the existing 11-plus acres to be the primary driver of the variance. Certainly, the desire to preserve existing and future productive agricultural uses in the R.C.2 Zone is well known and recognized by this Commission. In this case, permitting the 1,500 foot length for the panhandle strip for proposed Lot 1 allows proposed Lot 2 to remain as a larger, undisturbed agricultural area.

I also find that strict compliance with the zoning regulations of Baltimore County would result in practical difficulty and undue hardship. Petitioners would have no other practical

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alternative to gain access to Lot 1 and might otherwise have to move the proposed lot line further west in order to shorten the panhandle strip to the required 1,000 feet, thereby cutting into the agricultural land. Finally, I find that this variance can be granted in strict harmony with the spirit and intent of the zoning regulations and in such a manner as to grant relief without injury to the public, health, safety or general welfare.

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 Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED this 27th day of March, 2009 by this Deputy Zoning Commissioner, that Petitioners' Variance request from Section 32-4-409(e)(2) of the Baltimore County Code (B.C.C.) to permit a panhandle strip in an R.C.2 Zone of 1,500 feet +/- in lieu of the allowed 1,000 foot maximum as specified in the Baltimore County Code be and is hereby GRANTED, subject to the following:

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. A 30 foot by 70 foot tee turn around is required for a panhandle driveway over 300 feet in length.
3. The shared portion of the driveway shall be 15 feet paved width and the driveway grade cannot exceed 14%.
4. Pursuant to the well location variance granted by DEPRM shortly after the hearing, the placement of the proposed well shall be located 100 feet off the property line. Prior to obtaining a building permit, a revised site plan must be submitted to DEPRM showing the new well area.

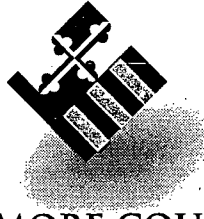
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[Signature]

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

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3.27.09
pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 27, 2009

HOWARD ALDERMAN JR., ESQUIRE
LEVIN & GANN
502 WASHINGTON AVENUE, SUITE 800
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2009-0179-A
Property: 20017 Grave Run Road

Dear Mr. Alderman:

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 dark 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: David and Judith Ann Horst, 20017 Grave Run Road, Hampstead MD 21074
Guy Ward, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville MD 21030



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at #20017 Grave Run Road
which is presently zoned RC-2 and Rc-8

Deed Reference: 05300 / 096 Tax Account # 1600007400

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)

**please see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

**please see attached

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

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

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

Contract Purchaser/Lessee:

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 Horst

Name - Type or Print

Signature 12/18/08

Judith Ann Horst

Name - Type or Print

Signature 12-18-08

20017 Grave Run Road 410 239 7476
Address Telephone No.

Hampstead, Md. 21074
City State Zip Code

Representative to be Contacted:

Guy Ward 410 527 1555

Name
McKee & Assoc, Inc 5 Shawan Rd, Ste. 1

Address Telephone No.

Cockeysville Md 21030
City State Zip Code

Case No. 2009-0179-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

REV 8/20/07

Reviewed by D.T. Date 12/22/08

327.09

pm

Attachment 1
Petition for Variance

Case Number _____

Address: #20017 Grave Run Road

Legal Owner(s) and Petitioners: David Horst and Judith Ann Horst

Present Zoning: RC-2 and RC-8

Petition for Variance from Section:

32-4-409(e)(2) of the Baltimore County Code –“In an RC Zone, Panhandle length may not exceed 1,000 feet.”

A variance is requested to permit a panhandle strip in an RC-2 zone of 1,500 feet, +/- is requested in lieu of the required 1,000 foot maximum as specified in the Baltimore County Code.

Justification:

1. The petitioner's existing dwelling, being #20017, is situated approximately 1,700 feet from Grave Run Road. The property owners desire to subdivide the property so as to create a new lot for their son and downsize the amount of property they must maintain. In meeting with the RC-2 design policies of the Department of Environmental Protection and Resource Management (DEPRM), a smaller lot (Proposed lot 1-approximately 2.8 acres) has been proposed around the petitioner's dwelling. The balance of the property, will be assigned to the a larger lot, being proposed lot 2- approximately 11.9 acres for the petitioner's son to build on. Given the proximity of the petitioner's existing dwelling to Grave Run Road, creating a panhandle strip of less than 1,000 feet in length cannot be practically established while meeting the RC- 2 Zone design policies of DEPRM, and maintaining the petitioners residence in their existing dwelling.
2. Other good and sufficient testimony as may be offered at the Variance Hearing.

FOR ADDITIONAL INFORMATION ON THIS PETITION PLEASE CONTACT:

Guy C. Ward, R.S., Associate

McKee & Associates, Inc

Engineering, Surveying, Land Planning, Real Estate Development
Shawan Place, 5 Shawan Road, Suite 1, Hunt Valley, MD 21030
Tel: (410) 527-1555 Fax: (410) 527 1563 E-Mail : mckee@qis.net

2009-0179-A

Zoning Description for #20017 Grave Run Road:

Beginning at a point on the east side of Grave Run Road which has a paving width of 20 feet +/-, at a distance of 1930 feet +/- north of the centerline of the nearest improved intersecting street, Church Road, which has a paving width of 18 feet +/-, thence running the eight following courses and distances:

1. North 20 degrees 51 minutes 03 seconds West 432.40 feet,
2. South 71 degrees 46 minutes 33 seconds East 908.12 feet,
3. South 62 degrees 16 minutes 04 seconds East 796.62 feet,
4. South 48 degrees 49 minutes 34 seconds East 231.97 feet,
5. South 05 degrees 30 minutes 34 seconds East 486.10 feet,
6. North 48 degrees 50 minutes 35 seconds West 546.04 feet,
7. North 62 degrees 22 minutes 04 seconds West 729.34 feet,
8. North 71 degrees 50 minutes 09 seconds West 608.09 feet to the place of beginning.

Containing 639,156 S.F.+/-, or 14.673 acres,+/-.

Also known as #20017 Grave Run Road and being located in the 6th Election District ,
3rd Councilmanic District.

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

No. **33071**

Date **12/22/08**

CASH RECEIPT

BUSINESS ACTION TIME DAY
 12/23/2008 12/22/2008 12:40:45

REG 1 301 WALKER JR & JR

>>RS EIPT H 002316 12/22/2008 0014

5 520 ZONING VERIFICATION

013071

Rec'd For \$45.00

\$45.00 CR 1.15 CA

Baltimore County (MD) Cash

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Cent
001	806	0000		6150				65.00	

Total **65.00**

Rec From **McKEE + ASSOC**

For **2009-0179-A**

HARST PROPERTY # 1

D. THOMPSON

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: # 2009-0179-A

20017 Grave Run Road

E/side of Grave Run Road, 1930 feet north of centerline of Church Road

6th Election District — 3rd Councilmanic District

Legal Owner(s): David & Judith Horst

Variance: to permit a panhandle strip in an RC-2 zone of 1,500 feet +/- is requested in lieu of the allowed 1,000 foot maximum as specified in the Baltimore County Code.

Hearing: Wednesday, March 4, 2009 at 9:00 a.m. in Room 104, 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 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 2/763 Feb. 17

194435

CERTIFICATE OF PUBLICATION

2/20/2009

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 1/17/2009.

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

J. Wilkinson

LEGAL ADVERTISING

William D. Gulick, Jr.
Baltimore County Approved Sign Poster
Notary Public
2944 Edgewood Avenue
Baltimore, MD 21234

LETTER OF TRANSMITTAL

TO: BALTO. CO. ZONING
OFFICE / PDM

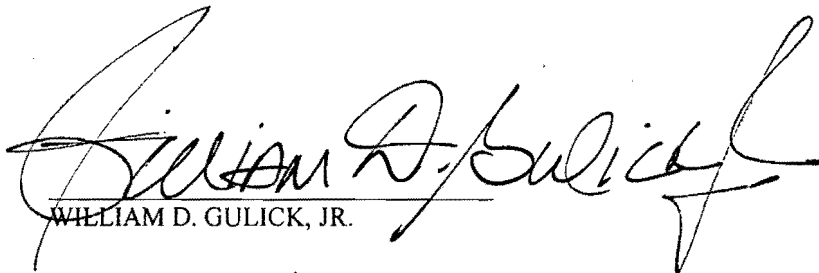
DATE: FEB. 23, 2009
JOB NO. 2009 - 005 / MCKEE
RE: CASE NO. 2009-0179-A
20017 GRAVES RUN ROAD

ATTENTION: MRS. KRISTEN MATTHEWS

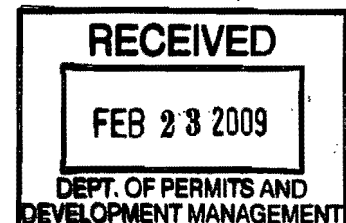
WE ARE SENDING YOU ☒ Attached ☐ Under separate cover the following items:
☐ Copy of letter ☐ Prints ☒ Documents ☐ Other

No. Of Copies	Date	Item Description
1	FEB 18, 2009	CERTIFICATE OF POSTING
2	FEB 17, 2009	SITE PHOTOS

REMARKS:


WILLIAM D. GULICK, JR.

cc: MCKEE & ASSOC.
MR GUYWARD



CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

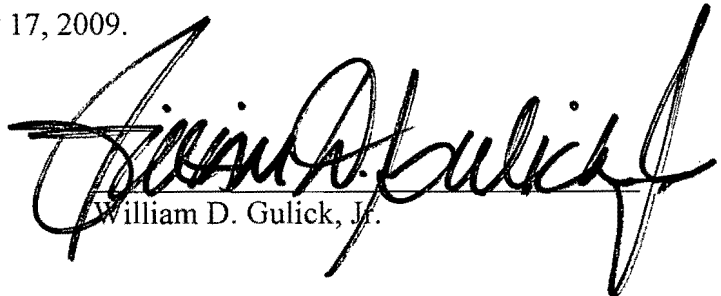
Date: February 18, 2009

Attention: Zoning Office
Ms. Kristen Matthews

Re: Case Number: 2009-0179-A
Petitioner/Developer: David and Judith Horst
Date of Hearing/Closing: March 4, 2009 at 9:00 a.m.

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: 20017 Grave Run Road.

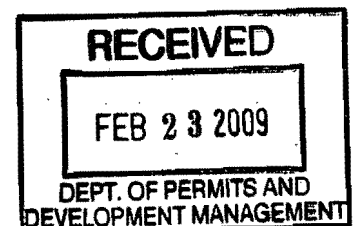
The sign (s) were posted on: February 17, 2009.



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

SEE ATTACHED SITE PHOTOS



ZONING NOTICE

CASE # 2009-0179-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BUILDING, HEARING ROOM 104
105 WEST CHESAPEAKE AVENUE
PLACE: TOWSON, MD 21204

DATE AND TIME: WEDNESDAY
MARCH 4, 2009 @ 9:00 AM

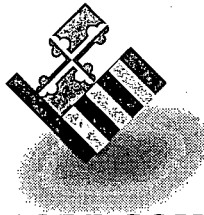
REQUEST: VARIANCE TO PERMIT
A PANHANDLE STRIP IN A RC-2 ZONE

OF 1,500 FEET $\frac{1}{2}$ IS REQUESTED IN LIEU
OF THE ALLOWED 1000 FOOT MAXIMUM
AS SPECIFIED IN THE BALTIMORE COUNTY
CODE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391 (410)

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 29, 2009
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: 2009-0179-A

20017 Grave Run Road

E/side of Grave Run Road, 1930 feet north of centerline of Church Road

6th Election District – 3rd Councilmanic District

Legal Owners: David & Judith Horst

Variance to permit a panhandle strip in an RC-2 zone of 1,500 feet +/- is requested in lieu of the allowed 1,000 foot maximum as specified in the Baltimore County Code.

Hearing: Wednesday, March 4, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Horst, 20017 Grave Run Road, Hampstead 21074
Guy Ward, McKee & Associates, 5 Shawan Rd., Ste. 1, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 17, 2009.**
- (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, February 17, 2009, Issue - Jeffersonian

Please forward billing to:
David & Judith Horst
20017 Grave Run Road
Hampstead, MD 21074

410-239-7476

NOTICE OF ZONING HEARING

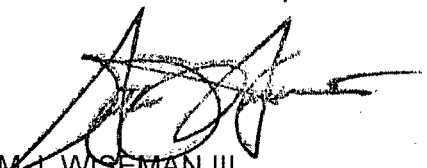
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CASE NUMBER: 2009-0179-A

20017 Grave Run Road
E/side of Grave Run Road, 1930 feet north of centerline of Church Road
6th Election District - 3rd Councilmanic District
Legal Owners: David & Judith Horst

Variance to permit a panhandle strip in an RC-2 zone of 1,500 feet +/- is requested in lieu of the allowed 1,000 foot maximum as specified in the Baltimore County Code.

Hearing: Wednesday, March 4, 2009 at 9:00 a.m. in Room 104, 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.

**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.

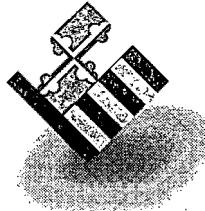
For Newspaper Advertising:

Item Number or Case Number: 2009-0179-A
Petitioner: DAVID HORST & JUDITH ANN HORST
Address or Location: 20017 GRAVE RUN RD HAMPSTEAD MD 21074

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID HORST & JUDITH ANN HORST
Address: 20017 GRAVE RUN RD
HAMPSTEAD, MD 21074

Telephone Number: 410 239 7476



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
February 25, 2009

David & Judith Ann Horst
20017 Grave Run Rd.
Hampstead, MD 21074

Dear: David & Judith Ann Horst

RE: Case Number 2009-0179-A, 20017 Grave Run Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 22, 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
Guy Ward: McKee & Assoc., Inc; 5 Shawan Rd. Ste. 1; Cockeysville, MD 21030

TB 3/4
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 19, 2009

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

SUBJECT: 20017 Grave Run Road

RECEIVED

INFORMATION:

FEB 20 2009

Item Number: 9-179

Petitioner: David and Judith Ann Horst

ZONING COMMISSIONER

Zoning: RC 2 and RC 8

Requested Action: Variance

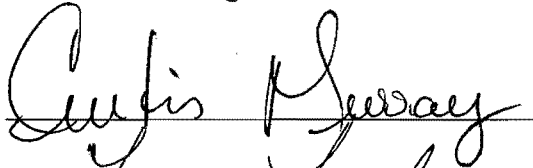
SUMMARY OF RECOMMENDATIONS:

The petitioner requests a variance for a panhandle in excess of 1000 feet in length to serve new proposed Lot 1 of a 2 lot minor subdivision known as the Horst property #1. The existing driveway, which serves the two story single family dwelling to remain, is the panhandle.

The Office of Planning does not oppose the requested variance as it is for the existing driveway. The placement of the new dwelling on Lot 2 should be consistent with the comments provided by DEPRM dated January 20, 2009.

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

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 19, 2009
Item No. 2009-0179-A

DATE: January 14, 2009

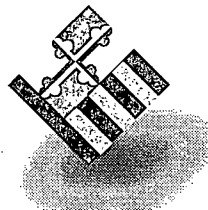
We have no objection to granting the variance requested; however, it should be conditioned on the following:

- A. A 30 x 70 tee turn around is required for panhandle driveway over 300' in length.
- B. The shared portion of the driveway shall be 16' paved width.
- C. Driveway grade cannot exceed 14%.

DAK:CEN:lrk

cc: File

ZAC-ITEM NO 2009-0179-A-011309



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

January 19, 2009

ATTENTION: Zoning Review Planners

DiStribution Meeting Of: January 12, 2009

Item Numbers 0175, 0176, 0177, 0178, **0179**, 0180, 0181, 0182

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



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: Jan. 15, 2009

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

RE: Baltimore County
Item No 2009-0179-A
20017 GRAVE RUN ROAD
HORST 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. 2009-0179-A.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR VARIANCE
20017 Grave Run Road; E/S of Grave Run
Road, 1930' N of c/line of Church Road
6th Election & 3rd Councilmanic Districts
Legal Owner(s): David & Judith Horst
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 09-179-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

JAN 20 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of January, 2009, a copy of the foregoing Entry of Appearance was mailed to Guy Ward, McKee & Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21030, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: March 4, 2009 (Revised comment)
SUBJECT: Zoning Item # 179
Address 20017 Grave Run Road

Zoning Advisory Committee Meeting of

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

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

_____ 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:

This request is supported because the need for the variance for the panhandle length is due to the subdivision of a small lot from the larger parcel. This proposal meets DEPRM agricultural policies by retaining a larger lot for future agricultural uses. A concern remains, however, regarding the placement of the well and a request is made that the well be located 100' off the property line if this meets with other DEPRM policies.

Reviewer: W.S. Lippincott, Jr.

Date: January 20, 2009

Thomas Bostwick - FW: Horst prop

From: "Guy Ward" <GCW@mckeeinc.com>
To: "Howard L. Alderman, Jr., Esq. (E-mail)" <halderman@LevinGann.com>, <tbostwick@baltimorecountymd.gov>, "Horst Justin - Walkersville" <justin.horst@lonza.com>
Date: 03/12/09 10:01 AM
Subject: FW: Horst prop
CC: "Wally Lippincott (E-mail)" <wlippincott@baltimorecountymd.gov>

Gentlemen,

FYI, Well variance approval from DEPRM is attached for the Horst Property. (As requested by Mr. Lippincott during Zoning Variance Case #09-179-A.) We will revised the Minor Subdivision plans accordingly.

Guy Ward

-----Original Message-----

From: Susan Farinetti [mailto:sfarinetti@baltimorecountymd.gov]

Sent: Thursday, March 12, 2009 9:43 AM

To: Guy Ward

Subject: Horst prop

Guy-

Please see attached variance approval. Hard copy in the mail.

Sue

Susan S Farinetti
DEPRM
410-887-2762

Date

Name
Company
Address
City, State, Zip

RE: Property Location, Number of Lots, Subdivision, District

Dear Last Name,

A review has been made of the well variance request for Lot 2 Horst Property to allow a proposed well area to be situated lower in elevation than the proposed septic reserve area.

For the reasons enumerated in the variance request, the well variance is approved. A revised plan must be submitted to this office showing the new well area. Please be advised that well sites for future subdivisions must be at least 100 feet from agricultural operations.

If you have any questions regarding this matter, please contact this office at 410-887-2762.

Sincerely,

Susan S. Farinetti, R.S.

CASE NAME _____
CASE NUMBER 2008-0179-A
DATE 3-4-09

[illegible]

CASE NAME _____
CASE NUMBER 2009-0179-A
DATE 3-4-09

[illegible]

Case No.: 2009-0119-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Aerial Photo	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

GENERAL NOTES

1. ALL LOTS SHOWN HEREON TO BE SERVED BY A PRIVATE WELL AND SEPTIC SYSTEM.
2. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NUMBER 7.
3. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS APPARENT ON THE SITE.
4. ALL EXISTING SEPTIC SYSTEM, WELL, AND PERCOLATION TEST LOCATIONS ON THE PROJECT PROPERTY WERE FIELD VERIFIED.
5. A.D.T.'S: 2 X 12.4 = 25
6. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
7. LOTS ARE FOR SALE AND FOR SINGLE FAMILY DWELLINGS.
8. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE SEPTEMBER 8, 1972. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THE PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
9. THERE ARE NO KNOWN EXISTING OR PROPOSED WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY UNLESS OTHERWISE SHOWN.
10. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
11. EXISTING LAND COVER IS LAWN AND CROPS.
12. THERE ARE NO KNOWN PRIOR ZONING CASES FOR THE PROPERTY.
13. PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, DATED 1977 FOR "TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB & GUTTER".
14. EXISTING SITE USE IS AGRICULTURAL AND RESIDENTIAL.
15. MAXIMUM BUILDING HEIGHT PERMITTED FOR PRINCIPAL STRUCTURES IN RC-2 ZONING IS 35 FEET.

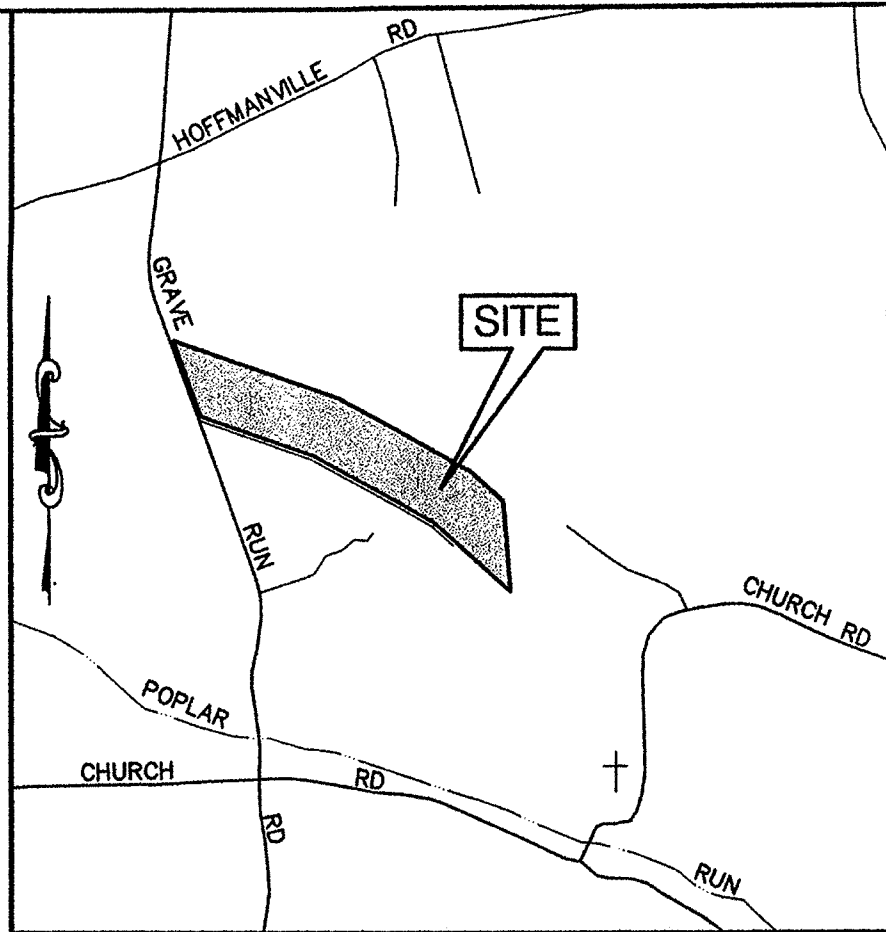
16. THE AREA BETWEEN THE SIGHT LINE AND THE EDGE OF PAVING MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
17. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THIS PROPERTY UNLESS OTHERWISE SHOWN.
18. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCE OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.
19. THIS PROPERTY IS NOT HISTORIC AND NOT LOCATED WITHIN A HISTORIC DISTRICT.
20. THIS SITE IS NOT LOCATED IN ANY DEFICIENT AREAS ON THE BALTIMORE COUNTY BASIC SERVICE MAPS.
21. ANY FOREST BUFFER EASEMENT AND/OR FOREST CONSERVATION EASEMENT SHOWN HEREON ARE SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
22. THE PANHANDLE SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT AND OR PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST.

AGRICULTURAL NUISANCE NOTE

ANY DWELLING LOCATED ON THIS PROPERTY MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FUMES, DUST, OPERATION OF MACHINERY, STORAGE OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES, AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE OPERATION COMPLIES WITH THESE REGULATIONS, AND ALL FEDERAL, STATE, OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS.

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITES LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC	'K' VALUE	CAPABILITY UNIT
BaB	BAILE	SEVERE	SEVERE	YES	0.43	Vw-1
CcB2	CHESTER	SLIGHT	SLIGHT	NO	0.32	Ile-4
CcC2	CHESTER	SLIGHT	SLIGHT	NO	0.32	Ile-4
Cu	CODORUS	SEVERE	SEVERE	NO	0.49	Ile-4
GcB2	GLENELG	SLIGHT	SLIGHT	NO	0.32	Ile-4
GcC2	GLENELG	MODERATE:SLOPE	MODERATE:SLOPE	NO	0.32	Ile-4
GgB2	GLENELG	SLIGHT	SLIGHT	NO	0.32	Ile-4
GgC2	GLENELG	MODERATE	MODERATE	NO	0.32	Ile-4
GgD3	GLENELG	SEVERE	SEVERE	NO	0.32	Vile-3
GnB	GLENVILLE	SEVER:WATER	SEVER:WATER	NO	0.32	Ile-16
Hb	HATBORO	SEVER:SLOPE	SEVER:SLOPE	YES	0.49	Ile-7
MaD3	MANOR	SEVERE:SLOPE	SEVERE:SLOPE	NO	0.37	Vle-3
McE	MANOR	SEVERE	SEVERE	NO	0.37	Vle-3
MD3	MT. AIRY	MODERATE	MODERATE	NO	0.28	Vile-3



VICINITY MAP

SCALE: 1"=100'

LOCATION INFORMATION

ELECTION DISTRICT: 6TH
COUNCILMANIC DISTRICT: 3RD
200 SCALE MAP No.: 010A1
PRESENT ZONING: RC-2 & RC-8
LOT SIZE: 14.673 ACRES +/-

	PUBLIC	PRIVATE	YES	NO
WATER	☐	☒	☐	☒
SEWER	☐	☒	☐	☒
CHESAPEAKE BAY CRITICAL AREA:	☐	☐	☐	☒
100-YEAR FLOOD PLAIN:	☐	☐	☐	☒
HISTORIC PROPERTY/ BUILDING:	☐	☐	☐	☒
PRIOR ZONING HEARINGS:	☐	☐	☐	☒

THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.

OWNER INFORMATION:
SITE ADDRESS: #20017 GRAVE RUN ROAD
DEED/MORTGAGE REFERENCE: 5300/096

TAX MAP 10, GRID 1, PARCEL 126
PROPERTY TAX ACCT. No.: 16-00-007400

PETITIONER'S

EXHIBIT NO.

PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
HORST PROPERTY #1
#20017 GRAVE RUN ROAD

6TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=100' DATE: DECEMBER 10, 2008

OWNER INFO

DAVID HORST &
JUDITH ANN HORST
20017 GRAVE RUN RD
HAMPSTEAD, MD 21074
410-230-7476
DEED: 5300/096
T.A. # 16-00-007400

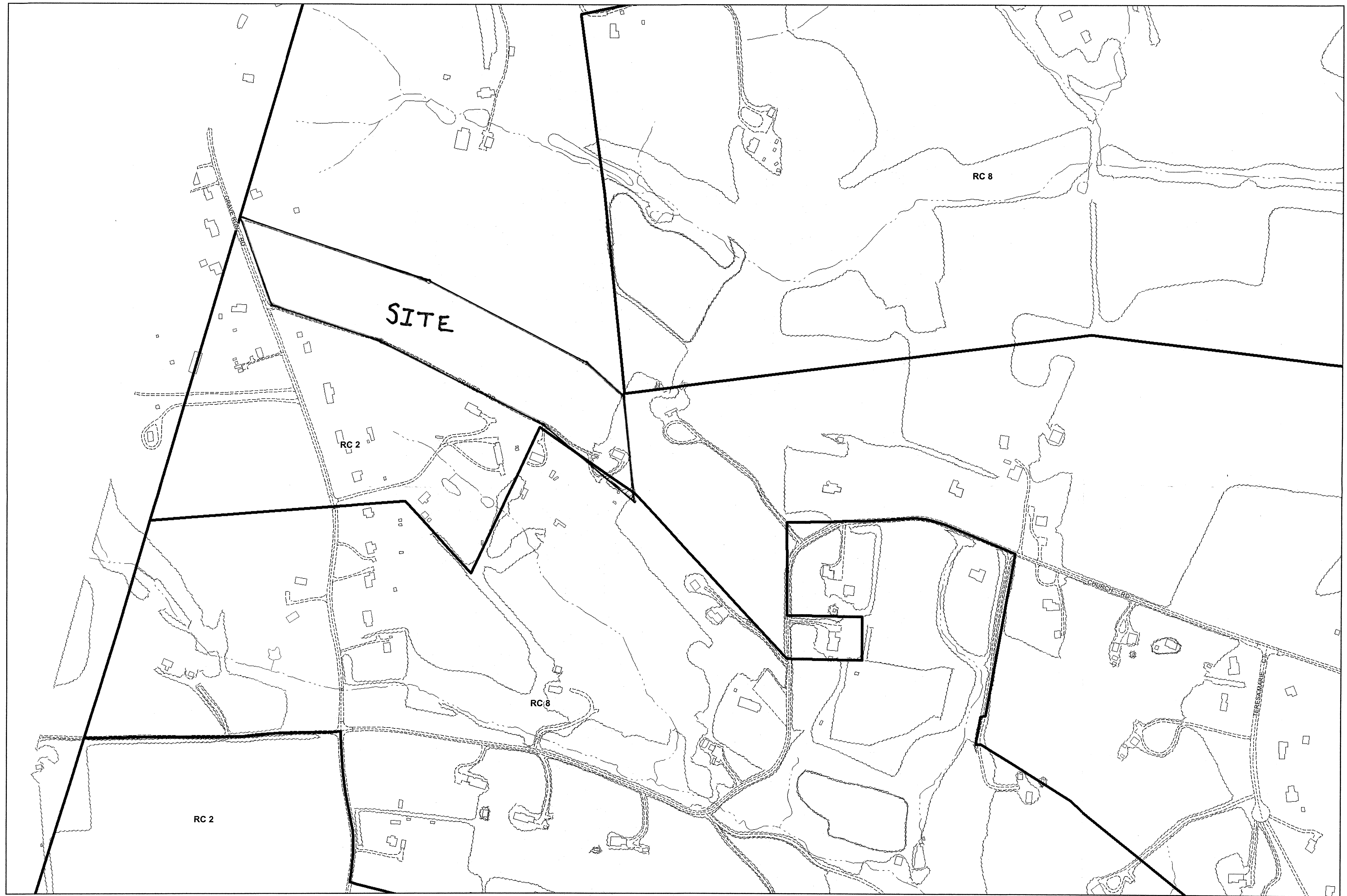
COMPUTED BY: DRAWN BY: REK CHECKED BY: GCW JOB No.: 07-033

SITE DATA

1. GROSS AREA OF SITE = 14.673 AC.±
2. NET AREA OF SITE = 14.673 AC.±
3. EXISTING ZONING: RC-2 = 14.543 AC.±
RC-8 = 0.130 AC.±(NON DENSITY)
4. NO. LOTS ALLOWED RC-2 (2 TO 100 AC.) = 2 LOTS
NO. LOTS ALLOWED RC-8 (<1.0 AC.) = 0 LOTS
5. NO. OF LOTS PROPOSED RC-2 = 2 LOTS
NO. OF LOTS PROPOSED RC-8 = 0 LOTS
6. PARKING REQUIRED=(2 SPACES PER LOT) = 4
7. PARKING PROPOSED=(2 PLUS SPACES PER LOT) = 4
8. 2000 CENSUS TRACT: 406000
9. 2000 CENSUS BLOCK GROUP: 240054060001
10. REGIONAL PLANNING DISTRICT: 301
11. ELEMENTARY SCHOOL DISTRICT: PRETTYBOY ES
12. MIDDLE SCHOOL DISTRICT: HEREFORD MS
13. HIGH SCHOOL DISTRICT: HEREFORD HS
14. WATERSHED: PRETTYBOY
15. WATER SERVICE AREA: NON SERVICE ZONE
16. SUBWATERSHED: NONE
17. COUNCILMANIC DISTRICT: 3RD
18. ELECTION DISTRICT: 6TH
19. BALTIMORE COUNTY 200-SCALE ZONING MAP: 010A1
20. TRANSPORTATION ZONE: 0426
21. ZIP CODE: 21074
22. TAX MAP 10, GRID 1, PARCEL 126
23. LAND MANAGEMENT AREA: AGRICULTURAL PRESERVATION
24. TAX ACCOUNT. NO.: 16-00-007400

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563



Plan Sheet: 010A1

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Buildings
- Streams
- Vegetation
- Zoning
- Roads
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

	005A3	005B3	005C3
009C1	010A1	010B1	010C1
009C2	010A2	010B2	010C2

Scale

1" = 200'

0 100 200 400
Feet

1

Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

2009-0179-A

