

IN RE: PETITIONS FOR SPECIAL HEARING *

AND SPECIAL EXCEPTION

NW/S of Long Green Pike, 1,007' W *

C/line of Long Green Road *

(12820 Long Green Pike) *

11th Election District *

3rd Council District *

Anne M. Deford *

Petitioner *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2009-0295-SPHX

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by Anne M. Deford, legal owner of Boordy Vineyards, through her attorney, Patrick H. Roddy, Esquire. The Petitioner requests a Special Hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a modified parking plan as provided for in Section 409.12B of the B.C.Z.R and allow parking on an unpaved surface without striping in lieu of the requirements set forth in Sections 409.8A.2 and 409.8A.6¹. In addition, special exception relief is requested pursuant to B.C.Z.R. Section 502.1 and Section 1A01.2.C.29(h) to permit a winery on the subject property, including accessory retail and wholesale distribution of wine produced on the premises, and including temporary promotional events, such as wine tasting and public gatherings associated with the winery. The subject property and requested relief are more particularly described on the site plan, which was accepted into evidence and marked as Petitioner's Exhibit 1.

* I am grateful for and would like to acknowledge the research and assistance of Eric Lickstein, law student, Villanova University School of Law, in the preparation of this Order.

¹ Section 409.8A.2 requires a durable and dustless parking surface and Section 409.8A.6 requires that all parking spaces be striped and that such striping be maintained so as to remain visible.

RECEIVED FOR FILING
Date 8-5-09
By [Signature]

Appearing at the requisite public hearing in support of the requests were Rob Deford, President of Boordy Vineyards, Mitch Kellman, a land use planner, with Daft, McCune, Walker, Inc., and Petitioner's attorney, Patrick H. Roddy, Esquire, of Rifkin, Livingston, Levitan & Silver, LLC. Also appearing in support of Petitioner's request were David W. Childs, Sr., Chairman of the Greater Long Green Valley Association, Kevin Atticks, Executive Director of the Maryland Wineries Association, Elaine H. Christ and Scott Corey, neighbors of the Petitioner, Chris McCollum, agricultural liaison from the Baltimore County Department of Economic Development, Wayne McGinnis², a member of the Planning Board, Les Richardson, Vice-President of the Baltimore County Farm Bureau³, and Bill Nelson, President of WineAmerica. In addition, many people attended the hearing in support of Petitioner but chose not to speak. The Petitioner sign-in sheet contained in the case file enumerates all these parties. Appearing as a concerned citizen, Carol Trela, spoke on behalf of the Long Green Valley Association. There were no Protestants or other interested persons present at the hearing.

Testimony and evidence disclosed that the subject property is an irregularly shaped parcel containing 240 acres located on the north side of Long Green Road, just west of Long Green Pike in the Hydes/Long Green Valley area of Baltimore County. The property, zoned R.C.2, is improved with a winery including wine making and selling structures and four (4) single-family dwellings. *See* Petitioner's Exhibit 3a and 3b. The property is environmentally constrained as the Long Green Creek runs through the middle of the tract with its associated 100-Year Floodplain as illustrated on Petitioner's Exhibit 3a.

² Mr. McGinnis was appointed to the Planning Board by the Baltimore County Council in 2006 and represents Councilmanic District 3. Mr. McGinnis also was an author of the R.C.2 zoning regulations found in Section 1A01.2 of the B.C.Z.R.

³ Mr. Richardson also has served as President of the Baltimore County Farm Bureau.

NOT RECORDED FOR FILING
8-5-09
3

Testimony offered by Mr. Deford further illustrated the rich history of the subject property and the winery that Deford and his family run. The Deford family has long owned this 240-acre family farm. The family had attempted unsuccessfully to operate on separate occasions beef, turkey, and tomato farming operations. However, none of these 'crops' proved to be economically viable. The Deford family began growing grapes and establishing a small vineyard in the mid-1960's. However, during the late 1970's, with his father in ill health, Mr. Deford undertook to find a way to make the family farm and acreage economically viable. With this goal in mind, Mr. Deford attended the University of California-Davis and received formal training in enology, the academic study of winemaking. In 1980, the Deford family purchased⁴ the Boordy name from Phillip and Jocelyn Wagner, who had founded and operated the winery since 1945⁵, and began the arduous process of transforming the family farm into a winery. In that same year, the Deford's were granted a Special Exception to operate a winery⁶ that was subject to several restrictions. *See* Petitioner's Exhibit 3a. In order to amend the restrictions of the Special Exception, the Deford's requested and received relief in 1983 in the form of a Special Hearing to permit retail sales of wine produced on the premises for consumption off the premises⁷. It was not until 2000 that Maryland law permitted the on-site consumption of wine⁸. The Deford's experienced many hardships, burdens, and obstacles, in order to make the winery profitable and

⁴ Besides the rights to the Boordy name, the Deford's also received two barrels of wine from the Wagner's that are currently on display at Boordy Vineyards.

⁵ Boordy Vineyards is Maryland's oldest commercial winery.

⁶ Zoning Case 1980-0238-X conditioned approval of the Special Exception such that there could be no on-site retail sale of Boordy wine and that the winemaking activities be contained within the specified 1.15 acre Special Exception area.

⁷ Zoning Case 1983-0207-SPH granted approval subject to restrictions limiting the hours of retail sales.

⁸ William Donald Schaefer, during his tenure as Maryland Comptroller, helped pass legislation in 2000 that permitted the on-site consumption of wine at vineyards.

ORDER RECEIVED FOR FILING
Date 8-5-09
3v

successful. In fact, it was not until the late 1990's that the winery became a truly successful agricultural business. Currently, Boordy Vineyards produces 70,000 gallons of wine annually, cultivates approximately 40 acres of grapes, and grows a diverse array of grape varieties including Chardonnay, Cabernet sauvignon, Cabernet franc, Merlot, Petit Verdot, Seyval Blanc, and Vidal Blanc. Further, Boordy hosts an estimated 40,000 visitors annually for wine tastings, tours of the vineyard and winery, and special events associated with the winery. Mr. Deford testified that these events were significantly beneficial to wholesale wine sales, as the percentage of Boordy wine purchased from stores has increased since events were hosted. Moreover, Mr. Deford opined that these events are a legitimate promotional tool to build sales through several channels of distribution. Mr. Deford remarked that the long term goals of the Boordy Vineyards is to continue to operate a viable business, continue to serve as a good steward of the land⁹, and to provide for generational succession of the winery to his children. Mr. Deford further indicated that Boordy Vineyards was requesting only that the zoning records reflect Boordy's current state of operation and compliance with current Maryland law and Baltimore County Code (B.C.C.) and Zoning Regulations in order to update and legitimize Boordy's operation. In this regard, Boordy does not intend to add new structures, impervious surfaces; rather they intend to maintain the agricultural atmosphere and natural setting of the neighboring Long Green Valley area.

The Petitioner also submitted into evidence correspondence between Mr. Deford and the Baltimore County Police Department. *See* Petitioner's Exhibit 1. In the letter, Officer Jason Goorevitz states that there have been no incidents or calls in connection with traffic complaints concerning the events and activities conducted at Boordy Vineyards.

⁹ Boordy Vineyards has placed the entire 240 acres of its property under two Maryland Environmental Trust easements (Liber 14893 Folio 26 and Liber 14893 Folio 27).

RECEIVED FOR FILING
Date 8-5-09
By [Signature]

Mr. Kellman¹⁰, a land use planner with Daft, McCune & Walker, Inc., accepted as an expert in the field of land use and zoning, testified that in his expert opinion, the request for special exception would meet each of the criteria set forth in Section 502.1 of the B.C.Z.R. He further opined that a winery as an agricultural support use at this location is consistent with the Master Plan priority to retain and support agriculture as an important industry in the County. The use will protect and maintain the rural character of the Long Green Valley area and is in the spirit and intent of the R.C.2 zoning classification. Mr. Kellman also indicated that growing grapes is compatible with the R.C.2 spirit and intent of preserving agriculture in this zone.

In regards to the modified parking plan, Mr. Kellman testified that the intent of Boordy Vineyards is to retain and maintain the agricultural nature of the property. Since the parking area would not be paved or striped, there would be no added impervious surfaces. Mr. Kellman indicated that by improving the parking lot with paving and other materials, the agricultural character of the area would be altered dramatically.

David W. Childs, Sr., Chairman of the Greater Long Green Community Association and a 33-year resident of the Long Green Valley, testified that the Association was in support of the special exception. Mr. Childs noted the excellent community citizenship of Mr. Deford and Boordy and gave his appreciation for the several appearances Mr. Deford made before the Association in regards to the Special Exception request. *See* Petitioner's Exhibit 2.

Directly contiguous neighbors of the Petitioner, Ms. Elaine Christ (12835 Long Green Pike) and Mr. Scott Corey (12657 Long Green Pike), noted their approval of the Special Exception request and of Boordy's positive presence in the Long Green Valley area. Ms. Christ, whose property has a 'bird's eye view' of Boordy Vineyards, testified that Mr. Deford often

¹⁰ Mr. Kellman was employed in the Baltimore County Zoning Review Office for 12 years and has been a land use consultant for 10 years.

COPIES REQUESTED FOR FILING
Date 8-5-05
BY [signature]

opens up his property to community gatherings and meetings and even permits her to ride her horses on the Boordy property. She further opined the Mr. Deford and Boordy Vineyards are good neighbors and an asset to the community. Mr. Corey concurred that Mr. Deford and Boordy were good neighbors and members of the community and that Mr. Deford was exceedingly responsible to community concerns and respectful of his property and the agricultural nature of the region.

Chris McCollum, on behalf of the Department of Economic Development, testified that Boordy Vineyards serves as the prototypical model for successful rural businesses. Mr. McCollum further opined to the need for active farming of value added crops to preserve Maryland farmland and make it economically viable at the same time. In his opinion, Boordy Vineyards furthers these needs and supports the environmental character of the area.

Wayne McGinnis, himself a 4th generation farmer and an activist for preserving Maryland farmland¹¹, approves of and applauds Boordy Vineyards stewardship of their land. Mr. McGinnis testified that the preservation of Maryland's rural land is essential, however, he acknowledges that this preservation must be profitable. The advancement of agritourism, promoting people visiting rural farmlands to learn and appreciate where their food and drink comes from, furthers the preservation of Maryland farmland, by making such preservation profitable. In his opinion, Boordy Vineyards is a prime example of a good balance between preservation and profit.

Les Richardson, Vice President of the Baltimore County Farm Bureau and who actively farms 300 acres including 100 in the Long Green Valley, attested to the demand for agritourism and local agriculture and the importance of direct marketing to meet that demand.

¹¹ Mr. McGinnis operates the 1,400-acre McGinnis Family Farm that raises corn, soybeans, wheat, hay, and angus cattle. Mr. McGinnis was the recipient of the first National Steward of the Land award in 1997 and more importantly was a member of the 1958 University of Maryland basketball team.

COPIES RESERVED FOR FILING
Date 8-5-97
By [Signature]

Bill Nelson, President of WineAmerica, a company that represents over 800 wineries in 48 states, testified to the importance of wineries as a means of preserving farmland. He stated that local wineries have grown dramatically, from 700 wineries in 1975, mostly located in California, to the 6,000 wineries in operation today in all 50 states. Further, he noted that the success of these vineyards depends on the support of the local populations, and Boordy Vineyards exemplifies how to successfully garner that local support in order to preserve the land in concert with being economically viable.

Kevin Atticks, Executive Director of the Maryland Wineries Association, testified regarding the general impact of wineries on their surrounding areas. He stated that in his opinion, the subject property was an appropriate locale for a winery to exist and that the history of its success in the local community is evidence of that appropriateness. Further, that in his experience, including participation in the licensing of twenty (20) local wineries, wineries are a relatively light use of agricultural land because they are a long-term sustainable crop that does not require large tools or intrusive vehicles for maintenance. It was also noted that Boordy Vineyards supports and advances the agricultural nature of the Long Green Valley area and promotes agritourism.

Ms. Carol Trela submitted into evidence a statement from the Long Green Valley Association (LGVA) not opposing the Special Exception request, but asking that Boordy Vineyards continue to follow the Baltimore County Code and Zoning Regulations. See Petitioner's Exhibit 4.

Subsequent to the hearing, Mr. Peter M. Zimmerman, People's Counsel for Baltimore County, and Mr. Stephen E. Weber, Chief of the Division of Traffic Engineering for Baltimore County, submitted to this Commissioner concerns regarding the modified parking plan.

RECEIVED FOR FILING
Date 8-5-99
BY [signature]

Specifically, these concerns involve the maximum number of vehicles that will be permitted within the general and overflow parking areas and the subsequent adequacy of the nearby roadways to accommodate such vehicles. As a result of discussions between Petitioner's counsel, Mr. Roddy, and Mr. Weber, these aforementioned concerns were alleviated, as Mr. Weber indicated in a letter to the undersigned Commissioner that in his opinion the roadways would adequately accommodate the Special Hearing and Special Exception requests.

The Department of Environmental Protection and Resource Management (DEPRM) indicated that the 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) and the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).¹² There are no other Zoning Advisory Committee (ZAC) comments or objections pertaining to the instant request for special exception or special hearing.

I have considered all of the testimony and evidence presented by Petitioner. Based upon the testimony and evidence offered, I am persuaded to grant the special exception relief requested. Special exception uses are regulated in the B.C.Z.R. under Section 502.1. In my judgment, the proposed use will not be detrimental to the health, safety, or general welfare of the surrounding locale and satisfies the requirements of Section 502.1 of the regulations. Moreover, there are no "facts or circumstances that show that the particular use at this location would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *See Schultz v. Pritts*, 291 Md. 1, 15 (1981); *See also People's Counsel for Baltimore County, et al v. Loyola College in Maryland*, 406 Md. 54,

¹² Forest Conservation and Protection of Water Resources regulations are relevant if the Petitioner "develops" the property. The undisputed facts disclose that there is no *subdividing, building, or otherwise "developing" taking place* on the subject property.

RECEIVED FOR FILING
Date 8-5-09
BY [Signature]

956 A2d 166 (2008). Moreover, as testimony presented indicated, Boordy Vineyards is an asset to the community and compatible with the spirit and intent of the rural-resource conservation zone regulations as it preserves and promotes productive agricultural uses. Additionally, in accordance with the aforementioned evidence and testimony, I am persuaded to approve a modified parking plan as provided for in Section 409.12B of the B.C.Z.R and allow parking on an unpaved surface without striping in lieu of the requirements set forth in Sections 409.8A.2 and 409.8A.6. Therefore, I find that the requested relief is appropriate and should, therefore, be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of August 2009, that the Petition for Special Exception to permit a winery on the subject property, including retail and wholesale distribution of wine produced on the premises, and including temporary promotional events, such as wine tasting and public gatherings associated with the winery pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Sections 502.1 and 1A01.2.C.29(h), in accordance with Petitioner's Exhibit 3a, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the B.C.Z.R., to approve a modified parking plan as provided for in Section 409.12B of the regulations to allow parking on an unpaved surface without striping in lieu of the requirements set forth in Sections 409.8A.2 and 409.8A.6, in accordance with Petitioner's Exhibit 3a, be and is hereby GRANTED, subject to the following restrictions:

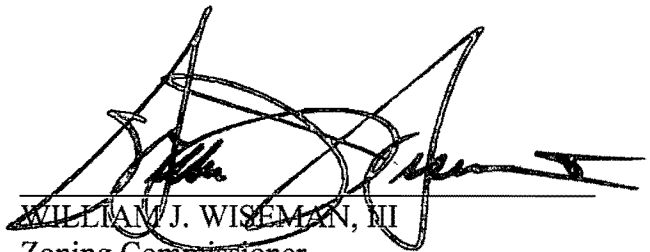
1. The Petitioner may apply for any necessary permit and be granted same upon receipt of this Order; however, the Petitioner is hereby

ORDER RECEIVED FOR FILING
Date 8-5-09
By [Signature]

made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

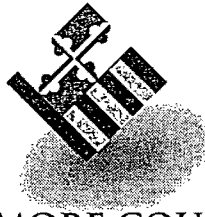
2. Compliance with the Regulation for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code) and the Forest Conservation Regulations, *if determined to be applicable*, (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. Parking shall be confined to the parking fields as shown on the site plan. Parking shall be further confined so no more than 1,950 individuals can be on site at any one time. There is to be no parking outside of this designated parking area or on other properties adjacent to the site.
4. On-site promotional events are to be attendant to and related to the sale and production of wine.
5. During events associated with Boordy Vineyards, the playing of outdoor music must end by 11:00 PM.
6. Boordy Vineyards must operate in compliance with the requirements of the Maryland Environmental Trust Easements (Liber 14893 Folio 26 and Liber 14893 Folio 27).

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


WILLIAM J. WISEMAN, II
Zoning Commissioner
for Baltimore County

WJW/esl

ORDER RECEIVED FOR FILING
Date 8-5-09
By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 5, 2009

Patrick H. Roddy, Esquire
Rifkin, Livingston, Levitan & Silver, LLC
600 Washington Avenue, Suite 305
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
NW/S of Long Green Pike, 1,007' W C/line of Long Green Road
(12820 Long Green Pike)
11th Election District - 3rd Council District
Anne M. Deford - *Petitioner*
Case No. 2009-0295-SPHX

Dear Mr. Roddy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", written over the words "Very truly yours,".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Rob Deford, President, Boordy Vineyards, 1615 Corbett Road, Monkton, MD 21111
Mitch Kellman, Daft, McCune, Walker, Inc., 200 East Pennsylvania Avenue,
Towson, MD 21286
David W. Childs, Sr., Chairman, Greater Long Green Valley Association,
4931 Long Green Road, Glen Arm, MD 21057
Kevin Atticks, Executive Director, Maryland Wineries Association, 22 West Padonia Road,
C-236, Timonium, MD 21093

Patrick H. Roddy, Esquire (Case No. 2009-0295-SPHX)

August 5, 2009

Page 2

Elaine Christ, 12835 Long Green Pike, Hydes, MD 21082

Scott Corey, 12657 Long Green Pike, Hydes, MD 21082

Wayne McGinnis, 19524 Graystone Road, White Hall, MD 21161

Les Richardson, Vice-President, Baltimore County Farm Bureau, 5828 Ebenezer Road,
White Marsh, MD 21162

Bill Nelson, President, WineAmerica, 2121 Jamieson Avenue, #1503,
Alexandria, VA 22314

Carol Trela, Long Green Valley Association, P.O. Box 91, Baldwin, MD 21013

Benjamin and Julie Deford, 1615 Corbett Road, Monkton, MD 21111

Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087

Chris McCollum, Baltimore County Department of Economic Development
People's Counsel; Office of Planning; DEPRM; Traffic Engineering, DPW; File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property

located at 12820 Long Green Pike

which is presently zoned RC2

Deed Reference: 8261 / 838 Tax Account # 110402600

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A Special Exception for a winery in an RC-2 zone pursuant to 1.A01.2.C.29.h of the Baltimore County Zoning regulations.

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

I, or we, agree to pay expenses of above Special Exception, 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:

Patrick Roddy, Esq.

Name - Type or Print

Signature

Rifkin, Livingston, Levitan & Silver
Company

600 Washington Ave., Suite 305

Address

Telephone No.

Towson, MD 21204

City

State

(410) 583-9433

Zip Code

Case No. 2009-0295-SP4X

REV 07/27/2007

UNDER RECEIVED FOR FILING

Date 8-5-09

By lw

Legal Owner(s):

Mrs. Anne M. Deford

Name - Type or Print

Signature

Name - Type or Print

Signature

12720 Long Green Pike

Address

Telephone No.

Hydes, MD 21082

City

State

Zip Code

Representative to be Contacted:

Mr. Robert Deford

Name

12820 Long Green Pike

Address

(410) 592-5015

Telephone No.

Hydes, MD 21082

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By lw

Date 5/13/09



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 12820 Long Green Pike
which is presently zoned RC-2

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

A modification of conditions from the previously stipulated Special Exception and a modified parking plan pursuant to 409.12 of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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:

Patrick Roddy, Esq.
Name - Type or Print _____
Signature Patrick Roddy
Rifkin, Livingston, Levitan & Silver
Company _____
600 Washington Ave., Suite 305
Address _____ Telephone No. _____
Towson, MD 21204 State (410) 583-0433 Zip Code _____

Legal Owner(s):

Mrs. Anne Deford
Name - Type or Print _____
Signature Anne Deford
Name - Type or Print _____
Signature _____
12720 Long Green Pike
Address _____ Telephone No. _____
Hydes, MD 21082
City _____ State _____ Zip Code _____

Representative to be Contacted:

Mr. Robert Deford
Name _____
12820 Long Green Pike (410) 592-5015
Address _____ Telephone No. _____
Hydes, MD 21082
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2009-0295-SPHX

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

Date

5/13/09

UNDER RECEIVED FOR FILING

Date 8-5-09

By LOW

2009-0295-SPHX

Description

Zoning Description to Accompany Special Exception Request

Long Green Pike

Baltimore County, Maryland

Beginning for the same at a point distant northwesterly 1007 feet, more or less, from the intersection of the centerline of Long Green Pike and the centerline of Long Green Road, (1) North 26 degrees 51 minutes 45 seconds East 1619.00 feet, thence (2) North 69 degrees 53 minutes 15 seconds West 1695.00 feet, thence (3) North 27 degrees 21 minutes 45 seconds East 734.00 feet, thence (4) North 14 degrees 46 minutes 45 seconds East 1267.00 feet, thence (5) South 74 degrees 13 minutes 15 seconds East 939.50 feet, thence (6) South 87 degrees 58 minutes 15 seconds East 1871.25 feet, thence (7) South 85 degrees 58 minutes 15 seconds East 874.00 feet, thence (8) South 85 degrees 58 minutes 15 seconds East 25.00 feet, thence (9) South 14 degrees 49 minutes 24 seconds West 234.00 feet, thence (10) South 16 degrees 19 minutes 24 seconds West 724.00 feet, thence (11) South 23 degrees 34 minutes 24 seconds West 300.00 feet, thence (12) South 22 degrees 19 minutes 24 seconds West 200.00 feet, thence (13) South 38 degrees 19 minutes 24 seconds West 1452.00 feet, thence (14) North 56 degrees 40 minutes 36 seconds West 25.89 feet, thence (15) South 45 degrees 21 minutes 45 seconds West 533.16 feet, thence (16) South 50 degrees 21 minutes 45 seconds West 297.00 feet, thence (17) South 46 degrees 21 minutes 45 seconds West 432.00 feet, thence (18) South 36 degrees 21 minutes 45 seconds West 482.00 feet, thence (19) North 61 degrees 38 minutes 15 seconds West 400.00 feet, thence (20) South 88 degrees

21 minutes 45 seconds West 387.00 feet, thence (21) North 68 degrees 08 minutes 15 seconds West 156.00 feet to the point of beginning; containing 9,836,181 square feet or 225.808 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 30, 2009

Project No. 09010 (L09010)



Michael D. Martin
4/30/09

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

No. **39814**

Date: **5/13/09**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				705.00

Total: **705.00**

Rec From: **Ricki Livingston Leaton & Silver LLC**

For: **Shave Deford**
12820 Louis Green Rd
Alhambra MD 21082
2009-0295 SPLIX

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME REC
5/13/2009 5/13/2009 11:20:12
0 4305 WALKIN TOOL AND
RECEIPT # 488401 5/13/2009 (PLD)
DEPT 5 528 ZONING REGISTRATION
NO. 039814
Recpt Tot \$705.00
\$705.00 OK \$.00 CA
Baltimore County, Maryland

**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: #2009-0295-SPHX

12820 Long Green Pike

N/West side of Long Green Pike, 1007 feet +/- west of centerline of Long Green Road

11th Election District — 3rd Councilmanic District

Legal Owner(s): Anne Deford

Special Hearing: for a modification of conditions from the previously stipulated special exception and a modified parking plan pursuant to 409.12 of the Baltimore County Zoning Regulations. **Special Exception:** for a winery in an RC-2 zone pursuant to 1.A01.2.C.29.h of the Baltimore County Zoning Regulations.

Hearing: Wednesday, July 1, 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 6/813 June 16

203644

CERTIFICATE OF PUBLICATION

6/18, 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 6/16, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

**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: 2009-0295-SPHX
Petitioner: Robert Deford
Address or Location: 12820 Long Green Pike

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patrick Roddy
Address: Rifkin, Livingston, Lavitan, Silver, LLC
600 Washington Ave, Suite 305
Towson, MD 21204
Telephone Number: 410-583-9433

CERTIFICATE OF POSTING

Date: 6-21-09

RE: Case Number: 2009-0320-A

Petitioner/Developer: Angela Davis-Petty

Date of Hearing/Closing: 7-6-09

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 8260 Streamwood Dr

The signs(s) were posted on 6-21-09
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2009-0320-A

TO PERMIT A 3-FOOT SIDYARD
SETBACK IN LIEU OF THE REQUIRED
7.5 FEET FOR A PROPOSED OPEN PATIO
WITH ROOF ADDITION

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE

ON 7/6/09

INFORMATION IS AVAILABLE AT
PLANNING & ZONING MANAGEMENT

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 06/16/09

Case Number: 2009-0295-SPHX

Petitioner / Developer: PATRICK RODDY, ESQ.~ANNE DEFORD~
ROBERT DEFORD

Date of Hearing (Closing): JULY 1, 2009

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:
12820 LONG GREEN PIKE

The sign(s) were posted on: JUNE 15, 2009



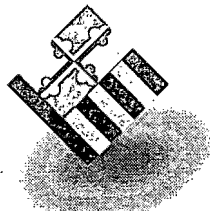
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 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: 2009-0295-SPHX

12820 Long Green Pike

N/west side of Long Green Pike, 1007 feet +/- west of centerline of Long Green Road

11th Election District – 3rd Councilmanic District

Legal Owners: Anne Deford

Special Hearing for a modification of conditions from the previously stipulated special exception and a modified parking plan pursuant to 409.12 of the Baltimore County Zoning Regulations.
Special Exception for a winery in an RC-2 zone pursuant to 1.A01.2.C.29.h of the Baltimore County Zoning regulations.

Hearing: Wednesday, July 1, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Patrick Roddy, 600 Washington Avenue, Ste. 305, Towson 21204
Anne Deford, 12720 Long Green Pike, Hydes 21082
Robert Deford, 12820 Long Green Pike, Hydes 21082

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 16, 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, June 16, 2009 Issue - Jeffersonian

Please forward billing to:

Patrick Roddy
Rifkin, Livingston, Levitan, Silver, LLC
600 Washington Avenue, Ste. 305
Towson, MD 21204

410-583-9433

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: 2009-0295-SPHX

12820 Long Green Pike

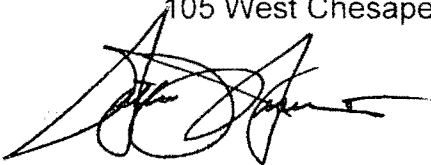
N/west side of Long Green Pike, 1007 feet +/- west of centerline of Long Green Road

11th Election District – 3rd Councilmanic District

Legal Owners: Anne Deford

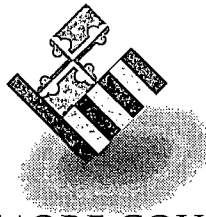
Special Hearing for a modification of conditions from the previously stipulated special exception and a modified parking plan pursuant to 409.12 of the Baltimore County Zoning Regulations. Special Exception for a winery in an RC-2 zone pursuant to 1.A01.2.C.29.h of the Baltimore County Zoning regulations.

Hearing: Wednesday, July 1, 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.



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

June 25, 2009

Patrick Roddy Esq.
Rifkin, Livingston, Levitan & Silver
600 Washington Ave. Ste. 305
Towson, MD 21204

Dear: Patrick Roddy Esq

RE: Case Number 2009-0295-SPHX, 12820 Long Green Pike

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 13, 2009. 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
Mrs. Anne M. Deford; 12720 Long Green Pike; Hydes, MD 21082
Mr. Robert Deford; 12820 Long Green Pike; Hydes, MD 21082

BW 7/1
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 19 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 17, 2009

SUBJECT: Zoning Item # 09-295-SPHX
Address 12820 Long Green Pike
(Deford Property)

Zoning Advisory Committee Meeting of May 26, 2009

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

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

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

Reviewer: Regina Esslinger Date: June 5, 2009

Additional Comments:

Land Preservation comments: The land on which the petition is requested is under two MET easements. One is for an 11.78 acre area of the winery (Liber 14893 Folio 26) and the second is for the larger farm area (Liber 14893 Folio 27).

Reviewer: Wally Lippincott, Jr. June 16, 2009

BW 7/1
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 23, 2009

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

RECEIVED

SUBJECT: 12820 Long Green Pike

JUN 25 2009

INFORMATION:

ZONING COMMISSIONER

Item Number: 9-295

Petitioner: Robert and Anne M. Deford

Zoning: RC2

Requested Action: Special Exception and Special Hearing

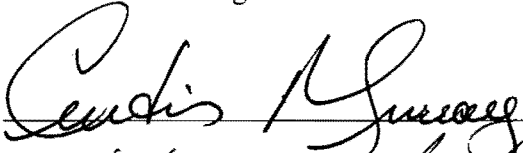
The petitioner requests a special exception from Section 1A01.2.C.29.h of the BCZR for a winery in an RC 2 zone and a special hearing for a modification of conditions from the previously stipulated Special Exception and a modified parking plan pursuant to 409.12 of the BCZR.

SUMMARY OF RECOMMENDATIONS:

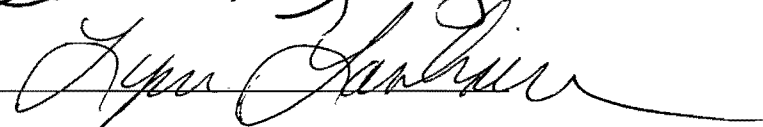
The Office of Planning does not oppose the requested special exception and special hearing. According to the proposal, there will be no changes to the buildings or property as it stands or the current operations. This property has been in use, as a winery since 1983. The special hearing for the modified parking plan is to this Office's understanding to enable the petitioner to park visiting patron's cars on the field instead of on a durable, dustless parking surface, which would in turn change the rural character of the property. Since there are no proposed changes, this special exception and special hearing will not be detrimental to the health, safety, or general welfare of surrounding neighbors or the community as a whole.

For further information concerning the matters stated here in, please contact Jessie Bialek 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

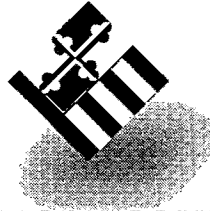
FROM: Dennis A. ^{DAK}Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 1, 2009
Item Nos. 2009-293, 294, 295, 296,
297, 298, 299, 300 and 301

DATE: June 1, 2009

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

DAK:CEN:cab
cc: File
ZAC-06012009 -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

June 4, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 26, 2009

Item Numbers 0293, 0294, ~~0295~~, 0296, 0297, 0298, 0299, 0300 and 0301

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: JUNE 1, 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 2009-0295-SPHX
12820 LONG GREEN PIKE
ANNE DEFORD PROPERTY
SPECIAL HEARING -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0295-SPHX.

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,

Foster 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



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION *
12820 Long Green Pike; NW/S of Long * ZONING COMMISSIONER
Green Pike, 1,007' W c/line of Long Green Rd *
11th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Anne Deford *
Petitioner(s) * BALTIMORE COUNTY
* 09-295-SPHX

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUN 03 2009

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June, 2009, a copy of the foregoing Entry of Appearance was mailed to Robert Deford, 12820 Long Green Pike, Hydes, MD 21082 and Patrick Roddy, Esquire, Rifkin, Livingston, Levitan & Silver, 600 Washington Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME Deford / Boordy Vineyards
CASE NUMBER 09-295SPHX
DATE 7-1-09

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Rob- Deford	1615 CORBETT RD	MANNTON, MD 21111	rob@boordy.com
Mitch Kellman			
David Childs	4931 Long Green Rd.	Glen Arm MD 21057	davidchilds@hstropeng.com
Elaine Christ	12835 Long Green Pike		
Scott Corey	12657 Long Green Pike	Hydes MD 21092	SCOREY@KEYTECH/NC.COM
Chris McCollum	ECONOMIC DEVELOPMENT		CMCCOLLUM@BALTIMORE...
Wayne McGinnis			
Les Richardson	5828 Ebenezer Rd	White Marsh, MD 21162	FARMLES@AOL.COM
Bill Nelson	2121 TOWNSEND AVE #1503	Alexandria VA 22314	bnelson@wineconnection.org
Kevin Atticks	22 W. Adams Rd CT85	Tinicum MD 21093	Kevin@marylandwine.com
Benjamin Deford	1615 Corbett Rd.	Mannton MD 21111	
Julie Deford	1615 Corbett Rd.	Mannton MD 21111	
CAROL TRELA	PO BOX 91 (LG.V.A.)	BALDWIN, MD. 21013	CAROL@TRELA.COM
WAYNE MCGINNIS	19524 Graystone Rd	White Hall, MD 21161	
Mike Pierce	7448 Bradshaw Rd	Kingsville 21087	
Mitch Kellman	200 E. Pennsylvania Ave	Towson, MD 21286	Mkellman@DMA.COM

CASE NAME Defender / Boordy Vineyards
CASE NUMBER 2009-0295-SHX
DATE 7-1-09

[illegible]

BLW 7/1
9am

RIFKIN, LIVINGSTON, LEVITAN & SILVER, LLC
ATTORNEYS AT LAW

ALAN M. RIFKIN
SCOTT A. LIVINGSTON (MD, DC)
LAURENCE LEVITAN
EDGAR P. SILVER†
MICHAEL V. JOHANSEN
JOEL D. ROZNER (MD, DC)
RICHARD K. REED
NORMAN D. RIVERA
M. CELESTE BRUCE (MD, DC)
JAMIE B. EISENBERG (MD, DC, NY)
CHARLES S. FAX (MD, DC, NY) ††
CAROLYN JACOBS††
PATRICK H. RODDY
ELLEN B. FLYNN (MD, DC, CT)
ERIC L. BRYANT
MICHAEL D. BERMAN (MD, DC) ††
JOYCE E. SMITHEY (MD, DC, NH)
L. TERI SPRADLIN-DAHN††
MELVIN A. STEINBERG†
MICHAEL S. NAGY (MD, VA)
MEGAN BRAMBLE OWINGS
LANCE M. YOUNG
LIESEL J. DANJCZEK (MD, DC)
LANCE W. BILLINGSLEY†
TIMOTHY K. HOGAN†
ELIZABETH K. MILLER†
MERYL A. KESSLER
† OF COUNSEL
†† COUNSEL

(NONLAWYER/CONSULTANT)
JOSH M. WHITE

600 WASHINGTON AVENUE • SUITE 305
TOWSON, MARYLAND 21204
(410) 583-9433 • FAX (410) 583-9439
WWW.RLLS.COM

225 DUKE OF GLOUCESTER STREET
ANNAPOLIS, MARYLAND 21401
(410) 269-5066 • FAX (410) 269-1235

6305 IVY LANE • SUITE 500
GREENBELT, MARYLAND 20770
(301) 345-7700 • FAX (301) 345-1294

1133 21ST STREET, NW
WASHINGTON, DC 20007
(202) 639-0349

July 2, 2009

RECEIVED

JUL 06 2009

ZONING COMMISSIONER

Peter Max Zimmerman, Esquire
Office of People's Counsel
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

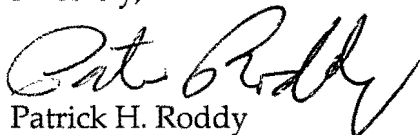
RE: Petition for Special Hearing and Special Exception
Ann DeFord (Boordy Vineyards, Legal Owners)
12820 Long Green Pike
Case No.: 09-295-SPHX

Dear Mr. Zimmerman:

I am in receipt of your letter dated July 1, 2009 which was faxed to my office shortly after 1:00 p.m. I have reviewed the comments that you solicited from Steve Weber from the Department of Traffic Engineering of Baltimore County. In compliance with your

suggestion, my client and I will be meeting with Mr. Weber to ascertain conditions which would be line with his comments which you attached to your letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pat Roddy", with a long horizontal flourish extending to the right.

Patrick H. Roddy

PHR:pam

Cc: Rob DeFord

William Wiseman, Zoning Commissioner



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 1, 2009

RECEIVED

JUL 01 2009

HAND DELIVERED

ZONING COMMISSIONER

William J. Wiseman, III, Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION
Anne Deford (Boordy Vineyards) – Legal Owners
12820 Long Green Pike
Case No: 09-295-SPHX

Dear Mr. Wiseman,

We asked Stephen E. Weber, Chief of Traffic Engineering, to review the petition and site plan in this case for any traffic/parking issues. As a result, he sent the enclosed e-mail dated yesterday, June 30, 2009. As is our custom, we forward it to you for consideration.

We recognize that the hearing was held this morning, July 1. Unfortunately, we did not have a chance to review the e-mail until this afternoon, July 1 and so could not get it to you and petitioner's counsel in time for the hearing. Nevertheless, Mr. Weber's observations are important, and should be considered before there is a final decision.

As you will note from Mr. Weber's review, his main concern is with the provision of parking for special events outside the 1.15-acre central building, winemaking, distribution and storage area. While the site plan shows the approximate location of four overflow parking areas, the plan does not state the maximum number of vehicles to be parked there, and does not state whether vehicles may be parked beyond these areas. He concludes,

"As such, it is difficult to say with any certainty the adequacy of Long Green Pike and the site's driveway to accommodate the demands caused by Special Events since there appears to be no limitation on the size of any given event."

Mr. Weber recommends a condition with a limitation on the maximum number of vehicles and a prohibition of the parking of vehicles on neighboring properties.

William J. Wiseman, III, Zoning Commissioner

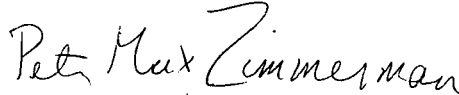
April 17, 2009

Page 3

In light of this recommendation, I respectfully ask that petitioner communicate with Mr. Weber and/or our office to work out an acceptable revised site plan. We understand that Boordy's has been holding popular special events for a number of years. As the use is again here for updated zoning review, this is an opportunity to have a specific, updated site plan which clearly accommodates special events on the property.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Peter Max Zimmerman".

Peter Max Zimmerman

People's Counsel for Baltimore County

PMZ/rmw

cc: Patrick Roddy, Esquire (sent via fax and first-class mail)
Stephen E. Weber, Division of Traffic Engineering

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy; proddy@rlls.com
Date: 6/30/2009 6:42 PM
Subject: Case No. 09-295-SPHX, 12820 Long Green Pike, Boordy Vineyards

Dear Mr. Zimmerman:

In reviewing this proposal we note that it is unclear from the two petitions and the site plan to what degree this petition and site plan address all the special events that are held on a regular basis at Boordy Vineyards. While the prior special exceptions and zoning cases clearly call out approval for wine making, storage, and wholesale distribution within the 1.15 Acre tract on this site, and subsequently to permit retail sales for consumption off the premises subject to time limits, there does not appear to be anything in the petitions or plans to address the special events held on this site.

From the limited review of the property operating as a winery and for wholesale distribution and retail sales of wine products for off-site consumption, we do not have any concerns from a traffic standpoint. Long Green Pike can clearly accommodate the traffic demands generated by such a use and it has been going on for an extended period of time. While the site plan shows the approximate boundary of two paved parking areas adjacent to the main winery, there is no actual indication of the number or layout of parking spaces nor are there any parking calculations provided indicating the number of permanent parking spaces required for the requested special exception use. (It also does not indicate how tour groups are handled, the assumption being that this would be accommodated by something like a charter bus.) However, given the size of the site, it is very clear that all parking needs for these uses could clearly be accommodated on site and would not adversely impact any other properties.

The bigger issue in the review of this site deals with all the Special Events held by Boordy Vineyards. I assume it is possible that this matter has been reviewed in other Special Exception cases and applies to the remaining portion of the site outside of the 1.15 Acre tract. It is these events which are of far greater concern from a traffic standpoint. The site plan shows the approximate location of four different overflow parking areas on the site. However, there is nothing to indicate the maximum number of vehicles that might be parked on the site at any one time for an event nor is there any indication that vehicles could not be parked outside of the four overflow parking areas to further increase the capacity of the site to accommodate a very large gathering of people. As such, it is difficult to say with any certainty the adequacy of Long Green Pike and the site's driveway to accommodate the demands caused by Special Events since there appears to be no limitation on the size of any given event. Unless such maximum specifications have been outlined in prior Orders, it would be best if any Order would state that no more a given number of vehicles may be parked on the property at any one time and that the petitioner(s) is not allowed to have vehicles being parked on neighboring properties whose occupants would be coming over to the petitioner's winery/property. Given the lack of information detailing the level of activity such Special Events cause, it is not possible to reasonably assess the adequacy of the site and the adjacent roadway to support such events.

Should you have any questions or wish to discuss the matter further, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554



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

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

M. Adger

Account Identifier: District - 11 Account Number - 1104020600

Owner Information

Owner Name: DEFORD ANNE MCADOO **Use:** AGRICULTURAL
Mailing Address: 5300 LONG GREEN RD **Principal Residence:** YES
 PO BOX 5003 **Deed Reference:** 1) / 8261/ 838
 GLEN ARM MD 21057-0003 2)

Location & Structure Information

Premises Address **Legal Description**
 12820 LONG GREEN PIKE 217.5376 AC PAR EXE
 WS LONG GREEN PIKE
 NW COR LONG GREEN RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
54	1	1						3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1780	6,937 SF	217.53 AC	05

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value	Phase-in Assessments			
		As Of	As Of	As Of		
		01/01/2009	07/01/2008	07/01/2009		PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	353,630	293,630				
Improvements:	622,430	843,930				
Total:	976,060	1,137,560	976,060	1,029,893		
Preferential Land:	53,630	53,630	53,630	53,630		

Transfer Information

Seller: DEFORD ROBERT B, JR	Date: 08/30/1989	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8261/ 838	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	030	53,630	53,630
State	030	53,630	53,630
Municipal	000	0	0

Tax Exempt: PARTIAL COUNTY AND STATE
Exempt Class: CONSERVATION TAX CREDIT

Special Tax Recapture:
 AGRICULTURAL TRANSFER TAX



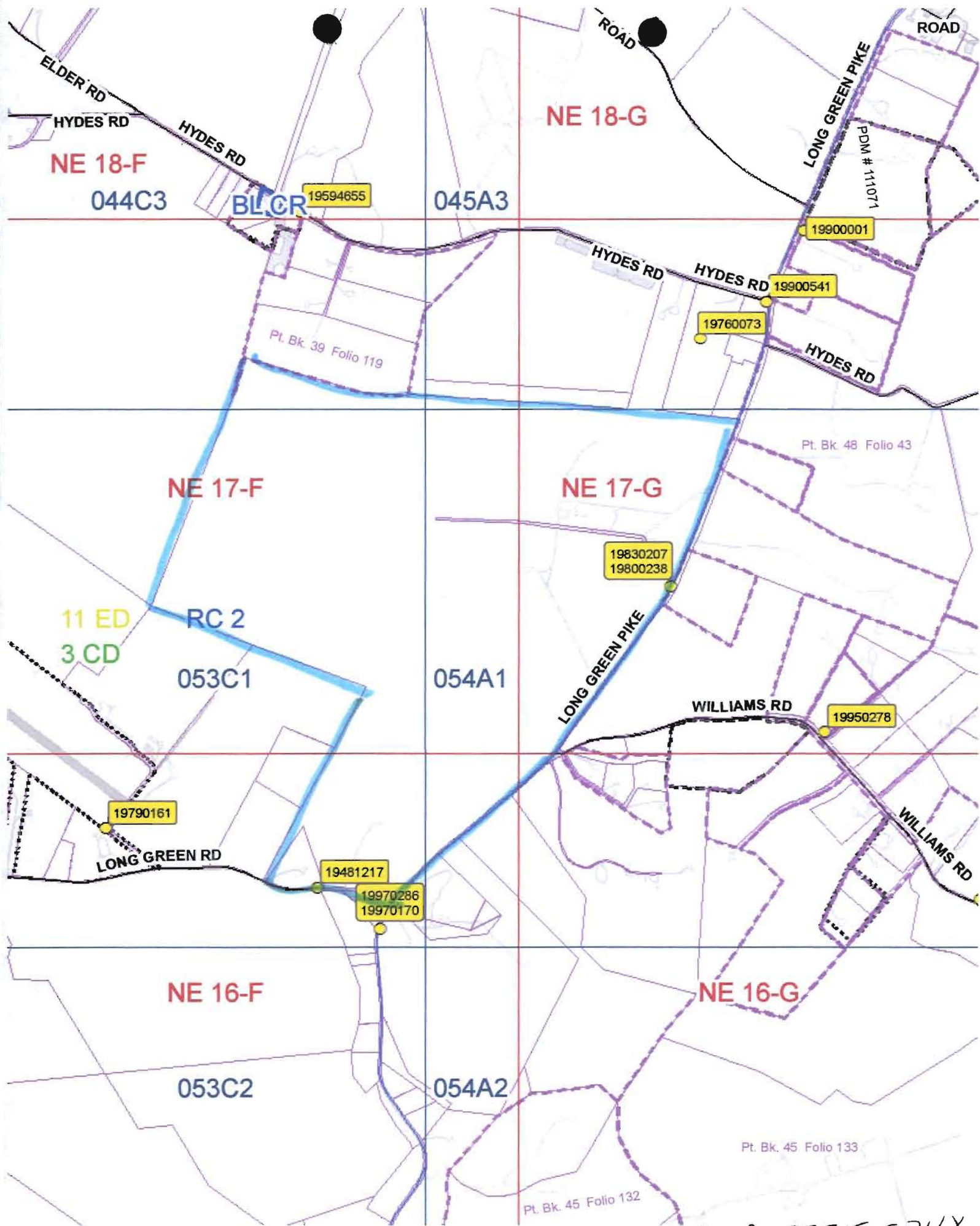
**Maryland Department of Assessments
and Taxation
BALTIMORE COUNTY
Real Property Data Search**

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

District - 11 Account Number - 1104020600

**ANNE MCADOO DEFORD
8261/838
217.54 A.
P.1**

Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department
of Planning web site at www.mdp.state.md.us/webcom/index.html



Case No.: 2009-0295-SPHX12820 LONG GREEN PKE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Police communication	
No. 2	Letter in support from Long Green Valley Assoc.	
No. 3 a-b	a: Surrounding landscape site plan b: Magnified landscape site plan	
No. 4	L E V A Letter and request	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

police information -08- to 09

From: Rob Deford [rob@boordy.com]
Sent: Wednesday, January 21, 2009 10:17 PM
To: Patrick H. Roddy
Subject: FW: Information

Pat, see below the report from Officer Jason Goorevitz, Precinct 8, on the complaint history for Boordy.

Rob Deford
Boordy Vineyards
410-592-5015 (w)
410-456-5375 (m)

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

From: Jason Goorevitz [mailto:jgoorevitz@baltimorecountymd.gov]
Sent: Wednesday, January 21, 2009 3:29 PM
To: rob@boordy.com
Subject: Information

Rob,

I checked our Calls for Service system from 1/1/08 to 1/1/09 for the Boordy address, the 12000 to 13000 block of Long Green Pike and the Reporting Area (the area that surrounds Boordy) and there was no police calls to the Boordy property during this time, there were a few calls in the 12000 to 13000 block; however, nothing was really close to your address and nothing appeared to be related to the address or people coming from the address. In fact, there were relatively few accidents or traffic complaints. Lastly, I ran the Reporting Area and that turned up a few more calls; however, nothing appeared to be related to Boordy either. There were a couple of traffic complaints and DWI complaints and accidents; however, none mentioned anything about Boordy.

Finally, I spoke with Officer Renaud and he stated that he has not had any complaints from any neighbors and he has not had any traffic related stops, DWI's or accidents related to Boordy. He said there are no problems there.

Hope this helps. If you need anything else, please let me know.

Jason

Officer Jason Goorevitz #4256
Baltimore County Police Department
Precinct 8-Parkville/Community Outreach Team
8532 Old Harford Road
Baltimore, MD 21234
410-887-5439
jgoorevitz@baltimorecountymd.gov

PETITIONER' S

EXHIBIT NO. 1

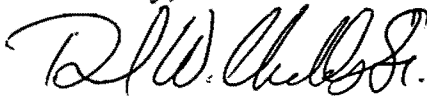
Greater Long Green Community Association
P.O. Box 164
Glen Arm, MD 21057

June 29, 2009

Baltimore County Zoning Commission
Jefferson Building
105 West Chesapeake Avenue, Room 104
Towson, MD 21204

This letter is from our association to support Boordy Vineyards request to modify their special exception for their winery .On April 14 at our general membership meeting with over 90 members present, Mr Rob Deford briefed the members regarding his planned application to Baltimore County to revise the zoning restrictions on his winery. This was in accordance with his presentation to our executive board on March 17. He stated that it is not their intent to change the way they operate, just to resolve the discrepancies between their current operations and their prior zoning approvals. Several members spoke in favor and a motion was then approved by the membership to support the Boordy application.

Sincerely,



David W. Childs Sr.
Chairman

PETITIONER' S

EXHIBIT NO. 2

LONG GREEN VALLEY ASSOCIATION

PQ Box 91
Baldwin, Maryland 21013

Founded 1972

July 1, 2009

Re: Case #2009-0296-SPHX

It is not part of the Long Green Valley Association's charter to support development in the Long Green Valley. Nevertheless, the board of the Association recognizes some development is permitted by law. Provided that the requested special exception is consistent with Baltimore County zoning laws, liquor license restrictions, and easement conditions, it is the position of the LGVA that Boordy Vineyard should be allowed to operate subject to the same rules and regulations as all other wineries in the State of Maryland.

Carol Trela
Secretary, Long Green Valley Association

*Charlotte Pine,
President*

*Sharon Rohrbaugh,
Vice President*

*Carol Trela,
Secretary*

*Andrew Rose,
Treasurer*

Charlie Calvert

Mary Ambrose

Pat Garner

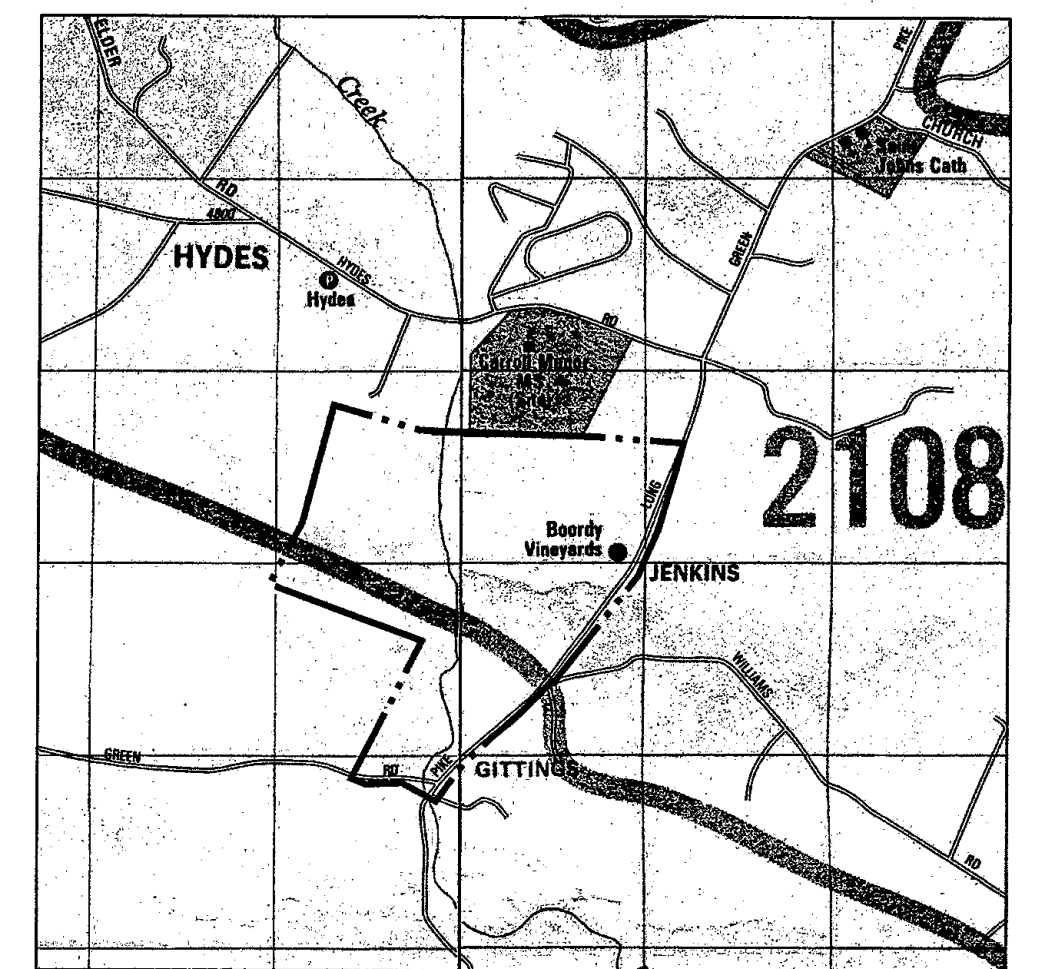
Tim Cuypull

PETITIONER' S

EXHIBIT NO. 4

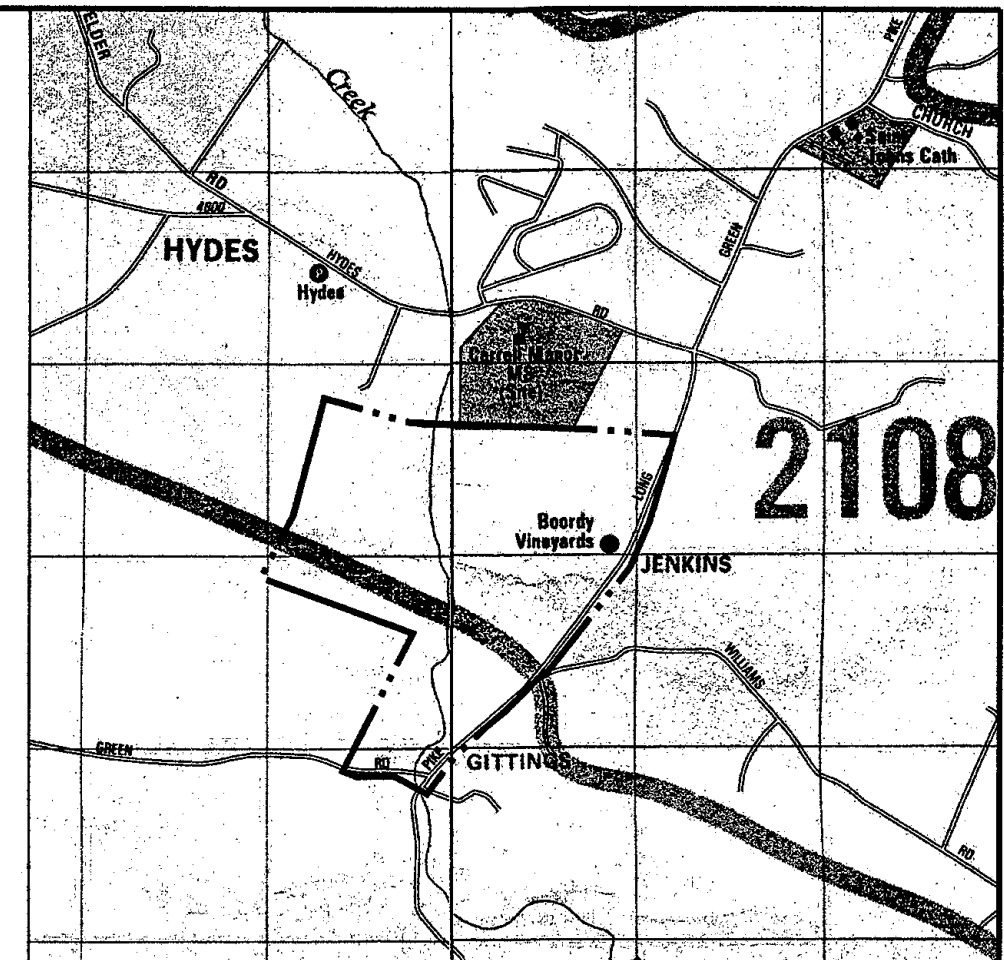
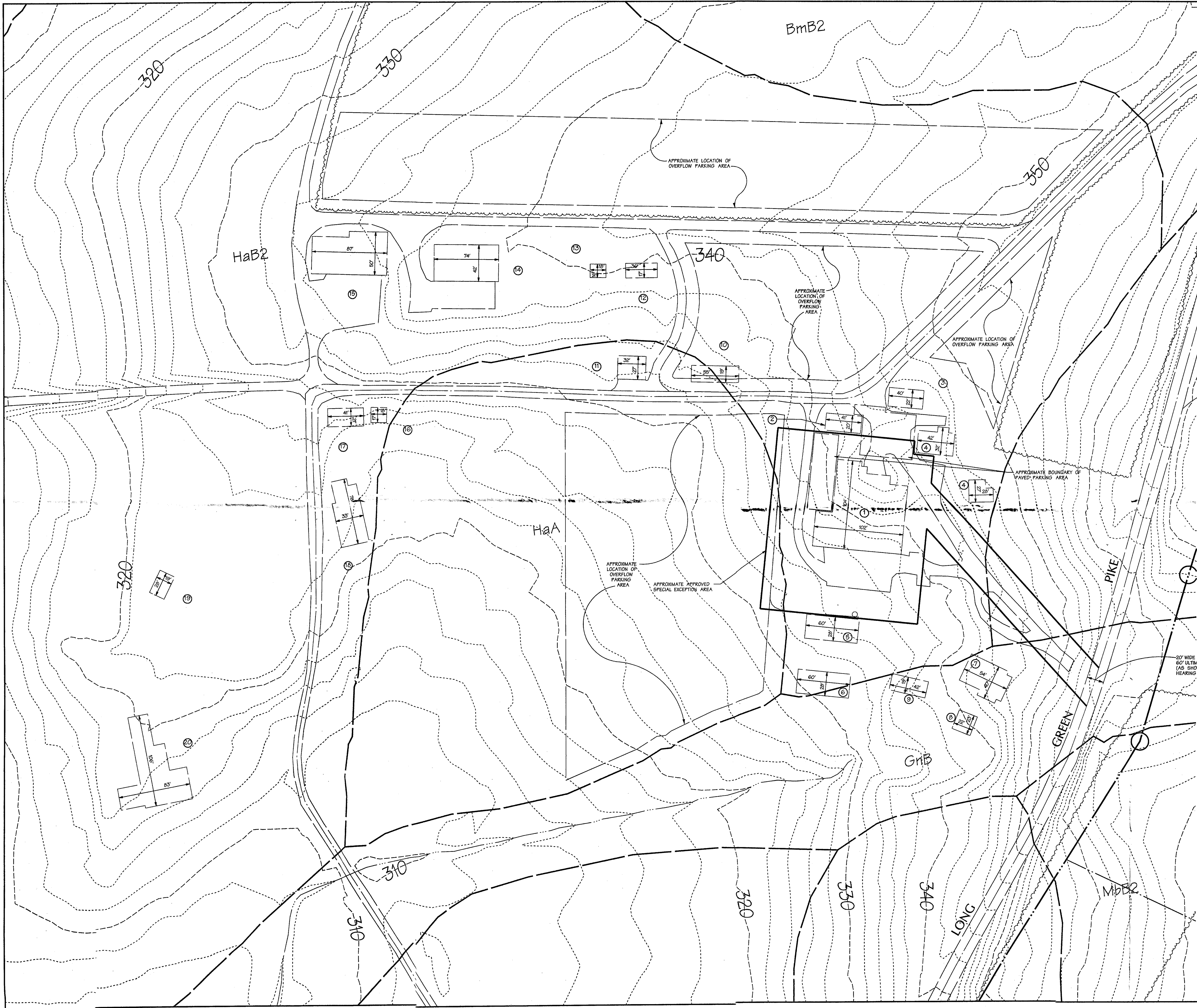


_____ TOPOGRAPHY LINE
 - - - - - PROPERTY LINE
 - - - - - EXISTING MINOR CONTOUR
 - - - - - 390 - EXISTING MAJOR CONTOUR
 _____ WOODS LINE
 _____ SOIL BOUNDARY
 _____ FLOODPLAIN BOUNDARY (FEMA)
 _____ STREAM
 BmA SOIL LABEL
 RC2 RESOURCE CONSERVATION
 AGRICULTURAL ZONE



- | | | | |
|---|----------------|----|-----------|
| 1 | MAIN WINERY | 20 | RESIDENCE |
| 2 | STORAGE | 21 | HAY BARN |
| 3 | STORAGE | 22 | BARN |
| 4 | SALES/ STORAGE | 23 | SHOP |
| 5 | STORAGE | 24 | RESIDENCE |

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING



- VICINITY MAP**
Scale: 1"=2000'
COPYRIGHT ADD THE MAP PEOPLE
PERMITTED USE NO. 201298626
- EXISTING BUILDING PROGRAM KEY**
- | | |
|---------------------------------|--------------|
| 1 MAIN WINERY | 20 RESIDENCE |
| 2 STORAGE | 21 HAY BARN |
| 3 STORAGE | 22 BARN |
| 4 SALES/ STORAGE | 23 SHOP |
| 5 STORAGE | 24 RESIDENCE |
| 6 BOTTLING/ WAREHOUSING | |
| 7 RESIDENCE | |
| 8 STORAGE SHED | |
| 9 STORAGE | |
| 10 EQUIPMENT SHED | |
| 11 FARM SHOP | |
| 12 VINEYARD UTILITY AND STORAGE | |
| 13 VINEYARD UTILITY AND STORAGE | |
| 14 STORAGE | |
| 15 STORAGE AND FARM SHOP | |
| 16 LIVESTOCK BARN | |
| 17 GARAGE | |
| 18 RESIDENCE | |
| 19 ACCESSORY STRUCTURE | |

DATA SOURCES:
Existing topographic and various building information shown herein provided by the Baltimore County office of Information Technology Geographic Information Systems (GIS) dated 1996; FEMA Floodplain Information taken from National Flood Insurance Program, flood insurance rate map community panel number 2400100220F revised September 26, 2008.

Property line(s) shown herein are based upon information obtained from available records only, and do not reflect the result of a boundary survey.
Site Plan info from referenced zoning cases.

DMW
DAFT McCUNE WALKER INC.
200 EAST PENNSYLVANIA AVENUE • TOWSON, MD 21286
P: 410 298 3333 F: 410 298 4705 WWW.DMW.COM
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

**PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
AND SPECIAL HEARING
BOORDY VINEYARDS**
12820 LONG GREEN PIKE

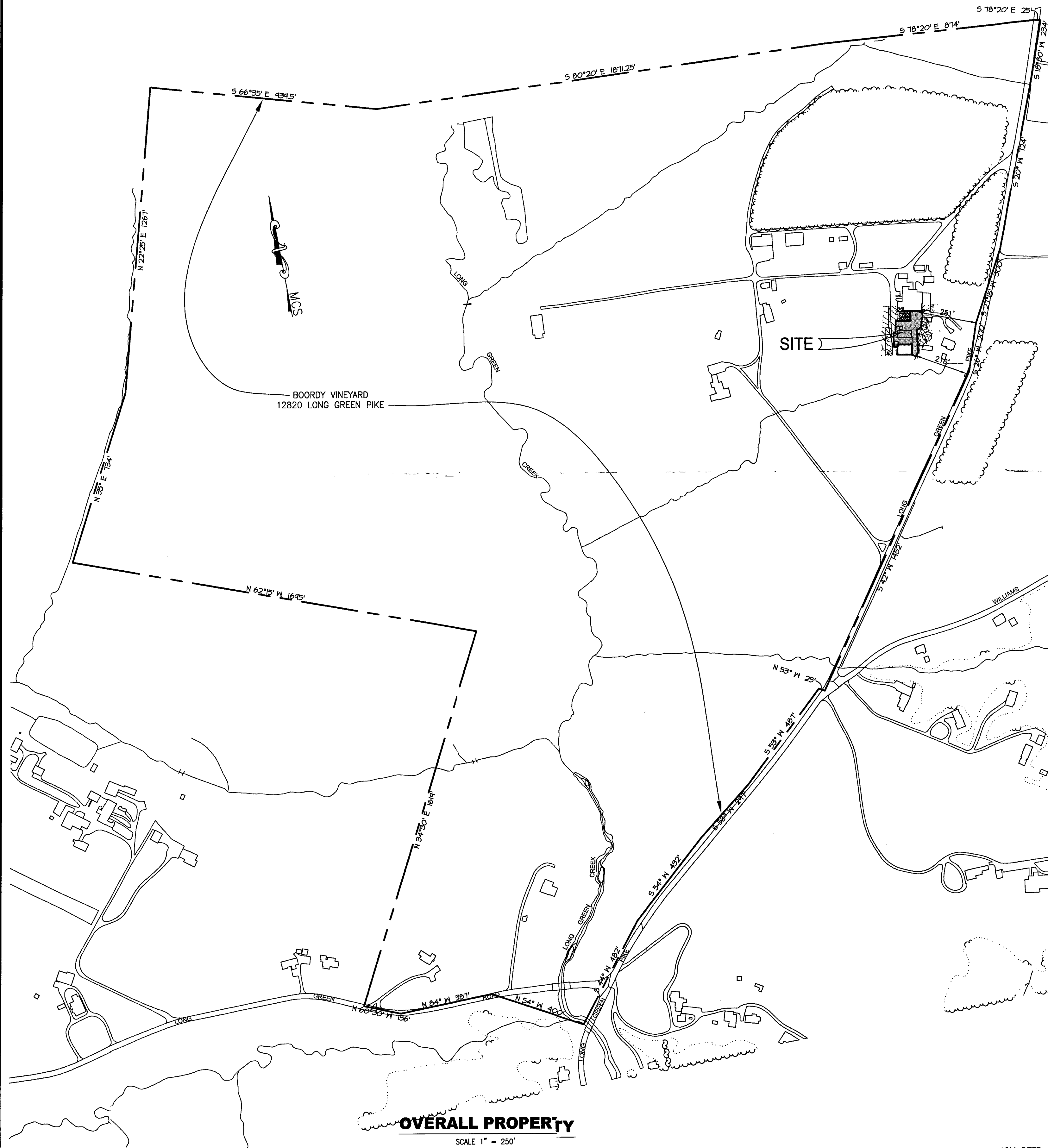
SEAL
STATE OF MARYLAND
DEPT. OF GENERAL SERVICES
PROFESSIONAL ENGINEER
5/15/09

DATE	BY	REVISIONS

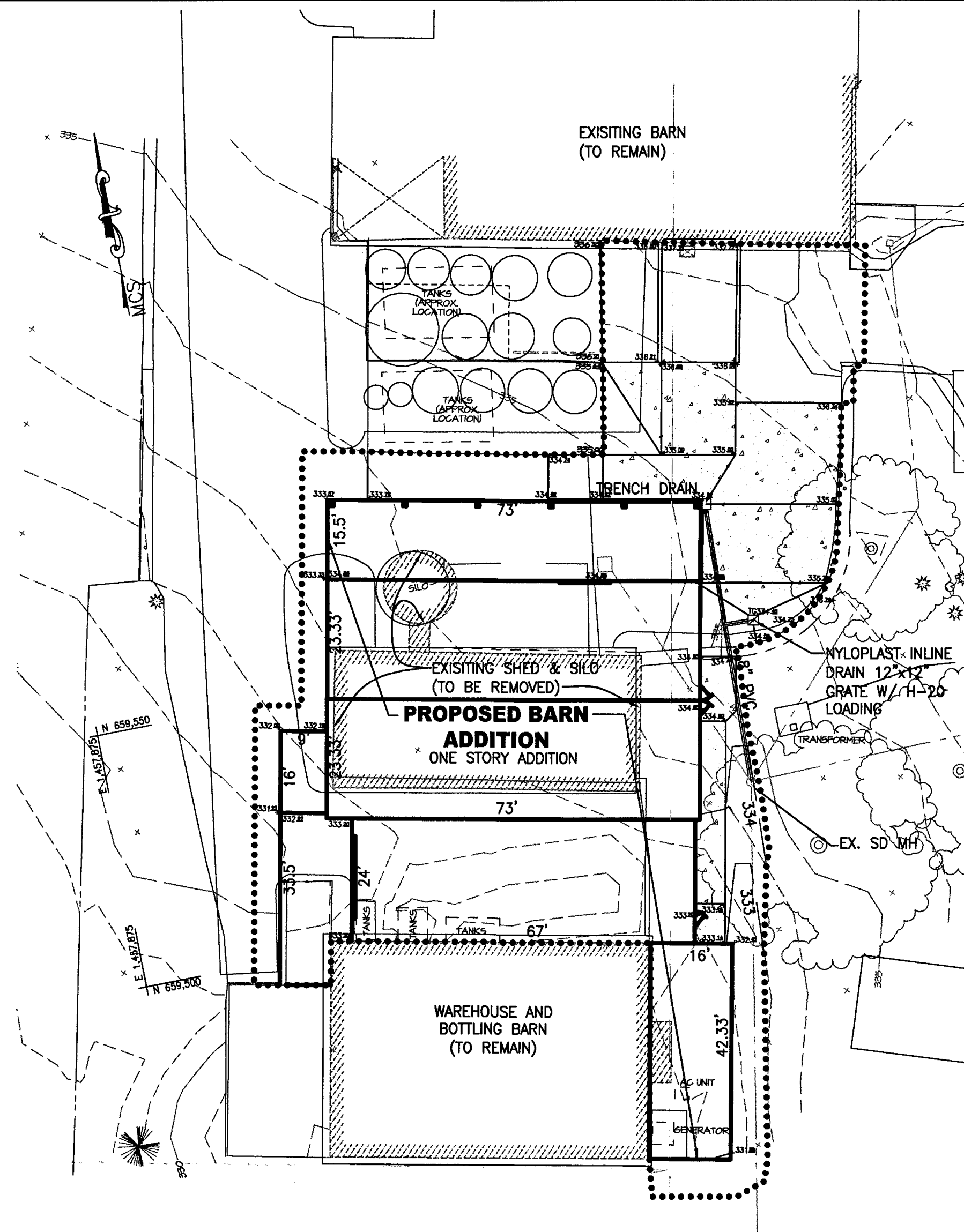
ISSUE DATES	BASE: <u>AJ</u>
REVIEW: _____	DRAWN: <u>AMP</u>
BID: _____	DESIGNED: _____
PERMIT: _____	CHECKED BY: <u>AMP</u>
CONSTRUCTION: _____	DATE CHECKED: <u>5/15/09</u>
SCALE: <u>1" = 50'</u>	DRAWING: _____
PROJECT NO.: <u>09010</u>	2 of 2

Case No
2009-0295-SPHX

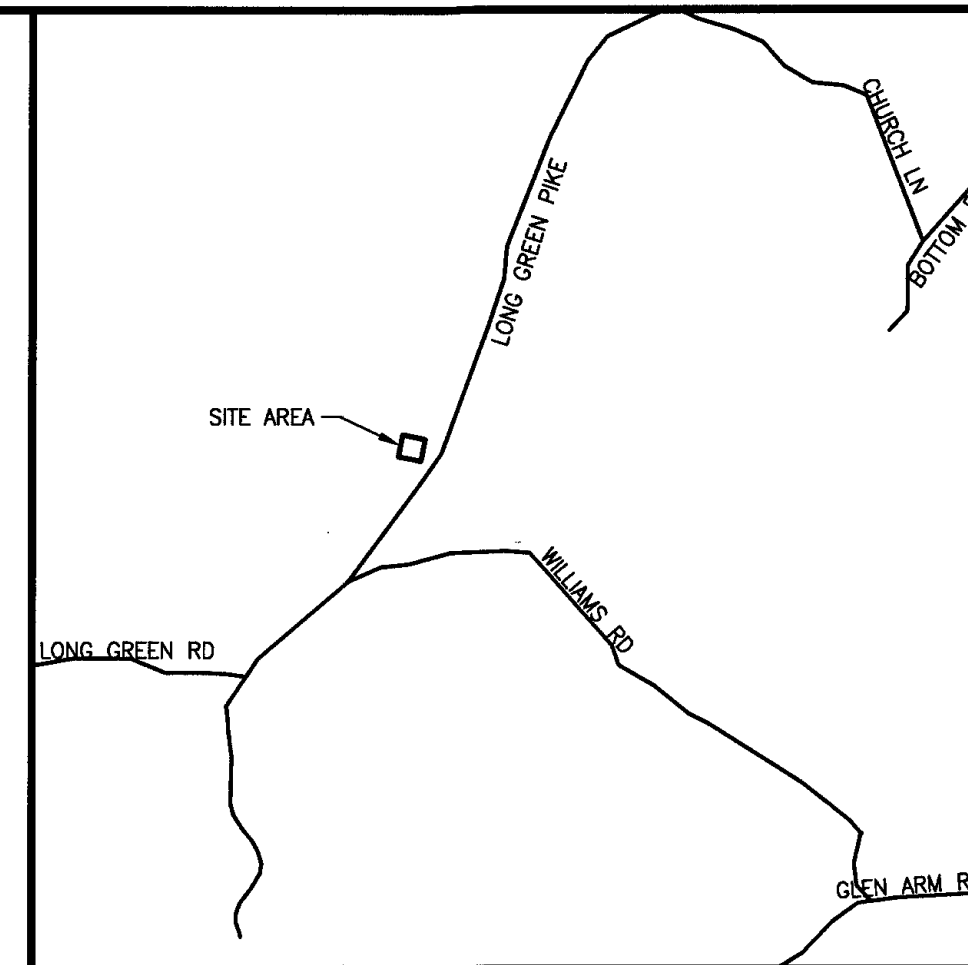
THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.



NOTE: BEARINGS AND DISTANCE ARE TAKEN FROM DEED



SITE AREA
SCALE 1" = 20'



VICINITY MAP
SCALE 1" = 2000'

LEGEND

- EXISTING BUILDING
- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- EXISTING FENCE
- EXISTING PAVING
- EXISTING SANITARY
- EXISTING STORM DRAIN
- EXISTING UNDERGROUND UTILITY
- EXISTING TREE
- EXISTING STONE WALL
- PROPOSED BUILDING
- PROPOSED CONTOUR
- PROPOSED CONCRETE
- PROPOSED STORM DRAIN

SITE DATA

- PREMISES ADDRESS: 12820 LONG GREEN PIKE
- GROSS SF. / AC.: 217.5 AC.
- NET SF. / AC.: 217.5 AC.
- ZONING: RC-2
- TAX MAP/GRID/PARCEL: 54/1/1
- TAX ACCOUNT NUMBERS: 1104020600
- DEED REFERENCE: 8261/838
- EXISTING LAND USE: FARM
- PROPOSED LAND USE: FARM
- COUNCILMANIC DISTRICT: 3
- ELECTION DISTRICT: 11
- ADC MAP LOCATION: MAP 21, GRID A 5
- ZONING MAP REFERENCES: 044C3, 045A3, 053C1 & 054A1
- CENSUS TRACT: 411201
- WATERSHED: LOWER GUNPOWDER
- SUBSEWERSHED: N/A
- REGIONAL PLANNING DISTRICT: 310

NOTE: ONE BATHROOM IS PROPOSED FOR EXISTING EMPLOYEE USE ONLY. SANITARY WILL TIE INTO THE EXISTING SEPTIC SYSTEM. WATER WILL TIE INTO EXISTING WELL.

LIMIT OF DISTURBANCE 12,689 SF (0.29 AC)

MRA	MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 1220-C EAST JOPPA ROAD, SUITE 505 TOWSON, MARYLAND 21286 (410) 821-1690 FAX: (410) 821-1748 MRAGTA.COM
PLAN TO ACCOMPANY BUILDING PERMIT APPLICATION BOORDY VINEYARDS WINE BUILDING 12820 LONG GREEN PIKE	
11 ELECTION DISTRICT 3 COUNCILMANIC DISTRICT	
DATE	REVISIONS
JOB NO.: 17080	
SCALE: AS SHOWN	
DATE: 10/03/2011	
DRAWN BY: MLE	
DESIGN BY: DRS	
REVIEW BY: DRS	
SHEET: 1 OF 1	

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 32603, EXPIRATION DATE: 01/18/12
DAVID R. SHANAHAN
DSHANAHAN@MRAGTA.COM

OWNER/DEVELOPER

LONG GREEN FARM LLC
PO BOX 5003
GLEN ARM, MARYLAND 21057
CONTACT: ROB DEFORD
PHONE: (410) 592-5015

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83(1991)
VERTICAL NAVD 88

2009-0295/1983-0207/19800238