

IN RE: **PETITION FOR VARIANCE**

S/S Beckleysville Road, 1,200' W c/l of
Gunpowder Road
(3907 Beckleysville Road)
5th Election District
3rd Council District

Robert S. Pilling, et al
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0326-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners and trustees of the subject property, Robert S. Pilling, and his brother, Richard A. Pilling. Petitioners request variance relief from Section 1A09.7.B.5.b(1) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling to be constructed 130 feet from land that is suitable for agricultural production in lieu of the required 300 feet as determined by the Director of the Department of Environmental Protection and Resource Management (DEPRM). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Robert S. Pilling, co-property owner¹, and Roy Snyder, of A.L. Snyder Surveyor, Inc., who prepared the site plan for this property. There were no Protestants or other interested persons present.

The subject property under consideration is an irregularly shaped parcel located in northern Baltimore County on the south side of Beckleysville Road, just west of Gunpowder Road. The property is environmentally constrained due to easements (forest conservation, forest buffer, storm water management) and wetlands and contains an area of 10.801 acres, more or less, zoned R.C.8 and is improved with a 2-½ story, single-family dwelling built in 1951, which

¹ Richard A. Pilling resides in Port Angeles, Washington and was unable to attend.

RECEIVED FOR FILING

Date

By

is located at the northeast corner of the property. Petitioners' father, Richard Pilling, bought the property in 1950, and built his home prior to the current zoning regulations. Following his death, his wife, Lillian G. Pilling, became in need of constant care prior to her being admitted to a nursing home. At that time, her sons engaged the services of A.L. Snyder Surveyor, Inc. with the intent of subdividing the property to sell one of the lots to finance their mother's care. See Minor Subdivision No. 07132M. The plan was submitted to the Development Review Committee (DRC) when the property was zoned R.C.4. During the 2004 Comprehensive Zoning Map Process (CZMP), the zoning classification changed to R.C.8. During the delay caused by the CZMP rezoning, Ms. Pilling departed this world. Robert S. Pilling (who resides in South Carolina) now wishes to obtain his brother's, Richard A. Pilling, portion of property and build a retirement home for himself on proposed Lot 2. Robert then wishes to make available Lot 1 for his son, Jason Pilling, who will renovate the existing home which is in a state of disrepair. As illustrated on the site plan, the property has 458 feet of frontage on Beckleysville Road and is over 11,000 feet deep, however, the entire width of the property is less than 600 feet. Lot 1 will be 3.177 acres in size and contains the families 2-½ story home, a shed, septic and well. Proposed Lot 2 will be 7.623 acres with access by a separate driveway that will require an easement through Lot 1. Mr. Snyder testified that except for the relief associated with the R.C.8 (B.C.Z.R. Section 1A09.7.B.b(1) requirement of a 300-foot setback from adjacent agriculturally used and assessed land, the new Lot 2 will meet all other specifications.

As set forth above, the need for variance relief arises by virtue of environmental constraints that pushes the buildable area to the eastern portion of the property. The agriculturally used lands of William Fourhman is adjacent to the properties eastern boundary. There is no dispute that the property is subject to the R.C.8 environmental enhanced provisions of the B.C.Z.R. The maximum building envelope may not exceed 20,000 square feet in size. The building envelope as shown meets the size requirements albeit 130 feet from the eastern property line. It is impossible to position the building envelope further to the west due to the Forest Conservation Easement. In its Zoning Advisory Committee (ZAC) comment, DEPRM

corroborated this testimony indicating that the forest buffer easement and forest conservation easement were previously approved for this property requiring a minimum 35-foot principal building setback from the forest buffer easement, pursuant to Baltimore County Code Section 33-3-111(d)(1)(i).

Based upon the testimony and evidence, it is clear that there will not be any increase in residential density, beyond that otherwise allowable by the B.C.Z.R., if the requested relief is granted; two (2) lots are allowed by the R.C.8 classification and two (2) are proposed. The relief requested is the minimum relief necessary to afford relief to the Petitioners, without impact or affect upon adjoining owners. Given the extensive areas of easements dedicated to Baltimore County in this area, there will be no adverse affects on water quality as a result of the requested relief. From the testimony and evidence, it is clear that the shape, size, configuration and topography of the subject property render it unique to other properties in the area.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted. The existing and proposed use is expressly permitted as of right in the R.C.8 zone and the Petitioners would suffer real practical difficulty if the requested relief were not granted.

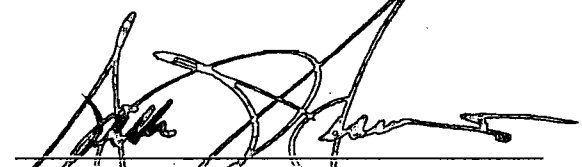
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 8th day of October, 2009, that the Petition for Variance seeking relief from Section 1A09.7.B.5.b(1) of the Baltimore County Zoning Regulations (B.C.Z.R.) to reduce the 300 foot setback for a proposed dwelling from adjacent properties receiving preferential agricultural assessments to as close as one hundred thirty (130) feet on the northwest side, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; subject to the following restrictions:

1. The Petitioners must comply with all requirements of the minor subdivision approval process for this property.

ORDER RECEIVED FOR FILING
Date 10-8-09
By 103

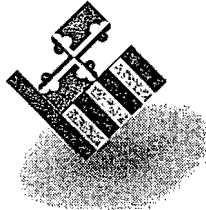
2. Development and use of the subject property shall comply with all environmental and forest conservation regulations as set forth in the ZAC comment submitted by DEPRM, dated September 10, 2009.
3. Compliance with the ZAC comment submitted by the Office of Planning, dated August 18, 2009, requiring compliance with B.C.Z.R. Section 1A09.4.A. A copy of this comment has been attached hereto and is made a part hereof.
4. The site plan contains an agricultural note as follows: The proposed dwelling may be subject to inconveniences or discomforts arising from agricultural operations, including but not limited to, noise, odors, fumes and dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal 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.
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 10-8-09
By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 8, 2009

Roy Snyder
A.L. Snyder Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

RE: PETITION FOR VARIANCE

S/S Beckleysville Road, 1,200' W c/l of Gunpowder Road
(3907 Beckleysville Road)
5th Election District - 3rd Council District
Robert S. Pilling, et al – Petitioners
Case No. 2009-0326-A

Dear Mr. Snyder:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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 a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Robert S. Pilling, 301 Huntington Road, Summerville, SC 29483
Richard A. Pilling, P.O. Box 1164, Port Angeles, Washington 98362
People's Counsel; File; Office of Planning; DEPRM



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3907 BECKLEYSVILLE ROAD

which is presently zoned RCB

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) 1A09.70.5.6.(1)

AS DETERMINED BY THE DIRECTOR OF DEPRM - TO PERMIT A PROPOSED DWELLING TO BE CONSTRUCTED 130- FEET FROM LAND THAT IS SUITABLE FOR AGRICULTURAL PRODUCTION IN LIEU OF THE REQUIRED 300- FEET.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) TO PERMIT A SETBACK OF 130 FEET, IN LIEU OF THE REQUIRED 300 FEET TO THE PROPOSED HOUSE ON LOT 2 OF THE LILLIAN G. PILLING MINOR SUBDIVISION. THE REQUIRED SETBACK CANNOT BE MET DUE TO THE PLACEMENT OF FOREST CONSERVATION AND FOREST BUFFER EASEMENTS ON THE SITE. THE ENTIRE WIDTH OF THE PROPERTY IS LESS THAN 600 FEET.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

301 HUNTINGTON ROAD

Address

243-875-7929

Telephone No.

SUMMERVILLE

City

S.C.

State

29483

Zip Code

Representative to be Contacted:

A. L. SNYDER

Name

1911 HANOVER DRIVE

Address

410-239-7744

Telephone No.

HAMPSTEAD

City

MD.

State

21074

Zip Code

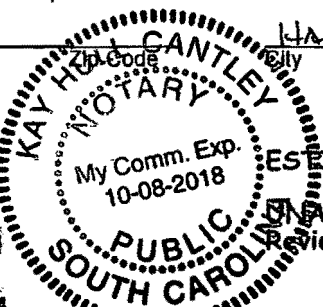
OFFICE USE ONLY

Case No. 2009-0326-A

RECEIVED FOR FILING

Date 10-8-09

By [Signature]



ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 6/17/09

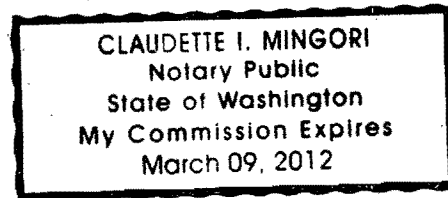
July 2, 2009 Kay Hull Cantley

STATE OF WASHINGTON)
) ss
COUNTY OF CLALLAM)

I certify that I know or have satisfactory evidence that Richard A. Pilling is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 2-3-09

Claudette I Mingori



Notary Public in and for the state of Washington
Residing at Pt Angeles
My appointment expires 3-9-12

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

(410) 239-7744

(410) 374-9695 phone/fax

Zoning Description

The Pilling Property

June 15, 2009

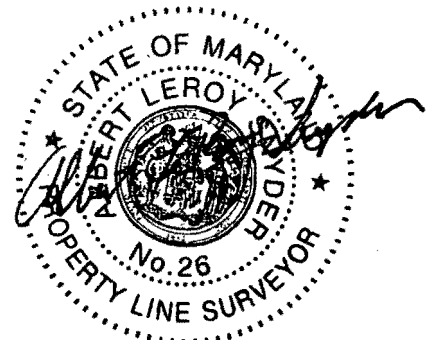
Beginning in the centerline of Beckleysville Road, 1200 feet west of the centerline of Gunpowder Road, thence

- 1) N 72° 02' 08" W 86.60 feet
- 2) N 78° 58' 08" W 72.50 feet
- 3) S 86° 11' 53" W 458.00 feet
- 4) S 27° 48' 29" W 402.60 feet
- 5) S 11° 51' 48" E 736.38 feet
- 6) N 41° 15' 19" E 616.73 feet
- 7) N 07° 28' 44" E 518.50 feet
- 8) S 75° 10' 08" E 146.50 feet
- 9) N 13° 51' 52" E 130.10 feet to the place of

Beginning.

Containing 10.8011 acres of land, more or less.

Being the same land that was conveyed by Richard A. Pilling and Robert S. Pilling to Richard A. Pilling and Robert S. Pilling, by deed dated December 30, 2004, and recorded among the Land Records of Baltimore County, Maryland in Liber S.M.21602 folio 611 etc., known as No. 3907 Beckleysville Road, in the Fifth Election District, and Third Councilmanic District of Baltimore County, Maryland.



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

No. **39847**

Date: **6/17/09**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	806	0000		6150						65.00

Total: **65.00**

Rec From: **A.L. SNYDER**

For: **2009-03216-A**
3907 BECKLEYVILLE RD.

D. THOMPSON

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DEM
6/17/2009 6/17/2009 09:14:57 2
G WOS WALKIN DRAL HAD
RECEIPT # 493196 6/17/2009 0000
Opt 3 520 /ENDING VERIFICATION
NO. 050347
Receipt for \$65.00
\$65.00 OK \$6.00 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: # 2009-0326-A

3907 Beckleysville Road
S/side of Beckleysville Road,
1200 feet west of center-
line of Gunpowder Road
11th Election District.

5th Councilmanic District
Legal Owner(s): Robert Pilling
Variance: as determined
by the director of DEPRM,
to permit a proposed dwell-
ing to be constructed 130
feet from land that is sulta-
ble for agricultural produc-
tion in lieu of the required
300 feet

**Hearing: Monday, Sep-
tember 28, 2009 at 9:00
a.m. In Room 104, Jeffer-
son Building, 105 West
Chesapeake Avenue,
Towson 21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at: (410) 887-4386.

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

9/207 Sept 10

213166

CERTIFICATE OF PUBLICATION

9/10, 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 9/10, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 2009-0326-A

Petitioner/Developer: ROBERT PILLING/

A.L. SNYDER SURVEYOR

Date of Hearing/Closing: 9/28/09

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

Attention:

Ladies and Gentlemen:

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

3907 BECKLEYSVILLE ROAD

The sign(s) were posted on 9/10/09
(Month/Day/Year)

Sincerely,

Bill Leddon

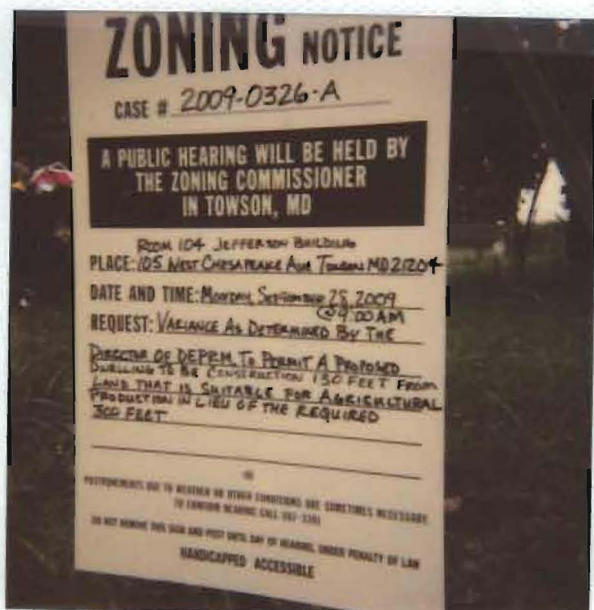
(Signature of Sign Poster/Date)

BILL LEDDON

(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

410-781-4000



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/neighborhood 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.

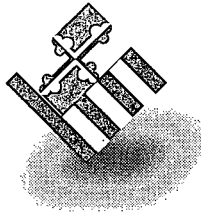
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0326-A
Petitioner: PILLING
Address or Location: 3907 BECKLEYVILLE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: RICHARD A. PILLING
Address: P.O. BOX 1164
PORT ANGELES, WA 98362-0219
Telephone Number: 360-457-7339



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

August 25, 2009

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: 2009-0326-A

3907 Beckleysville Road

S/side of Beckleysville Road, 1200 feet west of centerline of Gunpowder Road

11th Election District – 5th Councilmanic District

Legal Owners: Robert Pilling

Variance as determined by the director of DEPRM, to permit a proposed dwelling to be constructed 130 feet from land that is suitable for agricultural production in lieu of the required 300 feet.

Hearing: Monday, September 28, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Robert Pilling, 301 Huntington Road, Summerville 29483
A.L. Snyder, 1911 Hanover Pike, Hampstead 21074

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., SEPTEMBER 12, 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
Thursday, September 10, 2009 Issue - Jeffersonian

Please forward billing to:

Richard Pilling
P.O. Box 1164
Port Angeles, WA 98362-0219

360-457-7339

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: 2009-0326-A

3907 Beckleysville Road

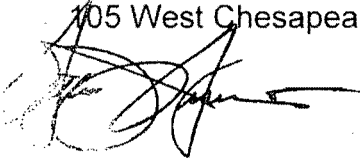
S/side of Beckleysville Road, 1200 feet west of centerline of Gunpowder Road

11th Election District – 5th Councilmanic District

Legal Owners: Robert Pilling

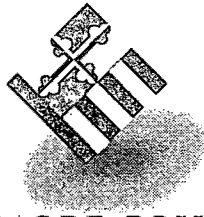
Variance as determined by the director of DEPRM, to permit a proposed dwelling to be constructed 130 feet from land that is suitable for agricultural production in lieu of the required 300 feet.

Hearing: Monday, September 28, 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

September 24, 2009

Robert Pillings
301 Huntington Rd.
Summerville, SC 29483

Dear: Robert Pillings

RE: Case Number 2009-0326-A, 3907 Beckleysville RD

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 17, 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
A.L. Sncoler; 1911 Hanover Dr.; Hampstead, MD 21074

BW
9-28-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 10 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 10, 2009

SUBJECT: Zoning Item # 2009-326-A
Address 3907 Beckleysville Road
Hampstead, Maryland 21074

Zoning Advisory Committee Meeting of August 3, 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).
See additional comments.
- 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). **See additional comments.**

Additional Comments:

The Forest Buffer Easement and Forest Conservation Easement were previously approved on this property as part of its subdivision, as was the minimum 35-foot principal building setback from the Forest Buffer Easement, pursuant to the Baltimore County Code, Section 33-3-111 (d) (1) (i).

Reviewer: Thomas Panzarella

Date: September 8, 2009

BW 9/28
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 18, 2009

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

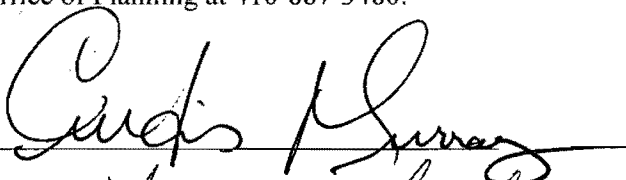
SUBJECT: Zoning Advisory Petition(s): Case(s) 09-326- Variance

The Office of Planning has reviewed the above referenced case(s) and has the following comments carried over from minor subdivision review comments:

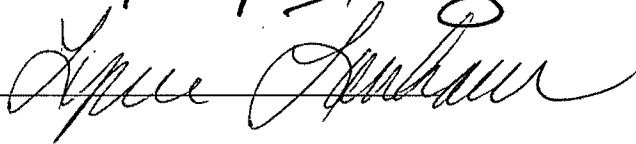
1. Section 1A09.4.A BCZR requires this office to make a finding of compliance. To this end the developer must submit a written narrative explaining point by point how the proposal meets the requirements of the zone found in Section 1A09.7.C BCZR.
2. Provide vegetative screening to include evergreen and deciduous trees along both sides of the proposed driveway and on the northwest side of the proposed septic area for Lot 2.

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

Prepared By:



Division Chief:
CM/LL



Attachment:

RECEIVED

AUG 24 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 13, 2009

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

SIGNED: Dennis A. Kennedy

SUBJECT: Zoning Advisory Committee Meeting
For August 3, 2009
Item Nos: ~~2009-0326~~; 2010-002, 012, 027, 028,
029, 030, 031, 033 and 035

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08132009-NO COMMENTS.doc



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

State Highway
Administration

Beverly K. Swaim-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: AUGUST 4, 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 2009-0326-A
301 HUNTINGTON RD
PILLING 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. 2009-0326-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 * BEFORE THE
301 Huntington Road; S/S Beckleysville *
Road, 1200' W c/line of Gunpowder Road * ZONING COMMISSIONER
5th Election & 3rd Councilmanic Districts *
Legal Owner(s): Robert & Richard Pilling * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-326-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED
AUG 07 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 7th day of August, 2009, a copy of the foregoing Entry of Appearance was mailed to A.L. Snyder, 1911 Hanover Pike, Hampstead, MD 21074, Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: June 19, 2009
TO: Wally Lippincott
FROM: Donna Thompson, Planner II, Zoning Review
SUBJECT: Petition for Variance
Lillian G. Pilling Property
Minor Sub 07-132-M

Per our telephone conversation on June 17, 2009, here is copy of the plan for a zoning variance for the above minor subdivision. Please confirm via email or memo as to the conclusion by DEPRM to permit a proposed dwelling to be constructed 130-feet from land that is suitable for agricultural production in lieu of the required 300-feet. This note must be put in the file for the petition for variance.

Please call me if you have any questions.

LW

7/24/09 - No response. D. Thompson

CASE NAME Pilling
CASE NUMBER 2009-0326-A
DATE 9-28-09

CASE NAME Pilling
CASE NUMBER 2009-0326-A
DATE 9-28-09

[illegible]

Donna Thompson - Pilling Property

From: Donna Thompson
To: Lippincott, Wallace
Subject: Pilling Property

Wally:

I just took in a petition for the above minor subdivision (07-132-M) regarding the 300-foot requirement from a proposed dwelling to land suitable for agricultural production. I will need something for the hearing file stating that DEPRM has requested this hearing. You could either respond via this email or send me something for the file.

Thanks,

Donna

COORDINATES M.C.S DATA N.A.D. 83/91			
NO.	NORTH	EAST	DESCRIPTION
101	719109.8920	1373375.0830	STEEL BAR
103	718646.2490	1372968.4040	PIPE
112	719584.4810	1375584.1920	STEEL BAR
111	719366.8990	1372817.0190	ANGLER POST
1078	719723.0046	1373000.8369	MAG NAIL
1019	719623.9809	1373442.5728	STEEL BAR 1 CAP
1020	719712.7906	1373615.3674	MAG NAIL
1021	719739.5004	1373532.9894	MAG NAIL
1022	719753.3728	1373461.8290	MAG NAIL
1110	719646.1818	1373143.9981	STEEL BAR 1 CAP
1111	719566.5796	1373117.6720	STEEL BAR 1 CAP
1113	719733.0190	1373155.5381	STEEL BAR 1 CAP
1114	719485.7743	1373077.5850	STEEL BAR 1 CAP
1115	719438.0000	1373215.0000	STEEL BAR 1 CAP
1116	719262.0861	1373395.0631	STEEL BAR 1 CAP
1117	719279.0198	1373311.7777	STEEL BAR 1 CAP

100YR. FLOOD PLAIN AND D.B.U.E.		
LINE	BEARING & DISTANCE	
1076-1077	N 28° 44' 41" W	30.00'
1077-1078	N 56° 26' 12" W	28.80'
1078-1079	N 28° 55' 47" W	31.62'
1079-1080	N 22° 30' 23" W	48.05'
1080-1081	N 13° 45' 55" W	35.06'
1081-1082	N 17° 46' 11" W	47.38'
1082-1083	N 07° 03' 41" W	50.09'
1083-1084	N 01° 01' 57" W	42.58'
1084-1085	N 13° 09' 28" W	43.05'
1085-1086	N 15° 15' 30" W	60.21'
1086-1087	N 21° 06' 46" E	15.26'
1087-1088	N 13° 51' 47" W	39.06'
1088-1089	N 11° 32' 29" E	45.31'
1089-1090	N 08° 35' 55" E	27.51'
1090-1091	N 04° 32' 52" W	48.26'
1091-1092	N 09° 01' 34" W	39.01'
1092-1093	N 28° 47' 04" W	49.53'
1093-1094	N 14° 16' 06" W	29.73'
1094-1095	N 01° 46' 03" W	30.46'
1095-1096	N 62° 11' 31" W	36.54'

FOREST BUFFER EASEMENT DATA		
LINE	BEARING & DISTANCE	
A-B	N 57° 15' 56" W	134.64'
B-C	N 34° 50' 09" E	180.31'
C-D	N 10° 33' 40" W	60.02'
D-E	N 26° 33' 54" E	17.89'
E-F	N 10° 57' 15" W	126.30'
F-G	N 51° 54' 40" W	47.01'
G-H	N 03° 06' 12" W	166.24'
H-I	N 27° 33' 10" E	25.04'
I-J	N 28° 00' 33" W	53.24'
J-K	N 51° 00' 32" E	81.06'
K-L	N 10° 57' 15" E	63.15'
L-M	N 25° 53' 13" W	75.58'
M-N	N 77° 44' 56" W	79.23'

BALTIMORE COUNTY MINOR SUBDIVISION
Project No. 07132M

DEVELOPMENT REGULATIONS
☐ EXEMPT FROM ARTICLE 32, TITLE 4 SUBTITLE 2, B.C.C.
☐ PARALLEL EXEMPT FROM SEC. 32-4-21 THROUGH 32-4-27
AND SECTIONS 32-4-224 AND 32-4-227

P.D.M. CERTIFICATION

☐ Approved ☐ Disapproved
By: _____ Date: _____

APPROVED D.E.P.R.M.

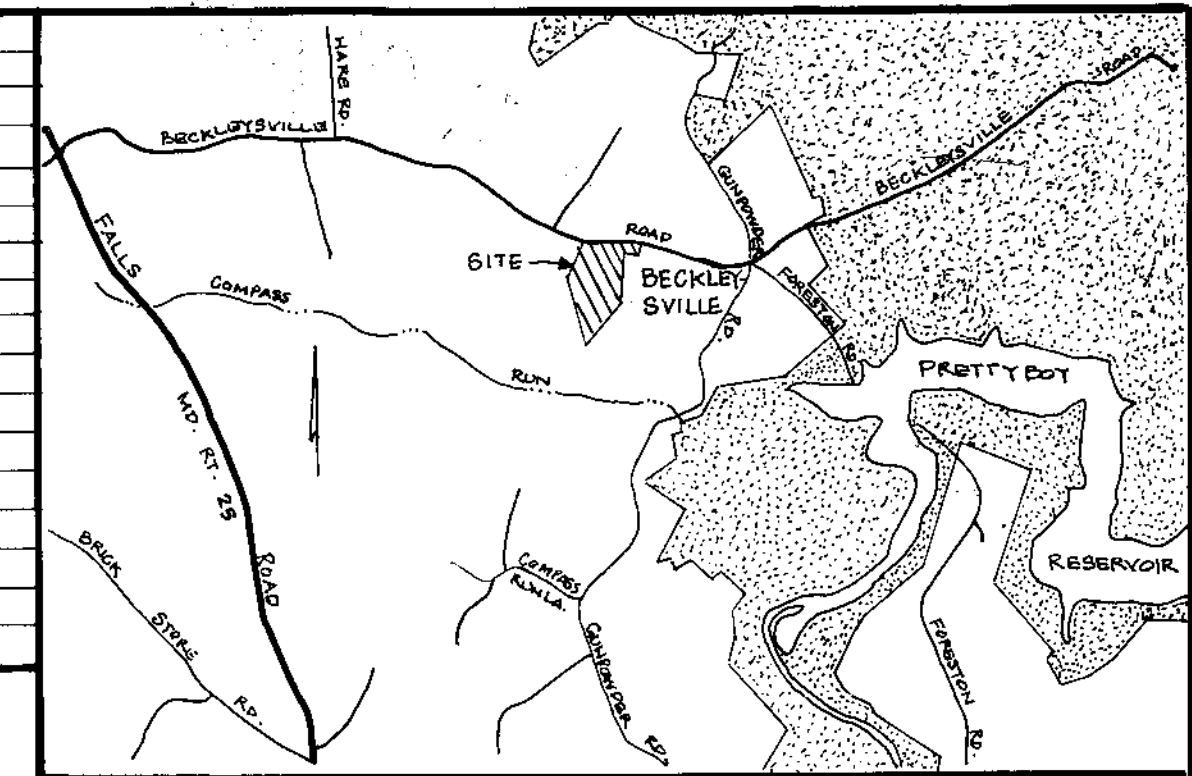
By: _____ Date: _____

REVISION DATE

REVISION DATE

SWM EASEMENT		
LINE	BEARING & DISTANCE	
1108-1109	N 86° 11' 53" E	15.00'
1109-1110	S 07° 34' 11" W	57.00'
1110-1111	S 18° 18' 00" W	83.84'
1111-1112	S 26° 23' 09" W	150.20'
1112-1080H	N 03° 06' 12" W	17.00'
1080H-1090I	N 27° 33' 10" E	25.04'
1090I-1092K	N 21° 11' 39" E	105.11'
1092K-1093L	N 10° 57' 15" E	63.15'
1093L-1108	N 19° 23' 55" E	75.86'
REVISION DATE		
REVISED	8-25-04	
REVISED - F.B.E. 100YR.F.P. 1-21-04		
REVISED - F.C.E. 1-26-04		
REVISED - S.W.M. EASE 10-04-06		
REVISED - RC 8 PLAN 10-02-07		

FOREST CONSERVATION EASEMENT		
LINE	BEARING & DISTANCE	
1104-1090	S 28° 00' 23" E	20.00'
1090-1089	S 27° 33' 10" W	25.04'
1089-1103	S 03° 06' 12" E	121.24'
1103-1102	S 13° 18' 21" W	65.57'
1102-1101	S 01° 51' 22" E	265.00'
1101-1083	S 34° 30' 09" W	117.00'
1083-1098	S 57° 15' 56" E	65.0'
1098-1097	S 70° 42' 11" E	39.50'
1097-1096	S 48° 44' 41" E	35.00'
1096-1095	S 41° 15' 19" W	110.00'
1095-1099	S 79° 24' 06" W	19.78'
1099-1077	N 28° 44' 41" W	17.00'
1077-1078	N 56° 26' 12" W	28.80'
1099-1049	N 28° 55' 47" W	31.62'
1049-1048	N 22° 30' 23" W	48.05'
1048-1047	N 13° 45' 55" W	35.06'
1047-1046	N 17° 46' 11" W	47.38'
1046-1051	N 07° 03' 40" W	50.09'
1051-1053	N 01° 01' 57" W	42.58'
1053-1055	N 13° 09' 28" W	43.05'
1055-1057	N 15° 15' 30" W	60.21'
1057-1059	N 21° 06' 46" E	15.26'
1059-1061	N 13° 51' 47" W	39.06'
1061-1063	N 11° 32' 29" E	45.31'
1063-1065	N 08° 35' 55" E	27.51'
1065-1066	N 04° 32' 52" W	48.26'
1066-1069	N 09° 01' 34" W	39.01'
1069-1105	N 05° 46' 10" E	100.00'
1105-1104	N 64° 07' 04" E	128.00'



VICINITY MAP SCALE: 1"=2000'

NOTES:

- CURRENT TITLE REFERENCE:
DEED REFERENCE: S.M. 21002 FOLIO G11
DATE: DECEMBER 30, 2004
OWNERS: RICHARD A. PILLING & ROBERTS. PILLING
GRANTOR: RICHARD A. PILLING & ROBERTS. PILLING
- GROSS AREA: 10.8011 AC
- NET AREA: 10.8011 AC
- CURRENT ZONING CLASSIFICATION: RC 8 MAP 01561
- DENSITY CALCULATION: RC 8: 10 TO 30 AC = 2 LOTS
- PROPOSED NUMBER OF LOTS: 2
- SOILS MAP: 4
- TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY G.I.S. TILE: 01561
- WATERSHED: PRETTYBOY RESERVOIR
- SUBWERSHED: N/A
- REGIONAL PLANNING DISTRICT: 302
- SCHOOL DISTRICT: FIFTH DISTRICT
- TAX MAP: 15 GRID: 3 PARCEL: 6
- TAX ACCOUNT NO.: 0916045100
- THERE ARE NO WELLS AND/OR SEPTICS LOCATED WITHIN 100 FEET OF SITE UNLESS OTHERWISE SHOWN HEREON.
- THERE ARE NO UNDERGROUND FUEL OR PESTICIDE TANKS ON SITE UNLESS OTHERWISE SHOWN HEREON.
- THE PROPERTY SHOWN HEREON HAS NO PRIOR ZONING HISTORY.
- THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE JULY 19, 1973. THE DEVELOPER'S SURVEYOR CONFIRMS, TO THE BEST OF HIS KNOWLEDGE, NO PART OF THE GROSS AREA OF THIS PROPERTY, SHOWN HEREON, HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.
- THE PROPOSED DWELLINGS SHALL BE SINGLE FAMILY USE.
- ANY "FOREST BUFFER EASEMENT" AND/OR "FOREST CONSERVATION EASEMENT" SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND AND WHICH RESTRICT DISTURBANCE AND USES OF THE AREAS.
- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE "FOREST BUFFER EASEMENT" AND/OR THE FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- MAXIMUM BUILDING HEIGHT FOR NON-AGRICULTURAL PRINCIPAL BUILDINGS IS 35 FEET.
- I HEREBY CERTIFY THAT I REVIEWED, WITH DUE DILIGENCE, THE AGENCY COMMENTS DATED JULY 22, 2004 AND HAVE PREPARED, WITH DUE DILIGENCE, THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCY COMMENTS.
- NO SINGLE DWELLING, GARAGE OR ACCESSORY BUILDING SHALL HAVE A BUILDING FOOTPRINT THAT EXCEEDS 3,000 SQUARE FEET.

- THE REQUIREMENTS OF SECTION 1A09.7B.5. a.(1)(2).3 HAVE BEEN MET. SECTION 1A09.7B.5b IS BEING ADDRESSED BY VIRTUE OF A ZONING PETITION TO ALLOW A SETBACK OF LESS THAN 300 FEET.
- IN ACCORDANCE WITH BILL NO. 18-90, SECTION 26-276 DREDGING, FILLING OR CONSTRUCTION IN ANY WETLAND IS PROHIBITED.
- THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.
- PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, FOR "TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB AND GUTTER."
- BECKLEYVILLE ROAD IS A SENIOR ROUTE, AS DESIGNATED IN BALTIMORE COUNTY MASTER PLAN 2010.

30. AGRICULTURE NOTE

ANY DWELLING MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO, NOISE, ODORS, FUMES AND DUST, THE OPERATIONS OF MACHINERY OF ANY KIND DURING ANY 24 HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL 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.

- PURSUANT TO SECTION 1A09.7C BCZRA ALL DEVELOPMENT MUST COMPLY WITH THE PERFORMANCE STANDARDS LISTED.

SPECIAL NOTE:
THIS PLAN WAS SUBMITTED ON 5-21-04, AS AN RC-4 MINOR SUBDIVISION. FIRST REVIEW WAS COMPLETED SHORTLY BEFORE THE ZONING CLASSIFICATION WAS CHANGED TO RC 8

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE OF THE LILLIAN G. PILLING PROPERTY

5TH ELECTION DISTRICT
DATE: DECEMBER 1, 2008
COUNCILMANIC DISTRICT: 3RD
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=100'
CENSUS TRACT: 4050

OWNER/DEVELOPER
RICHARD PILLING
809 EAST FIRST ST.
PORT ANGELES, WA 98362
360-457-7330 (H)
360-460-7652 (C)
E-MAIL: rightguy@olypen.com

PETITIONER'S

EXHIBIT NO. 1



A.L. SNYDER
SURVEYOR, INC.
1911 HANOVER PIKE
HAMPSTEAD, MD. 21074
PHONE: 410-299-7744
FAX: 410-374-3695
E-MAIL: alssurveyor@erols.com

2009-0356-A

JOB NO. 03055
FILE NO. 07132M



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
 Real Property Data Search (2007 vw5.1d)

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

Account Identifier: District 05 Account Number - 0516045100

Owner Information

Owner Name: PILLING RICHARD A
 PILLING ROBERT S, TRUSTEES
Use: AGRICULTURAL
Principal Residence: NO
Mailing Address: PO BOX 1164
 PORT ANGELES WA 98362-0219
Deed Reference: 1) /21602/ 611
 2)

Location & Structure Information

Premises Address
 3907 BECKLEYSVILLE RD
Legal Description
 10.287 AC
 SS UPPER BECKLEYSVILLE RD
 1250 W BECKLEYSVILLE RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
15	3	6						2	

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1951	1,170 SF	10.28 AC	33

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value As Of 01/01/2008	Phase-in Assessments As Of 07/01/2009	As Of 07/01/2010	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	83,480	143,480			
Improvements:	89,590	128,890			
Total:	173,070	272,370	239,270	272,370	
Preferential Land:	3,480	3,480	3,480	3,480	

Transfer Information

Seller:	Date:	Price:
PILLING RICHARD A	03/23/2005	\$0
Type: NOT ARMS-LENGTH	Deed1: /21602/ 611	Deed2:
PILLING LILLIAN G	01/03/2005	\$0
Type: NOT ARMS-LENGTH	Deed1: /21209/ 611	Deed2:
PILLING RICHARD AG USE 83-84	07/20/1973	\$0
Type: NOT ARMS-LENGTH	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

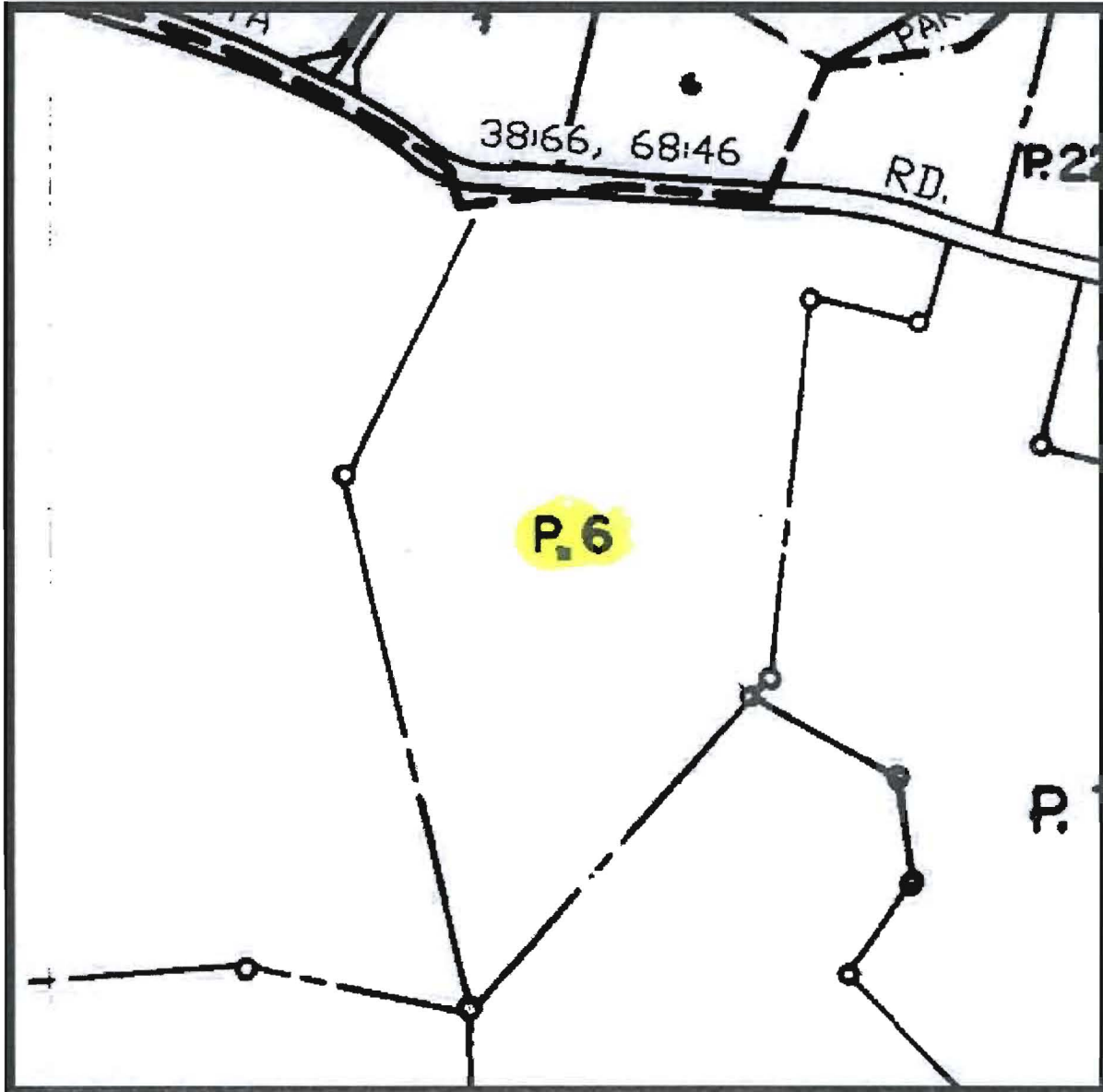
Special Tax Recapture:
 AGRICULTURAL TRANSFER TAX



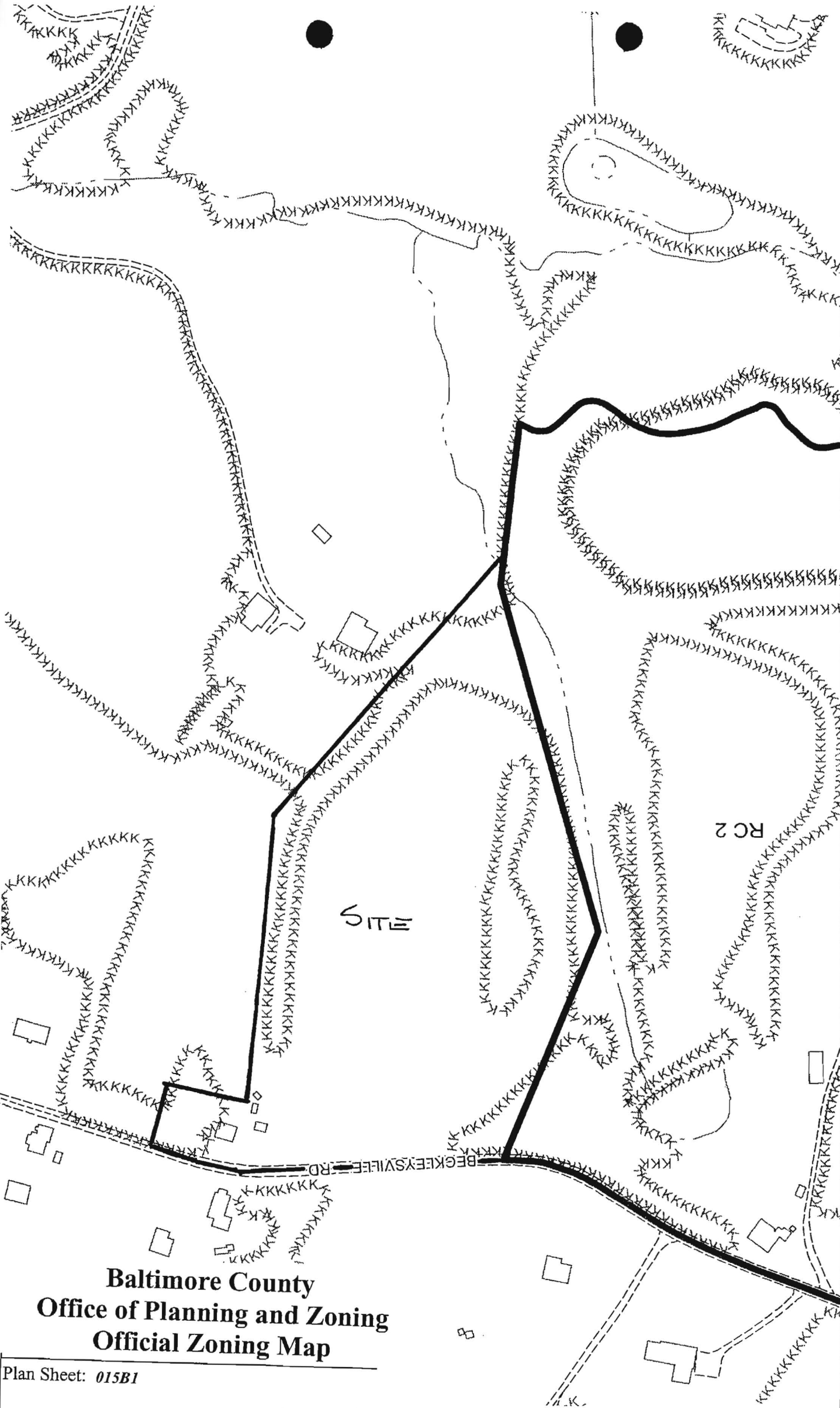
**Maryland Department of Assessments
and Taxation
BALTIMORE COUNTY
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District - 05 Account Number - 0516045100



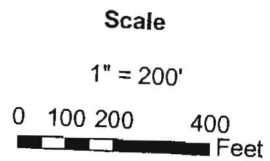
Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department
of Planning web site at www.mdp.state.md.us/webcom/index.html



**Baltimore County
Office of Planning and Zoning
Official Zoning Map**

Plan Sheet: 015B1

Note:
Section 32-3-202 of the Baltimore County, 2003 Code establishes the zoning geodatabase. This map represents the actions of the Baltimore County Council on August 31, 2004 (Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04) effective September 3, 2004.



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

2009-0336-A