

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL Managing Administrative Law Judge JOHN E. BEVERUNGEN Administrative Law Judge

August 30, 2013

David H. Karceski, Esquire Venable, LLP 210 W. Pennsylvania Avenue Suite 500 Towson, Maryland 21204

RE: Petition for Special Exception

Case No.: 2013-0291-X

Property: 5132 Long Green Road

Dear Mr. Karceski:

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,

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure

c: Carol Trela, P.O. Box 88, Baldwin, Maryland 21013 Bobby Prigel, 4855 Long Green Road, Glen Arm, Maryland 21057 Paul Lurz, 12818 Kanes Road, Glen Arm, Maryland 21057 Dianna McCulloh, 5100 Long Green Road, Glen Arm, Maryland 21057 IN RE: PETITION FOR SPECIAL EXCEPTION* BEFORE THE

(5132 Long Green Road) 11th Election District 3rd Councilman District Matilda L. Albrecht *Legal Owner* Petitioner

* OFFICE OF

* ADMINISTRATIVE HEARINGS

* FOR BALTIMORE COUNTY

* Case No. 2013-0291-X

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Exception filed for property located at 5132 Long Green Road. The Petition was filed by David H. Karceski, Esquire, on behalf of the legal owner of the subject property, Matilda M. Albrecht. The Special Exception Petition seeks relief pursuant to §1A01.2.C.29e of the Baltimore County Zoning Regulations (B.C.Z.R.), to use the herein described property for a slaughterhouse. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing was Matilda Albrecht and David Martin, whose firm prepared the site plan. David H. Karceski, Esquire attended and represented the Petitioner. Several concerned citizens attended the hearing, and their names are listed in the case file. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The Department of Planning (DOP) expressed support for the petition, and the Department of Environmental Protection and Sustainability (DEPS)

ORDER RECEIVED FOR FILING

Date 8-30-13

noted certain requirements that must be satisfied before operations could commence at the site.

Testimony and evidence offered at the hearing revealed that the subject property is 20+/- acres and is zoned RC 2. The Petitioner proposes to operate on a small portion (approximately .6 acres) of the property a slaughterhouse. The Petitioner and her husband previously operated from 1960 to approximately 1992 a slaughterhouse in the same facility proposed to be used in this case. The Petitioner testified her family has owned this land since the 1920's, and that she has lived on site for 51 years.

The Petitioner's proposed business partner, Shah Islam, testified and described some of the specifics of the proposed operation. Mr. Islam indicated that given the size of the facility - - which is not proposed to be enlarged - - the Petitioner would be able to slaughter and process a maximum of 8-12 steer per week or 50-60 smaller animals (lamb, goat) per week.

Mr. Martin, a landscape architect accepted as an expert, was the final witness in Petitioner's case. He indicated that he prepared the site plan in the case, and described the property in some detail. Mr. Martin stressed that no new construction or "development" of any kind was taking place, and he opined that the proposal satisfied the standards in B.C.Z.R. §502.1 and that the facility was "absolutely appropriate" for an RC 2 zone.

Carol Trela testified that the Long Green Valley Association was not opposed to the petition but had certain concerns (primarily with the scope and scale of the operation and potential environmental impacts), and Richard Hess, a neighbor, supported the petition but requested that privacy trees be planted to shield the operation from his

Date 8-30-13	ORDER RECEIVED FOR FILING	
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property. <u>See</u> citizen's exhibit #1. Those concerns will be addressed in the Order which follows.

SPECIAL EXCEPTION

Under Maryland law, a Special Exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a Special Exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the Special Exception use. No such evidence was presented in this case.

In addition, and based on the evidence presented, I find the proposed use would support the primary agricultural use in the vicinity and that the land proposed for the slaughterhouse use would not more appropriately be used for agricultural uses. As such, the Petitioner has satisfied B.C.Z.R. §1A01.2.C.

Pursuant to the advertisement, posting of the property, and the public hearing on this petition, and after considering the testimony and evidence offered, I find that Petitioners' Special Exception request should be granted, subject to the conditions noted below.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 30th day of August, 2013, that the Petition for Special Exception relief under §1A01.2.C.29.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to use the herein described property for a slaughterhouse, be and is hereby GRANTED.

The relief granted herein shall be subject ORDER IDEGEIVED FOR FILING

Date 8-30-13

By Olo

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner must utilize the Special Exception granted herein within two years of the date of this Order.
- 3. The slaughterhouse operation shall be subject to the "use Limitations" noted on the site plan.
- 4. The slaughterhouse shall operate Monday-Friday between the hours of 9AM-5PM. The Petitioner shall be permitted to conduct operations on one weekend per year, provided 30 days notice is provided to adjoining owners.
- 5. The slaughterhouse may kill and/or process a maximum of fifty (50) animals per week regardless of breed or size of the animal/livestock.
- 6. The Petitioner shall, at her sole expense prior to commencing operations, purchase and install on her property where it adjoins the parcel owned by Mr. Hess (more particularly, in the areas marked by "Xs" in Citizen's Exhibit 1) three or four trees. The number and type of trees required shall be determined in the sole discretion of the Baltimore County Landscape Architect.
- 7. The Petitioner shall comply with the ZAC comments of DEPS, a copy of which is attached hereto.

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

JOHN B. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 8-30-13

By Den



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
of Administrative Law of Baltimore County for the property

Address 5132 Long Green Road	which is presently zoned RC2
Deed References: 18160-385	10 Digit Tax Account # 1700003727
Property Owner(s) Printed Name(s) Matilda M.	Albrecht
(SELECT THE HEARING(S) BY MARKING $\underline{\mathbf{X}}$ AT THE APPROPF	RIATE 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
	le a part hereof, hereby petition for:
 a Special Hearing under Section 500.7 of the Zonin or not the Zoning Commissioner should approve 	g Regulations of Baltimore County, to determine whether
of flot the Zonling Commissioner should approve	
2. X a Special Exception under the Zoning Regulations	of Baltimore County to use the herein described property for
A slaughterhouse pursuant to Section 1A0	
A slaughterhouse pursuant to dection the	1,2.0.20.0 01 110 0.0.2.14.
3. a Variance from Section(s)	
4	
of the zoning regulations of Baltimore County, to the z	coning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty o	r indicate below "TO BE PRESENTED AT HEARING". If
you need additional space, you may add an attachmen	nt to this petition)
TO BE PRES	SENTED AT HEARING
Property is to be posted and advertised as prescribed by the zoning regula I, or we, agree to pay expenses of above petition(s), advertising, posting, e	tions.
and restrictions of Baltimore County adopted pursuant to the zoning law for	r Baltimore County.
	der the penalties of perjury, that I / We are the legal owner(s) of the property
DIA!	1 10
Contract Purchaser/Lessee:	Legal Owners (Petitioners): Matilda M. Albrecht
which is the subject of this / these Petition(s). Contract Purchaser/Lessee: Name-Type or Print Signature Signature Name-Type or Print Signature Name-Type or Print Signature Name-Type or Print Signature Name-Type or Print	1
Name- Type or Print ECENT	Name #1 - Type or Print Name #2 - Type or Print
DERHEOLOGIA	Hatilday r. all beer ht
Signate	Signature #1 Signature # 2
10	5132 Long Green Road, Glen Arm, MD
Mailing Address City State	Mailing Address City State
	21057-9718,
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
Attorney for Petitioner:	Representative to be contacted:
David H. Karceski, Esquire	David H. Karceski, Esquire
Name- Type or Print	Name Type or Print
Signature Venable LLP	Eignature Verable LLP
210 W. Pennsylvania Ave., Ste. 500 Towson MD	210 W. Pennsylvania Ave., Ste. 500 Towson MD
Mailing Address City State	Mailing Address City State
21204 , 410-494-6285 , dhkarceski@venable.com	n 21204 , 410-494-6285 , dhkarceski@venable.co
Zip Code Telephone # Emiail Address	Zip Code Telephone # Email Address
12 12 1291-V / 211	3 A
CASE NUMBER 2013-0291-X Filing Date 6, 2, 1	Do Not Schedule Dates: Reviewer

Martin



PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING 222 Bosley Avenue, Suite B1, Towson, Maryland 21204

May 30, 2013 ZONING DESCRIPTION

Part of Parcel 319 - Deed Ref. 18160/00385 5132 Long Green Road Baltimore, MD 21057

Beginning for the description of the subject Special Exception Area of Parcel 319 at a point at the centerline intersection of Long Green Road (24') and the eastern most corner of a private driveway thence N06° 09' 13" W, 738.63 feet more or less to a point of beginning at the southeast corner of the subject Special Exception Area thence the following courses:

- N50° 02' 26"W, 236.35' thence,
- N39° 57' 34"E, 115.05' thence
- S50° 02' 26"E, 233.58' thence
- S38° 34' 38"W, 115.09' back to the point of beginning.

Containing 27,033 Square Feet or 0.62 Acres of Land more or less.

The above bearings are based on the NAVD88/NAD83(2007) MCS state plane system.

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.



TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8595 FAX: 410.321.1175

2013-0291-X

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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. <u>For those petitions which require a public hearing</u>, 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: 20/3 - 29/-X
Petitioner: Matilda AlbRecht
Address or Location: 5132 Long Green Road
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address: Vendte LLY
210 W. Berry (vario Avenue Sinte 500
Tought 40 2/204
Telephone Number: 40 494 6285

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT	No.	099605,	PAID RECEIPT BUSINESS ACTUAL TIME IN
Rev Source/ Fund Dept Unit Sub Unit Obj	Sub	BS Acct Amount	5/03/2013 6/03/2013 07:04:03 REE WSO3 MALKIN RBOS LRB >ASSESSET 8 656484 6/03/2013 OFL 5 528 20NING VERIFICATION
(A) X06 (A)			RACOT Tot \$450.00 \$4
Rec VENABLE	Total:	\$450	
5132 LONG	9000 M	20	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW PLEASE PRESS HARDI	CUSTOMER	GOLD - ACCOUNTING	CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	RE: Case No.:	2013-0291-X
	Petitioner/Developer:	
		Matilda Albrech
	Date of Hearing/Closing:	August 21, 2013
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 100 111 West Chesapeake Avenue Towson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
This letter is to certify under the penalties of posted conspicuously on the property located		
5132 Long Green Rd		
	July 31, 2013	
The sign(s) were posted on	(Month, Day, Year)	
Si	incerely,	July 31, 2013
•	(Signature of Sign Poster)	(Date)
ZONING NOTICE	SSG Robert B	ack
A PUBLIC HERRING WILL OF THE OUR THE YORNING COMMISSION IN THE YORNING	(Print Name	e)
PLACE: 1914. CEREATERIA MALDINE NO 21285 DAYE AND THIS INdicator. Among All 128 at 1.28 a.u. BALVEST. Special Excession to 1.05 at 1.28 a.u. A Justician Excession to 1.05 at 1.28 at	1508 Leslie Re	oad
	(Address)	
THE PROCESSION OF THE PROCESSI	Dundalk, Marylan	d 21222
THE RESERVE OF THE PARTY OF THE	(City, State, Zip	Code)
北京 (1)	(410) 282-794	40
中国区区区区区区	(Telephone Nun	iber)



Baltimore, Maryland 21278-0001

August 1, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on August 1, 2013

The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Sugar Wilking

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: # 2013-0291-X
5132 Long Green Road, 1750 ft. W/of centerline

of Long Green Pike 11th Election District - 3rd Councilmanic District

Legal Owner(s): Matilda Albrecht

Special Exception: to use the property for a slaughter-house.

Hearing: Wednesday, August 21, 2013 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 accommodations 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. 937371 8/008 Aug. 1



KEVIN KAMENETZ County Executive

July 8, 2013

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

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: 2013-0291-X

5132 Long Green Road

N/s Long Green Road, 1750 ft. W/of centerline of Long Green Pike

11th Election District - 3rd Councilmanic District

Legal Owners: Matilda Albrecht

Special Exception to use the property for a slaughterhouse.

Hearing: Wednesday, August 21, 2013 at 1:30 p.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablon Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Ave., Ste. 500, Towson 21204 Matilda Albrecht, 5132 Long Green Road, Glen Arm 21057

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 1, 2013.

- (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

Thursday, August 1, 2013 Issue - Jeffersonian

Please forward billing to:

Justin Williams

Venable

210 W. Pennsylvania Ave., Ste. 500

Towson, MD 21204

410-494-6285

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: 2013-0291-X

5132 Long Green Road

N/s Long Green Road, 1750 ft. W/of centerline of Long Green Pike

11th Election District - 3rd Councilmanic District

Legal Owners: Matilda Albrecht

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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.

MEMORANDUM

DATE:

October 1, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0291-X - Appeal Period Expired

The appeal period for the above-referenced case expired on September 30, 2013. 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

- RE: PETITION FOR SPECIAL EXCEPTION 5132 Long Green Road; N/S Long Green Road, 1750' W of c/line Long Green Pike 11th Election & 3rd Councilmanic Districts Legal Owner(s): Matilda Albrecht Petitioner(s)
- BEFORE THE OFFICE
- * OF ADMINSTRATIVE
- * HEARINGS FOR
- * BALTIMORE COUNTY
- * 2013-291-X

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.

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JUN 13 2013

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Peter Max Zummerman

Cook S Vembro

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 13th day of June, 2013, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8/2/0

CASE NO. 2013-0291-X

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
6/17/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
7/1/13	DEPS (if not received, date e-mail sent)	<u></u>
	FIRE DEPARTMENT	
7/12/13	PLANNING (if not received, date e-mail sent)	<u> </u>
6 17 13	STATE HIGHWAY ADMINISTRATION	NO Obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	TION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	VERTISEMENT Date: 8 1 13 Date: 7 3 13	by Black
	SEL APPEARANCE Yes No SEL COMMENT LETTER Yes No	
Comments, if any:		

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 17, 2013

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 17, 2013

Item Nos. 2013- 0290,0291,0292,0293,0294 and 0297.

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

DAK:CEN Cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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OFFICE OF ADMINISTRATIVE HEARINGS

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:

July 1, 2013

SUBJECT:

DEPS Comment for Zoning Item

2013-0291-X

Address

5132 Long Green Road (Albrecht Property)

Zoning Advisory Committee Meeting of June 10, 2013.

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

1. Environmental Impact Review has no comment on the proposed use on this property, but may need to review any grading, or new structure permits.

Paul Dennis – Environmental Impact Review (EIR)

Ground Water Management has the following comments:

- Liquid wastes associated with slaughtering livestock must be collected in a
 watertight holding tank. Property owner must enter into a Holding Tank
 Agreement with the County and record agreement in Land Records.
 Disposal of liquid wastes from the Holding Tank must be provided by a
 licensed liquid waste hauler or other method approved by the Department.
- 2. A bathroom will be required for employee usage. The domestic wastes generated from the bathroom must be disposed of through an onsite sewage disposal system. Percolation tests may be required.
- 3. A Water Appropriation Permit will be required from MDE.
- 4. The proposed water supply must be from an approved well with a certificate of potability. Water testing will be required to verify water quality is acceptable.

Kevin Koepenick – Groundwater Management

7/19/13 WCL

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DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: July 12, 2013

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

5132 Long Green Road

INFORMATION:

Item Number:

13-291

Petitioner:

Matilda M. Albright

Zoning:

RC 2

Requested Action:

Special Exception

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a special exception to permit a slaughterhouse on the subject property. The Department of Planning does not oppose the petitioner's special exception request.

The subject property is roughly 20 acres however the proposed area of the special exception is only .62 acres. Additionally, the petitioner proposes limited hours of operation, delivery time-frame, and small number of employees. Given the aforementioned circumstances this proposal does not appear to have negative impacts on adjacent properties.

The Department of Planning opines that this request is consistent with the spirit and intent of the RC 2 zoning regulations. Additionally, there does not appear to be any negative impacts to the health, safety and general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-

3480.

Prepared By:

Division Chief:

AVA/LL:cjm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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JUL 0 2 2013

OFFICE OF ADMINISTRATIVE HEARINGS

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:

July 1, 2013

SUBJECT:

DEPS Comment for Zoning Item

2013-0291-X

Address

5132 Long Green Road

(Albrecht Property)

Zoning Advisory Committee Meeting of June 10, 2013.

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

1. Environmental Impact Review has no comment on the proposed use on this property, but may need to review any grading, or new structure permits.

Paul Dennis – Environmental Impact Review (EIR)

Ground Water Management has the following comments:

- 1. Liquid wastes associated with slaughtering livestock must be collected in a watertight holding tank. Property owner must enter into a Holding Tank Agreement with the County and record agreement in Land Records. Disposal of liquid wastes from the Holding; Tank must be provided by a licensed liquid waste hauler or other method approved by the Department.
- 2. A bathroom will be required for employee usage. The domestic wastes generated from the bathroom must be disposed of through an onsite sewage disposal system. Percolation tests may be required.
- 3. A Water Appropriation Permit will be required from MDE.
- The proposed water supply must be from an approved well with a certificate of potability. Water testing will be required to verify water quality is acceptable.

Kevin Koepenick – Ground ORDEI	R RECEIVED FOR FILING	
Date	8-30-13	
Ву	aln	



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-17-13

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

RE: Baltimore County

Item No 2013-0291-X
Special Exception
Matilda L. Albrecht
5132 Long Green 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. 2013-0291-X

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



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

August 14, 2013

Matilda M Albrecht 5132 Long Green Road Glen Arm MD 21057

RE: Case Number: 2013-0291 X, Address: 5132 Long Green Road

Dear Ms. Albrecht:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 2, 2013. 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.

W. Cal Rihal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

People's Counsel
 David H Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson MD 21204

Maryland Department of Assessments and Taxation Real Property Data Search (vw6.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

Account Identifier:		District - 11 Acc	ount Number	- 170000372	1		
			Owner Infor	mation			
Owner Name: Mailing Address:	5130 L	ECHT MATILDA M ONG GREEN RD ARM MD 21057-97		Use: Principal Deed Refe	Residence:	NO	GRICULTURAL) /18160/ 00385
		Loca	tion & Structur	re Informatio	n		
Premises Address 5132 LONG GREEN R 0-0000	D		20 A	gal Descript AC 2 LONG GRE 00 W LONG G	EEN RD		
	Parcel Sub Dis	trict Subdivi	sion Sect	tion Blo	ck Lot	Assessment Ar	Plat No:
Special Tax Areas		Town Ad Valorem Tax Class	МОИ	NE			
Primary Structure I 1927	Built	Enclosed Are	<u>ea</u>	Property 20,0000 A	Land Area	05	County Use
Stories Basemen 1.500000 YES	Type STANDARD U	Exterior NIT SIDING					
			Value Inform	nation		-	
<u>Land</u>	124,000	Value As Of 01/01/2012 124,000	Phase-in As: As Of 07/01/2012	As Of 07/01/20		ERENTIAL LAND JDED IN LAND V	
Improvements: Total: Preferential Land:	131,700 255,700 4,000	99,200 223,200	223,200	223,200 4,000			
			Transfer Info	rmation			
	HT PHILIP HENRY,JR MS LENGTH OTHER			Date: Deed1:	06/10/2003 /18160/ 00385	Price: Deed2:	\$0
	HT PHILIP AG USE 83 MS LENGTH OTHER	3-84		Date: Deed1:	10/02/1975 /05571/ 00777	Price: Deed2:	\$0
Seller: Type:				Date: Deed1:		Price: Deed2:	
			Exemption Info	ormation			
Partial Exempt Asse County State Municipal	essments			Class 000 000 000	07/01 0.00 0.00 0.00	/2012	07/01/2013
Tax Exempt: Exempt Class:						ecial Tax Recap LTURAL TRAN	
		Home	estead Applicati	on Information	on	-	
Homestead Applicat	tion Status	No Appli					

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

Go Back View Map New Search

District - 11 Account Number - 1700003727



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.

CASE				
CASE	NUN	1BER	2013-2	291-X
DATE	4	21	13	

CITIZEN'S SIGN-IN SHEET

•		
ADDRESS	CITY, STATE, ZIP	E- MAIL
90 BOX 88	BALDWID, Md. 21013	CATOL @TRECA, Com
	Gled Gem alpes	N .
	alon Am 2105.	7
4851 Long Grown	ne) Girn Am 210:	5'>
12818 KILFS RD	GUEN HEM, MID 2105	7 PEDEZ PSLUBZ Q CONCE
		1
1		
	,	
	PO BOX 88	POBOX 88 BALDWID, Md. 21013 FLACES MDBO Glen Gem aioso Quen Ann 2105.

PLEASE PRINT CLEARLY

CASE NAME ROAD

CASE NUMBER 2013-291-X

DATE 8/21/13

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
David Kances K	210 W. RMSY VENIA	TOWSON MD	Phkaceski Grendle.com
Cheis Mudd	Ave., Saite 500		
DAVID MAPTIN'	122 BOSTEY AVE S.B1	TOWSON 21204	dmartine martinant phillips. com
Tillie ALBRECHT	5130 LONG Green Roll		
Sharon Bregel	1405 Malvern Ave	Towson, MB 21204	Sharonbrege 13 @ hot mail.
SHOHEDOL ISLAM	400 Frank W. Bur Blus.	MIDDLERIUPA 21220 Tannecl, N.J. 07666	fair le felecomas lances
RICHARD A HES	5134 LONG GAME. PD	GLEN ARM 21657	None Personal Rock Con
11000000		Ozan / Rim Zingi	
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Cana	NI_{α}
Case	INO.

2013 - 291 - X

Exhibit Sheet

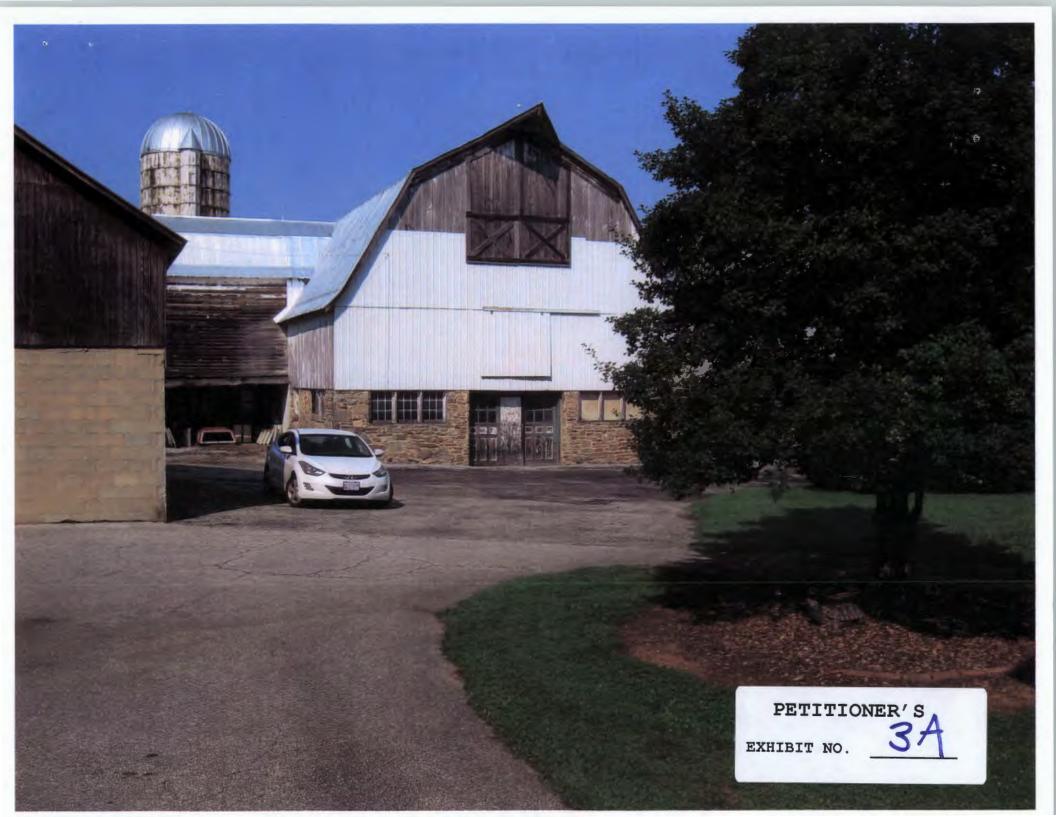
8-30-13

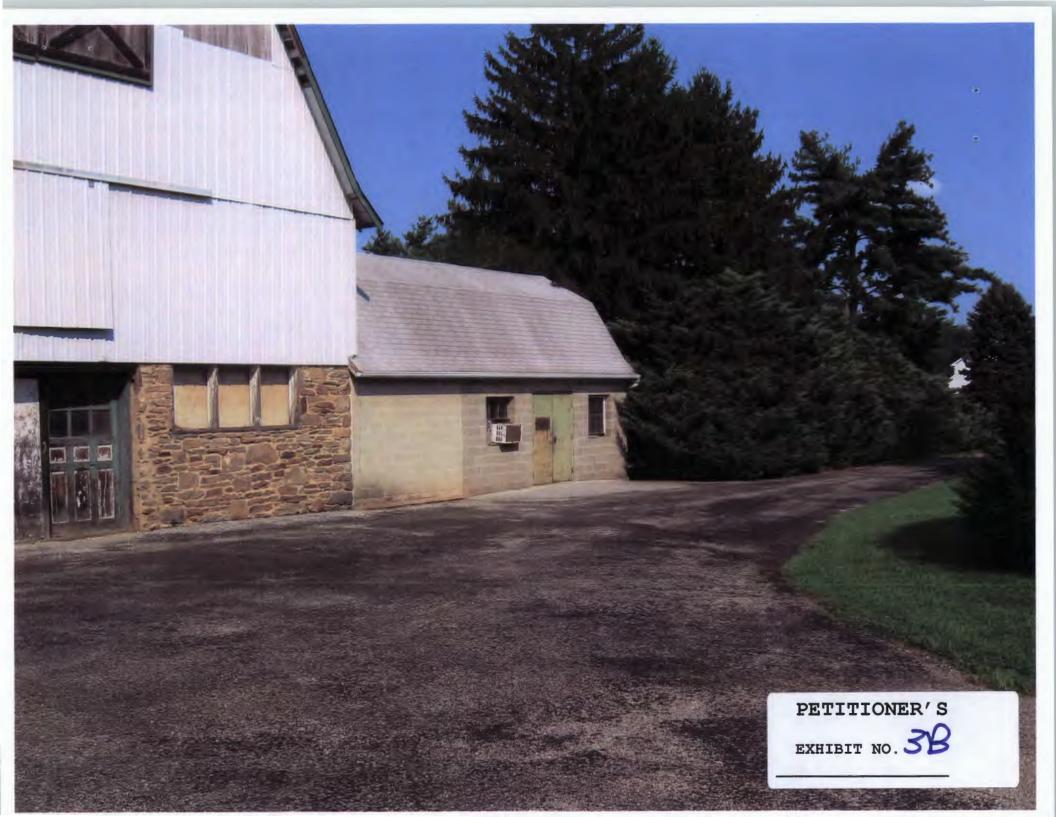
Petitioner/Developer

0,013

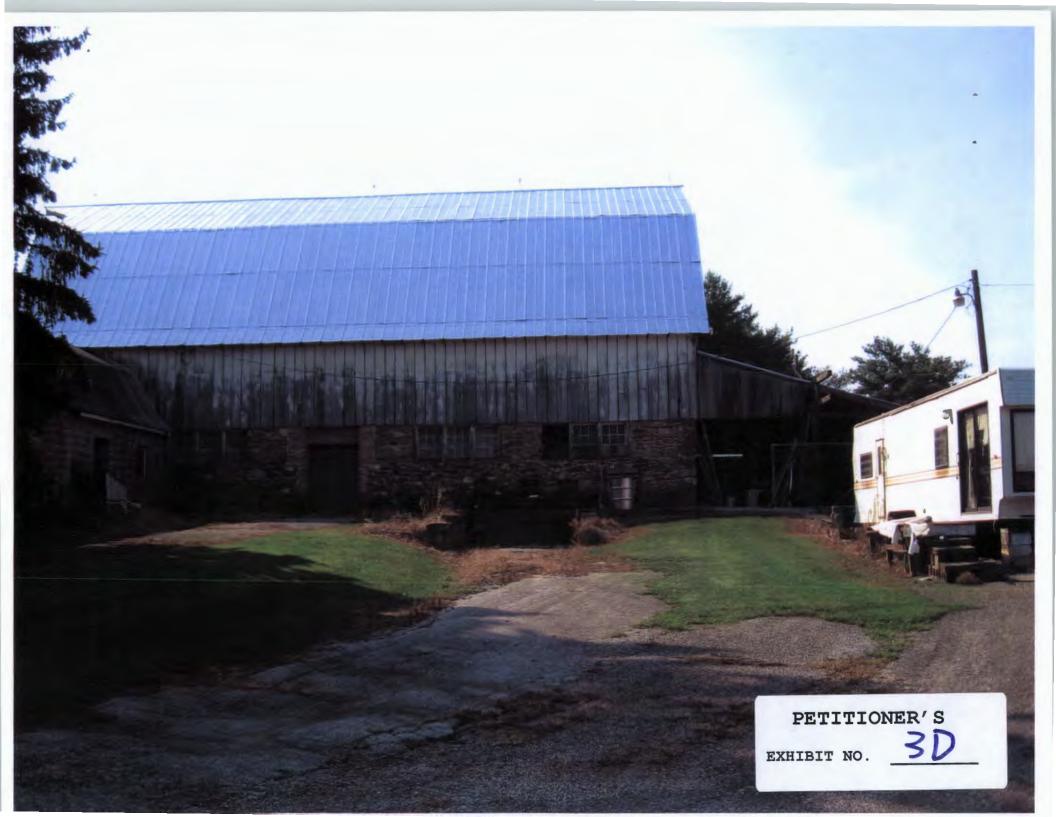
Protestant Chzen's

No. 1	Site plan	Aerial photo - showing location of proposed trees
No. 2	My Neighborhook Aerial	
No. 3	3A-3E Color photos exterior of sitz	
No. 4	4A-46 color photos interior of site	
No. 5	5A-5C Letters & support	
No. 6	Aerial map/photo	
No. 7	Valley Proteins contract	
No. 8	Valley Proteins - web pages	
No. 9	GIS aerial photo	
No. 10	David Martin-CV	
No. 11		
No. 12		

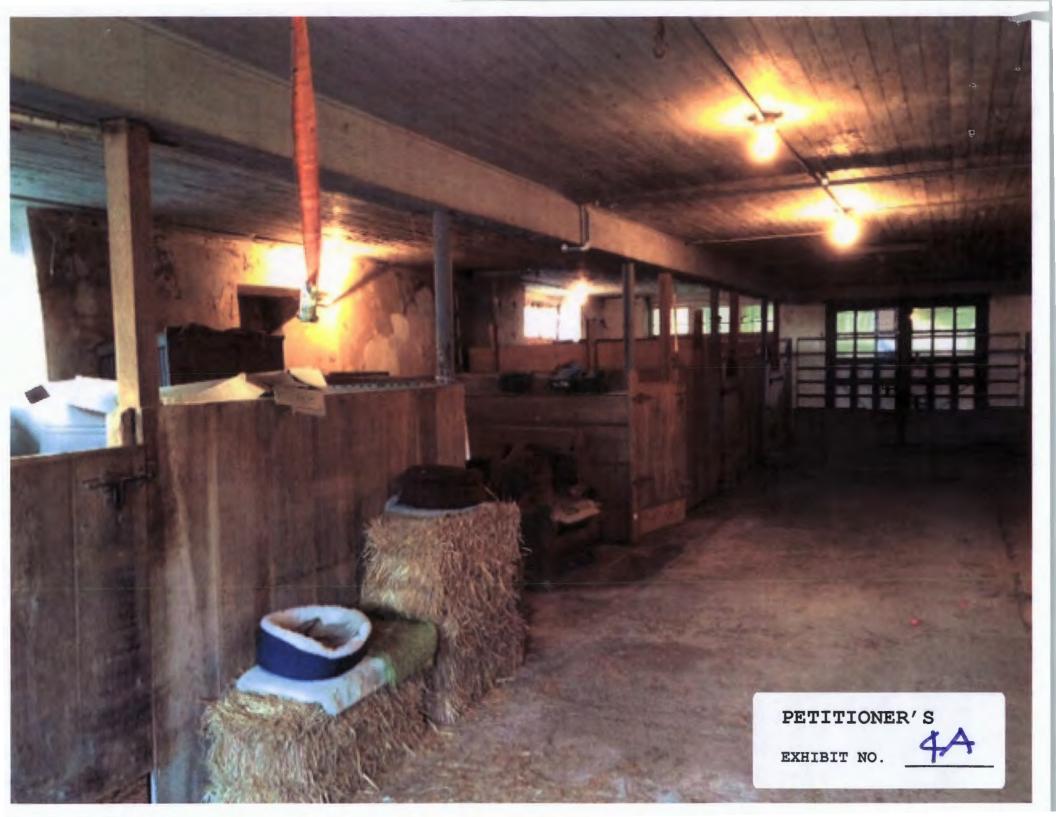


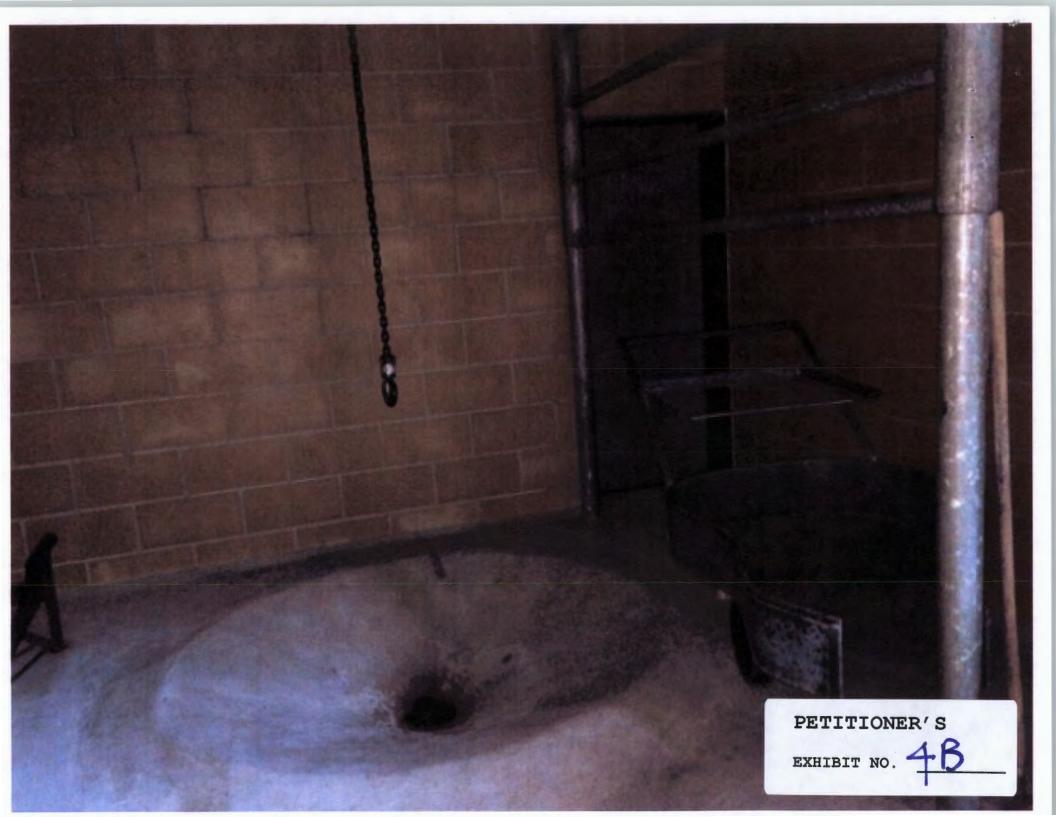


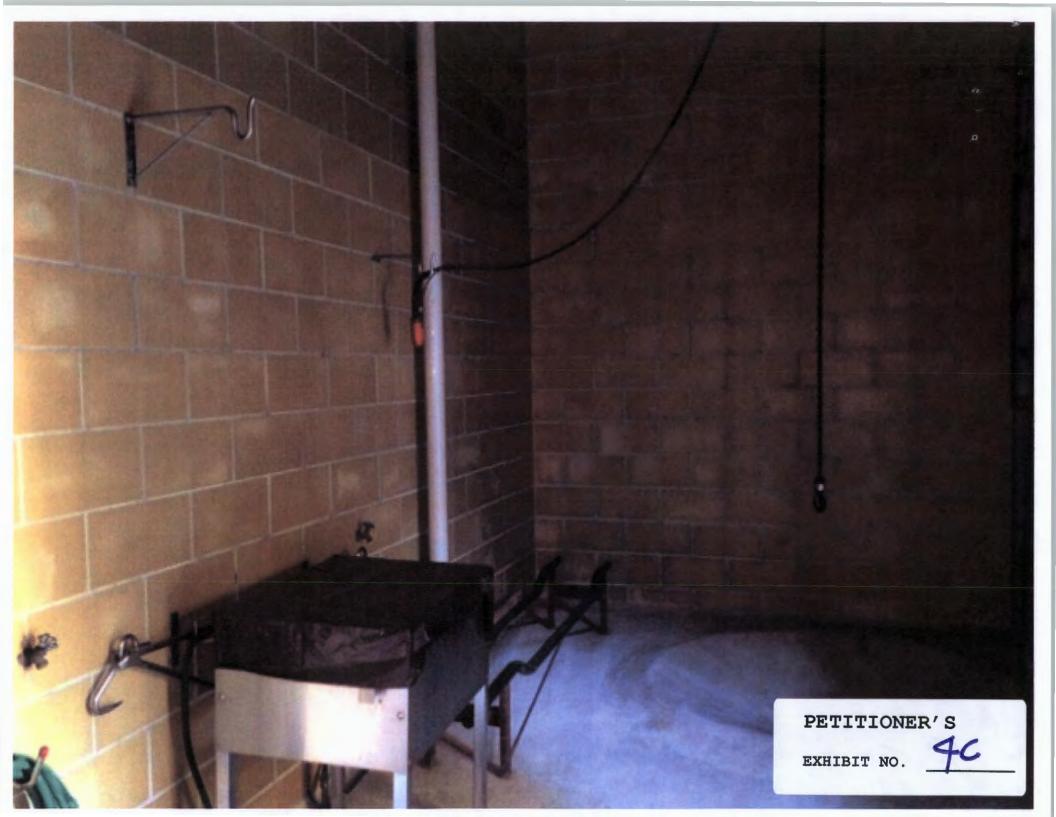


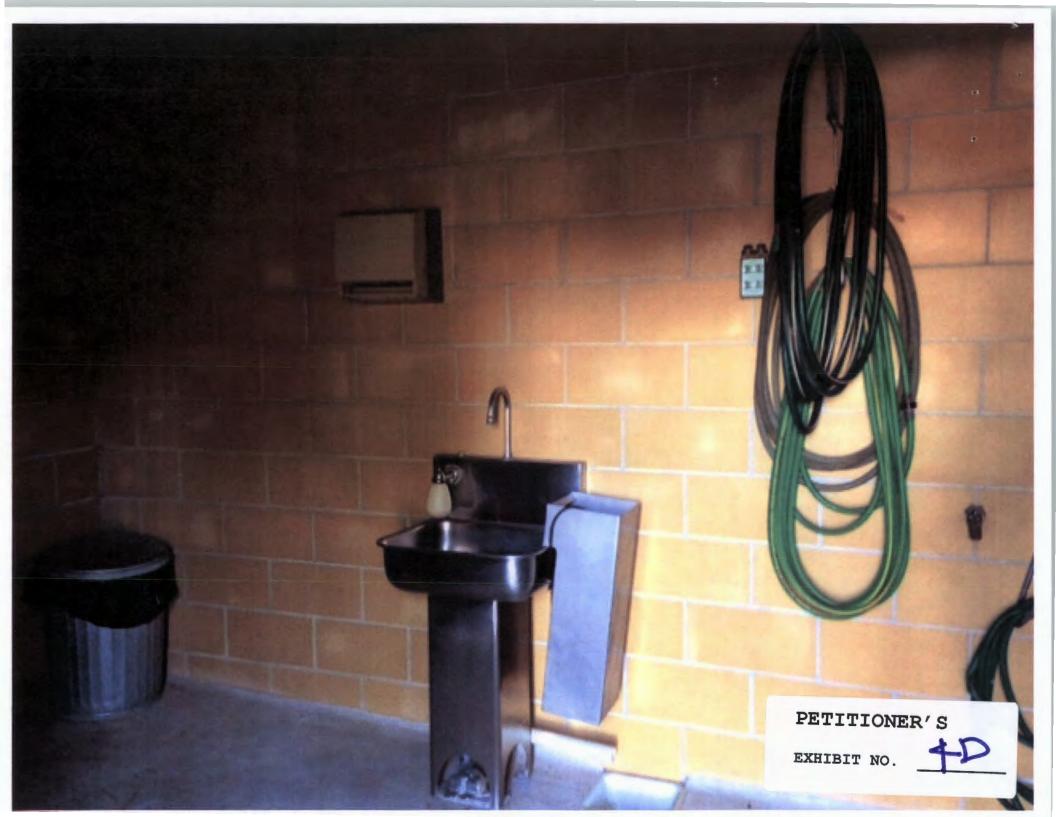


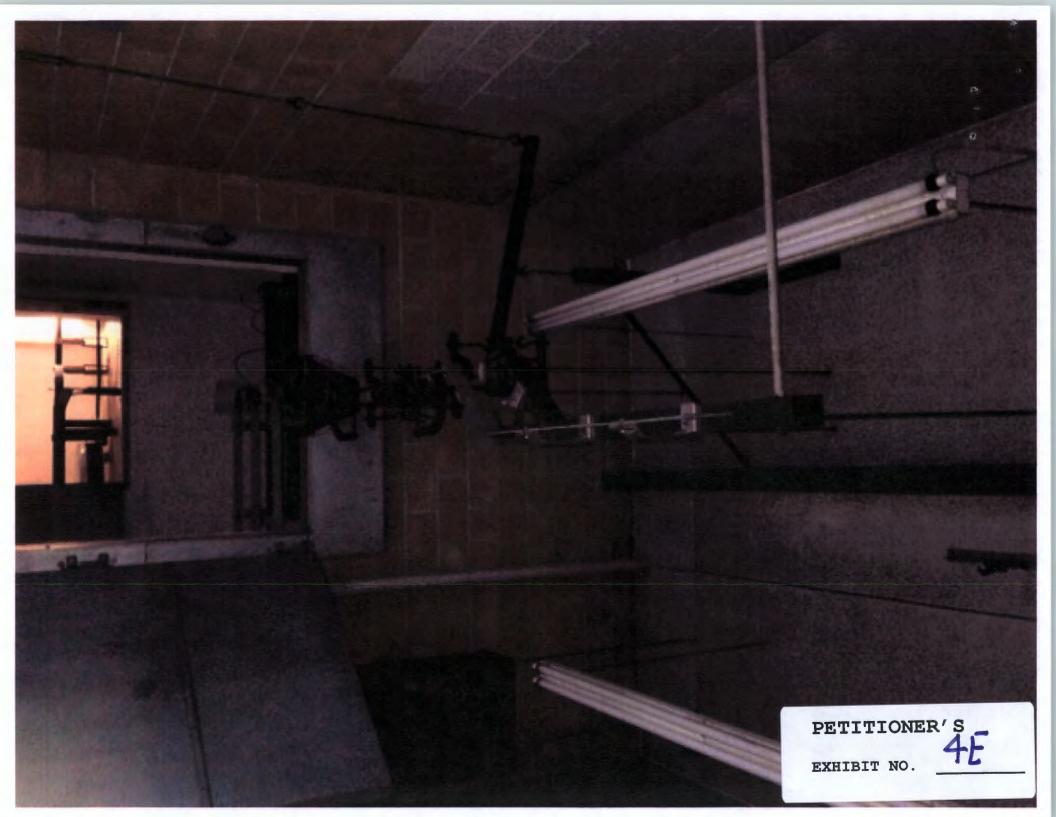




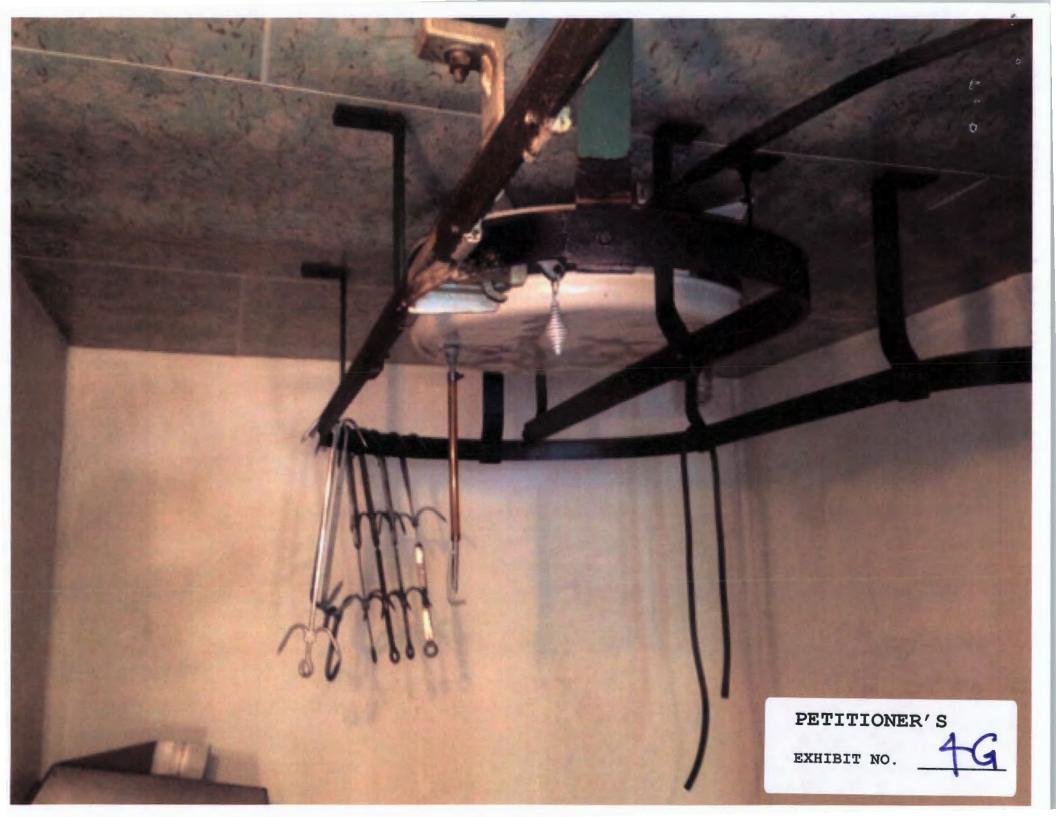












Milton G. White, JR. whitelyn Farm, Inc. 5101 Hydes Road Hydes, Maryland 21082

August 14, 2013

John E. Beverungen Administrative Law Judge for Baltimore County Office of Administrative Hearings Jefferson Building 105 W. Chesapeake Ave, Suite 103 Towson, Maryland 21204

> Re: Zoning Case No. 2013-291-X 5132 Long Green Road Petition for Special Exception

Dear Judge Beverungen:

I am the owner of the farm located at 5101 Hydes Road, which is located in the vicinity of the above-referenced property (the "Property"). I understand that the Property owner has filed a petition for special exception to utilize the Property as a slaughterhouse, and I am writing to express my support for this use.

I currently raise livestock, including <u>Cattle & Calves</u> on my farm, and I am pleased to learn that we may soon have a slaughterhouse to support our farming community. I fully intend to utilize the proposed slaughterhouse services and to recommend that those who purchase my livestock likewise use their services.

Please accept this letter as evidence of my support for the proposed special exception slaughterhouse use. I am confident that this use will be a positive addition to our farming community and that it will not have any detrimental impact any of the surrounding agricultural properties, including my own.

Thank you for your consideration of my position.

Sincerely.

Milton S. White Jr.

PETITIONER'S

EXHIBIT NO.

Empty Pockets Farm Fred Dietz, Jr. 13007 Manor Road Glen Arm, M aryland 21057

August 14, 2013

John E. Beverungen Administrative Law Judge for Baltimore County Office of Administrative Hearings Jefferson Building 105 W. Chesapeake Ave, Suite 103 Towson, Maryland 21204

> Re: Zoning Case No. 2013-291-X 5132 Long Green Road Petition for Special Exception

Dear Judge Beverungen:

I am the owner of the farm located at 13007 Manor Road, which is located in the vicinity of the above-referenced property (the "Property"). I understand that the Property owner has filed a petition for special exception to utilize the Property as a slaughterhouse, and I am writing to express my support for this use.

I currently raise livestock, including <u>Cattle & Calves</u> on my farm, and I am pleased to learn that we may soon have a slaughterhouse to support our farming community. I fully intend to utilize the proposed slaughterhouse services and to recommend that those who purchase my livestock likewise use their services.

Please accept this letter as evidence of my support for the proposed special exception slaughterhouse use. I am confident that this use will be a positive addition to our farming community and that it will not have any detrimental impact any of the surrounding agricultural properties, including my own.

Thank you for your consideration of my position.

Sincerely,
Fred Dietz 10.

PETITIONER'S

EXHIBIT NO.

5B

Bellvale Farm, Inc. Robert Prigel 4855 Long Green Road Glen Arm, MD 21057

August /5, 2013

John E. Beverungen Administrative Law Judge for Baltimore County Office of Administrative Hearings Jefferson Building 105 W. Chesapeake Ave, Suite 103 Towson, Maryland 21204

> Re: Zoning Case No. 2013-291-X 5132 Long Green Road Petition for Special Exception

Dear Judge Beverungen:

I am the owner of the farm located at 4855 Long Green Road, Glen Arm, MD which is located in the vicinity of the above-referenced property (the "Property"). I understand that the Property owner has filed a petition for special exception to utilize the Property as a slaughterhouse, and I am writing to express my support for this use.

I currently raise livestock on my farm, and I am pleased to learn that we may soon have a slaughterhouse to support our farming community. I fully intend to utilize the proposed slaughterhouse services and to recommend that those who purchase my livestock likewise use their services.

Please accept this letter as evidence of my support for the proposed special exception slaughterhouse use. I am confident that this use will be a positive addition to our farming community and that it will not have any detrimental impact any of the surrounding agricultural properties, including my own.

Thank you for your consideration of my position.

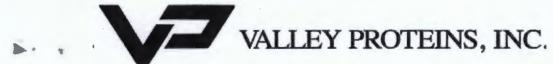
Sincerely,

Rober E. Priget

PETITIONER'S

EXHIBIT NO.

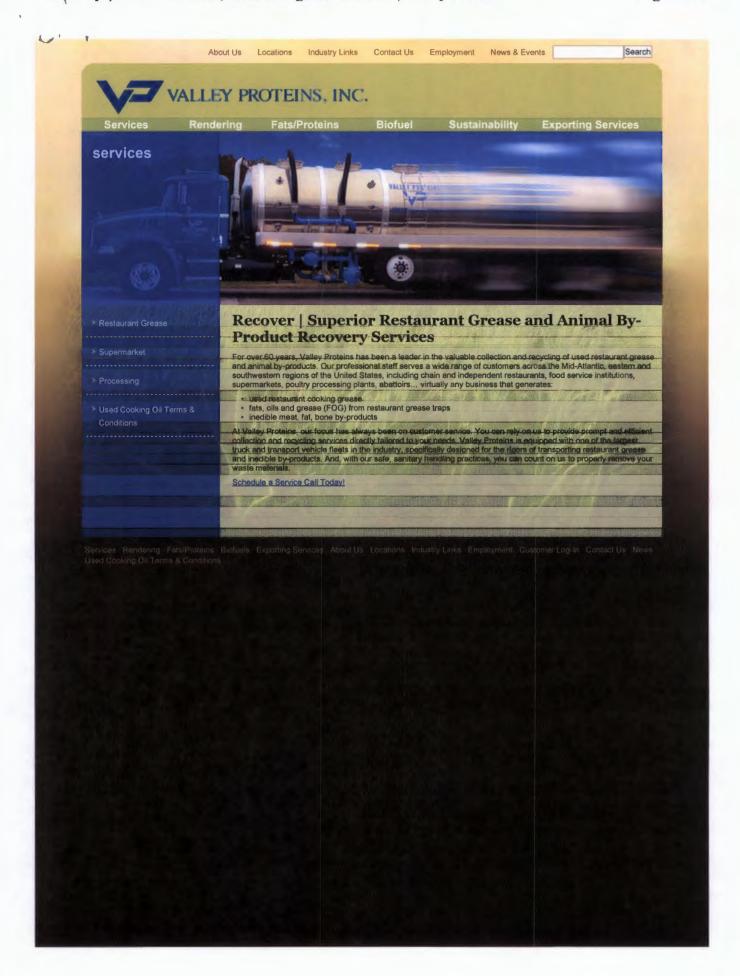


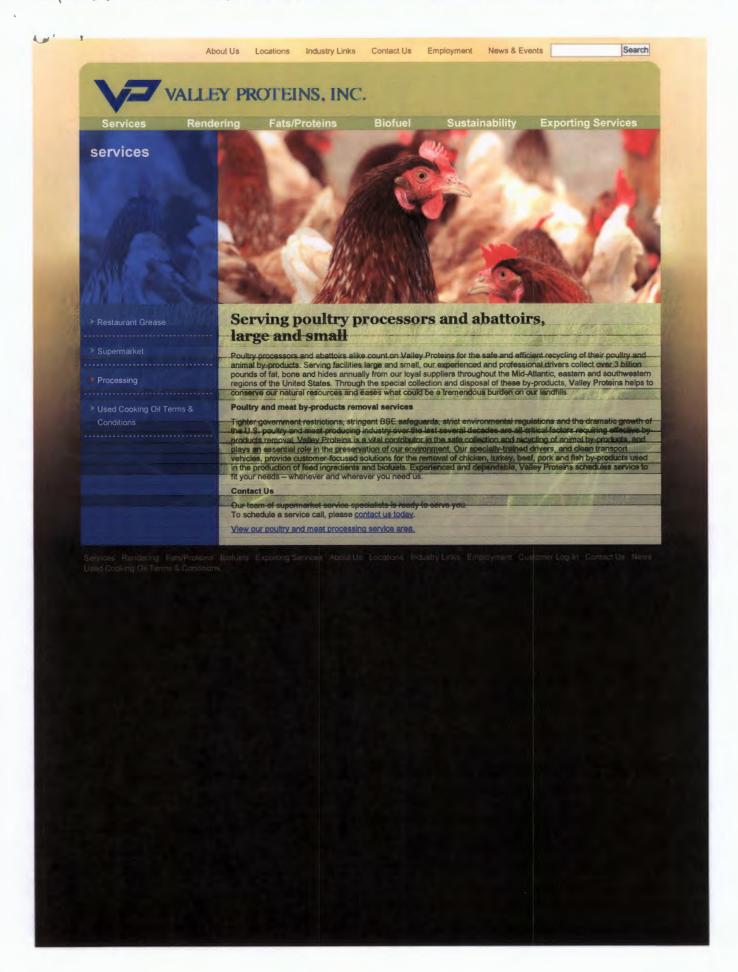


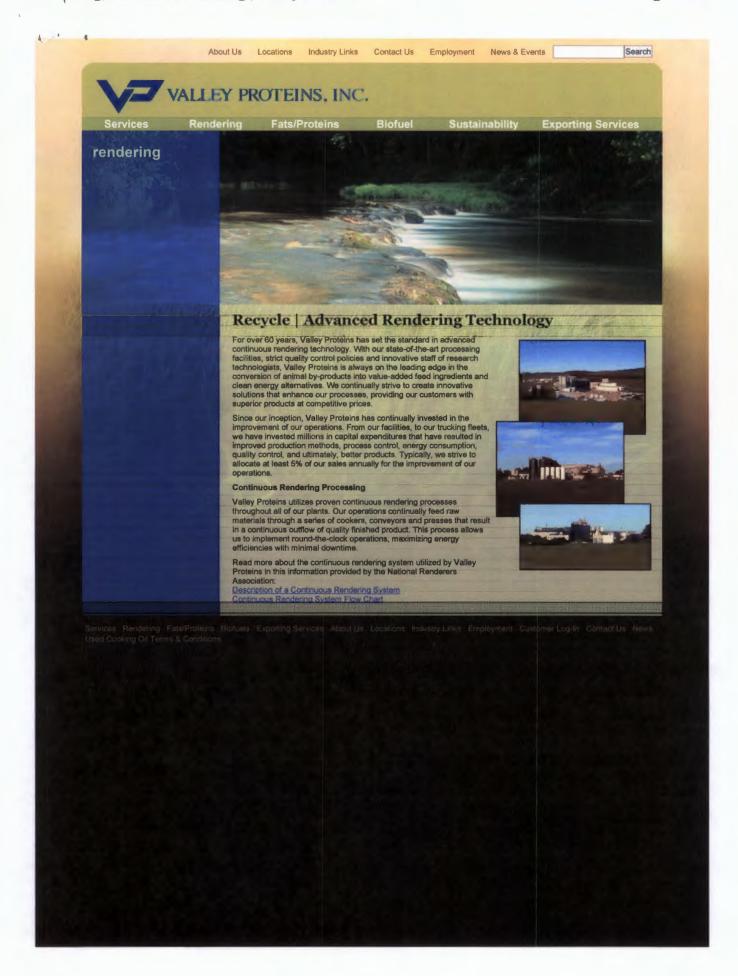


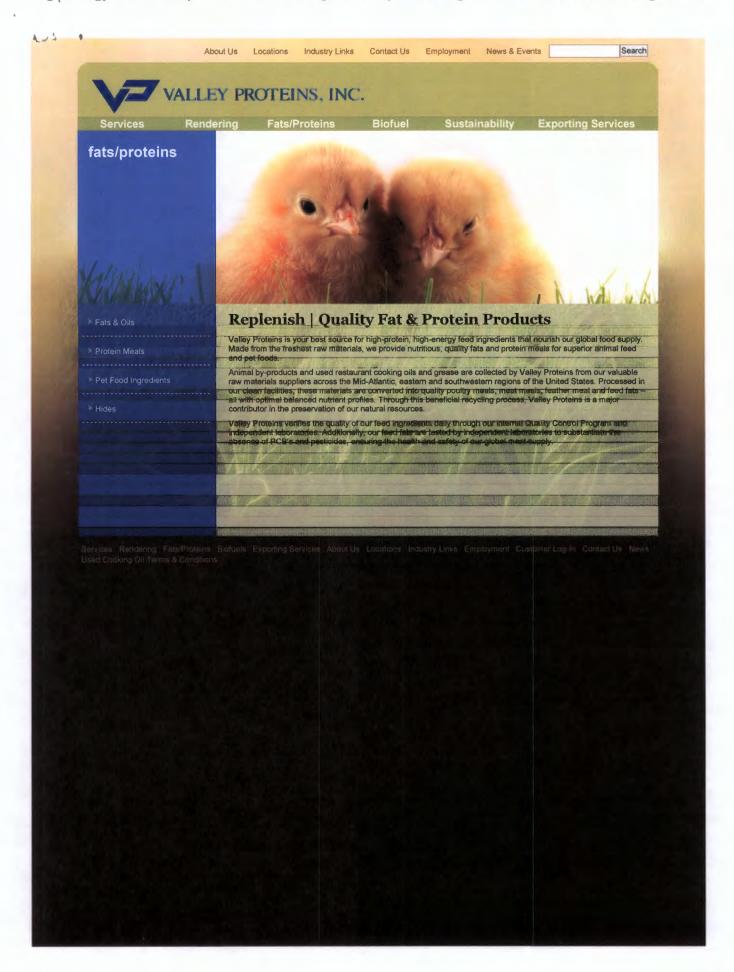
THIS IS A LEGALLY B	INDING CONTRACT. CONTRACTO	R AGREES TO PROVIDE	AND CUSTOMER A	GREES TO ACCEPT THE	FOLLOWING SERV	/ICES AND EQUIPMENT
INITIAL SERVICE TERM:	2 YRS FROM: 8	1 13 10: 4	3111	5 EFFECTIVE DATE	811	13
STORE NAME:	Albrecht Most	Processing OW	NER/CUSTMER LEGAL	NAME:		
LOCATION ADDRESS:	5132 Long 6	recu Kd BILL	REMIT TO ADDRESS			
CITY:	Glen Arm	CITY	:			
STATE:	MD ZIP:	21057 STAT	E:		ZIP:	
CONTACT NAME:	Shah Isla		TACT NAME:			
PHONE NUMBER:	973-953-3		NE NUMBER:			
1. The customer hereby en provided by VP for use a in the performance of the of VP. Customers shall 2. Charges and/or payment Fat/Bone Removal: Grease Removal: Grease Removal: The pricing quoted for Gabove. Traps larger that reserves the right to more cycle. The charges will	CORPORATTION FAT/BONE REMOVAL 1 Pat/LV 2 Tof the covnenants hereinfafter set for regages Valley Proteins, Inc (VP) (Contact the customer's facilities in the performance services. VP shall not be responsible for and shall pay all contact for the products and services proving the proving the proving the products and services proving the	tractor) as the exclusive indirector as the exclusive indirector of these services with the for spills caused by overfloots for cleaning up all spills ded under this contract shall be the form of the customer's or located in areas not recircled. Additional charges in the travel and \$140.00 per ha	Ity agree as follows: spendent contractor ill remain the proper illing, or other acts of leakages or other be as follows: The proper illing, or other acts of leakages or other be as follows: The proper illing, or other acts of leakages or other illing, or other leakages or other illing, or other leakages or other leakage	for providing the product rer ty of VP. VP will clean up ar if the customer or its represe discharges of product not cal Werk 50 Gallons): 500 the trap size does not excee and/or in poor conditio tice fee may be incurred for e in excess of one hour to sen	noval services indicity spills of product to natives, or by third used by VP. I Services INSIDE to 1000 gallons per in may be subject to mergency service processors. Failurest	ated above. Any containers hat are caused solely by VP parties not under the control PILICIA OUTSIDE trap or the capacity stated additional charges. VP provided outside the normal
 The customer will depos reasonable times to perf equipment is placed to ti be responsible for dama and containers shall be customer will reimburse product. The customer w 	ervice: Per jetting from the inlet or climate and renderable may form the services herein contracted. The most convenient public road, is surge to private pavement or driving surfixept in a pure, sanitary, unadulterated VP for losses due to vandalism or could immediately notify VP of any spill, enewal terms, of this agreement.	aterials in the containers pro- The customer further warran fficient to bear the weight of faces caused by VP's collect I condition, free of trash, gar ntamination of the product o	vided by VP and ke ts that any right-of-v VP's equipment and thon vehicles, and the bage, contaminates r containers. The cu	ap all containers available ar way provided by customer fro d vehicles as required to perf e customer specifically agree or other foreign matter or m stomer will, at its sole cost a	ad accessible for see in customer's locati orm the service her es to assume such aterial toxic or harm and expense dispose	on upon which VP's ein contracted. VP shall not responsibility. The product ful to animals. The e of any contaminated
 The customer will keep of provided by customer from the as required to perform the customer specifically agoreimburse VP for losses 	grease traps available and accessible orn customer's location upon which VI ne service herein contracted. VP shall rees to assume such responsibility. T due to vandalism or contamination of on or entity to provide the services income members of the services members of members of	P's equipment is placed to the not be responsible for dama The grease trap shall be kep of the grease trap. The custor	ne most convenient age to private paver t free of trash, garbe ner will immediately	public road, is sufficient to be nent or driving surfaces caus ige, contaminates and any of notify VP of any spill, leakag	sar the weight of VF sed by VP's collection ther substance toxic	"s equipment and vehicles on vehicles, and the c or harmful to animals, and
5. After the completion of the	he initial term the contract shall autom	natically renew itself for succ	essive periods of ni	nety (90) days on its expiration	on date and the exp	ration of any renewal term.
product does not meet the	terminated immediately by either part ne minimum standards for use by VP	in its processes. Customer a				
Either party may termina If the Customer violates shall pay to VP liquidates	God, labor disputes, or other such sit the this contract only by written notice the termination provisions above, VP d damages in the amount of \$250.00 reach of this contract and that such life	of termination to the other pa will consider such wrongful per location per service prov	termination a breachided. The Custome	 Upon Customer's breach, or agrees that this provision it 	it is agreed by the p s a reasonable esti	earties that the Customer
CUSTO	HER MEAT	F101496149		VALLEY PROTEINS, INC	· · · · · · · · · · · · · · · · · · ·	
CUSTO	MER AUTHORIZED REPRESENTATIVE NAME	TITLE (PRINTED)	AUTHORIZED REPR	HALL (PROCUREMENT REPRESENTATIVE NAME TITLE (PRINTE		
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17011		CONFIDENTIA	L AUNEELENI		PETIT	IONER'S





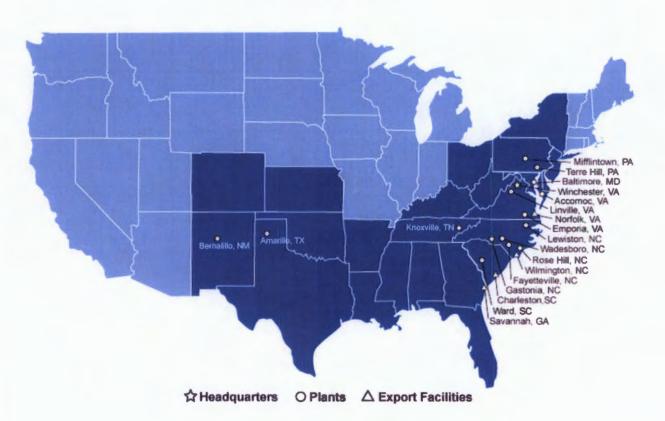


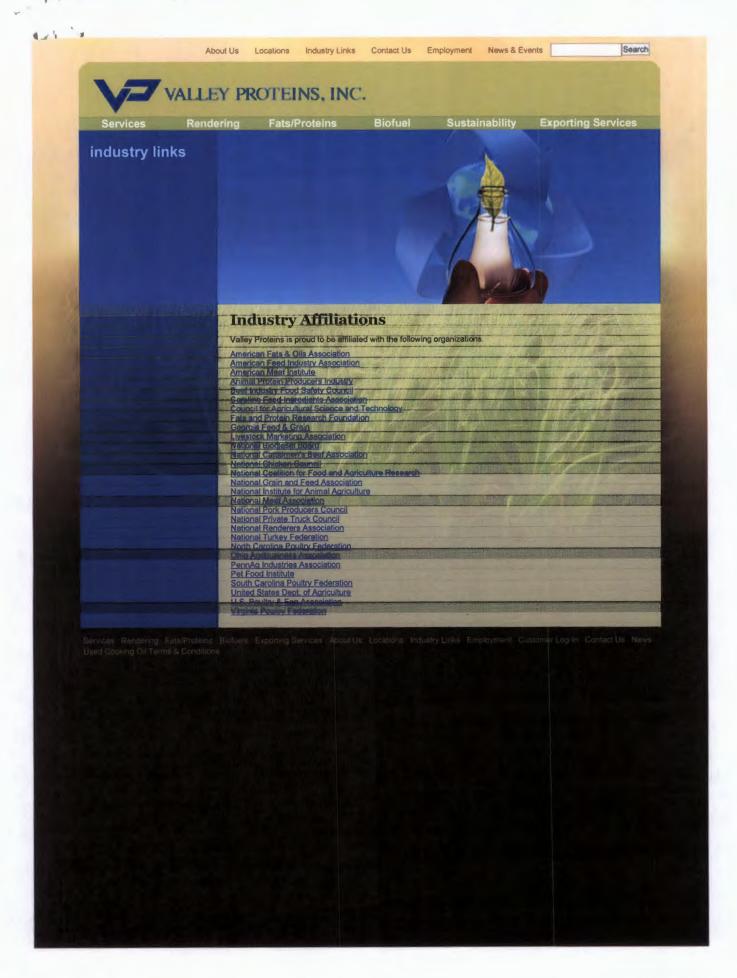






VALLEY PROTEINS





PHILLIPS

DESIGN ASSOCIATES, INC.

Land Planning, Civil Engineering, Landscape Architecture, Development Consulting, Zoning 222 Bosley Avenue, Suite B1, Towson, Maryland 21204

CURRICULUM VITAE

DAVID L. MARTIN, L.A.

Martin & Phillips Design Associates, Inc., Principal Director of Land Planning / Landscape Architecture Professional Registration: Landscape Architect Maryland - No. 776 Pennsylvania - No. 573-E

Education:

The Pennsylvania State University
Bachelor of Science Landscape Architecture - 1971

Professional Affiliations:

American Society of Landscape Architects, Member Urban Land Institute, Member

Professional practice includes 38 years of land planning, landscape architecture, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has been practicing in the Greater Baltimore Metropolitan region since 1987 and has been qualified as an expert in land planning, site planning, and zoning cases in Anne Arundel County, Baltimore County, Howard County, Harford County, Cecil County, Bel Air, Aberdeen, Havre de Grace, Perryville, Port Deposit and Federal District Court of Baltimore.

Prior to his relocation to Maryland, Mr. Martin practiced landscape architecture and land planning in Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

As President of Martin & Phillips Design Associates, Inc. Mr. Martin supervises community planning, site development, subdivision development plans, and master planning efforts, He also offers zoning testimony and interpretation on land planning issues before zoning commissioners, boards of appeals, planning commissions, and elected bodies. Mr. Martin facilitates community input meetings, and presents Development Plans in Baltimore County and oversees the preparation of special exception and variance plan requests. He also directs the design of parks, amenity features, lighting plans and landscape plans associated with residential, commercial and institutional projects.

Significant projects include Developments of Regional Impact (DRI) in the State of Florida including; Palm Coast, Florida - 10,000 acre master plan, Beverly Hills, Florida - 6,500 acre master plan, and Doral Park, Florida - 2000 acre master plan. Representative local projects include: Hollywoods, Monmouth Meadows, Greenbriar, Bainbridge Development, Forge Landing, Owings Mills Commerce Center, The Avenue at Whitemarsh, Cedar Lane Farms P.U.D., Westwicke, Beaverbrook, Biddison Property, Bridle Ridge, Green Spring Station, Home Depot of Owings Mills, Bel Air and Timonium, Ashland Market Place, Powell Property, and Baker Property, Highlands Corporate Park, Preston Gateway North Industrial Park,

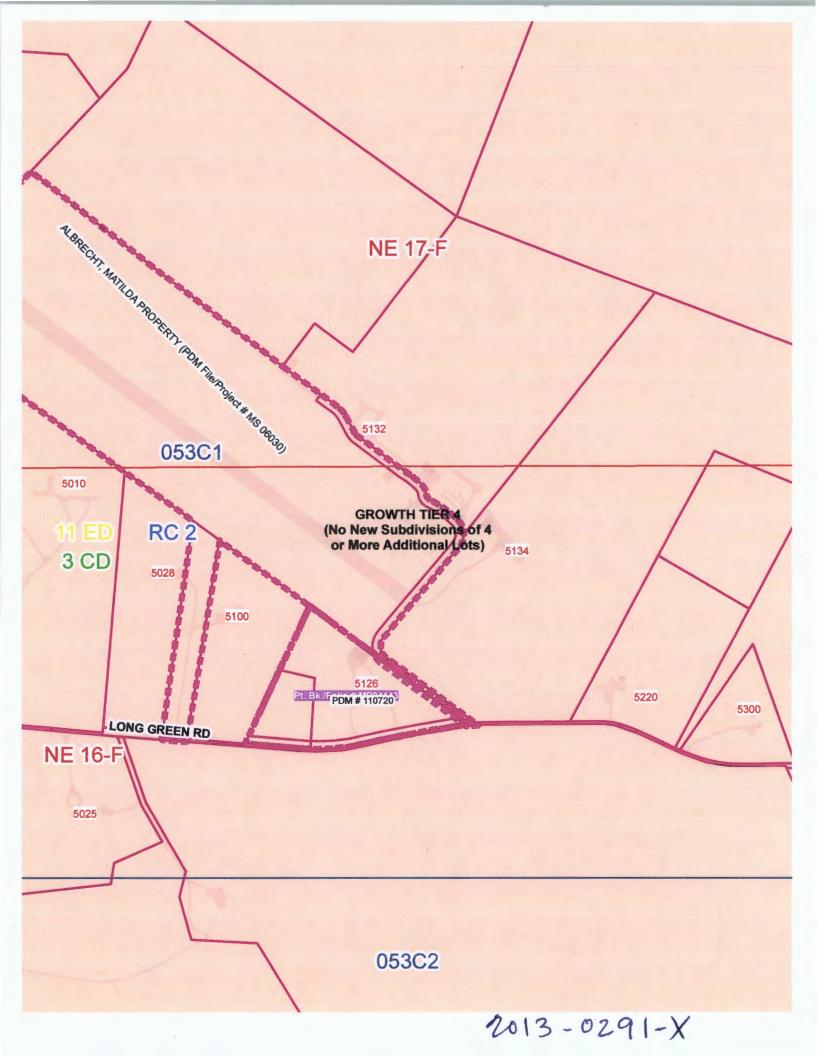
Mr. Martin has prepared numerous comprehensive-zoning petitions in Baltimore County during the 1992, 1996, 2000, 2004 and 2008 CZMP processes and has a thorough understanding of the principles of Euclidean zoning and their application throughout the Baltimore Metro region. He also served on an ad-hoc committee that authored the Service Employment (SE) Zone of Baltimore County and the Public Affairs Conmittee for NAIOP. He has extensive experience dealing with all of the Baltimore Regional Area County's development regulations.

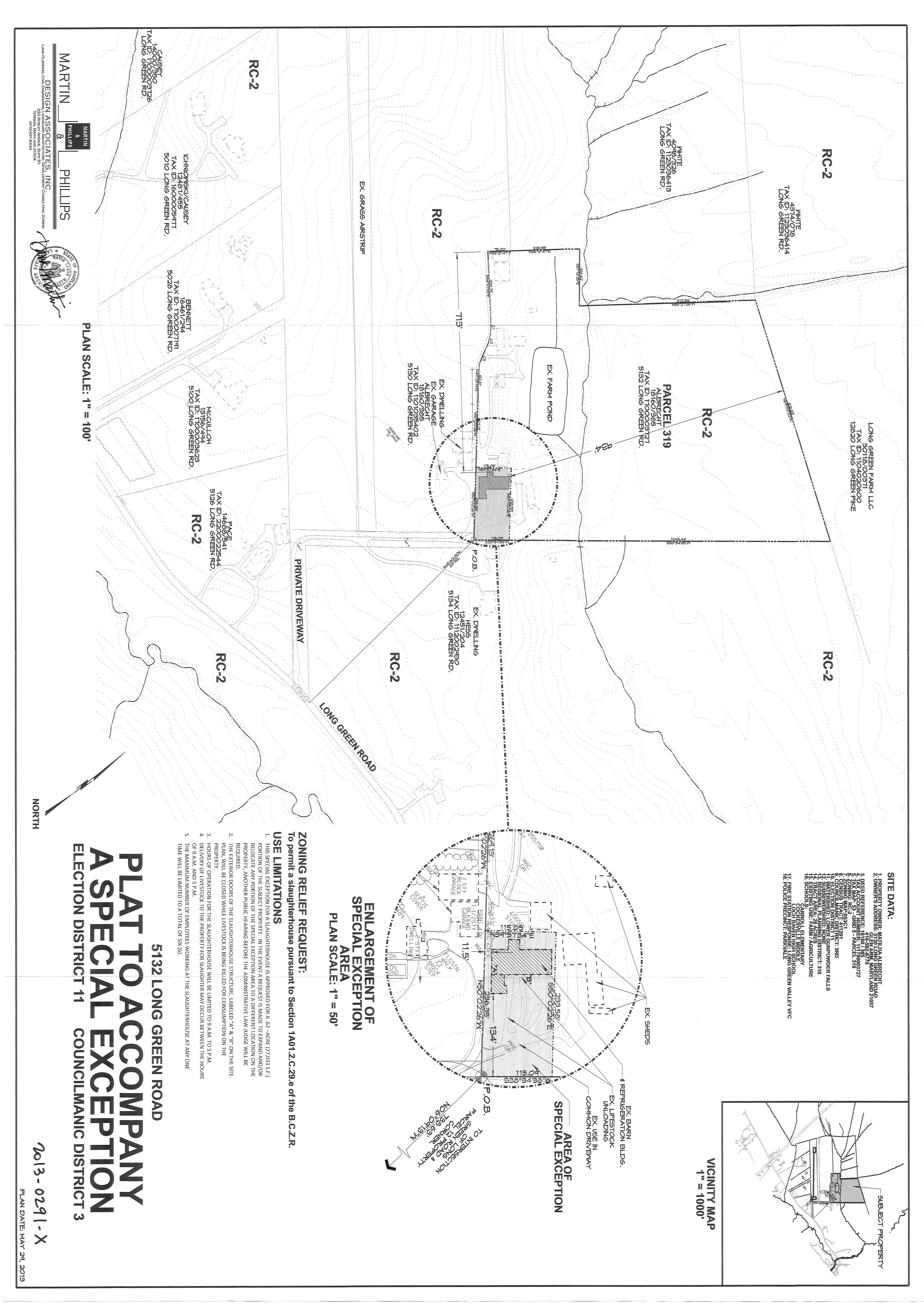
TELEPHONE: 410.321.8444, Toll Free: 866.395.85

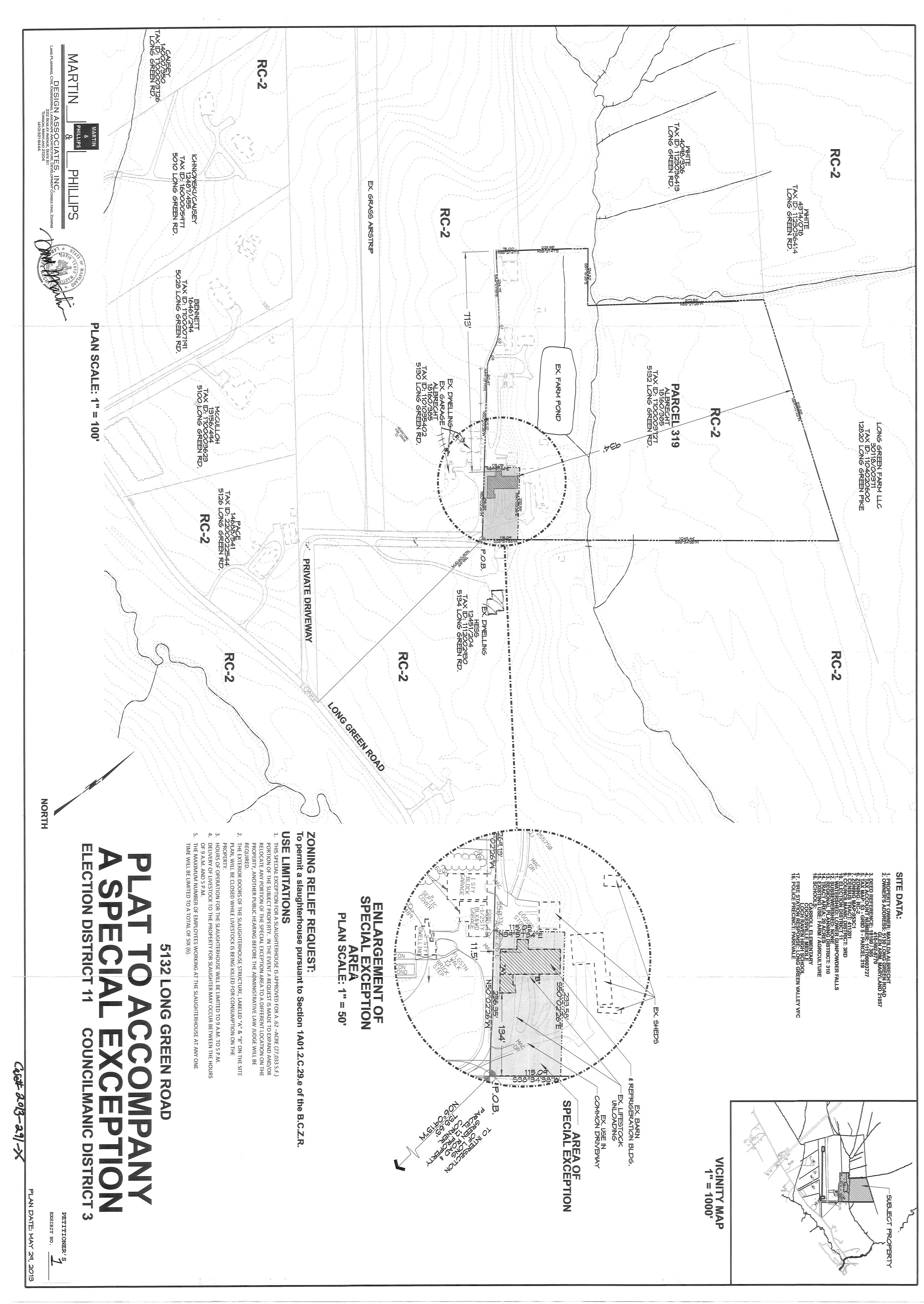
PETITIONER'S

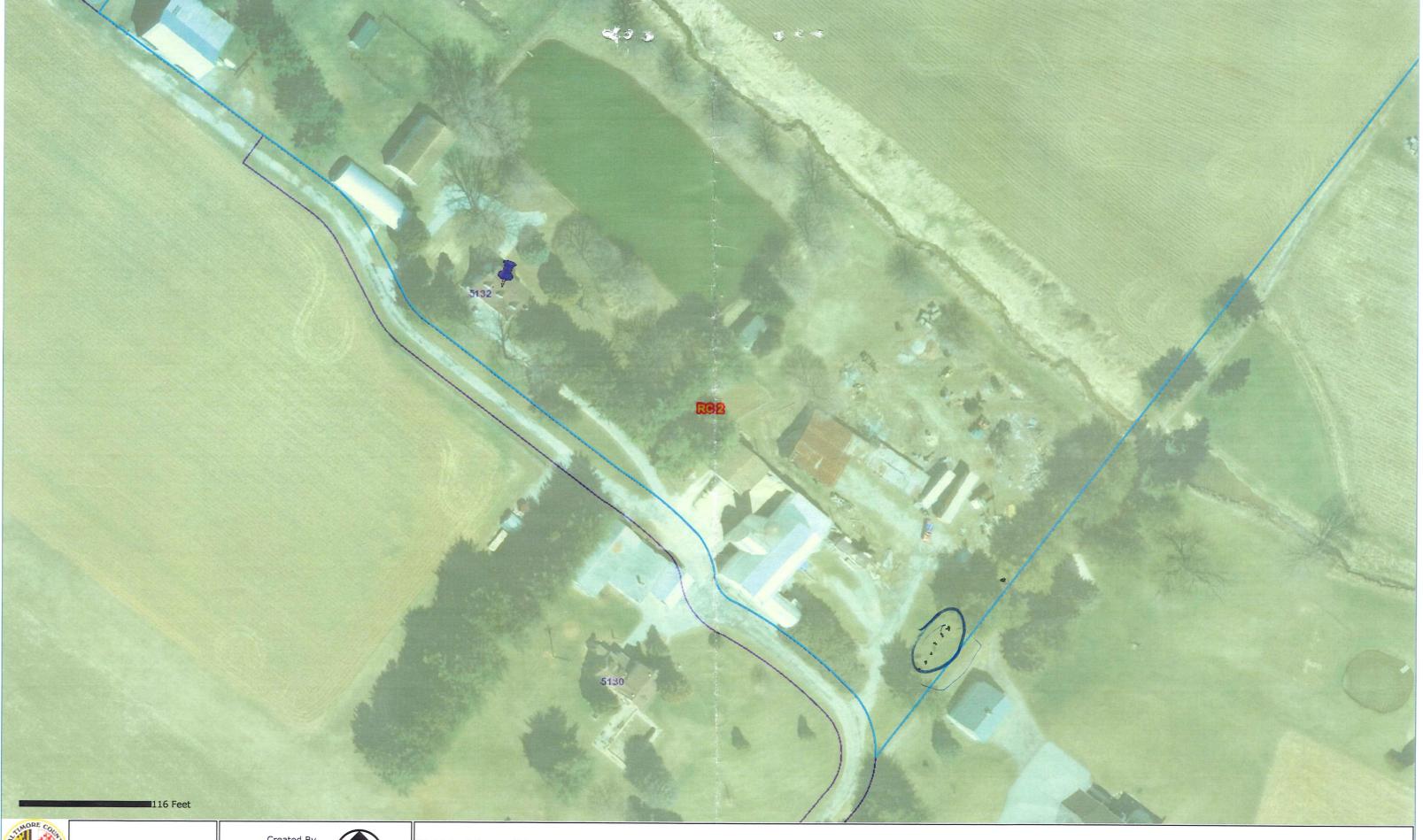
EXHIBIT NO.

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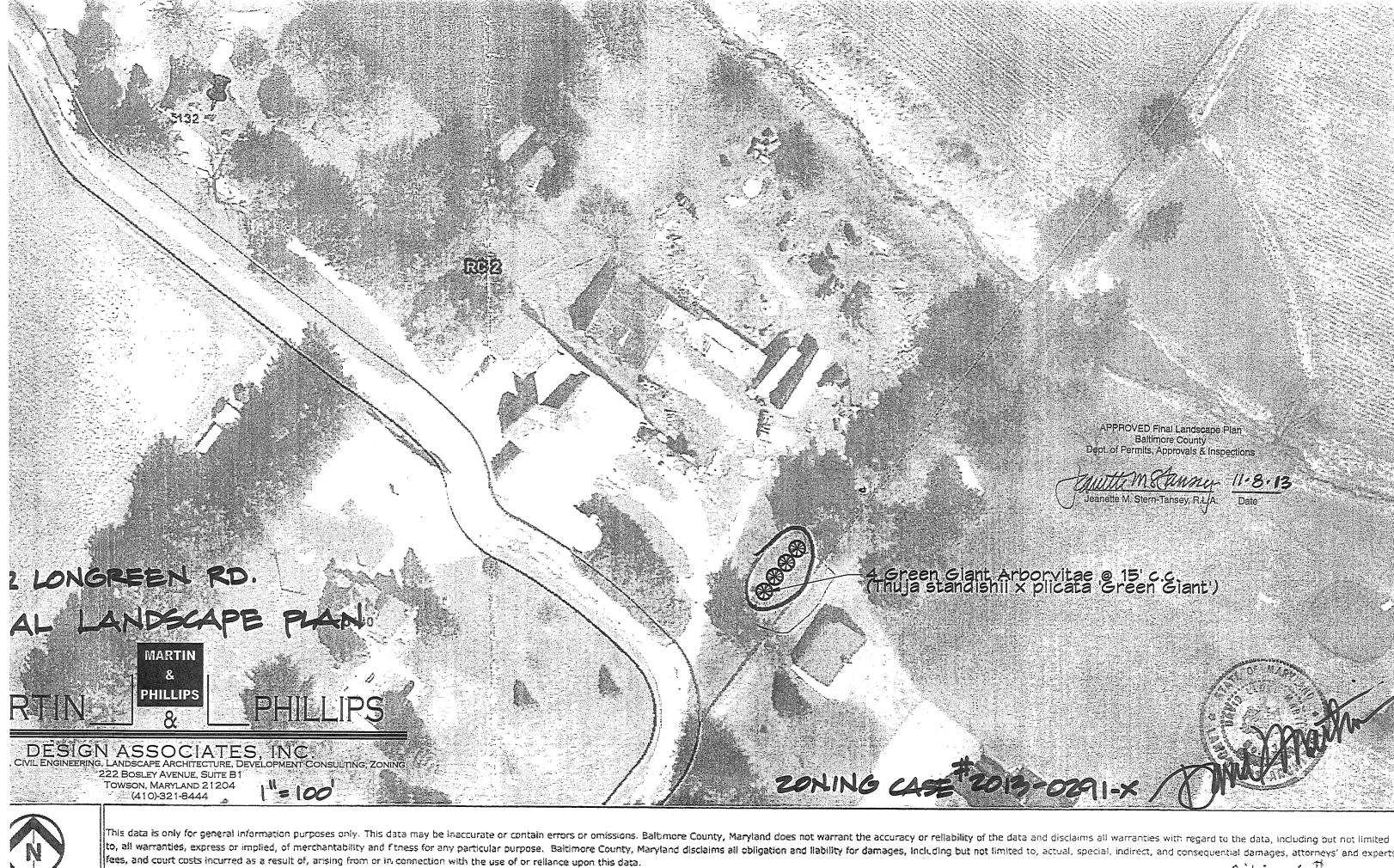




My Neighborhood Map

Created By Baltimore County My Neighborhood

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My Neighborhood

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My Neighborhood Map

Baltimore County My Neighborhood

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