

IN RE: PETITION FOR SPECIAL HEARING

E side of Gunpowder Road, 1,230 feet
N of the c/l Prettyboy Trails Road
6th Election District
3rd Councilmanic District
(19601 Gunpowder Road)

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

Alan L. and Amy Yerkes Schmaljohn
Legal Owners

*
CASE NO. 2011-0220-SPH

* * * * *

MEMORANDUM OPINION

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Special Hearing filed by the legal owners of the subject property, Alan L. and Amy Yerkes Schmaljohn. The Petition was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), and seeks a special hearing to allow an accessory structure (barn) to be constructed on the subject property that does not have a principal structure. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Bruce E. Doak of Gerhold, Cross & Etzel, Ltd., a property line surveyor assisting the Petitioners, attended the March 3, 2011, hearing in the above matter.

Extensive comments were received from the Department of Environmental Protection and Sustainability, dated February 15, 2011. That agency did not oppose the requested relief, but advised that development of the property must comply with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). The proposed barn must be at least 35 feet from the existing Forest Buffer Easement, and the property must comply with the Forest Conservation Law (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). Prior to building permit approval, an

ORDER RECEIVED FOR FILING

Date 3-18-11
By [Signature]

Agricultural Declaration of Intent must be filed to address and satisfy the requirements of the Forest Conservation Law. Finally, DEPS advised that a proposed building permit for a barn will need Groundwater Management review, for well and septic setbacks.

Under the B.C.Z.R., an accessory building is one "which is subordinate and customarily incidental to and on the same lot with a main building." *B.C.Z.R. §101.1* In this case, there is no "main building" on the subject property (which comprises approximately 14 acres) and Petitioners seek special hearing relief to allow them to place a prefabricated barn onto the property without having a dwelling or other principal building on the same lot.

The subject property is located in northern Baltimore County and zoned RC 8. As noted in the B.C.Z.R., the RC 8 zone is designed primarily to preserve environmental and ecosystem features. *B.C.Z.R. §1A09.1* In the RC 8 zone, farms are permitted as a matter of right, and even though at this time the subject property is simply rural land, Mr. Doak indicated that Petitioners intend in the near future to fence the property and raise goats thereon, which would obviously constitute a farm operation as that term is used under the B.C.Z.R. Indeed, the B.C.Z.R. defines "farm" by making reference to commercial agriculture which the B.C.Z.R. defines, in pertinent part, to include raising or keeping "animals for income", provided that the land also qualifies as a farm or agricultural use assessment pursuant to State law. *B.C.Z.R. §101.1* In the present case, the Maryland Department of Assessments and Taxation identifies the Petitioners' property as qualifying for "agricultural use," and thus the property would likewise appear to qualify as a farm or commercial agricultural operation under the B.C.Z.R.

Concerning the structure proposed for the site, Petitioners' representative submitted photos and elevation drawings (marked and received into evidence as Exhibits 6 and 7, respectively) which show that the proposed barn is both modest and handsome, and will compliment the area.

ORDER RECEIVED FOR FILING

Date 3-18-11

2

By [Signature]

In fact, in reviewing the request and commenting on same, Wally Lippincott of DEPS noted that the proposed barn is "appropriately sized and scaled for the proposed endeavors" and also noted that the "use and activities appear consistent with uses permitted in RC 8."

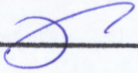
After considering the testimony and exhibits, and in light of the absence of any citizen or neighborhood opposition, I am persuaded to grant the requested special hearing relief.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 18 day of March, 2011 that Petitioners' request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow an accessory structure (barn) to be constructed on the subject property without a principal structure be and is hereby GRANTED, subject to the following conditions:

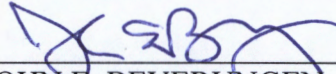
1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of the property must comply with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). The proposed barn must be at least 35 feet from the existing Forest Buffer Easement.
3. Development of this property must comply with the Forest Conservation Law (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
4. Prior to permit approval, an Agricultural Declaration of Intent must be filed to address and satisfy the requirements of the Forest Conservation Law.
5. A proposed building permit for a barn will need Groundwater Management review, for well and septic setbacks.

ORDER RECEIVED FOR FILING

Date 3-18-11

By 

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

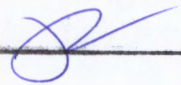


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

ORDER RECEIVED FOR FILING

Date 3-18-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 18, 2011

ALAN L. AND AMY YERKES SCHMALJOHN
19554 GUNPOWDER ROAD
MILLERS MD 21102

Re: Petition for Special Hearing
Case No. 2011-0220-SPH
Property: 19601 Gunpowder Road

Dear Mr. and Mrs. Schmaljohn:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

Enclosure

c: Bruce Doak, Gerhold Cross & Etzel, Ltd., 320 East Towsontowne Blvd., Suite 100, Towson
MD 21286



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at #19601 Gunpowder Road
which is presently zoned R.C. 8

(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 request to allow an accessory structure (Barn) to be constructed on the subject property without a principal structure.

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 bound 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):

Alan L. Schmaljohn

Name - Type or Print

Signature Alan L. Schmaljohn

Signature

Amy Yerkes Schmaljohn

Name - Type or Print

Signature Amy Yerkes Schmaljohn

19554 Gunpowder Road

Address

Millers,

City

Maryland,

State

Telephone No.

21102-2607

Zip Code

Representative to be Contacted:

Bruce E. Doak (Gerhold, Cross & Etzel, Ltd.)

Name

320 E. Towsontown Blvd. Suite 100 (410)-823-4470

Address

Towson,

City

Maryland,

State

Telephone No.

21286

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2011-0220-SP4

REV 9/15/98

UNAVAILABLE FOR HEARING _____

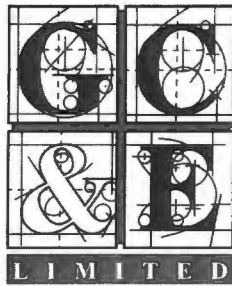
Reviewed By D.T.

Date 1/24/11

ORDER RECEIVED FOR FILING

Date 3-18-11

By 02



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

January 13, 2011

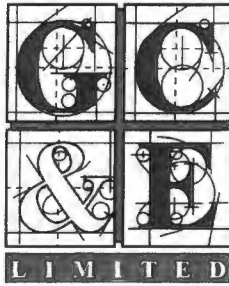
**SCHMALJOHN PROPERTY
19601 GUNPOWDER ROAD
BALTIMORE COUNTY, MARYLAND**

All that piece or parcel of land situate, lying and being in the Sixth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the paving of Gunpowder Road, 1,230 feet, more or less, northeasterly from the center of the intersection of Gunpowder Road and Prettyboy Trails Road, thence running and binding on the road way, the following courses and distance, viz:

- (1) North 07 degrees 57 minutes 21 seconds West 1.15 feet,
- (2) North 09 degrees 20 minutes 48 seconds West 11.81 feet,
- (3) North 12 degrees 25 minutes 24 seconds West 49.45 feet,
- (4) North 15 degrees 41 minutes 05 seconds West 49.27 feet,
- (5) North 08 degrees 56 minutes 24 seconds West 23.16 feet, thence leaving said road and running alongside,
- (6) By a curve to the right having a radius of 470.00 feet and an arc distance of 108.67 feet and being subtended by a chord North 22 degrees 36 minutes 52 seconds East 108.43 feet,
- (7) By a curve to the left having a radius of 530.00 feet and an arc distance of 363.68 feet and being subtended by a chord North 09 degrees 34 minutes 48 seconds East 356.59 feet,
- (8) South 66 degrees 39 minutes 28 seconds West 12.30 feet,
- (9) North 23 degrees 58 minutes 34 seconds West 14.91 feet,
- (10) North 66 degrees 39 minutes 28 seconds East 15.75 feet,
- (11) By a curve to the left having a radius of 530.00 feet and an arc distance of 81.69 feet and being subtended by a chord North 16 degrees 08 minutes 40 seconds West 81.61 feet, thence leaving the side of said road,
- (12) North 69 degrees 26 minutes 25 seconds East 60.00 feet,
- (13) South 58 degrees 02 minutes 35 seconds East 473.77 feet,
- (14) North 11 degrees 16 minutes 17 seconds East 291.62 feet,
- (15) North 09 degrees 04 minutes 33 seconds West 343.36 feet,
- (16) South 68 degrees 50 minutes 16 seconds East 428.46 feet,
- (17) South 03 degrees 40 minutes 36 seconds West 783.12 feet,
- (18) South 37 degrees 34 minutes 23 seconds East 198.92 feet,

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

- (19) North 78 degrees 13 minutes 28 seconds West 471.34 feet,
- (20) South 23 degrees 02 minutes 10 seconds West 72.83 feet,
- (21) North 73 degrees 32 minutes 08 seconds West 299.98 feet, and
- (22) South 65 degrees 13 minutes 53 seconds West 220.10 feet to the zoning point of beginning.

Containing 13.797 Acres of land, more or less.



Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

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

No. 63000

Date: 1/24/11

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
1/25/2011 1/24/2011 14:39:19 2

REC 0602 MAIL JEVA JEE
RECEIPT # 721573 1/24/2011 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

5 528 ZONING VERIFICATION
NO. 063000

Recpt Tot \$75.00
\$75.00 CK \$1.00 CA
Baltimore County, Maryland

Total: 75.00

Rec From: GERHOLD CROSS - ETZEL

For: 2011-0220-SPH
19601 GUNPOWDER RD.

D. THOMPSON

DISTRIBUTION

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

CASHIER'S
VALIDATION

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-220-SPH

19601 Gunpowder Road

E/s Gunpowder Road, 1,230 feet north of the centerline of Prettyboy Trails Road

6th Election District — 3rd Councilmanic District

Legal Owner(s): Alan & Amy Schmaljohn

Special Hearing: to allow an accessory structure (barn) to be constructed on the subject property that is not a farm without a principal structure.

Hearing: Thursday, March 3, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

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

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

JT 2/677 February 15

267166

CERTIFICATE OF PUBLICATION

2/17/2011

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 2/15/2011.

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

S. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: Case #2011-220-SPH

PETITIONER: Alan & Amy
Schmaljohn

DATE OF HEARING: 3/03/11

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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 LOCATED AT

(see page 2 for full size photo)

LOCATION:

19601 Gunpowder Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD

SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 2/15/11

ZONING NOTICE

CASE # :2011-0220-SPH

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

PLACE: Room 205 Jefferson Building
105 W. Chesapeake Avenue, Towson 21204

TIME: Thursday March 3, 2011
DATE : at 10:00 am

Special Hearing to allow an accessory
structure (barn) to be constructed on the
subject property that is not a farm
without a principle structure

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 15, 2011 Issue - Jeffersonian

Please forward billing to:
Alan Schmaljohn
19554 Gunpowder Road
Millers, MD 21102

410-374-9073

NOTICE OF ZONING HEARING

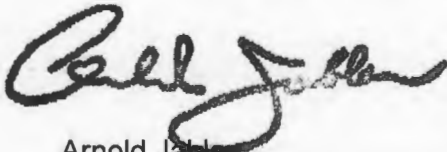
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19601 Gunpowder Road
E/s Gunpowder Road, 1,230 feet north of the centerline of Prettyboy Trails Road
6th Election District – 3rd Councilmanic District
Legal Owners: Alan & Amy Schmaljohn

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Hearing: Thursday, March 3, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE HEARINGS AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 3, 2011

NOTICE OF ZONING HEARING

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CASE NUMBER: 2011-220-SPH

19601 Gunpowder Road

E/s Gunpowder Road, 1,230 feet north of the centerline of Prettyboy Trails Road

6th Election District – 3rd Councilmanic District

Legal Owners: Alan & Amy Schmaljohn

Special Hearing to allow an accessory structure (barn) to be constructed on the subject property that is not a farm without a principal structure.

Hearing: Thursday, March 3, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director, PAI

AJ:kl

C: Bruce Doak, GC & E, 320 E. Towsontown Blvd., Ste. 100, Towson 21286
Mr. & Mrs. Schmaljohn, 19554 Gunpowder Road, Millers 21102-2607

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 16, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE OFFICE OF ADMINISTRATIVE HEARINGS AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:

Item Number or Case Number: 2011- 0220 - SPH

Petitioner: ALAN L. & Amy Y. SCHMALJOHN

Address or Location: 19554 GUNPOWDER ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ALAN L. SCHMALJOHN

Address: 19554 GUNPOWDER ROAD
MILLERS, MD 21102

Telephone Number: 410- 374- 9073

Revised 2/20/98 - SCJ



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 24, 2011

Mr. & Mrs. Alan Schmaljohn
19554 Gunpowder Road
Millers, MD 21102

RE: Case Number 2011-0220 SPH, 19601 Gunpowder Road,, Millers, MD 21102

Dear Mr. & Mrs. Schmaljohn,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 24, 2011. 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:mcn

Enclosures

c: People's Counsel
Mr. Bruce Doak/Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd. Ste. 100,
Towson, MD 21286

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: February 11, 2011

RECEIVED

FEB 14 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

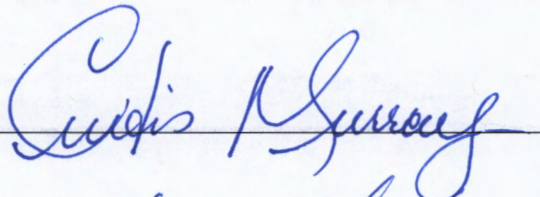
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-220- Special Hearing**

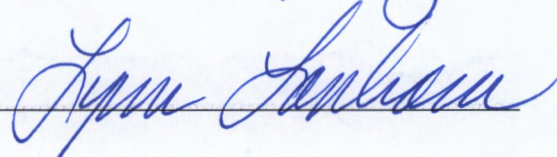
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

FEB 15 2011



ZONING COMMISSIONER

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability (DEPS)
- Development Coordination

DATE: February 15, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-220-SPH
Address 19601 Gunpowder Road
(Schmaljohn Property)

Zoning Advisory Committee Meeting of January 31, 2011.

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

1. Development of the property must comply with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). The proposed barn must be at least 35 feet from the existing Forest Buffer Easement. – *Glenn Shaffer; Environmental Impact Review*
2. Development of this property must comply with the Forest Conservation Law (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). Prior to permit approval, an Agricultural Declaration of Intent must be filed to address Forest Conservation Law. – *Glenn Shaffer; Environmental Impact Review*
3. A proposed bldg. permit for a barn will need Groundwater Mgmt. review, for well and septic setbacks. – *Dan Esser; Groundwater Management*
4. The proposed barn is appropriately sized and scaled for the proposed endeavors that include possible vegetable garden, goats and silvaculture. – *Wally Lippincott, Jr.; Agricultural Preservation*
5. Use and activities appear consistent with uses permitted in RC 8. – *Wally Lippincott, Jr.; Agricultural Preservation*
6. Landowner is investigating placing the property under permanent easement protection. Support request – *Wally Lippincott, Jr.; Agricultural Preservation*

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 2, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For February 7, 2011
Item Nos. 2011- 213, 215, 216, 217,
219, 220, 221, 222 and 223

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02072011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

February 3, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **January 31, 2011**

Item No.:

Administrative Variance: 2011-0215A – 0216A, 2011-0224A

Special Hearing: 2011-0213-SPH, 2011-0219-SPHA, 2011-0220-SPH, 2011-0225-SPHA

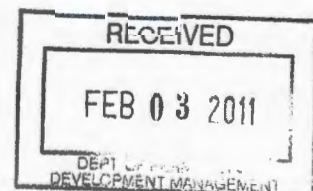
Variance: 2011-0217A, 2011-0219-SPHA, 2011-0221-XA, 2011-0222A – 0223A, 2011-0225-SPHA

Special Exception: 2011-0221-XA,

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
19601 Gunpowder Road; E/side * ZONING COMMISSIONER
Gunpowder Road, 1,230 ft. N of centerline *
Prettyboy Trails Road *
6th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Alan L. & Amy Yerkes *
Petitioner(s) * BALTIMORE COUNTY
* 2011-0220-SPH

* * * * *

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

FEB 02 2011

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 2nd day of February, 2011, a copy of the foregoing Entry of Appearance was mailed to Alan L. Schmaljohn and Amy Yerkes Schmaljohn, 19554 Gunpowder Road, Millers, MD 21102-2607, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 06 Account Number - 0614065125

Owner Information

Owner Name:	SCHMALJOHN ALAN L SCHMALJOHN AMY YERKES	Use:	AGRICULTURAL
Mailing Address:	19601 GUNPOWDER RD MANCHESTER MD 21102-2609	Principal Residence:	NO
		Deed Reference:	1) /28660/ 00314 2)

Location & Structure Information

Premises Address	Legal Description
19601 GUNPOWDER RD 0-0000	13.80 AC ES 19601 GUNPOWDER RD 2100 FT S OF ROCKDALE RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
040010	0009	0027		060000				2	Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		13.8000 AC	33

Stories	Basement	Type	Exterior
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Value Information

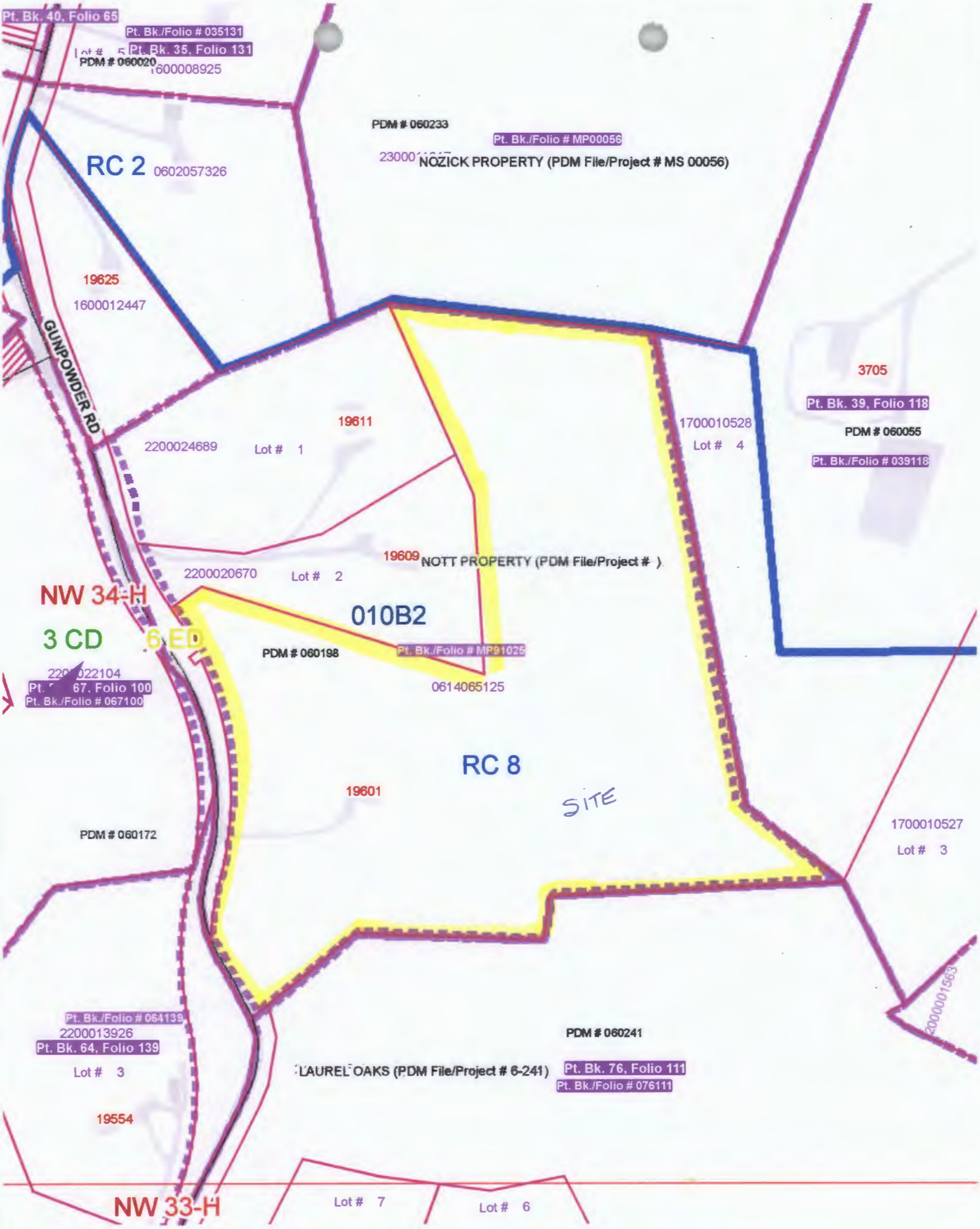
	Base Value	Value	Phase-in Assessments		
		As Of 01/01/2011	As Of 07/01/2010	As Of 07/01/2011	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	142,430	96,400			
Improvements:	0	0			
Total:	142,430	96,400	96,400	96,400	
Preferential Land:	2,430			2,400	

Transfer Information

Seller:	NOTT WILLIAM W	Date:	09/21/2009	Price:	\$140,000
Type:	ARMS LENGTH VACANT	Deed1:	/28660/ 00314	Deed2:	
Seller:	AG USE 83-84	Date:		Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/00000/ 00000	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

CASE NAME _____
CASE NUMBER 2011-0220 - 5PL4
DATE 3/3/11

[illegible]



Case No.: 2011-0220-SPH

Exhibit Sheet

Petitioner/Developer

Protestants

No. 1	Plat Site Plan	
No. 2	Aerial Photo	
No. 3	Aerial Photo	
No. 4	4A-H Photos	
No. 5	Red Lined Plat	
No. 6	Photos	
No. 7	Elevation Drawings	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

01-06-2011

Dwelling shown
on Aerial
Zoning Map
No longer exists

010B2

RC 8

PETITIONER'S

EXHIBIT NO. 2



PETITIONER' S

EXHIBIT NO. 3



PETITIONER'S

EXHIBIT NO. 4A-H















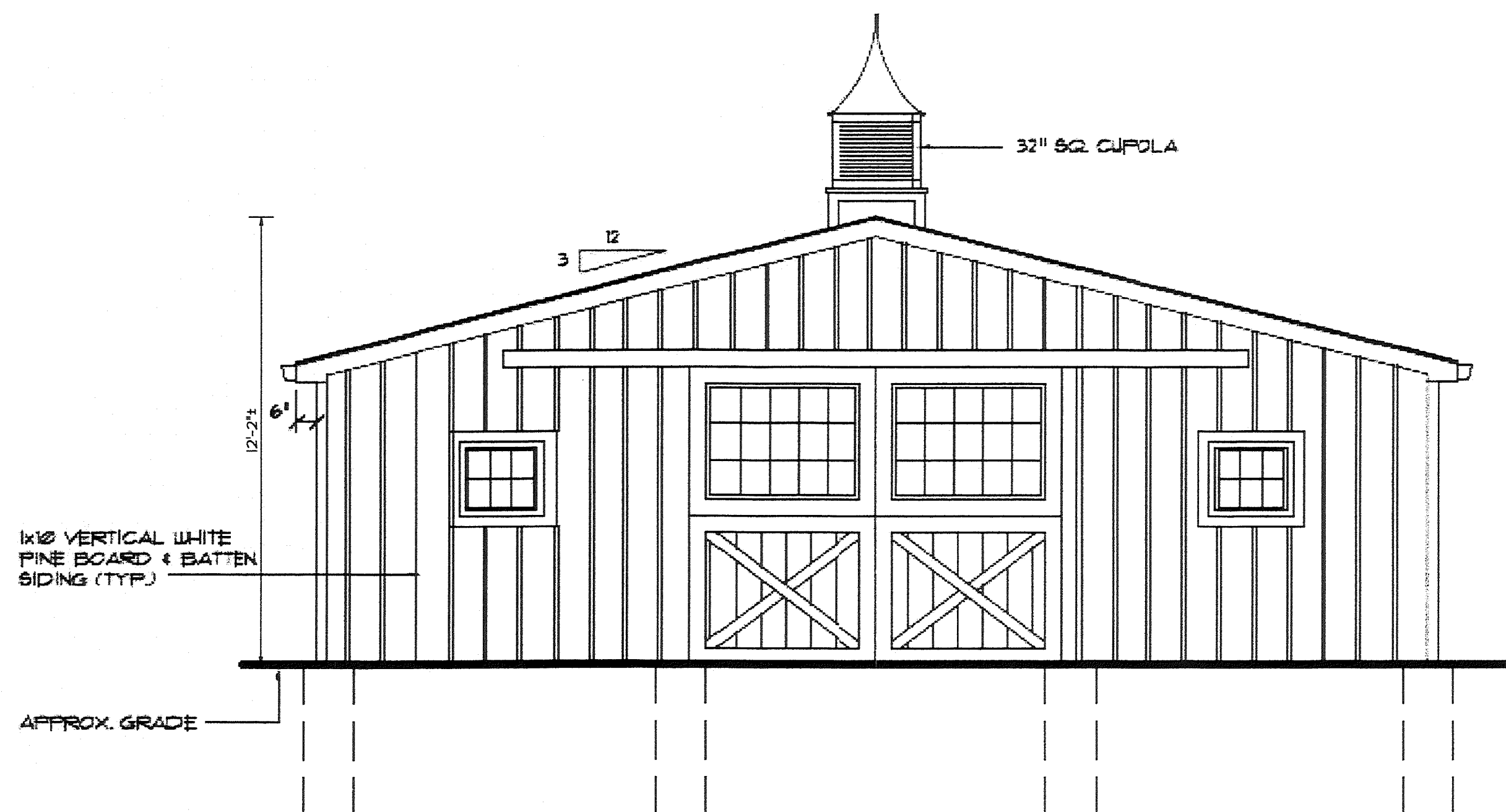


PETITIONER'S

EXHIBIT NO. 6 A-C







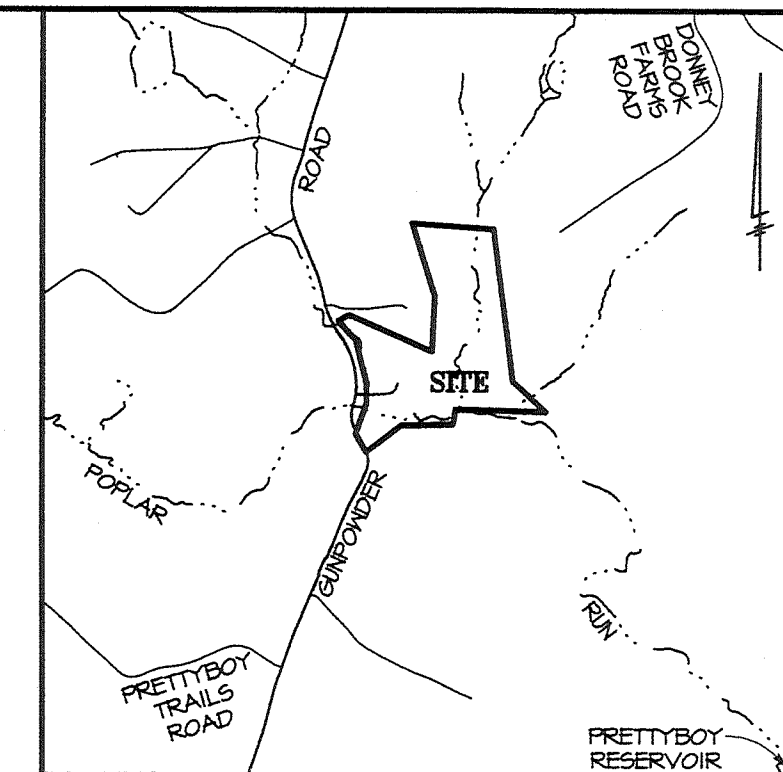
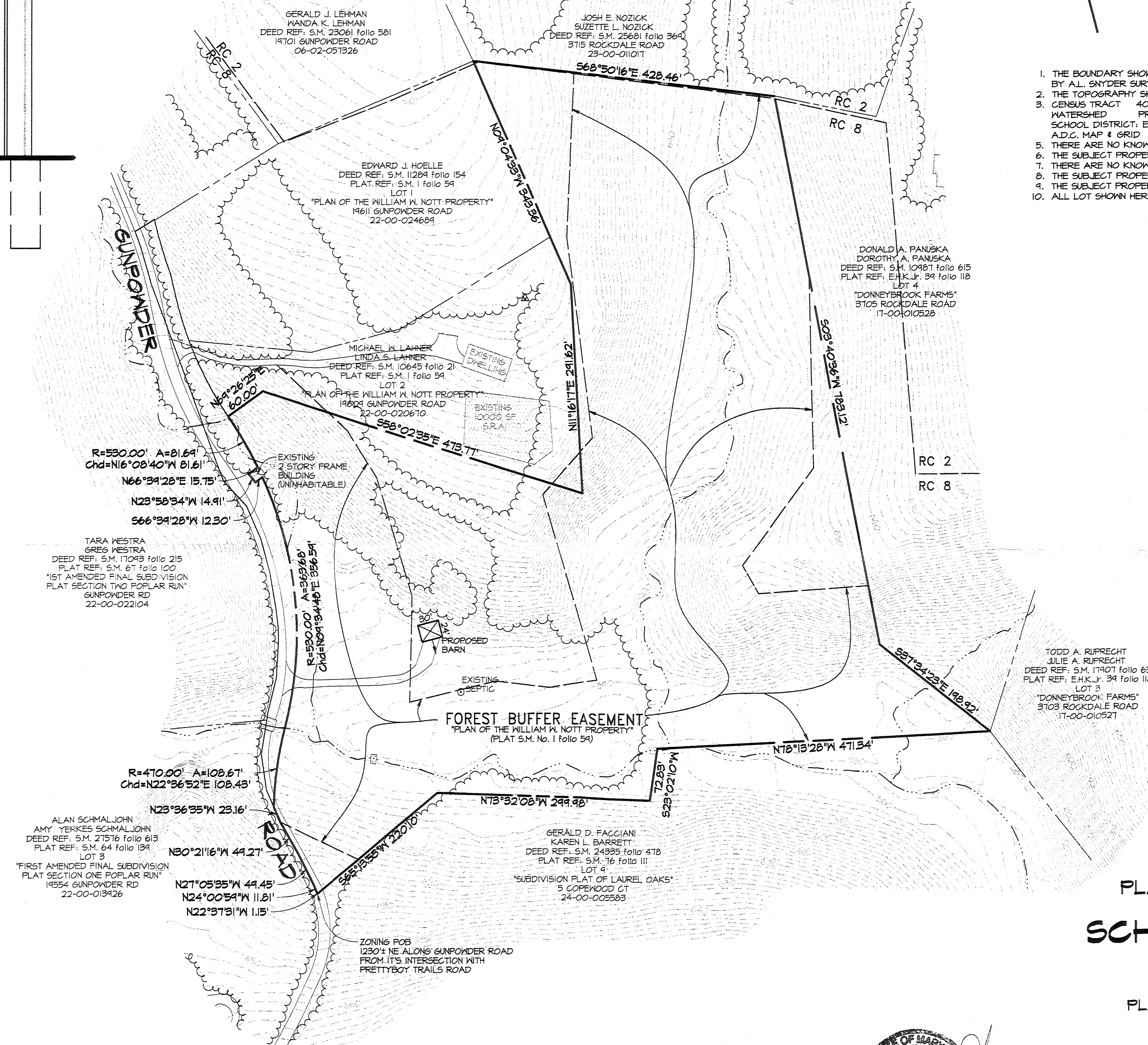
ELEVATION
NOT TO SCALE

R.C. 8 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO: RIGHT OF WAY OF PUBLIC OR PRIVATE INTERIOR STREETS	35'
FROM ANY BUILDING FACE TO: ANY PRINCIPAL BUILDING	80'
FROM ANY BUILDING FACE TO: THE REAR LOT LINE	50'

LEGEND

EXISTING CLEANOUT	○
PROPOSED DWELLING	⊠
EXISTING BUILDING	□
SOIL LINE	—•—•—•—
WOODS LINE	—•—•—•—
EXISTING PAVING	—•—•—•—
ZONING LINE	—•—•—•—
PROPERTY LINE	—•—•—•—
CONTOURS	—•—•—•—



VICINITY MAP
1" = 1000'

GENERAL NOTES

- THE BOUNDARY SHOWN HEREON IS FROM THE PLAN OF THE WILLIAM W. NOTT PROPERTY PREPARED BY AL. SNYDER SURVEYOR, INC., FEBRUARY 2, 1983.
- THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 010B2.
- CENSUS TRACT: 406000 REGIONAL PLANNING DISTRICT: 301 WATERSHED: PRETTYBOY RESERVOIR SUBWATERSHED: NON-SERVICE ZONE SCHOOL DISTRICT: ELEMENTARY - PRETTYBOY E.S.; MIDDLE - HEREFORD M.S.; HIGH - HEREFORD H.S. A.D.C. MAP 4 GRID: 111
- THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
- THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SUBJECT PROPERTY IS WITHIN A 100 YEAR FLOOD PLAIN.
- ALL LOT SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

DENSITY CALCULATIONS RC-8

GROSS AREA	13.717 Ac.±
HIGHWAY WIDENING	0.567 Ac.±
NET AREA	14.364 Ac.±
LOTS PERMITTED	10-30 Ac.± = 2 Lots

OWNER

ALAN L. SCHMALJOHN AND
AMY TERKES SCHMALJOHN
18554 GUNPOWDER ROAD
MILLERS, MARYLAND 21102-2607
(410)-314-4075

REQUEST FOR PETITION

TO ALLOW AN ACCESSORY STRUCTURE (BARN)
TO BE CONSTRUCTED ON THE SUBJECT PROPERTY
WITHOUT A PRINCIPAL STRUCTURE.

PLAT TO ACCOMPANY A PETITION
FOR SPECIAL HEARING
SCHMALJOHN PROPERTY

19601 GUNPOWDER ROAD
Deed Ref: S.M. No. 28660 folio 314
Plat Ref: S.M. No. 1 FOLIO 59
PLAN OF THE WILLIAM W. NOTT PROPERTY
Tax Account No.: 06-14-065125
Zoned RC-8; GIS Tile 010B2
Tax Map 10; Grid 9; Parcel 27
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100'

Date: JANUARY 13, 2011

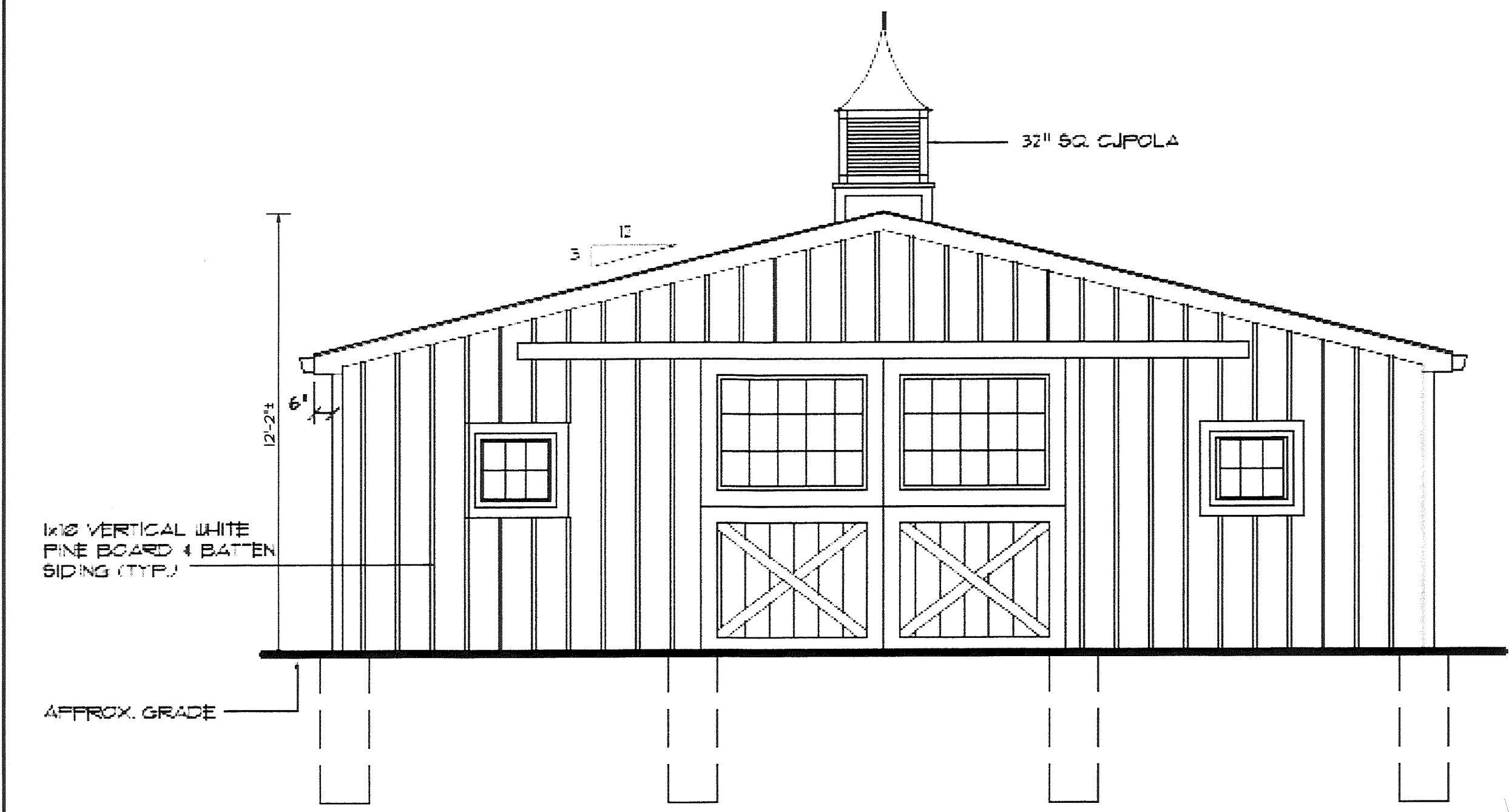
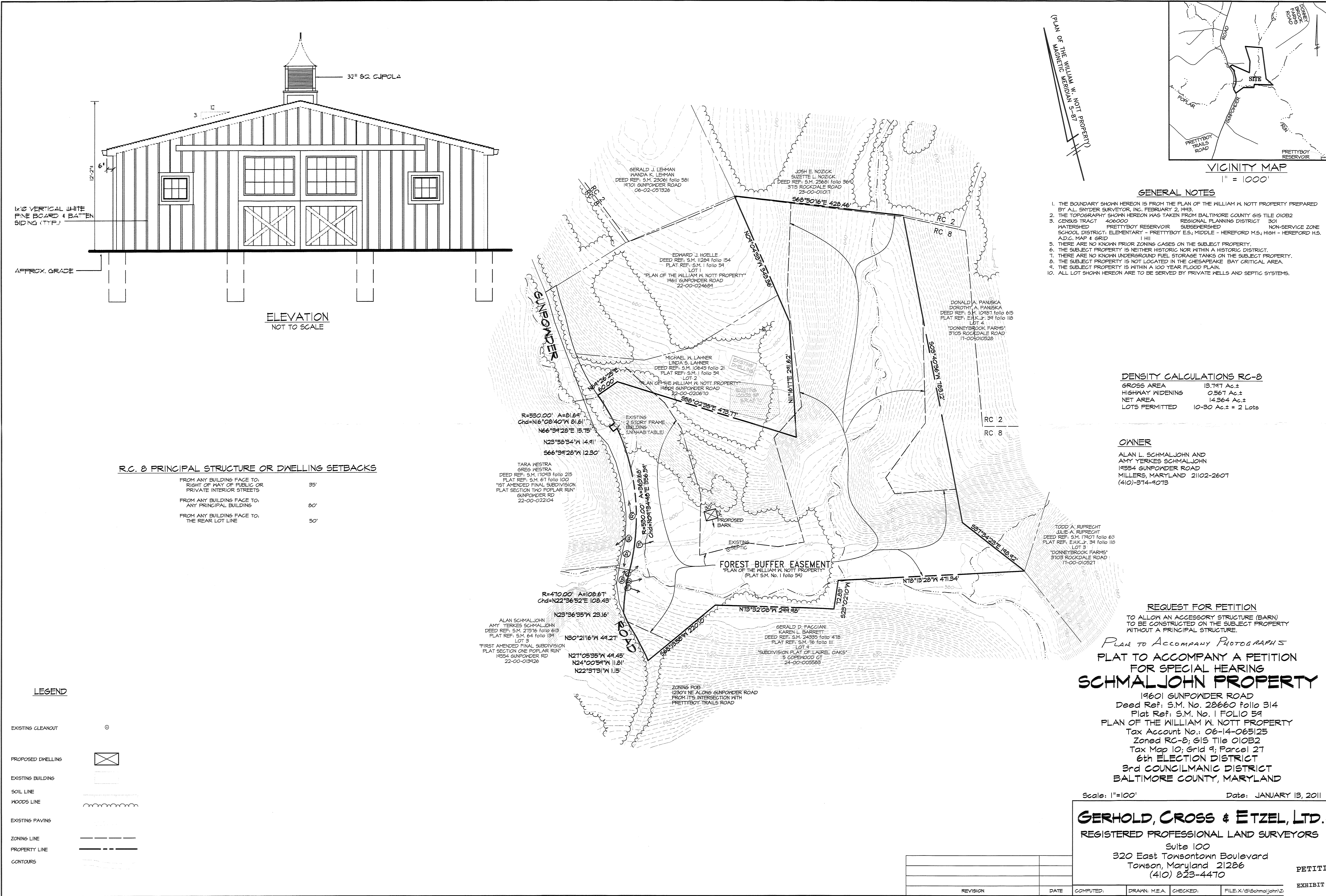
GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

PETITIONER'S

EXHIBIT NO. 1

2011-0220 - SPH

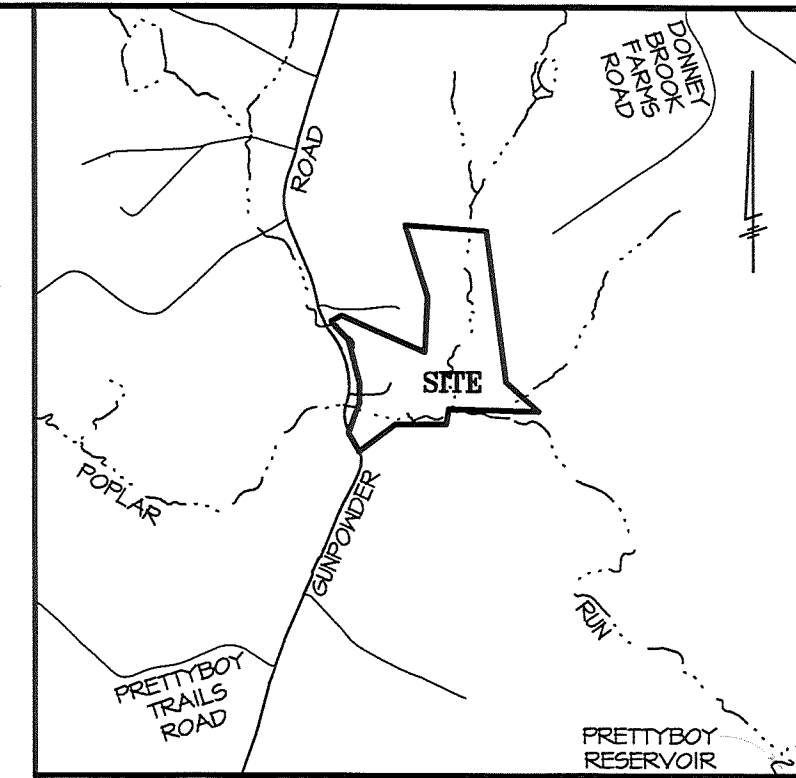


R.C. 8 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO: RIGHT OF WAY OF PUBLIC OR PRIVATE INTERIOR STREETS	35'
FROM ANY BUILDING FACE TO: ANY PRINCIPAL BUILDING	80'
FROM ANY BUILDING FACE TO: THE REAR LOT LINE	50'

LEGEND

EXISTING CLEANOUT	⊙
PROPOSED DWELLING	⊠
EXISTING BUILDING	▭
SOIL LINE	~~~~~
WOODS LINE	~~~~~
EXISTING PAVING	
ZONING LINE	----
PROPERTY LINE	----
CONTOURS	~~~~~



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE PLAN OF THE WILLIAM M. NOTT PROPERTY PREPARED BY A.L. SCHMALJOHN AND AMY YERKES SCHMALJOHN, FEBRUARY 2, 1993.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 010B2.
3. CENSUS TRACT 406000 REGIONAL PLANNING DISTRICT 301 NON-SERVICE ZONE
4. WATERSHED PRETTYBOY RESERVOIR SUBWATERSHED SCHOOL DISTRICT ELEMENTARY - PRETTYBOY E.S.; MIDDLE - HEREFORD M.S.; HIGH - HEREFORD H.S.
5. A.D.C. MAP # GRID 1 H1
6. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
8. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
9. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
10. THE SUBJECT PROPERTY IS WITHIN A 100 YEAR FLOOD PLAIN.
11. ALL LOT SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

DENSITY CALCULATIONS RC-8

GROSS AREA	13.747 Ac.±
HIGHWAY WIDENING	0.367 Ac.±
NET AREA	14.364 Ac.±
LOTS PERMITTED	10-30 Ac.± = 2 Lots

OWNER

ALAN L. SCHMALJOHN AND
AMY YERKES SCHMALJOHN
19554 GUNPOWDER ROAD
MILLERS, MARYLAND 21102-2607
(410)-374-9073

REQUEST FOR PETITION

TO ALLOW AN ACCESSORY STRUCTURE (BARN)
TO BE CONSTRUCTED ON THE SUBJECT PROPERTY
WITHOUT A PRINCIPAL STRUCTURE.

PLAN TO ACCOMPANY PHOTOGRAPHS
PLAT TO ACCOMPANY A PETITION
FOR SPECIAL HEARING
SCHMALJOHN PROPERTY

19601 GUNPOWDER ROAD
Deed Ref: S.M. No. 28660 folio 314
Plat Ref: S.M. No. 1 FOLIO 59
PLAN OF THE WILLIAM M. NOTT PROPERTY
Tax Account No.: 06-14-065125
Zoned RC-8; GIS Tile 010B2
Tax Map 10; Grid 9; Parcel 27
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100' Date: JANUARY 13, 2011

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

PETITIONER'S

EXHIBIT NO. 5

REVISION	DATE	COMPUTED	DRAWN: M.E.A.	CHECKED	FILE: X:\10\Schmaljohn\2

1. PER CARROLL CO., ID. CODE SECTIONS AMENDMENT 91-4 (73), THIS BUILDING CLASSIFIED AS AN AGRICULTURAL STRUCTURE AND IS NOT REQUIRED TO MEET ANY CODE, EXCEPT MUST CONFORM TO ELEC. REGS. OF NEC 2002, (BUILDING IS TWO SF/ VOLUME IS 1236 CU YD)
2. ALL FOUNDATIONS SHALL BE DESIGNED FOR AN ASSURED ALLUO NET SOIL BEARING PRESSURE OF 1.5 TONS PER SQ. FT. BY CONTRACTOR TO VERIFY.
3. PROVIDE EROSION PROTECTION AS REQ'D. BY ALL GOVERNING AUTHORITIES.
4. PROVIDE P.T. WD. INSTEAD IN CONCRETE W/ EPON ROOFING, FLASHING, WATERPROOFING, MASONRY, OR GROUT OR EARTH.
5. ALL WOOD FASTENERS, HANGERS, ETC. IN CONTACT W/ P.T. WD. TO RECEIVE MIN. 650 LB. OR GREATER AS REQ'D BY FASTENER MFR FOR TYPE OF P.T. CHEMICAL USED AND/OR ENVIRONMENT.
6. STALL PARTITIONS TO BE 1 x 8 OAK VERTICAL, SOLID UP TO 4'-0" AFS, 3'-0" 1/4" POWDERIZED STEEL GRILL TO BE FASTENED ABOVE UNLESS NOTED OWL.
7. EXTERIOR WALLS TO BE LINED ON INSIDE W/ 1 x 8 OAK VERTICAL, UNDERSIDE OF RAFTERS
8. CONFORM TO ELEC. REGS. OF NEC 2002, ILL. GFC RECEIPTS, ALL LOCS. 4 GROUNDS OF CONDUCTIVE MATERIALS TO BE INSTALLED. ALL PORTIONS OF 4 GROUNDS TO BE HELD BY WIRE FABRIC (W/F) TO BE WELDED TOGETHER TO ENSURE A COMPLETE EQUIPMENTAL PLANE FOR GROUNDING. INSTALL RECEPTS AS CONDUIT FOR VARIOUS TYPES OF WIRE. 4 BOXES MUST BE INSTALLED EITHER TYPE EITHER CONCEALED OR INACCESSIBLE TO LIVESTOCK.

THIS DRAWING WAS DONE FOR THE SOLE PURPOSE OF ASSISTING JVN STRUCTURES IN CONSTRUCTION OF THE BUILDING. IT SHALL NOT BE USED BY ANY PERSONS IN ANY MANNER OTHER THAN THE EMPLOYEES & DEALERS OF JVN STRUCTURES WITHOUT THE WRITTEN PERMISSION OF JVN STRUCTURES & THE ARCHITECT. ALSO THIS DRAWING SHALL NOT BE COPIED WITHOUT THE WRITTEN PERMISSION OF JVN STRUCTURES & THE ARCHITECT.

1. FOUNDATIONS DESIGNED FOR ASSIGNED 3000 PSI ALLOWED NET SOIL BEARING. CONTRACTOR TO VERIFY: OWNER TO PAY FOR SOIL TESTS AND FOR REDESIGN IF INCREASED LOADS ARE FOUND. CONTRACTOR TO PROVIDE ADEQUATE STEP FOUND. AT 10' - NO UTIL. BELOW FLS W/O ARCH. APPROVAL.
2. DESIGN LIVE LOADS AS FOLLOWS:
 - 50 PSF
 - 1 - GEINIC USE GROUP: I
 - WIND: 90 MPH (EXPOSURE C)
 - 1 - SITE CLASS: D
 - WEATHERING: SEVERE
 - 1 - GEINIC RESIST: 1D, FRAME
3. DEAD LOADS AS FOLLOWS:
 - WOOD ROOF: W/ BATTLIN: 1" MAX
4. PLACE MILL & BACKFILL: 1' MIN. OF LIFTS. COMPACT 8" LAYER UNDER SLABS & FOOTINGS DRY DENSITY MIN 98%. DO NOT BUILD ON UNDERSTRENGTH SOIL.
5. CONC. W/REIN. TO MEET TO ALL PROVISIONS OF LATEST EDC. AS 301 & 308, INCL. FREEZING & HOT WEATHER PROVISIONS. TYPE I CEMENT PER ASTM C595. CONC. MIN. 1 IN. STONE PER ASTM C33. SLUMP: 4" MIN. MAX. 6" CHISEL. CONCRETE SHALL HAVE 28 DAY COMPRESSIVE STRENGTH AS FOLLOWS:
 - 3000 PSI ALL LOCATIONS
6. AIR ENTRAINMENT CONCRETE AT EXT. HORIZ. SURFACES: 4% ± 1%. REIN. TO MEET WITH ALL PROVISIONS OF LATEST EDC. USE 1/2" AT 12" O.C. PROVIDE CORNER BARS TO MATCH CORNER REIN. LAP REIN. MIN. 24". CONC. TO BE MOIST CURED OR GRADED W/ MEFERANE.
7. ALL STRUCTURAL WOOD TO BE GRADED - MIN 60% - OR 24-HR FIR UNDO.
8. CONTRACTOR IS RESPONSIBLE FOR ALL MEANS OF CONSTRUCTION, INCL. PROVIDING DAYS, BRACING, & SHORING AS REQUIRED FOR ALL LOADS DURING THROUGHOUT CONSTRUCTION AND JOB SITE SAFETY. CONTRACTOR TO PROVIDE ALL STAKE MATERIALS IN EXCESS OF DESIGN LIVE LOAD WITHOUT APPROVAL OF ARCH.

D1 — (2) 5'-0"x8'-0" SPLIT SLIDING DOORS
w/ TINTED GLASS

D2 — 4'-0"x1'-0" DUTCH DOOR

D3 — 4'-0"x1'-0" SLIDING
STALL DOOR

D4 — 4'-0"x1'-0" SOLID SLIDING DOOR

D5 — 3'-0"x6'-0" SERVICE DOOR

1
AJ — SECTION NUMBER
— SHEET SECTION IS LOCATED.

1
AJ — DETAIL NUMBER
— SHEET DETAIL IS LOCATED.

◆ — ELEVATION BULLET



SCALE: 1/4" = 1'-0"



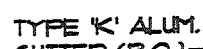
FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



BUILDING SECTION