



KEVIN KAMENETZ
County Executive

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

September 11, 2012

Alan H. Silverberg, Esquire
1829 Reisterstown Road
Suite 410
Baltimore, Maryland 21208

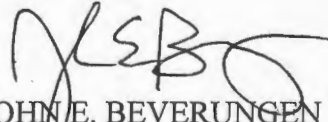
RE: **MOTION FOR RECONSIDERATION**
Petitions for Special Hearing and Variance
Case No. 2012-0256-SPHA
Property: 6727 B Windsor Mill Road

Dear Mr. Silverberg:

Enclosed please find a copy of the Motion for Reconsideration Opinion and Order rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Robert H. Brauns, Jr., President, LMC Landscaping, Inc., PO Box, 26583,
2001 Wells Manor Avenue, Baltimore MD 21207

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

SW of Windsor Mill Road, 1,000' SE of
c/line of Featherbed Lane
(6727 B Windsor Mill Road)
2nd Election District
4th Council District

Rodger Glenn Price
Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

CASE NO. 2012-0256-SPHA

* * * * *

MOTION FOR RECONSIDERATION
ORDER AND OPINION

By Order dated July 27, 2012, the undersigned denied the Petitioner's special hearing petition, which sought to establish his landscaping business as a legal non-conforming use (NCU) in a DR 5.5 zone. The Petitioner has filed a motion seeking reconsideration of that Order, but in his motion the Petitioner would appear to concede that he cannot satisfy the requisite legal standard for a NCU. *See* Motion, paragraph 5. Thus, this case is somewhat of an anomaly, given that the zoning relief originally sought is apparently no longer at issue.

Instead, the motion in essence seems to argue that the purported "landscape business" operated by Petitioner is not in fact conducted from his home. Rather, the Petitioner notes that he simply stores the following on site: two pickup trucks, two trailers and six lawn mowers. The Petitioner then argues that parking such vehicles and equipment is permitted in a DR zone, citing Baltimore County Zoning Regulations (B.C.Z.R.) § 431. Upon closer scrutiny, I disagree in certain respects with Petitioner's analysis.

As an initial matter, Petitioner is certainly entitled to store/park on his property one commercial vehicle which is less than 10,000 lbs. gross vehicle weight (GVW). B.C.Z.R.

ORDER RECEIVED FOR FILING

Date 9-11-12

By RW

§ 431.1.B. Provided the Petitioner observes the requirements set forth in § 431.1.B.1-3, this would be permitted. But the second commercial vehicle, which is larger than 10,000 lbs., cannot be parked on the premises overnight. The regulations permit such a vehicle to be parked on DR zoned property for a period not "exceeding the time essential to the immediate use of the vehicle." B.C.Z.R. § 431.1.A. This would allow, for example, a roofing contractor to park his vehicles on his customer's lot during the period of time in which the contractor completed the roof repairs. Petitioner's commercial vehicle exceeding 10,000 GVW does not satisfy this requirement, since no "immediate use" is being made of the vehicle. Rather, it is simply being stored overnight and will be engaged in commercial activity the following day, which is exactly what the regulation prohibits.

The next issue concerns the trailers. Under the B.C.Z.R., trailers such as those owned by the Petitioner (known as utility trailers, which in Petitioner's case are used to transport the lawn mowers, gas cans, etc.) would be considered "commercial vehicles," as that term is defined in B.C.Z.R. § 101.1. As such, they cannot be stored or parked on a residential lot, per B.C.Z.R. § 431.1, which permits the lot owner to store only one commercial vehicle on site. In the end, the Petitioner owns and stores at his home four commercial vehicles: two trucks and two trailers. To comply with the B.C.Z.R., the Petitioner is entitled to keep only one of these vehicles at his home.

The final issue is the six lawnmowers, and it does not appear as if the B.C.Z.R. regulates the number of lawnmowers a homeowner may keep on a residential lot. Of course, the six lawnmowers are indicia of the commercial operation run by Petitioner, which is not permitted in the DR zone. Even so, I believe Petitioner can keep the lawnmowers, provided they are stored in a fully enclosed structure, as proposed in the motion.

ORDER RECEIVED FOR FILING

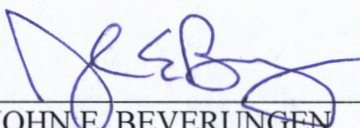
Date 9-11-12

By [Signature]

The Petitioner must understand that the zoning regulations are enforced by the Department of Permits, Approvals, and Inspections (PAI), not this office. As such, it is possible the code inspectors in that department may disagree with the analysis herein, and seek to cite the Petitioner, as occurred at the outset of this case. That agency operates strictly by complaints, which means that if the Petitioner observes the restrictions set forth herein, and stores the lawnmowers inside a garage/shed and has no other activity or equipment visible to neighbors, the County may not receive complaints from neighbors. I stress this point simply to let Petitioner know that this is a tenuous situation, and he must conduct his affairs in such a manner that does not suggest or indicate the operation of a business at his dwelling.

THEREFORE, IT IS ORDERED this 11th day of September, 2012 by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration filed by the Petitioner, be and is hereby DENIED.

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:dlw

ORDER RECEIVED FOR FILING

Date 9-11-12

By dlw

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
SW of Windsor Mill Road, 1,000' SE of	*	OFFICE OF
c/line of Featherbed Lane		
(6727 B Windsor Mill Road)	*	ADMINISTRATIVE HEARINGS
2 nd Election District		
4 th Council District	*	FOR
Rodger Glenn Price	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2012-0256-SPHA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Rodger Glenn Price. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Administrative Law Judge should approve as a non-conforming use a landscaping business which includes the storage of contractor's equipment on the premises. The Petitioner is also seeking variance relief from Section 400.3 of the B.C.Z.R., to permit an accessory structure in excess of the height restriction of 15'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing held for this case was Petitioner Rodger Glenn Price. Alan H. Silverberg, Esquire appeared as counsel and represented Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. The file contains a letter of opposition, dated May 24, 2012, from Robert H. Brauns, Jr., President of LMC Landscaping, Inc., located at 2001 Wells Manor Avenue. Mr. Brauns also attended the hearing, and testified in opposition to the Petitions.

ORDER RECEIVED FOR FILING

Date 7-27-12

By pm

At the outset, Mr. Silverberg indicated the Petition for Variance was being dismissed. He explained that the open carport in question is apparently under 10 feet in height, so that no variance relief is needed for that structure. As such, this Order only addresses the non-conforming use issue.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. There were no adverse comments received from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 1.17 acres (50,965 square feet) and zoned DR 5.5. The Petitioner indicated he has been in the landscaping business for approximately 20 years, which is when he acquired the home located on Windsor Mill Road. Mr. Price testified he has about seven employees and 10-15 lawn mowers of various varieties. The crew starts their work day at approximately 7 am, and is finished at about 5 pm, Monday-Friday. Mr. Price explained that no heavy equipment of any kind is stored on site, and he noted the employees are really only on the premises for 10-15 minutes at the beginning and end of their day.

Mr. Price is a credible witness, and I have no doubt he conducts the business in a professional manner. He is well-liked by his neighbors, and he apparently maintains the neighborhood church and vacant homes in the area. But, unfortunately, he failed to sustain his burden of proof in establishing a non-conforming use under Maryland law.

To establish a non-conforming use, the property owner must show he was -- at or before the enactment of the zoning ordinance forbidding the use in question -- using his property in a lawful manner. Howard County v. Meyer, 207 Md. 389 (1955); See also B.C.Z.R. § 104. The burden of establishing a nonconforming use is on the claimant of such use, and one effective way of meeting this burden is to show that the existence of the use in question was well known throughout the neighborhood at the critical time. *Calhoun v. County Board of Appeals*, 262 Md.

ORDER RECEIVED FOR FILING

Date 7-27-18 2

By [Signature]

265 (1971). While the mere change in ownership would not destroy a nonconforming use, a Petitioner must establish that the nature and character of the use in question – a landscaping business – remained unchanged and that substantially the same facilities were used throughout the years in question. *Kastendike v. Baltimore Association for Retarded Children*, 267 Md. 389 (1974). As recognized by the Court of Appeals, nonconforming uses are disfavored in the law, and “pose a formidable threat to the success of zoning”. *Prince George’s County v. E.L. Gardner*, 293 Md. 259, 267 (1982).

The testimony in this case established that the Petitioner has been conducting his lawn care business from the subject property for approximately 20 years, at or about the time he acquired the property. According to State tax records, the Petitioner acquired the subject property on December 14, 1994, and the “use” is classified as residential. When the Petitioner purchased his home, the zoning was DR 5.5. The property was first zoned DR 5.5 in 1971. Under that residential zoning classification, a landscaping or lawn care business (including storage of contractor’s equipment) is not a use permitted by right or special exception. As such, the use cannot be deemed a lawful non-conforming use under Maryland law.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions, and for the reasons set forth above, the special hearing relief requested shall be denied.

THEREFORE, IT IS ORDERED, this 27 day of July, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve as a non-conforming use a landscaping business which includes the storage of contractor’s equipment on the premises, be and is hereby DENIED.

ORDER RECEIVED FOR FILING

Date 7-27-12

3

By [Signature]

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 7-27-12

By [Signature]



KEVIN KAMENETZ
County Executive

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

July 27, 2012

ALAN H. SILVERBERG, ESQUIRE
1829 REISTERSTOWN ROAD
SUITE 410
BALTIMORE MD 21208

RE: Petitions for Special Hearing and Variance
Case No.: 2012-0256-SPHA
Property: 6727 B Windsor Mill Road

Dear Mr. Silverberg:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: Robert H. Brauns, Jr., President, LMC Landscaping, Inc., PO Box, 26583, 2001 Wells
Manor Avenue, Baltimore MD 21207



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6727B Windsor Mill Rd, 21207 which is presently zoned DR 5.5
 Deed References Liber 10867/Folio 007370 Digit Tax Account # 0 2 0 4 3 5 0 1 4 0
 Property Owner(s) Printed Name(s) Rodger Glenn Price

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
 A nonconforming use as a landscaping business which includes the storage of contractor's equipment on the premises.

2. _____ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s)

BCZR 400.3 Accessory structure in excess of the height restriction of 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Alan H. Silverberg, Esq.

Name- Type or Print

Signature

1829 Reisterstown Rd., Ste 410

Mailing Address

City

State

Baltimore, MD

21208 / 410-363-4444 / asilverberg@swsl-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Rodger Glenn Price

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6727B Windsor Mill Rd. Baltimore, MD

Mailing Address

City

State

21207

/ 410-340-6980

/ None

Zip Code

Telephone #

Email Address

Representative to be contacted:

Sherry Myers, Paralegal for Alan Silverberg

Name - Type or Print

Signature

1829 Reisterstown Rd., Ste 410

Mailing Address

City

State

Baltimore, MD

21208 / 410-363-4444 / smyers@swsl-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0256 SP1A Filing Date 4/13/12

Do Not Schedule Dates: _____

Reviewer AT



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
(410) 252-4444 (o)
(410) 252-4493 (f)
www.polarisl.com

Zoning Description of
6727B Windsor Mill Road
2nd Election District
4th Councilmanic District
Baltimore County, MD

Beginning at a point located 435 feet southwest of a point in the center of Windsor Mill Road, which point is located 1000 feet southeast of the center of Featherbed Lane, thence running
1) northwest 154 feet, 2) S 49 degrees 30 minutes W 250 feet, 3) S 22 degrees 30 minutes E 167.33 feet, and 4) N 48 degrees 30 minutes E 294.00 feet to the point of beginning.

Containing 50,965 square feet or 1.17 Acres of land more or less as recorded in Deed Liber 10867 Folio 737.



2012-0256-SPHA

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

No. 82124
 Date: 4/13/2012

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	866	0000		6150					770-

Total: \$770

Rec From: GOVEA ENTERPRISE INC.
 For: 6727 B WINDSOR MILL RD
2012-0256 SPHA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: ~~106425~~ 2012-0256-SPHA

Petitioner: Rodger Glenn Price

Address or Location: 6727 B Windsor Mill Road, Baltimore, MD 21207

PLEASE FORWARD ADVERTISING BILL TO:

Name: Rodger Glenn Price

Address: 6727 B Windsor Mill Road, Baltimore, MD 21207

Telephone Number: 410-340-6980

MEMORANDUM

DATE: October 15, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0256-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on October 12, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c:  Case File
Office of Administrative Hearings

**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: # 2012-0256-SPHA
6727 B Windsor Mill Road
SW of Windsor Mill Road,
1,000 ft. SE of the center-
line of Featherbed Lane
2nd Election District
4th Councilmanic District
Legal Owner(s): Rodger
Glenn Price

Special Hearing: for a non-
conforming use as a land-
scaping business which in-
cludes the storage of con-
tractor's equipment on the
premises. **Variance:** to per-
mit an accessory structure
in excess of the height re-
striction of 15 feet.

Hearing: Thursday, May
31, 2012 at 1:30 p.m. in
Room 205, Jefferson
Building, 105 West Chesape-
peake Avenue, Towson
21204.

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

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

JT/5/709 May 15 303229

CERTIFICATE OF PUBLICATION

5/17, 2012

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 5/15, 2012.

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

J. Wilkinson

LEGAL ADVERTISING

**NOTICE OF ZONING
HEARING**

The Administrative Law Judge 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: # 2012-0256-SPHA
6727 B Windsor Mill Road
SW of Windsor Mill Road,
1,000 ft. SE of the center-
line of Featherbed Lane
2nd Election District
4th Councilmanic District
Legal Owner(s): Rodger
Glenn Price

Special Hearing: for a non-
conforming use as a land-
scaping business which in-
cludes the storage of con-
tractor's equipment on the
premises. **Variance:** to per-
mit an accessory structure
in excess of the height re-
striction of 15 feet.

Hearing: Monday, July 2,
2012 at 10:00 a.m. in
Room 205, Jefferson
Building, 105 West Ches-
apeake Avenue, Towson
21204.

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

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

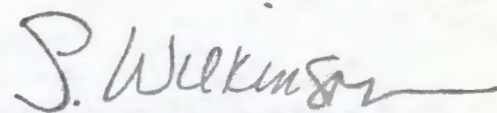
IT/6/677 June 12 304122

CERTIFICATE OF PUBLICATION

6/14/ 2012

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 6/12/ 2012.

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



LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

CERTIFICATE OF POSTING

RE: Case# 2012-0256-SPHA

PETITIONER: Rodger Glenn Price

DATE OF HEARING: July 2, 2012

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:

6727B Windsor Mill Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSON TOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: June 7, 2012

ZONING NOTICE

CASE #2012-0256-SPHA

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

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

TIME:

DATE : Monday July 2, 29, 2012 at 10:00 AM

Special Hearing for a nonconforming use as
a landscaping business which includes the
storage of contractor's equipment on the
premises.

Variance to permit an accessory structure in
excess of the height restriction of 15 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 410-587-3391 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





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#2012-0256-SPHA

PETITIONER:
Rodger Glenn Price

DATE OF HEARING: May 29, 2012

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

LOCATION:
6727B Windsor Mill Road

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: May 08, 2012

ZONING NOTICE

CASE #2012-0256-SPHA

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

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

TIME: Tuesday May 29, 2012 at 1:30 PM

DATE :
Special Hearing for a nonconforming use of
a landscaping business which includes the
storage of contractor's equipment on the
premises.

Variance to permit an accessory structure in
excess of the height restriction of 15 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-387-2191 THE DAY BEFORE THE SCHEDULED HEARING DATE
HEARINGS ARE HANDICAPPED ACCESSIBLE





KEVIN KAMENETZ
County Executive

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

May 1, 2012

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 NUMBER: 2012-0256-SPHA

6727 B Windsor Mill Road

SW of Windsor Mill Road, 1,000 ft. SE of the centerline of Featherbed Lane

2nd Election District – 4th Councilmanic District

Legal Owners: Rodger Glenn Price

Special Hearing for a nonconforming use a landscaping business which includes the storage of contractor's equipment on the premises. Variance to permit an accessory structure in excess of the height restriction of 15 feet.

Hearing: Tuesday, May 29, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Alan Silverberg, 1829 Reisterstown Road, Ste. 410, Baltimore 21208
Rodger Glenn Price, 6727B Windsor Mill Road, Baltimore 21207

- NOTES:** (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 14, 2012.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) 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

June 5, 2012

NEW 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 NUMBER: 2012-0256-SPHA

6727 B Windsor Mill Road

SW of Windsor Mill Road, 1,000 ft. SE of the centerline of Featherbed Lane

2nd Election District – 4th Councilmanic District

Legal Owners: Rodger Glenn Price

Special Hearing for a nonconforming use as a landscaping business which includes the storage of contractor's equipment on the premises. Variance to permit an accessory structure in excess of the height restriction of 15 feet.

Hearing: Monday, July 2, 2012 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".

Arnold Jablon
Director

AJ:kl

C: Alan Silverberg, 1829 Reisterstown Road, Ste. 410, Baltimore 21208
Rodger Glenn Price, 6727B Windsor Mill Road, Baltimore 21207

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 12, 2012.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) 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

June 5, 2012

NEW 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 NUMBER: 2012-0256-SPHA

6727 B Windsor Mill Road

SW of Windsor Mill Road, 1,000 ft. SE of the centerline of Featherbed Lane

2nd Election District – 4th Councilmanic District

Legal Owners: Rodger Glenn Price

Special Hearing for a nonconforming use as a landscaping business which includes the storage of contractor's equipment on the premises. Variance to permit an accessory structure in excess of the height restriction of 15 feet.

Hearing: Monday, July 2, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
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A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Alan Silverberg, 1829 Reisterstown Road, Ste. 410, Baltimore 21208
Rodger Glenn Price, 6727B Windsor Mill Road, Baltimore 21207

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 12, 2012.**
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- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 12, 2012 Issue - Jeffersonian

Please forward billing to:
Rodger Glenn Price
6727B Windsor Mill Road
Baltimore, MD 21207

410-340-6980

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0256-SPHA

6727 B Windsor Mill Road

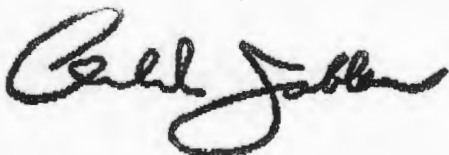
SW of Windsor Mill Road, 1,000 ft. SE of the centerline of Featherbed Lane

2nd Election District – 4th Councilmanic District

Legal Owners: Rodger Glenn Price

Special Hearing for a nonconforming use as a landscaping business which includes the storage of contractor's equipment on the premises. Variance to permit an accessory structure in excess of the height restriction of 15 feet.

Hearing: Monday, July 2, 2012 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 ADMINISTRATIVE HEARINGS OFFICE 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

May 8, 2012

NEW 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 NUMBER: 2012-0256-SPHA

6727 B Windsor Mill Road

SW of Windsor Mill Road, 1,000 ft. SE of the centerline of Featherbed Lane

2nd Election District – 4th Councilmanic District

Legal Owners: Rodger Glenn Price

Special Hearing for a nonconforming use as a landscaping business which includes the storage of contractor's equipment on the premises. Variance to permit an accessory structure in excess of the height restriction of 15 feet.

Hearing: Thursday, May 31, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Alan Silverberg, 1829 Reisterstown Road, Ste. 410, Baltimore 21208
Rodger Glenn Price, 6727B Windsor Mill Road, Baltimore 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 14, 2012.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 15, 2012 Issue - Jeffersonian

Please forward billing to:
Rodger Glenn Price
6727B Windsor Mill Road
Baltimore, MD 21207

410-340-6980

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0256-SPHA

6727 B Windsor Mill Road

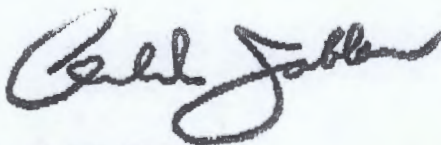
SW of Windsor Mill Road, 1,000 ft. SE of the centerline of Featherbed Lane

2nd Election District – 4th Councilmanic District

Legal Owners: Rodger Glenn Price

Special Hearing for a nonconforming use as a landscaping business which includes the storage of contractor's equipment on the premises. Variance to permit an accessory structure in excess of the height restriction of 15 feet.

Hearing: Thursday, May 31, 2012 at 1:30 p.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 ADMINISTRATIVE HEARINGS OFFICE 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

May 1, 2012

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 NUMBER: 2012-0256-SPHA

6727 B Windsor Mill Road

SW of Windsor Mill Road, 1,000 ft. SE of the centerline of Featherbed Lane

2nd Election District – 4th Councilmanic District

Legal Owners: Rodger Glenn Price

Special Hearing for a nonconforming use a landscaping business which includes the storage of contractor's equipment on the premises. Variance to permit an accessory structure in excess of the height restriction of 15 feet.

Hearing: Tuesday, May 29, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Alan Silverberg, 1829 Reisterstown Road, Ste. 410, Baltimore 21208
Rodger Glenn Price, 6727B Windsor Mill Road, Baltimore 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 14, 2012.**
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- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 15, 2012 Issue - Jeffersonian

Please forward billing to:
Rodger Glenn Price
6727B Windsor Mill Road
Baltimore, MD 21207

410-340-6980

NOTICE OF ZONING HEARING

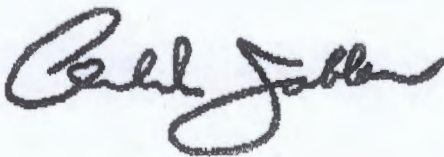
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0256-SPHA

6727 B Windsor Mill Road
SW of Windsor Mill Road, 1,000 ft. SE of the centerline of Featherbed Lane
2nd Election District – 4th Councilmanic District
Legal Owners: Rodger Glenn Price

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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 ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
6727B Windsor Mill Road; 1000' SE of c/line	*	OF ADMINISTRATIVE
Featherbed Lane		
2 nd Election & 4 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Rodger Glenn Price		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2012-256-SPHA

* * * * *

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

APR 30 2012

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 30th day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to Alan Silverberg, Esquire, 1829 Reisterstown Road, Suite 410, Baltimore, MD 21208, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

JB 7/18

10 AM

Case No.: 2012-0256-SPHA

Exhibit Sheet

10-15-12
PWS7/26/12
PWS

Petitioner/Developer

Protestants

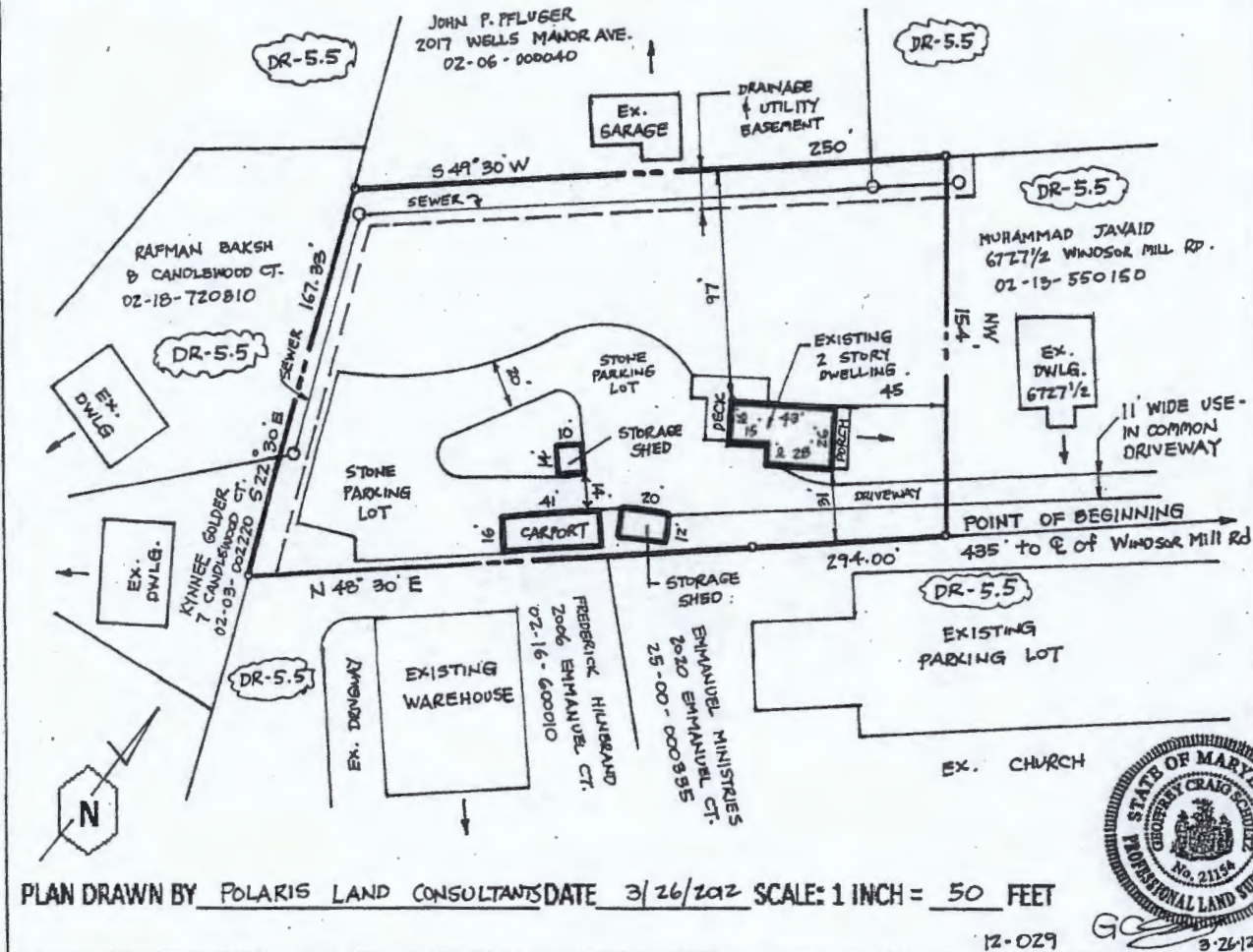
No. 1	Site Plan	
No. 2	Color Photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)

ADDRESS 6727 B WINDSOR MILL ROAD OWNER(S) NAME(S) RODGER GLENN PRICE

SUBDIVISION NAME N/A LOT # N/A BLOCK # N/A SECTION # N/A

PLAT BOOK # N/A FOLIO # N/A 10 DIGIT TAX # 0204550140 DEED REF. # 10067/00737



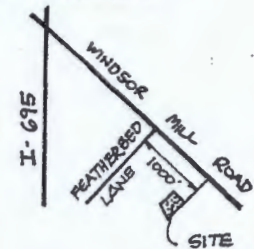
PLAN DRAWN BY POLARIS LAND CONSULTANTS DATE 3/26/2012 SCALE: 1 INCH = 50 FEET



12-029

GO 3-26-12

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 088 A3

SITE ZONED DR 5.5

ELECTION DISTRICT 2ND

COUNCIL DISTRICT 4TH

LOT AREA ACREAGE 1.17 AC.

OR SQUARE FEET 50,965 SF

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE ☐

SEWER IS:

PUBLIC ☒ PRIVATE ☐

PRIOR HEARING? NO

VIOLATION CASE INFO:

106425

2/14/12

2012-0256 SPHA

PETITIONER'S

EXHIBIT NO. 1



SUMMERFIELD, WILLEN, SILVERBERG & LIMSKY, LLC

RECEIVED

FACSIMILE TRANSMITTAL SHEET

AUG 28 2012

TO:	Debbie Wiley	FROM:	Sherry	OFFICE OF ADMINISTRATIVE HEARINGS
COMPANY:	Office of Administrative Hearings	DATE:	8/28/2012	
FAX NUMBER:	(410) 887-3468	TOTAL NO. OF PAGES INCLUDING COVER:	2	
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:		
RE:	6727 B Windsor Mill Rd Case No. 2012-0256-SPHA	YOUR REFERENCE NUMBER:		

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Debbie,

I received your voicemail regarding sending a copy of the Motion for Reconsideration to Mr. Brauns. Attached please find a copy of the cover letter that went out to him today along with a copy of the Motion. Please let me know if there is anything else you need. Thank you.

Sherry

THIS TRANSMITTAL IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THE TRANSMITTAL IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE TRANSMITTAL TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE US POSTAL SERVICE. THANK YOU.

Aug. 28, 2012 4:46PM

E. PETER SUMMERFIELD
MARK T. WILLEN
ALAN H. SILVERBERG
MICHAEL R. LIMSKY*

LIFE CARPENTER
AMY L. STAMPER†
SHERRY K. MYERS

OF COUNSEL: NEIL J. BIXLER
ALAN J. VAN LUVEN**

*Admitted to NJ, MD and DC

**Admitted to MD, DC and DE

†Admitted to MD and DC

SUMMERFIELD
WILLEN
SILVERBERG
LIMSKY, LLC

No. 9615 . 2

SHERRY K. MYERS
smyers@stsl-law.com

WOODHOLME CENTER
1829 REISTERSTOWN ROAD #410
BALTIMORE, MD 21208-7118

OFFICE 410 363 4441
FAX 410 363 0595

August 28, 2012

Robert H. Brauns, Jr.
P.O. Box 26583
2001 Wells Manor Avenue
Baltimore, MD 21207

RECEIVED

AUG 28 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Re: 6727 B Windsor Mill Road
Case No. 2012-0256-SPHA

Dear Mr. Brauns:

Enclosed please find a copy of the Motion for Reconsideration which was filed on August 27, 2012 in the above-referenced case.

Very truly yours,

Summerfield, Willen, Silverberg & Limsky, LLC

Sherry K. Myers, Esq.

cc: Mr. Rodger Price
Mr. Robert Brauns

CASE NAME

CASE NUMBER 2012-256-SPHA

DATE July 18, 2012

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME Price
CASE NUMBER 2012-256-
DATE 7-18-2012 SPHA

[illegible]

6721 Valley Creek Drive
Gwynn Oak, Maryland 21207
June 26, 2012

Zoning Office
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

To Whom It May Concern:

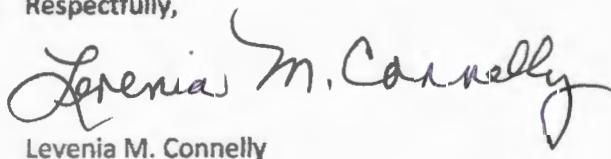
I am writing today to ask that Case Number 2012-0256 be denied. My reasons and concerns are as follows:

- Increased traffic problems such as backup at light on Windsor Mill Road at Essex Road.
- Lack of sidewalk already endangers foot traffic. Why increase dangers for those who walk to get to public transportation?
- Why should what is basically residential property be disrupted by having to look at piles of mulch, garden material, and the truck traffic to load and unload landscaping material?
- Especially important is the affect of any additional structures which would add to the water problems. What provisions would be made to reduce the water runoff to the various streams in this area?

I would like to be present at this hearing but travel plans made months ago will take place on this date. I did show up at the hearing posted on the original sign and that hearing was postponed.

Thank you for your attention to my letter.

Respectfully,


Levenia M. Connelly



KEVIN KAMENETZ
County Executive

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

July 3, 2012

Alan H. Silberberg, Esquire
1829 Reisterstown Road, Suite 410
Baltimore, Maryland 21208

RE: Petitions for Special Hearing and Variance
6727 B Windsor Mill Road
SW of Windsor Mill Road, 1,000' SE of c/line of Featherbed Lane
2nd Election District – 4th Councilmanic District
Case No.: 2012-0256-SPHA

Dear Mr. Silverberg:

As you know, the Jefferson Building was unexpectedly closed due to the weekend storms. Therefore, your hearing in the above-referenced matter originally scheduled for Monday, July 2, 2012, had to be postponed.

This is to inform you that this case has been rescheduled for Wednesday, July 18, 2012, at 10:00 AM, in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland, 21204.

Thank you for your patience and understanding.

Sincerely,

A handwritten signature in dark ink, appearing to read "Debra Wiley".

DEBRA WILEY
Legal Administrative Secretary

c: Rodger Glenn Price, 6727 B Windsor Mill Road, Baltimore, MD 21207
Levenia Connelly, 6721 Valley Creek Drive, Gwynn Oak, MD 21207
Robert H. Brauns, Jr., President, LMC Landscaping, Inc., P.O. Box 26583,
2001 Wells Manor Avenue, Baltimore, MD 21207
David Janiszewski, Division of Code Inspections and Enforcement, PAI

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment4-26

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

nc5-10

DEPS

(if not received, date e-mail sent _____)

nc

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

4-26

STATE HIGHWAY ADMINISTRATION

no objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

5/24

ADJACENT PROPERTY OWNERS

uprotests

ZONING VIOLATION

(Case No. 106425)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 6-12

SIGN POSTING

Date: 6-7by Doak

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No

Comments, if any: see protest letter

Debra Wiley - Re: 2012-0256-SPHA

From: Kristen Lewis
To: Wiley, Debra
Date: 7/3/2012 2:49 PM
Subject: Re: 2012-0256-SPHA

Ok thats great I will mark it on the calendar shortly. Thanks,

Kristen

>>> Debra Wiley 7/3/2012 2:47 PM >>>
Hi Kristen,

I spoke to John and we're going to set it in for Wednesday, July 18th @ 10 AM, Room 205, and we'll send out notification letter and retain file. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

>>> Kristen Lewis 7/3/2012 2:35 PM >>>
Hi Debbie,

If John doesn't feel its necessary to repost or readvertise, then it can be schedule anytime on the July calendar, since I am done with that. If you would like to contact the attorney to see what works for them based on the July schedule, that's fine and that way the file remains there. Thanks,

Kristen

>>> Debra Wiley 7/3/2012 1:58 PM >>>
Hi Kristen,

I spoke to John in reference to yesterday's hearing that could not be heard. He's indicated that he doesn't believe it necessary to have it either re-posted or re-advertised. I know our office would like to get it back on the docket ASAP. How do you want to handle? Do you need the file returned?

Thanks in advance.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103

Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - Fwd: 2012-0256-SPHA

412
10am

2012-0256-SPHA

From: Debra Wiley
To: Lewis, Kristen
Date: 6/1/2012 8:10 AM
Subject: Fwd: 2012-0256-SPHA
CC: Fisher, June; Zook, Patricia
Attachments: May Calendar Change

Hi Kristen,

Please see attached and note that the file is being placed in the pick-up box for rescheduling.

Also, when rescheduling this case can you please notify the following:

Levenia Connelly
6721 Valley Creek Drive
Gwynn Oak, MD 21207

AND

Robert H. Brauns, Jr., President, LMC Landscaping, Inc.
P.O. Box 26583
2001 Wells Manor Avenue
Baltimore, MD 21207

As always, thanks for your cooperation.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - May Calendar Change

From: Debra Wiley
To: OAH Staff
Date: 5/29/2012 11:24 AM
Subject: May Calendar Change
CC: Richardson, Leanna

Hi,

Case No. 2012-0256-SPHA scheduled for Thursday, May 31st @ 1:30 PM has been cancelled due to not meeting sign posting requirements. Per Kristen, this will be reset for July 2nd.

Please mark your calendars accordingly.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

7/2

SUMMERFIELD, WILLEN, SILVERBERG & LIMSKY, LLC

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Debbie	Sherry
COMPANY:	DATE:
Baltimore County Zoning Office	6/8/2012
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(410) 887-3468	5
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:
6727 B Windsor Mill Road	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Debbie,

Attached for your files is the proof of posting of the sign for the July 2, 2012 hearing in the above-referenced case. If you need anything further, please feel free to contact me.

Sherry

THIS TRANSMITTAL IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THE TRANSMITTAL IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE TRANSMITTAL TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE US POSTAL SERVICE. THANK YOU.

1829 REISTERSTOWN ROAD, SUITE 410
BALTIMORE, MD 21208

(410)363-4444 / (410)363-0595 FACSIMILE



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# 2012-0266-SP11A

PETITIONER: Rodger Glenn Price

DATE OF HEARING: July 2, 2012

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

LOCATION:
6727B Windsor Mill Road

(see page 2 for full size photo)

POSTED ON: June 7, 2012

SIGNATURE OF SIGN POSTER

Bruce E. Douk

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ZONING NOTICE

CASE #2012-0256-SPHA

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

PLACE:

Room 205, Jefferson Building
105 West Chesapeake Avenue, Towson 21204

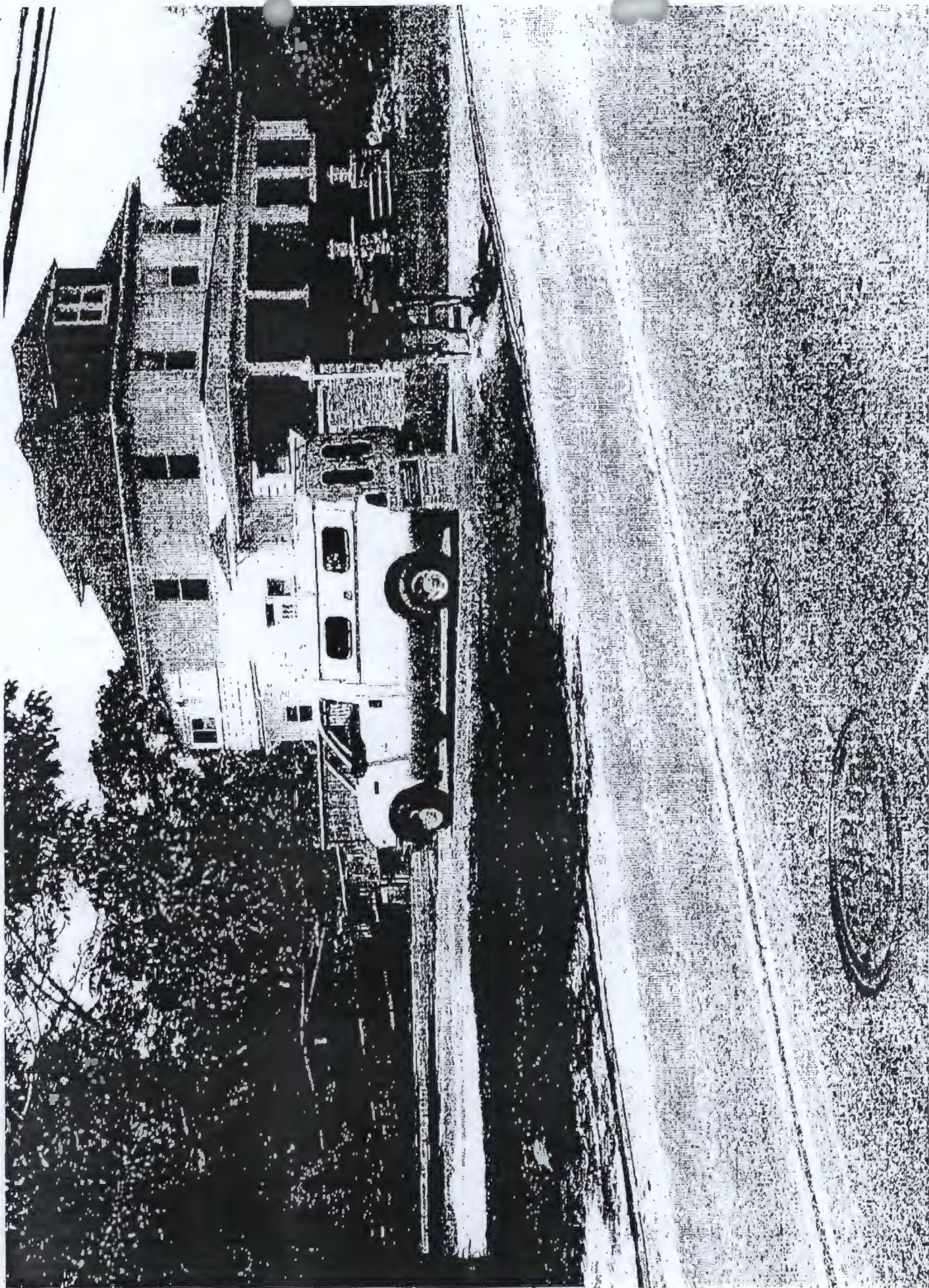
TIME:

DATE: Monday July 2, 2012 at 10:00 AM

Special Hearing for a nonconforming use as
a landscaping business which includes the
storage of contractor's equipment on the
premises.

Variance to permit an accessory structure in
excess of the height restriction of 15 feet.

For more information, please contact the Planning
Department at 410-512-2000 or visit our website at
www.towsonmd.gov. The hearing is open to the public
and all interested parties are encouraged to attend.
EARLY SEATING IS REQUESTED.
CAPPED ACCESSIBLE



06/05/2012 15:22 4108873048

ZONING OFFICE

PAGE 01/02

KEVIN KAMENETZ
County ExecutiveARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 5, 2012

NEW 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 NUMBER: 2012-0256-SPHA

6727 B Windsor Mill Road

SW of Windsor Mill Road, 1,000 ft. SE of the centerline of Featherbed Lane

2nd Election District - 4th Councilmanic District

Legal Owners: Rodger Glenn Price

Special Hearing for a nonconforming use as a landscaping business which includes the storage of contractor's equipment on the premises. Variance to permit an accessory structure in excess of the height restriction of 15 feet.

Hearing: Monday, July 2, 2012 at 10:00 a.m. in Room 206, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".
Arnold Jablon
Director

AJ:kl

C: Alan Silverberg, 1829 Reisterstown Road, Ste. 410, Baltimore 21208
Rodger Glenn Price, 6727B Windsor Mill Road, Baltimore 21207

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 12, 2012.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

From: Debra Wiley
To: Lewis, Kristen
CC: Fisher, June; Zook, Patricia
Date: 6/1/2012 8:10 AM
Subject: Fwd: 2012-0256-SPHA
Attachments: May Calendar Change

Hi Kristen,

Please see attached and note that the file is being placed in the pick-up box for rescheduling.

Also, when rescheduling this case can you please notify the following:

Levenia Connelly
6721 Valley Creek Drive
Gwynn Oak, MD 21207

AND

Robert H. Brauns, Jr., President, LMC Landscaping, Inc.
P.O. Box 26583
2001 Wells Manor Avenue
Baltimore, MD 21207

As always, thanks for your cooperation.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

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As always, thanks for your cooperation.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - May Calendar Change

From: Debra Wiley
To: OAH Staff
Date: 5/29/2012 11:24 AM
Subject: May Calendar Change
CC: Richardson, Leanna

Hi,

Case No. 2012-0256-SPHA scheduled for Thursday, May 31st @ 1:30 PM has been cancelled due to not meeting sign posting requirements. Per Kristen, this will be reset for July 2nd.

Please mark your calendars accordingly.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
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Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>4-26</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>5-10</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>4-26</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>Code Enforcement Citation #106425</u> 2/17/12)	
NEWSPAPER ADVERTISEMENT	Date: <u>5-15-12</u>	
SIGN POSTING	Date: <u>5-8-12</u> by <u>Dook</u> <u>Sherry</u> <u>Reposted Sign - Dook - No 5/29</u> <u>left v.m. 5/29</u> <u>8:38 am</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	<u>re sign posting</u>
Comments, if any. <u>"Protesting"</u> <u>① See 5/29 etc. from Robert Brauns, Inc Landscaping</u>		

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

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

Account Identifier: District - 02 Account Number - 0204350140

Owner Information

Owner Name: PRICE RODGER GLENN **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 6727B WINDSOR MILL RD
BALTIMORE MD 21207-4330 **Deed Reference:** 1) /10867/ 00737
2)

Location & Structure Information

Premises Address 6727B WINDSOR MILL RD
0-0000 **Legal Description**
1.17 AC
6727B WINDSOR MILL RD
400FT SW WELLS MANOR RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0088	0013	0247		0000				1	

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1900	1,648 SF	1.1700 AC	04

Stories	Basement	Type	Exterior
2.000000	NO	STANDARD UNIT FRAME	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	71,190	71,100		
Improvements:	104,280	87,100		
Total:	175,470	158,200	158,200	158,200
Preferential Land:	0			0

Transfer Information

Seller: BRAUNS ROBERT H,SR	Date: 12/14/1994	Price: \$88,350
Type: ARMS LENGTH IMPROVED	Deed1: /10867/ 00737	Deed2:
Seller: DIETRICH EDWARD J	Date: 01/28/1986	Price: \$40,000
Type: ARMS LENGTH IMPROVED	Deed1: /07090/ 00184	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

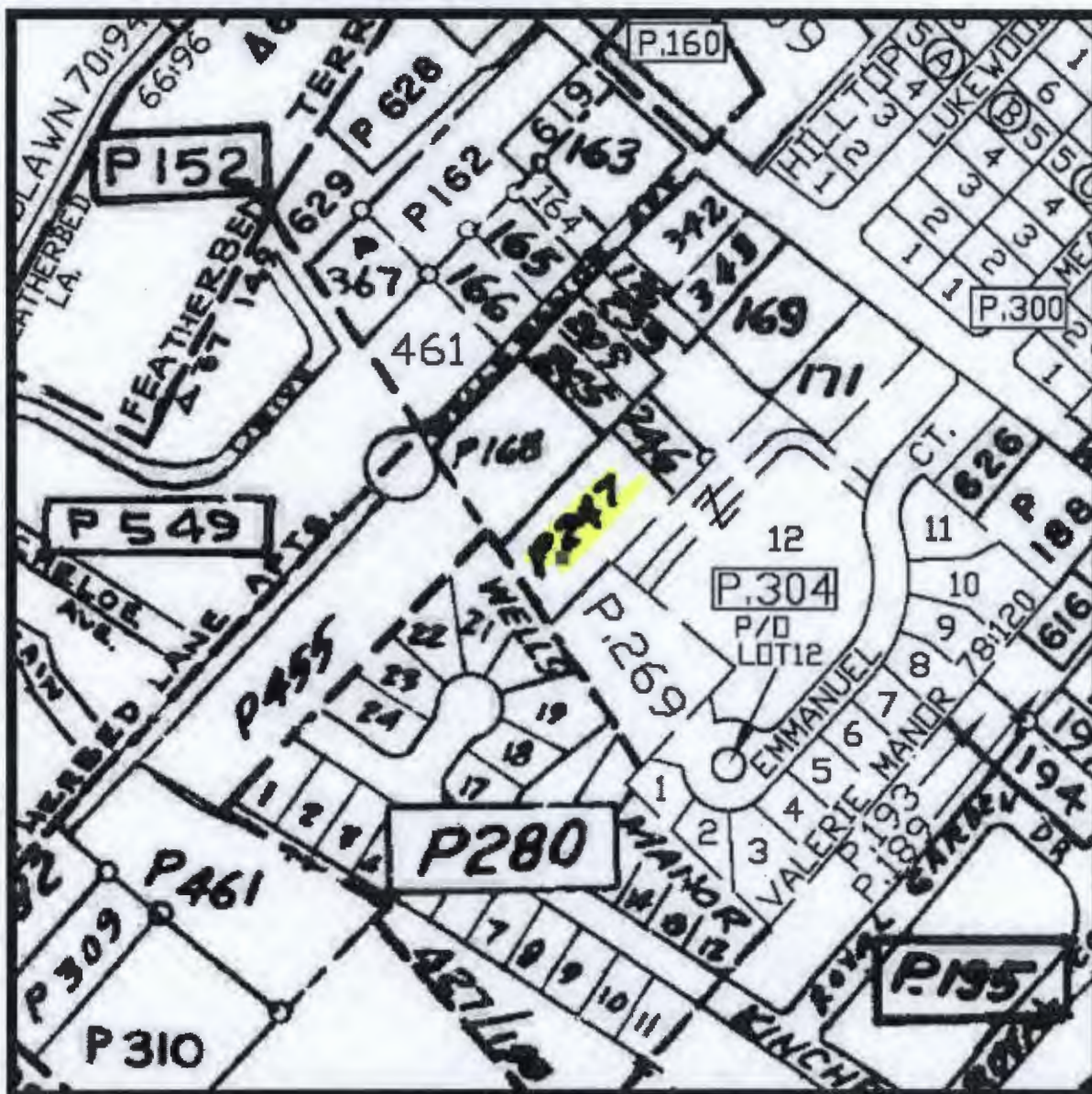
Homestead Application Status: No Application



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

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

District - 02 Account Number - 0204350140



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2010. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

#106425

Owner Name and Address PRICE RODGER GLENN		Facility Name and Address PDM 0204350140 6727 B WINDSOR MILL RD GWYNH OAK MD 21207							
Facility ID	FA0003673	PDM 0204350140	Record ID	CO0106425					
Site Location		6727 WINDSOR MILL RD							
Disposition									
Received By	EE0000069	Palmer, Christopher	Date	2/13/2012	Time	10:26:43	Status	Off	Open - Normal
Assigned To	EE0000172	Palmer, David	Date	2/13/2012	Program/Element	EN01	Code Enforcement Compl		
Complaint		Complaint Mode							
Complainant		ANONYMOUS		Complaint Mode		MAIL			
Address				Last Activity		02/14/2012 (INITIAL INSPECTION)			
City, St, Zip				Complaint Description		BFR - LAWN SERVICE, LETTER IN FILE			
Country		USA							
Work Phone		() -		Ext		Fax		() -	
Home Phone		() -		Ext				Ext	
Email Address									
Contact Information Location Financial Referral Dates/Agencies GIS User-Defined Fields Daily Activities Violations Invoices									

Owner Name and Address PRICE RODGER GLENN		Facility Name and Address PDM 0204350140 6727 B WINDSOR MILL RD GWYNH OAK MD 21207							
Facility ID	FA0003673	PDM 0204350140	Record ID	CO0106425					
Site Location		6727 WINDSOR MILL RD							
Property Info		Owner's Info							
Prop Name		PDM 0204350140		Owner Name		PRICE RODGER GLENN			
Legal		St No Fraction Street Name RD		Address					
Address		6727 B WINDSOR MILL RD		2nd Address					
City, St, Zip		GWYNH OAK MD 21207		City, St, Zip					
Country		USA		Home Phone		() -			
				Work Phone		() -			
Contact Information Location Financial Referral Dates/Agencies GIS User-Defined Fields Daily Activities Violations Invoices									

Owner Name and Address PRICE RODGER GLENN		Facility Name and Address PDM 0204350140 6727 B WINDSOR MILL RD GWYNH OAK MD 21207							
Facility ID	FA0003673	PDM 0204350140	Record ID	CO0106425					
Site Location		6727 WINDSOR MILL RD							
Location									
Census	2	2nd Election District							
District	4	4th Councilmanic District							
Location	2	2nd Election District							
Inspected/Resolved		Emp #							
APR 0204350140									
Contact Information Location Financial Referral Dates/Agencies GIS User-Defined Fields Daily Activities Violations Invoices									

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Facility ID	FA0003673	PDM 0204350140	Record ID	CO0106425					
Site Location		6727 WINDSOR MILL RD							
Payment Received By									
Correspondence and Legal Dates									
Assessment Hearing Date		Assessment Date							
Contact Information Location Financial Referral Dates/Agencies GIS User-Defined Fields Daily Activities Violations Invoices									

Owner Name and Address PRICE RODGER GLENN		Facility Name and Address PDM 0204350140 6727 B WINDSOR MILL RD GWYNH OAK MD 21207	
Facility ID FA0003673 new PDM 0204350140		Record ID C00106425	
Site Location 6727 WINDSOR MILL RD			
Contact / Information / Location / Financial / Referral Dates/Agencies / GIS / User-Defined Fields / Daily Activities / Violations / Invoices			

Owner Name and Address PRICE RODGER GLENN		Facility Name and Address PDM 0204350140 6727 B WINDSOR MILL RD GWYNH OAK MD 21207	
Facility ID FA0003673 new PDM 0204350140		Record ID C00106425	
Site Location 6727 WINDSOR MILL RD			
Latitude 39.32594976 Longitude -76.73602525			
Contact / Information / Location / Financial / Referral Dates/Agencies / GIS / User-Defined Fields / Daily Activities / Violations / Invoices			

Owner Name and Address PRICE RODGER GLENN		Facility Name and Address PDM 0204350140 6727 B WINDSOR MILL RD GWYNH OAK MD 21207																													
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<table style="width: 100%; border: none;"> <tr> <td>☒ Accessory Structure</td> <td>☒ IBC/IRC Non-Compliance</td> <td>☐ Open Dump</td> <td>☐ Sump Pump Discharge</td> </tr> <tr> <td>☒ Board and Secure</td> <td>☒ Illegal Business</td> <td>☐ Other</td> <td>☐ Tall Grass and Weeds</td> </tr> <tr> <td>☒ Cans without Lids</td> <td>☐ Infestation Insects</td> <td>☐ Pool</td> <td>☐ Trash, Junk and Debris</td> </tr> <tr> <td>☒ Commercial Vehicle</td> <td>☐ Infestation Rodents</td> <td>☐ Recreational Vehicle</td> <td>☐ Unsafe Conditions</td> </tr> <tr> <td>☒ Exterior Repair</td> <td>☐ Internal Repair</td> <td>☐ Rental Registration</td> <td>☐ Untagged/Inoperable Vehicle</td> </tr> <tr> <td>☒ Feces</td> <td>☐ Junk Yard</td> <td>☐ Rooming/Boarding House</td> <td></td> </tr> <tr> <td>☒ Gutter/Downspout Discharge</td> <td>☐ No Permit</td> <td>☐ Signs</td> <td></td> </tr> </table>				☒ Accessory Structure	☒ IBC/IRC Non-Compliance	☐ Open Dump	☐ Sump Pump Discharge	☒ Board and Secure	☒ Illegal Business	☐ Other	☐ Tall Grass and Weeds	☒ Cans without Lids	☐ Infestation Insects	☐ Pool	☐ Trash, Junk and Debris	☒ Commercial Vehicle	☐ Infestation Rodents	☐ Recreational Vehicle	☐ Unsafe Conditions	☒ Exterior Repair	☐ Internal Repair	☐ Rental Registration	☐ Untagged/Inoperable Vehicle	☒ Feces	☐ Junk Yard	☐ Rooming/Boarding House		☒ Gutter/Downspout Discharge	☐ No Permit	☐ Signs	
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AS400 Case Number 		Scheduled Time Service Visit Duration (005 min - 9.0 hrs) 																													
Contact / Information / Location / Financial / Referral Dates/Agencies / GIS / User-Defined Fields / Daily Activities / Violations / Invoices																															

Debra Wiley - Case 2012-0256-SPHA - May 31

From: Patricia Zook
To: Lewis, Kristen
Date: 5/24/2012 10:42 AM
Subject: Case 2012-0256-SPHA - May 31
CC: Wiley, Debra

Kristen-

I just got a call from a Protestant regarding this case. He told me that the sign says the hearing is May 29, 2012. The case is on our calendar for Thursday, May 31 at 11:00 am.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

JB 5/31
1:30

LMC LANDSCAPING, INC.
P. O. BOX 26583
2001 WELLS MANOR AVENUE
BALTIMORE, MARYLAND 21207
PHONE (410) 944-5332
FAX (410) 265-1345

FACSIMILE COVER SHEET

DATE: May 24, 2012
TO: Office of Administrative Hearings
ATTN: Hearing Officer Fax # = 410-687-3468
FROM: Robert H. Brauns Jr.
RE: Case# 2012-0256 SPHA Protest Letter

NUMBER OF PAGES INCLUDING COVER - 2

IF NOT COMPLETE, PLEASE CALL 410- 944-5332

Thank You
Robert H. Brauns, Jr.
LMC Landscaping, Inc.

LMC LANDSCAPING, INC.
P.O. BOX 26583
2001 Wells Manor Avenue
BALTIMORE, MARYLAND 21207
TELE (410) 944-5332
FAX (410) 265-1345

Office of Administrative Hearings
Towson, MD

May 24, 2012

RE: Case # 2012-0256 SPHA

To Whom It May Concern,

I am Robert H. Brauns Jr., owner of LMC Landscaping Inc. and the property located at 2001 Wells Manor Avenue. I am writing this letter to protest the zoning changes being requested at 6727B Windsor Mill Rd., case # 2012-0256 SPHA.

We purchased our property in 1985 and hired an attorney in 1989 to help us achieve our current zoning status. We were grandfathered to allow us to operate our landscaping business as long as we remain owners. We are not allowed to add any additional out buildings. We applied in 2005 for a variance to add 1 more 50 x 50 building and we were denied as the county said we would 'commercialize the area'.

The property at 6727B Windsor Mill Rd. that is owned by Mr. Rodger Price was at one time a beautiful wooded property with private sitting areas. I have knowledge about the property as it was once owned by my father. I watched 4 years ago as a small landscaping business began operating under Mr. Price and a few men that resided at the residence. This year the trees have been removed, structures erected, above ground fuel tanks installed, and a large parking area constructed for the 4-5 trucks/trailers.

I have found out that the landscaping business has now been sold to Organicare Inc.. This is fact as Organicare company vehicles are parked on site during off hours. I have heard that if the zoning changes are allowed Mr. Price intends on selling the home/property to Organicare Inc..

My reasons for protesting this zoning request are -

- 1) If we were denied building another building because it would commercialize the area, then how can another business operate within 200 feet of our business?
- 2) Having a direct competitor so close has already cost me numerous employees that were approached as they were walking to or from work.
- 3) If I were to sell my business the new owner must vacate the premises and the property would revert back to the original zoning status. Now we have a company, Organicare, ready to purchase a property to operate there mowing operations if the zoning is approved.

For the reasons stated I ask that the zoning changes be denied. Thank you for your time. I would have attended the hearing but I will be at Fort Leonard Wood, Missouri for our sons graduation. If you need to contact me I will be available via cell phone at , 443-250-5152.

Bob Brauns

Robert H. Brauns, Jr.
President
LMC Landscaping, Inc.

5-31 1:30

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: May 10, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0256-SPHA
Address 6727 B Windsor Mill Road
(Price Property)

Zoning Advisory Committee Meeting of April 23, 2012.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

MAY 10 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Debra Wiley - ZAC Comments - Distribution Mtg. of 4/23

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 4/23/2012 10:09 AM
Subject: ZAC Comments - Distribution Mtg. of 4/23

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0253-A - 1502 Walker Road
No hearing date assigned in data base as of today

2012-0254-A - 14006 Sunnybrook Road
Administrative Variance - Closing Date: 5/7/12

2012-0255-A - 31 Sproul Street
Administrative Variance - Closing Date: 5/7/12

2012-0256-SPHA - 6727 B Windsor Mill Road
No hearing date assigned in data base as of today

2012-0257-X - 4111 Washington Boulevard
No hearing date assigned in data base as of today

2012-0259-A - 11116 Bird River Grove Road - **CBCA / FLOODPLAIN**
No hearing date assigned in data base as of today

2012-0260-A - 3313 Lee Court
Administrative Variance - Closing Date: 5/14/12

2012-0261-XA - 9530 Philadelphia Road - **FLOODPLAIN**
No hearing date assigned in data base as of today

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

May 22, 2012

Roger Glenn Price
6727 B Windsor Mill Road
Baltimore MD 21207

RE: Case Number: 2012-0256 SPHA, Address: 6727 B Windsor Mill Road, 21207

Dear Mr. Price:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 13, 2012. 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, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Sherry Myers, 1829 Reisterstown Road, Suite 410, Baltimore MD 21208
Alan H Silverberg, Esquire, 1829 Reisterstown Road, Suite 410, Baltimore MD 21208

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 4-26-12

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

RE: Baltimore County
Item No 2012-0256-SPHA
Special Hearing Variance
Rodger Glenn Price
6727 B Windsor Mill Road

Dear Ms. Lewis:

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. 2012-0256-SPHA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 26, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For May7, 2012
Item Nos. 2012-0254, 0255, 0256, 0257, 0260,
And 0261

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05072012-NO COMMENTS.doc

E. PETE SUMMERFIELD
MARK T. WILLEN
ALAN H. SILVERBERG
MICHAEL R. LIMSKY*

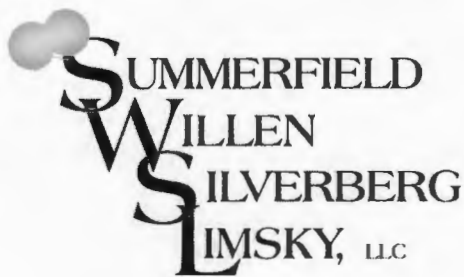
LEE CARPENTER
AMY L. STAMPFER†
SHERRY K. MYERS

OF COUNSEL: NEIL J. BIXLER
ALAN J. VAN LUVEN**

*Admitted in NJ, MD and DC

**Admitted in MD, DC and DE

†Admitted in MD and DC



SHERRY K. MYERS
smyers@swsl-law.com

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OFFICE 410 363-4444
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August 27, 2012

Office of Administrative Hearings
105 West Chesapeake Avenue
Suite 103
Towson, MD 21204

Re: 6727 B Windsor Mill Road
Case No. 2012-0256-SPHA

Dear Sir or Madam:

Enclosed please find for filing in the above-referenced case, a Motion for Reconsideration with attached exhibits.

Should you have any questions, please do not hesitate to contact us.

Thank you kindly for your assistance.

Very truly yours,

Summerfield, Willen, Silverberg & Limsky, LLC

Sherry K. Myers, Esq.

cc: Mr. Roger Price

RECEIVED

AUG 27 2012

OFFICE OF ADMINISTRATIVE HEARINGS

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

SW of Windsor Mill Road, 1,000' SE of
c / line of Featherbed Lane

(6727 B Windsor Mill Road)

2nd Election District

4th Council District

Roger Glenn Price
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **Case No. 2012-0256-SPHA**

* * * * *

MOTION FOR RECONSIDERATION

Roger G. Price, Petitioner, by Alan H. Silverberg and Summerfield, Willen, Silverberg & Limsky, LLC, his attorneys, pursuant to Title 1, Chapter 2, Part 1, Rule 4(K) of the Code of Baltimore County Regulations, files this Motion for Reconsideration of the Order and Opinion entered in this case on July 27, 2012, and in support thereof does hereby state:

STATEMENT OF FACTS

1. On February 14, 2012, Petitioner was issued a citation, No. 106425, in pertinent part, for violation of BCZR 101.1, for operating an illegal home occupation, namely operating a landscaping business, and for storage of contractor's equipment at 6727 B Windsor Mill Road, a property which is zoned as DR 5.5, a residential use classification. *(Exhibit A)*.

2. The citation was issued after an on-site inspection was made by Inspector David Janeszewski, Baltimore County Code Enforcement, following a written complaint filed by Mr. Robert H. Brauns, Jr., ("Complainant"), an adjoining neighbor who also operates a landscaping business at 2001 Wells Manor Avenue, Baltimore, MD 21207.

3. Petitioner, whose property is zoned DR 5.5, applied for a Special Hearing, on April 13, 2012, to request approval for a non-conforming use a landscaping business and for storage of contractor's equipment on the property.

4. At the Special Hearing, which was held on July 18, 2012, testimony revealed that Petitioner has been in the landscaping business for approximately 20 years, at about the same time he acquired the property on Windsor Mill Road, that he has 7 employees whose are on the

premises no longer than 10-15 minutes at the beginning and end of their 7 a.m. to 5 p.m. Monday through Friday workday, and that other than the 10-15 lawn mowers, there is no heavy equipment of any kind stored on site. (*Exhibit B*).

5. Because Petitioner was unable to meet his burden established under *Howard County v. Meyer*, 207 Md. 389 (1955), that he was "at or before the enactment of the zoning ordinance forbidding the use in question – using his property in a lawful manner," i.e., that he had been using the property as a landscaping business prior to the time the zoning changed to DR 5.5 in 1971, Petitioner's request for relief was denied. (*Exhibit B*).

6. Petitioner's landscaping "business" consists of the following:

a. A Ford 350, 4-door truck, with a gross vehicle weight of approximately 12,600 pounds, with no commercial logos, which is parked on the property only at night;

b. A Chevy 2500, extended cab, with a gross vehicle weight of approximately 9,200 pounds, with no commercial logos, which is parked on the property only at night;

c. 2 trailers for hauling mowing equipment, approximately 20' (l) x 8' (w) x 8' (h);

d. 3 walk behind mowers which are sometimes stored on the property under an open carport but which are usually kept on the trailers;

e. 3 pushing mowers which are stored on the property under an open carport.

7. The 7 crew members that Petitioner employs do not park their vehicles on the property and are on the premises for no more than 30-40 minutes per day, as described in Paragraph 4 above.

8. With the exception of the equipment listed in Paragraph 6 above, all of the mowing equipment is stored on the trailers and is never started up on the premises; thus, there is no issue of noise pollution, a fact which was confirmed by even the Complainant, Mr. Brauns, at the hearing.

9. Further, Petitioner has no intention of expanding his business, either now or, in the future.

A. PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY

10. Section 431.1(A) provides that “a commercial vehicle exceeding 10,000 pounds gross vehicle weight . . . may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. (*Exhibit C*).

11. The Ford 350 truck, with a gross weight of 12,600 pounds, is parked on the residential lot only at night, which does not exceed the time essential to the immediate use of the vehicle, because the vehicle is in use 5 days per week from approximately 7 a.m. to 5 p.m.

12. Section 431.1(B) further provides that, “one commercial vehicle per dwelling unit may be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle so long as (1) the gross vehicle weight does not exceed 10,000 pounds, (2) the owner of the vehicle resides on the lot, and (3) if the vehicle is not parked within a fully enclosed structure, (a) there are no materials, products, freight or equipment visible, (b) the vehicle shall display no advertising other than lettering, figures or designs located on the driver’s or front passenger’s door, and (c) the vehicle shall be parked in a side or rear yard.” (*Exhibit C*).

13. The Chevy 2500 truck, with a gross vehicle weight of 9,200 pounds meets the requirements of the aforementioned section in that it is parked in the rear of the property, only at night, it does not exceed 10,000 pounds, it is owned by Petitioner who resides on the lot, there is no equipment or other materials or products visible, and there is no commercial advertising or logo whatsoever printed on the truck.

B. ACCESSORY BUILDINGS IN RESIDENCE ZONES

14. Pursuant to BCZR 1B01.1(A)(18)(g), “utility sheds . . . or other accessory structures . . . subject to the height and area provisions for buildings set forth in Section 400” are permitted as of right in D.R. Zones of all classifications. (*Exhibit D*).

15. Petitioner currently has a utility shed, which is 8’ (h) x 20’ (w) x 10’ (l), that meets the provisions set forth in Section 400, in that it is “located in the rear yard, it occupies not more than 40% thereof, and it does not exceed 15 feet.” (*Exhibit E*).

16. The utility shed can be used to store the 3 walk behind mowers and the 3 pushing mowers so that they are not stored in the open carport.

17. Petitioner also has a carport, measuring 18’ (w) x 41’ (l) x 9’ (h), which also meets the provisions set forth in Section 400 as set forth above.

18. Petitioner is fully prepared expend the resources necessary to enclose said carport in order to store the two trailers at night when they are brought back from their area jobs, so they are not out in the open.

C. CONCLUSION

19. The landscaping business Petitioner operates is, in reality, nothing more than the parking of 2 trucks, 2 trailers and 6 lawn mowers.

20. As outlined above, the Baltimore County Zoning Code specifies certain uses as of right in the D.R. 5.5 zoning classification, including the parking of commercial vehicles on residential property as well as for accessory structures which meet certain specifications.

21. In this case, Petitioner meets the requirements of the code for the parking of his 2 trucks and the 6 lawn mowers.

22. In addition, if allowed to enclose the carport, Petitioner will also be in compliance with the code for the parking of the 2 trailers.

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- A. Grant his Motion for Reconsideration;
- B. Find that the Petitioner is in compliance with the Code in both the parking of his 2 trucks and the 6 lawn mowers;
- C. Find that the Petitioner will be in compliance with the Code in the parking of his 2 trailers in an enclosed carport;
- D. Allow Petitioner a reasonable amount of time to enclose the carport;
- E. For such other and further relief as the nature of his cause may require.



Alan H. Silverberg
Summerfield, Willen, Silverberg & Limsky, LLC
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Baltimore, MD 21208
(410) 363-4444 (p) / (410) 363-0595 (f)
asilverberg@swsl-law.com
Attorneys for Petitioner



CODE ENFORCEMENT

CORRECTION NOTICE

CASE NUMBER 106425	FA NUMBER 0003673	PROP. TAX ID 020-435-0140	ZONE DR55
☒ Owner ☐ Occupant ☐ Other			
NAME(S): <u>RODGER PRICE</u>			
MAILING ADDRESS: <u>6727 B WINDSOR MILL RD.</u>			
CITY: <u>BALTO</u>		STATE: <u>MD</u>	ZIP CODE: <u>21207</u>
VIOLATION ADDRESS: <u>SAME AS ABOVE</u>			
CITY: <u>BALTO</u>		STATE: <u>MARYLAND</u>	ZIP CODE: <u>21207</u>

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

- | | |
|---|---|
| ☐ 431: Improper parked illegal commercial vehicle(s) | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 450: Non permitted sign(s) | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) in residential zone | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 100.6: Non permitted livestock / fowl / poultry |
| ☐ 102.5: Residential site line violation/ obstruction | ☐ 408B: Non permitted rooming/ boarding house |
| ☒ 101/ 102.1: Remove contractors equip. storage yard | ☐ 1B01: Non permitted private kennel. Limit 3 dogs |
| ☐ 1B01.1, ZCPM: Cease service garage activities | ☒ 101/ 102.1, ZCPM: Illegal home occupation |
| ☐ 402: Illegal conversion of dwelling | ☐ BCC: 32-3-102; 500.9 BCCR; ZCPM: |

Violation of commercial site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|---|--|
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | ☒ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-309; 13-7-310: Remove animal feces daily | ☐ 35-6-105: Obtain rental housing license |
| ☐ 13-7-310(a): Remove all trash & debris from property | ☐ 18-2-608: Exceeding time limit, Temp. Storage Unit |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 35-2-206: Install address numbers to property or home |
| ☐ 13-7-310(c): Cease all outside feeding of animals/birds | ☐ IBC 115; BCBC 121: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 13-7-305: Cease rat harborage on premise | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 13-7-306: Eradicate all rat infestation on premise | |
| ☐ 13-7-112: Remove graffiti | |

LIVABILITY CODE (B.C.C.)

- | | |
|---|---|
| ☐ 35-5-203: Condensation of structure/ equipment | ☐ 35-5-212: Repair heating/ cooking equipment |
| ☐ 35-5-208(a): Repair exterior structure | ☐ 35-5-213: Provide fire and safety protection |
| ☐ 35-5-209(a): Repair interior structure | ☐ 35-5-231.1: Provide Carbon Monoxide detectors |
| ☐ 35-5-210 (a)(c): Provide proper lighting in structure | ☐ 35-5-214: Remove all accumulations & storage blocking egress, stairwells, passageways, doors, windows, etc |
| ☒ 35-5-214(c): Repair plumbing defects to structure | |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|---|---|
| ☐ 35-2-404(a)(i): Remove hazardous/ unsafe condition | ☐ 35-2-404(a)(ii): Repair ext. walls/ vertical members |
| ☐ 35-2-404(a)(iii): Repair roof/ horizontal members | ☐ 35-2-404(a)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(v): Repair ext. plaster/ masonry | ☐ 35-2-404(a)(vi): Waterproof walls/ roof/ foundations |
| ☐ 35-2-404(a)(vii): Repair ext. construction (see below) | ☐ 35-2-404(a)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair/ remove defective ext. signs | ☐ 35-2-404(a)(4): Install Board & secure openings |

OTHER VIOLATIONS OR REMARKS: BCCR 500 Illegal accessory structure
- must obtain permit for structure
- cease contractor storage & remove all
tools & materials
- cease operation of business from this area

Failure to comply with this correction notice, may result in a \$200.00 fine/penalty per day pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the assigned inspector below for more info. (See reverse side for important information)

COMPLIANCE DATE: 3/6/12

INSPECTOR NAME: DAVID J. STANISLAWSKI
(PRINT NAME)

ISSUED DATE: 3/14/12

EXHIBIT
A

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
SW of Windsor Mill Road, 1,000' SE of	*	OFFICE OF
c/line of Featherbed Lane		
(6727 B Windsor Mill Road)	*	ADMINISTRATIVE HEARINGS
2 nd Election District		
4 th Council District	*	FOR
Rodger Glenn Price	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2012-0256-SPHA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Rodger Glenn Price. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Administrative Law Judge should approve as a non-conforming use a landscaping business which includes the storage of contractor's equipment on the premises. The Petitioner is also seeking variance relief from Section 400.3 of the B.C.Z.R., to permit an accessory structure in excess of the height restriction of 15'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing held for this case was Petitioner Rodger Glenn Price. Alan H. Silverberg, Esquire appeared as counsel and represented Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. The file contains a letter of opposition, dated May 24, 2012, from Robert H. Brauns, Jr., President of LMC Landscaping, Inc., located at 2001 Wells Manor Avenue. Mr. Brauns also attended the hearing, and testified in opposition to the Petitions.



At the outset, Mr. Silverberg indicated the Petition for Variance was being dismissed. He explained that the open carport in question is apparently under 10 feet in height, so that no variance relief is needed for that structure. As such, this Order only addresses the non-conforming use issue.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. There were no adverse comments received from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 1.17 acres (50,965 square feet) and zoned DR 5.5. The Petitioner indicated he has been in the landscaping business for approximately 20 years, which is when he acquired the home located on Windsor Mill Road. Mr. Price testified he has about seven employees and 10-15 lawn mowers of various varieties. The crew starts their work day at approximately 7 am, and is finished at about 5 pm, Monday-Friday. Mr. Price explained that no heavy equipment of any kind is stored on site, and he noted the employees are really only on the premises for 10-15 minutes at the beginning and end of their day.

Mr. Price is a credible witness, and I have no doubt he conducts the business in a professional manner. He is well-liked by his neighbors, and he apparently maintains the neighborhood church and vacant homes in the area. But, unfortunately, he failed to sustain his burden of proof in establishing a non-conforming use under Maryland law.

To establish a non-conforming use, the property owner must show he was -- at or before the enactment of the zoning ordinance forbidding the use in question -- using his property in a lawful manner. Howard County v. Meyer, 207 Md. 389 (1955); See also B.C.Z.R. § 104. The burden of establishing a nonconforming use is on the claimant of such use, and one effective way of meeting this burden is to show that the existence of the use in question was well known throughout the neighborhood at the critical time. *Calhoun v. County Board of Appeals*, 262 Md.

265 (1971). While the mere change in ownership would not destroy a nonconforming use, a Petitioner must establish that the nature and character of the use in question – a landscaping business – remained unchanged and that substantially the same facilities were used throughout the years in question. *Kastendike v. Baltimore Association for Retarded Children*, 267 Md. 389 (1974). As recognized by the Court of Appeals, nonconforming uses are disfavored in the law, and “pose a formidable threat to the success of zoning”. *Prince George’s County v. E.L. Gardner*, 293 Md. 259, 267 (1982).

The testimony in this case established that the Petitioner has been conducting his lawn care business from the subject property for approximately 20 years, at or about the time he acquired the property. According to State tax records, the Petitioner acquired the subject property on December 14, 1994, and the “use” is classified as residential. When the Petitioner purchased his home, the zoning was DR 5.5. The property was first zoned DR 5.5 in 1971. Under that residential zoning classification, a landscaping or lawn care business (including storage of contractor’s equipment) is not a use permitted by right or special exception. As such, the use cannot be deemed a lawful non-conforming use under Maryland law.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions, and for the reasons set forth above, the special hearing relief requested shall be denied.

THEREFORE, IT IS ORDERED, this 27 day of July, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve as a non-conforming use a landscaping business which includes the storage of contractor’s equipment on the premises, be and is hereby DENIED.

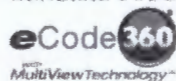
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

AUG 2 2012


JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

GENERAL CODE

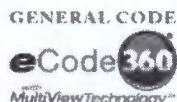
[Index](#)[New Laws](#)[SECTION 430A. Renaissance Redevelopment Pilot Program](#)**Baltimore County, MD****ARTICLE 4 SPECIAL REGULATIONS**[Help](#)Search [Print](#)[SECTION 432. \(Reserved\)](#)

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[Jump to Content](#)[SECTION 431. Parking of Commercial Vehicles on Residential Property](#)[§ 431.1. Parking time limited; exception.](#)**SECTION 431. Parking of Commercial Vehicles on Residential Property****[Bill No. 70-1988]****§ 431.1. Parking time limited; exception.**

- A. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle.
- B. One commercial vehicle per dwelling unit may be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle subject to the following conditions:
 1. The gross vehicle weight or gross combination weight shall not exceed 10,000 pounds.
 2. The owner or operator of the vehicle shall reside on the lot.
 3. The vehicle shall be parked within a fully enclosed structure or, alternatively, if not within a fully enclosed structure:
 - a. No materials, products, freight or equipment shall be visible.
 - b. The vehicle shall display no advertising other than lettering, figures or designs located on the driver's door or front seat passenger's door.
 - c. The vehicle shall be parked in a side or rear yard.

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C**



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ARTICLE 2. ELEVATOR-APARTMENT RESIDENCE
ZONES, RESIDENTIAL-OFFICE ZONES, OFFICE
ZONES, BUSINESS ZONES, MANUFACTURING
ZONES AND DISTRICTS

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ARTICLE 1B. DENSITY RESIDENTIAL (D.R.) ZONES

SECTION 1B00. Legislative Statement of Findings: Policy With Respect to D.R. Zones in General

§ 1B00.1. Declaration of findings.

§ 1B00.2. Purpose.

SECTION 1B01. Regulations With Respect to D.R. Zones in General

§ 1B01.1. General use regulations in D.R. Zones.

§ 1B01.2. General density, bulk, building separation, open space and other height and area standards and regulations.

§ 1B01.3. Plans and plats.

SECTION 1B02. Use, Parking, Bulk Density and Open Space Regulations, Standards and Controls Applied According to Zoning Classification

§ 1B02.1. Uses permitted as of right or by special exception according to zoning classification.

§ 1B02.2. Regulations, standards and controls for density, bulk, open space and parking.

§ 1B02.3. Special regulations for certain existing or proposed developments or subdivisions and for small lots or tracts in D.R. Zones.

ARTICLE 1B. DENSITY RESIDENTIAL (D.R.) ZONES

[Bill No. 100-1970]

SECTION 1B00. Legislative Statement of Findings; Policy With Respect to D.R. Zones in General

§ 1B00.1. Declaration of findings.

The Baltimore County Council finds:

- A. That residential zoning regulations heretofore in effect have not been conducive to the creation of housing diversity in Baltimore County subdivisions;
- B. That minimum standards for individual lots, having been derived from maximum overall density standards, have resulted in an excessive spreading of residential development over subdivision tracts; such spreading of development has led to removal or undesirable transformation of natural vegetation and other features more properly left in their natural or previous states, and has led to visual monotony;
- C. That zoning reclassifications based on lot sizes and types of housing have, in some situations, prevented the construction of the maximum numbers of housing units intended to be permitted on development tracts, especially in cases of severe topographical variation, or have induced "cramped" layout or other undesirable subdivision design characteristics as accommodation of maximum density is achieved;
- D. That evolving markets for types of housing units not permitted in lower-density zones have created pressures leading to frequent rezoning, ultimately resulting in vastly greater population levels than have been planned for, tending to nullify planning efforts and to overload and overcrowd public facilities;
- E. That, as a result of such rezoning, residential zoning classifications at the various density levels have not been applied to a satisfactory degree in proper relation or with sufficient regard to: location or size of commercial or industrial areas or uses; utilities, motorways, schools or other public facilities; timeliness of development; conservation and allocation of land resources; and other factors which should be considered in planning for the development of the county on the basis of a comprehensive rationale;
- F. That, in light of the above findings, it is in the interest of the general welfare that new zoning classifications, formulated so as to avoid such effects in future residential development, be established as hereinafter provided;
- G. That the ability to distribute density across different zone boundaries, as provided for in Bill 100-1970, has resulted in density patterns often unintended by the county during the comprehensive zoning map process; and

[Bill No. 2-1992]

- H. That the flexibility of density residential zoning has resulted, in some situations, in residential development that is incompatible with existing neighborhoods.

[Bill No. 2-1992]

§ 1B00.2. Purpose.

The D.R. zoning classifications are established, pursuant to the legislative findings set forth above, in order to:

- A. Foster a greater variety in housing types within future residential developments;
- B. Allow more feasible preservation of natural features and induce the reservation of ample and more suitably designed open spaces and parks, in order to better satisfy the needs of residents without economic disadvantage to developers;
- C. Allow greater flexibility in subdivision-development planning and provide for the inducement of more creative as well as more economic approaches to residential development, with the goal of desirable and distinctive identity and character of individual residential locales;
- D. Provide the means to satisfy differing housing-market requirements without rezoning, and thus without disruptive changes in density potential;
- E. Provide for the application of residential zoning classifications in a manner more nearly in accord with comprehensive plans and comprehensive zoning maps.

**EXHIBIT
D**

F. Provide greater certainty about dwelling types and densities within existing communities with the goal of conserving and maintaining these areas.

[Bill No. 2-1992]

SECTION 1B01. Regulations With Respect to D.R. Zones in General

§ 1B01.1. General use regulations in D.R. Zones.

A. Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones of all classifications, subject to the restrictions hereinafter prescribed.

[Bill No. 2-1992]

1. Dwellings as provided herein and as provided in Section 430 and subject to Section 402:

- a. In all D.R. Zones: single-family detached, semidetached or duplex dwellings.
- b. In all D.R. Zones: alternative site-design dwellings, subject to findings of compatibility pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code, and as provided for in the Comprehensive Manual of Development Policies.

[Bill No. 137-2004]

c. In D.R.5.5 Zones, subject to findings of compatibility by the hearing officer: group houses and multifamily buildings.

[Bill No. 85-1997]

d. In D.R.10.5 and D.R.16 Zones: group houses and multifamily buildings.

[Bill No. 85-1997] *Editor's Note: Former Section 1B01.1.A.1.e which followed, regarding elderly housing and assisted-living facilities, was repealed by Bill No. 19-2004.*

2. Trailers (Section 415).

3. Churches, other buildings for religious worship or other religious institutions.
4. Aboveground electrical-power, telephone, telegraph lines, except aboveground electrical power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks.
5. Other cables; conduits; gas, water or sewer mains; or storm-drain systems, all underground.
6. Excavations, uncontrolled (as defined in Section 101).
7. Farms, produce stand in association with a farm, or limited-acreage wholesale flower farms (see Section 404).

[Bill No. 41-1992]

8. Garages, community.
9. Hospitals.

[Bill No. 37-1988]

10. Local open space tracts or other common amenity open space.
11. Privately sponsored day care and nursery programs, as an ancillary use, within housing for the elderly projects, as defined in Section 101 of these regulations.

[Bill No. 47-1982]

12. Class A group child care centers and Class B group child care centers providing for up to 40 children, if not located in a residential transition area, subject to the requirements of Section 424, and family child care homes, group child care centers and nursery schools.

[Bill No. 200-1990]

13. Research institutes or laboratories in existence at the time of the adoption of Bill No. 122-1984, subject to the zoning regulations in effect at the time of the approval by Baltimore County of the institute or laboratory.

[Bill No. 122-1984]

14. Schools, except business or trade schools or such schools as are permitted by special exception (Subsection C, below), but including schools for agricultural training.

[Bill Nos. 63-1980; 47-1982; 47-1985]

15. Signs, nonaccessory, to the extent permitted under Section 413.
16. Antennas used by CATV systems operated by companies franchised under Article 25 of the Baltimore County Code, if situated on property owned by the county, state or federal government or by a governmental agency.

[Bill Nos. 220-1981; 137-2004]

17. Transit facilities.

[Bill No. 91-1990]

18. Accessory uses or buildings other than those permitted only by special exception, including, but not limited to:

- a. Accessory radio or television receiving antennas.

b. Wireless transmitting and receiving structures, provided that any such structure: is a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission; if it is an independent structure, shall be subject to the same requirements as are applied to buildings under Section 400; if it is a rigid-structure antenna, shall be no higher than 50 feet above grade level and with no supporting structure thereof closer than 10 feet to any property line; and does not extend closer to the street on which the lot fronts than the front building line. *Editor's Note: Former Item c, which followed this item and permitted automotive-service stations, was repealed by Bill No. 172-1993.*

c. Home occupations, as defined in Section 101. *Editor's Note: Former Item c, which followed this item and permitted offices of certain professional persons as an accessory use to their residences, was repealed by Bill No. 105-1972, effective 8-26-1982.*

d. Parking spaces, including accessory garage spaces.

e. Offices for the conduct of business incidental to the rental, operation, service or maintenance of apartment buildings.

f. Signs, subject to Section 450.

[Bill No. 89-1997]

g. Swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes (subject to Section 429) or other accessory structures or uses (all such accessory structures or uses subject to the height and area provisions for buildings as set forth in Section 400).

[Bill No. 71-1987]

19. Commercial film production, subject to Section 435.

[Bill No. 57-1990]

B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics.

[Bill No. 124-1981]

1. Residential transition areas and uses permitted therein.

[Bill No. 2-1992]

a. Definitions and purpose.

[Bill No. 2-1992]

(1) The residential transition area (RTA) is a one-hundred-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed.

(2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types.

b. Generation of residential transition area. An RTA is generated if the property to be developed is zoned D.R. and lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5 or R.C. which:

[Bill Nos. 2-1992; 8-2004]

(1) Contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary; or

(2) Is vacant, less than two acres in size, and contains a buildable area at least 20 feet by 30 feet on which a dwelling meeting all required setbacks can be erected.

c. Variance of RTA.

[Bill No. 2-1992]

(1) Notwithstanding the provisions of Section 307, the hearing officer, upon the recommendation of the Departments of Public Works, Planning, Environmental Protection and Sustainability, Permits, Approvals and Inspections, Recreation and Parks, or Economic Development, may determine the amount of RTA in cases where a single tract is more than two acres, is vacant, or contains no more than one single-family detached, semidetached or duplex dwelling.

[Bill No. 122-2010]

(2) The RTA for a tract may be modified as directed by findings pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code. However, the hearing officer may not reduce the amount of RTA unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed.

[Bill No. 137-2004]

d. A residential transition use is any use:

[Bill No. 2-1992]

(1) Permitted as of right under Section 1B01.1.A; or

(2) Any use permitted by special exception under Section 1B01.1.C, except an accessory use permitted only by special exception; or

(3) Any parking area permitted under Section 409.8.B, subject to the approval of a specific landscape plan for the buffer area which must meet the requirements for a Class A plan.

e. Conditions in residential transition areas.

[Bill No. 2-1992]

[Index](#)[New Laws](#)[SECTION B400. Application of This Article's](#)[Provisions](#)**Baltimore County, MD****ARTICLE 4 SPECIAL REGULATIONS**[Help](#)[Search](#)[Print](#)[SECTION 401. Cemeteries](#)

This electronic version is provided for informational purposes only. For the official version please contact the municipality.

[Jump to Content](#)**SECTION 400. Accessory Buildings in Residence Zones**[§ 400.1. Location; lot coverage.](#)[§ 400.2. Setback.](#)[§ 400.3. Height.](#)[§ 400.4. Accessory apartments.](#)**SECTION 400. Accessory Buildings in Residence Zones****[BCZR 1955; Bill No. 27-1963]****§ 400.1. Location; lot coverage.**

Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

§ 400.2. Setback.

[Bill No. 2-1992] Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts.

§ 400.3. Height.

The height of accessory buildings, except as noted in Section 300, shall not exceed 15 feet.

§ 400.4. Accessory apartments.

[Bill No. 49-2011 Editor's Note: This Act stated that it applied retroactively to requests for in-law apartments filed on or after 8-1-2010, and also that owners of in-law apartments lawfully approved prior to the effective date of this Act must obtain a use permit required by this Act on or before 10-1-2012.] An accessory apartment is permitted as a temporary use within a principal single-family detached dwelling or within an accessory building situated on the same owner-occupied lot as the principal dwelling in any zone that permits single-family dwellings, subject to the following requirements:

A. If located within an existing single-family detached dwelling:

1. An applicant shall file with the Department of Permits, Approvals and Inspections an application for a use permit for an accessory apartment, on a form approved by the Department. With the application, the applicant shall submit a declaration of understanding, on a form approved by the Department, including but not necessarily limited to the following terms and conditions:
 - a. The size of the accessory apartment may not exceed 1/3 of the overall floor area of the dwelling or 2,000 square feet, whichever is less;
 - b. Any and all improvements to be dedicated as an accessory apartment shall be used solely as a single-family residence; and
 - c. The accessory apartment may not have separate utility meters, such as gas and electric service.
2. The Director may approve the application upon a finding that the size, location, and purpose of the accessory structure will not negatively affect the health, safety, or general welfare of the surrounding community.

B. If located within an accessory building on the same owner-occupied property as the principal single-family detached dwelling:

1. An applicant shall file a request for a special hearing and a use permit with the Department, together with a declaration of understanding as required by Subsection A1 of this section, and a public hearing before the Office of Administrative Hearings is required.
2. The size of the accessory apartment may not exceed 1,200 square feet, and the accessory building shall comply with the requirements of Section 400.
3. Following a public hearing, the Office of Administrative Hearings may grant a request upon a finding that the size, location, and purpose of the accessory apartment conform with Section 502.1 and may impose such conditions, restrictions or regulations consistent with Section 502.2 as may be deemed necessary or advisable for the protection of surrounding and neighboring properties, including the express prohibition that the accessory apartment not be converted to a second dwelling beyond the scope of this section.
4. The accessory apartment may not have separate utility meters or water and sewerage services unless approved by the Office of Administrative hearings based on specific findings of necessity for the accessory building.

C. Approval; renewal.

1. Approval. The approval of an application for a use permit in Subsection A or a request for a special hearing and a use permit in Subsection B shall be in the following:
 - a. The declaration of understanding and property description, including any conditions, restrictions, or regulations imposed by the Department of Administrative Hearings, shall be recorded in the land records of Baltimore County and a copy shall be filed with the Department of Permits, Approvals and Inspections.

**EXHIBIT
E**

- b. The accessory apartment shall only be utilized by immediate family members as defined in Section 101 and may not be used by any person other than an immediate family member for any other reason.
- c. If the accessory apartment is no longer occupied by any person named in the use permit or if the property is sold, the use permit shall terminate, and any proposed changes in occupancy to the accessory apartment by the property owner or subsequent purchaser shall require a new request for a use permit as applicable under Subsections A or B.
2. Renewal. The applicant shall renew the use permit with the Department every two years by filing a renewal on a form approved by the Department, to be dated from the month of the initial approval, and shall list the name of any person occupying the accessory apartment.

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**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

SW of Windsor Mill Road, 1,000' SE of
c / line of Featherbed Lane
(6727 B Windsor Mill Road)
2nd Election District
4th Council District

Roger Glenn Price
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **Case No. 2012-0256-SPHA**

* * * * *

ORDER

Upon consideration of Petitioner's Motion for Reconsideration, it is this _____ day of _____, 2012, hereby **ORDERED**:

Petitioner's Motion for Reconsideration is **GRANTED**;

That the Petitioner is in compliance with the Code in both the parking of his 2 trucks and the 6 lawn mowers;

That the Petitioner will enclose the carport by _____ at which time, Petitioner will be in compliance with the Code in the parking of his 2 trailers in an enclosed carport.

John E. Beverungen
Administrative Law Judge for Baltimore County

088A2

2000002281

2024

0213551830

23350590

6731

PDM # 020034

Lot # 1

0207470870

Pt. Bk. 19, Folio 63

Pt. Bk./Folio # 019063A

WINDSOR MILL RD

19630167

6729

0220660341

0213401220 6727

0202654500

0213550150

0206000040

Lot # 5

2 ED NW 3-F
4 CD 088A3

0204350140

6727-B

DR 5.5

Lot # 12

2020

20040187

Pt. Bk. 78, Folio 120
2500000335

VALERIE MANOR (PDM File/Project # 2-584)

GORDON, RANDALL PROPERTY (PDM File/Project #)

PDM # 020584

Lot # 11
2500000334

Lot # 10
2500000333

Lot # 9
2500000332

Lot # 8
2500000331

20040187

2500000330

Lot # 7

PDM # 020026

Lot # 6
2500000329

Pt. Bk. 19, Folio 58

Pt. Bk./Folio # 020058

Lot # 5

0203002220

0216600010

20110107

2006

PDM # 020120

Pt. Bk./Folio # 027150

5 Lot # 19

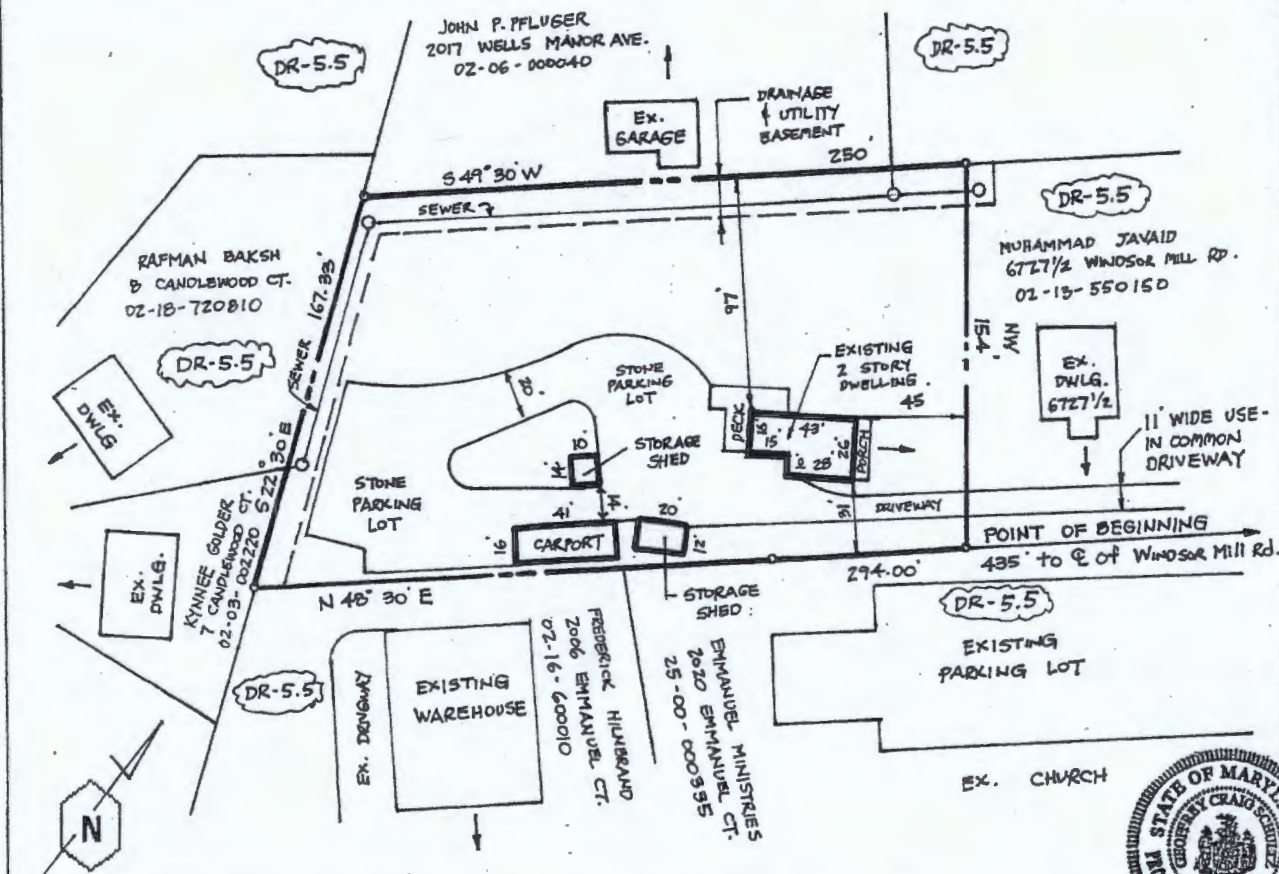
Pt. Bk. 27, Folio 150
0223001670

Lot # 18

Lot # 16

2012-0256 SPHA

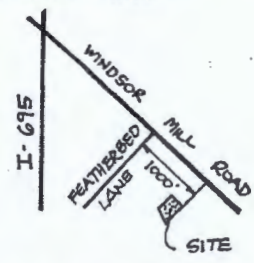
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)
 ADDRESS 6727 B WINDSOR MILL ROAD OWNER(S) NAME(S) RODGER GLENN PRICE
 SUBDIVISION NAME N/A LOT # N/A BLOCK # N/A SECTION # N/A
 PLAT BOOK # N/A FOLIO # N/A 10 DIGIT TAX # 0204350140 DEED REF. # 10067/00737



PLAN DRAWN BY POLARIS LAND CONSULTANTS DATE 3/26/2012 SCALE: 1 INCH = 50 FEET



SITE VICINITY MAP



MAP IS NOT TO SCALE
 ZONING MAP# 088 A3
 SITE ZONED DR 5.5
 ELECTION DISTRICT 2ND
 COUNCIL DISTRICT 4TH
 LOT AREA ACREAGE 1.17 Ac.
 OR SQUARE FEET 50,965 SF
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC ☒ PRIVATE ☐
 SEWER IS: PUBLIC ☒ PRIVATE ☐
 PRIOR HEARING? NO

VIOLATION CASE INFO:

106425
2/14/12

2012-0256 SPHA