

2/22/16

IN THE MATTER OF
RICHARD M. FOLIO,
Legal Owner/Petitioner
6200 Glen Falls Road
Reisterstown, MD 21136

Re: Petition for Variance for Pool House
In Front Yard in lieu of Side Yard

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 14-185-A

* * * * *

OPINION

This case comes to the Board on appeal of a final Order on Motion for Reconsideration of the Administrative Law Judge ("ALJ") dated June 30, 2014, granting a Petition for Variance seeking relief from Section 1A09.7.C.2.e and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed accessory structure (pool house/garage) to be located in the front yard in lieu of the required side or rear yard.

Public hearings were held before this Board on October 16, 2014, June 16, 2015 and September 24, 2015. Petitioner, Richard M. Folio was represented by Lawrence E. Schmidt, Esquire and Smith, Gildea & Schmidt, L.L.C. (hereinafter, the "Petitioner"). The Protestant, Donna M. Ward (hereinafter, the "Protestant") was *pro se*. Peter Max Zimmerman, Office of People's Counsel, participated in the hearings.

A public deliberation was held on December 3, 2015.

Factual Background

Petitioner, Richard Folio (the "Petitioner") is the owner of the property located at 6200 Glen Falls Road, Reisterstown, MD 21136 in the northwest area of Baltimore County, near the Carroll County line (the "Property"). The Property consists of 3.001 acres and is zoned R.C.8. It is improved with a single family, detached dwelling which fronts on Glen Falls Road. A garage sits slightly back from the front of the house. To the west of the house is a pool enclosed by a fence. To the rear are a tennis/basketball court and a turf soccer field.

Previously, the Property was zoned RC4. It was part of a larger tract of land encompassing 26.6 acres known as the 'Plummer Property.' In 1989, the County (under the County Review Group (CRG)) approved the subdivision of the Plummer Property into five (5) building lots plus a non-buildable one-acre parcel designated as Parcel B. The Petitioner has owned his Property (Lot 1) since 1998.

On the first day of *de novo* hearings before this Board (Oct. 14, 2014), the Parties, through their respective counsel, jointly requested that this Board stay this case, retain jurisdiction and require the Baltimore County Planning Director, or her designee, to perform their review function prescribed legislatively for specified zoning and development petitions in the RC8 zone. The Office of Planning had previously taken the position that the RC8 requirements for a certification by the Planning Director did not apply to this Property because, at the time of the subdivision of the Plummer Property, the zoning was RC4.

By Opinion and Order to Stay Proceedings dated December 15, 2014, this Board ordered the Planning Director or her designee to submit to this Board a written finding, determination and certification for the Property as required in BCZR §1A09.4.A for properties in the RC8 zone, within forty-five (45) days of the date of the Order.

After a site visit on December 31, 2014, the Director of Planning submitted to this Board on January 22, 2015, a certification that the proposal was inconsistent with the spirit and intent of the regulations. (Pet. Ex. 8). However, the Office of Planning suggested that the Petitioner redesign the proposed structure to reduce its mass in order that it would be complementary to the site and surrounding community. *Id.* The Office of Planning specifically recommended that "the structure be redesigned to eliminate the storage level, change the roof design and window treatment to look more like a garage than a residence and locate the structure in line with the front setback of existing house." *Id.*

Prior to the second day of hearings before this Board (June 16, 2015), the Petitioner requested that the Office of Planning review his redesigned structure wherein he removed the second level of the building as requested to keep the height of the building under the maximum 15 ft. height requirement. With removal of the second floor, the Office of Planning submitted to this Board on June 15, 2015, a "Recommendation of Revised Design" finding that the variance request was now consistent with the spirit and intent of the BCZR subject to the conditions that: (1) the second floor of the pool house is eliminated; (2) the shutters are removed from the windows; (3) a cupola is added to the roof; and (4) landscaping is added to the side of the structure. The Office of Planning accepted the Petitioner's assertion that the grade prevented the location of the pool house behind the front of the residence.

On the second day of hearings before this Board, the Petitioner testified before this Board that he has owned the land since 1997 and built the existing home in 1998. He described the home as a 2-story colonial measuring 2,100 sq. ft., not including the partially-finished basement. There is a detached-garage connected to the home by a breezeway. (Pet. Ex. 1A, 1B, 1C and 1F).

The Petitioner indicated that he, and his 3 teenage children, need more living space. Toward that end, he hopes that the approval of the proposed pool house/garage into the front yard will permit the existing 2-car garage to be converted to living space for his family. He would propose to enclose the breezeway. In 2004, the Petitioner had a pool built in the rear yard, which sits to the west of the existing garage. (Pet. Ex. 1D and 1J).

The Petitioner testified that his home was the smallest house in the neighborhood. He related that other homes in the neighborhood had pools, detached and non-detached garages, as well as sheds. His Property has a circular driveway which, according to the Petitioner, sits at a lower elevation than Glen Falls Road. The Petitioner added that the topography slopes down toward the garage and that the slope becomes severe as it reaches the rear of the Property. (Pet. Ex. 1F and 1G).

The Petitioner highlighted that the existing pool measures 28x16. From the vantage point of the pool, he said that Glen Falls Road cannot be seen. When the pool was built, he explained that a retaining wall was constructed due to the slope. Importantly, the Petitioner testified that locating the proposed pool house/garage entirely within the rear yard would require "a lot of paving."

On cross examination, the Petitioner testified that the house had to be built in its present location due to the severity of the slope. He described the rear of the Property as including a "flex court" for use as both a tennis and basketball court, as well as a soccer field with a synthetic turf. The tennis/basketball court is equipped with lights. An aerial photograph of the Property accurately depicts these recreational features. (Pet. Ex. 12).

The Petitioner stated that, due to the lack of his financial resources at the time that the pool was installed, it was not 'practical' to locate the pool at the rear end of the Property. While the Petitioner admitted that he had not measured the slopes of neighboring properties, he believes that the slope on his Property is 'more severe' than his neighbors. In response to questions about whether there was an option to build the proposed structure on the east-side of the house, the Petitioner conceded that it would be too expensive.

A site plan for the proposed structure was prepared by Gregory Little, the owner of a design company known as "GBL Custom Home Design, Inc." (Pet. Ex. 10). Mr. Little is not an architect but designs structures under the direction of an architect. The site plan shows that the pool house/garage is proposed to be located 59 ft.+/- from the right of way on Glen Falls Rd. and 70' from the paving on Glen Falls Rd.

Specifically, the proposed structure is described in the elevations plans (Pet. Ex. 10). It consists of a 2 car garage with the 'pool house/bar' along with a porch to be located closest to the pool. Per the elevation drawings, the proposed garage measures 26 ft. in width, the 'pool

house/bar' measures another 12 ft. in width, and the porch is an additional 6 ft. in width. Thus, the total width of the proposed structure is 44 ft.

The proposed garage is equipped with HVAC. (Pet. Ex. 10). The proposed pool house/bar has a bathroom and a storage room. *Id.* The drawings also show an area for a bar with stools. *Id.* The proposed porch has concrete steps leading to the fence for the pool. *Id.* The drawings show that the structure would include a cupola, would not have shutters on the windows but would include landscaping as recommended by the Office of Planning.

Mr. Little described the slope surrounding the pool as 'severe'. Using the topography map, he commented that steep slopes on the Property are indicated by lines close together. (Pet. Ex. 7). Mr. Little also admitted that there are steep slopes in the neighborhood but that most of the homes were built on flat areas. He explained that the 'front yard' of the Property includes the distance from front wall of the home toward Glen Falls. Mr. Little measured the entire pool area as 50x30 (1500 sf). He also indicated that the tennis/basketball court measures 150x110 (16,500 sf).

On cross examination, Mr. Little agreed that the area to the east of the home was flat. He agreed that the only impediment to locating the proposed structure on the east side of the home was cost. Although Mr. Little was not hired to convert the existing garage to living space, he considered this to be an additional cost for the Petitioner. All of these factors considered together led Mr. Little to the conclusion that the Petitioner would suffer a 'financial hardship' if he was not permitted to locate the proposed structure partly in the front yard.

Testifying against the variance request was the Hanover Road Association, Inc. through its Vice President, Robert Slaterbeck. (Prot. Ex. 3; P.C. Ex. 11). Mr. Slaterbeck said that the Hanover Road Association opposed having another structure built upon this Property which is located within the Association's boundaries. The Association asserted that the Property already had too much impervious surface. He stated that locating a large structure at the crest of the hill would have an adverse impact on aesthetics and property values. Mr. Slaterbeck added that the Petitioner

could build a second story above the existing garage. He added that no other properties in the area have two (2) garages. Consequently, he believes that this proposal does not fit the neighborhood.

Protestant Donna Ward, 6130 Glen Falls Road, also opposed the request for variance. Her home is located on the east side of the Property. She and her husband built their home in 1995. She testified that the sloping topography of the Property was not unique. She stated that all properties in the neighborhood have similar slopes and that all the homeowners in the subdivision had grading issues when their homes were built. She presented photographs of her home and pointed out the sloping topography. (Prot. Ex. 5-1-B, 5-1-C, 5-1-E, 5-1-F, 5-1-G). Indeed, she was required to build her garage in the rear yard which cost additional funds. She presented a photograph confirming the location of her garage in the rear yard. (Prot. Ex. 5-1-C; Prot. Ex. 5-1-G).

Mrs. Ward stated that the Folio house is not the smallest in the neighborhood; there are 2 houses which are smaller. She testified that the proposed structure could be located on the east side of the Property. She added that not all homes in the neighborhood have a pool but that none of the homes have a pool house. She believes that the pool house is for convenience of the Petitioner. She believes the reason the pool house needs to be partially located in the front yard is due to the location of the pool.

Robert Holtz, 6126 Glenn Falls Road opposed the request. He built his home in 1998. He testified that another structure will increase the impervious surface, which will, in turn, cause water run-off and affect the local stream. In his opinion, the proposed structure would negatively impact the rural character of the neighborhood. Additionally, the size of the proposed structure is nearly the same size as his house.

Karl Locklear, 6134 Glen Falls Road, testified in opposition. He stated that he bought his property in 1995 and that it is steeply sloped. Mr. Locklear characterized this request as 'gross overdevelopment'. He is concerned that granting this variance would set a precedent for more

development. The size of the structure at 1,200 sq. ft. is equivalent to the size of a standard rancher. He noted that most homes in the area are less than 1,400 sq. ft.

George Harmon, 5429 Waywood Drive, Reisterstown, MD 21136 lives 1 mile away from the Property. Mr. Harmon was past President of the Hanover Road Association, Inc. from 1998-2003. Although he was offered as an expert on the environmental impact on water quality and sought to testify as such, the Board did not accept him as an expert finding that not only was he not qualified to express such an opinion, that such an opinion would not assist the Board in rendering its decision.

Law

In order for a variance to be granted, this Board must be convinced that the Petitioner has met the burden of proof as to both "uniqueness" and "hardship". Section 307.1 of the BCZR states, in pertinent part, as follows:

"...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare...."

This Board is guided by the holding provided by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md. App. 691, 698 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...."

In requiring a finding of "uniqueness", the Court of Special Appeals in *Cromwell* referred to the definition of "uniqueness" provided in *North v. St. Mary's County*, 99 Md. App. 502, 514 (1993):

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects in bearing or parting walls.

Cromwell at 710.

The *Cromwell* Court connected the variance law in Baltimore County with the law in Maryland and emphasized that:

We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it has always been a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance's more severe impact on the specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists.

Id.

When comparing the property at issue with other properties to determine 'uniqueness,' the terms 'area', 'neighborhood' and district have all been used interchangeably. (*Easter v. Mayor & City Council*, 195 Md. 395, 400 (1950) citing *Rathkopf, Zoning, 2d Ed.*, p. 215); *Marino v. City of Baltimore*, 215 Md. 206, 219 (1957); *Chesley v. Annapolis*, 933 A.2d 475, 176 Md. App. 413 (Md. App., 2007).

If the Property is determined to be "unique," then the issue is whether practical difficulties or unreasonable hardship exist. Toward this end, the Board acknowledges that a variance may be granted where strict application of the zoning regulations would cause practical difficulty to the

Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973); *Trinity Assembly of God v. People's Counsel*, 407 Md. 53 (2008).

To prove practical difficulty for an area variance, the Petitioner must produce evidence to allow the following questions to be answered affirmatively:

1. Whether strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

McLean at 214-215.

However, the law is clear that self-inflicted hardship cannot form the basis for a claim of practical difficulty. Speaking for the Court in *Cromwell*, *supra*, Judge Cathell noted:

Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively, not only generate a plethora of such hardships but we would also emasculate zoning ordinances. Zoning would become meaningless. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted.

Id. at 722..

The Court of Special Appeals in *Montgomery County v. Rotwein*, 176 Md. 716, 732-33 (2006) citing *Cromwell*, held that economic loss alone does not satisfy the 'practical difficulties' test:

Economic loss alone does not necessarily satisfy the 'practical difficulties' test because, as we have previously observed, 'every person requesting a variance can indicate some economic loss.' *Cromwell* at 715.....Indeed, to grant a variance application any time economic loss is asserted, we have warned, 'would make a mockery of the zoning program.'

Decision

In this case, the Petitioner is seeking a variance under the Performance Standards for Building found in BCZR, §1A09.7.C.2.e which reads in pertinent part as follows:

C. Performance standards. Condition for approval pursuant to this section must be noted on the concept plan and development plan, or minor subdivision plan. The following standards are intended to foster creative development that promotes the goals stated in Section 1A09.1.B.

* * * *

2. Buildings.

* * * *

e. Structures accessory to residential use, excluding agricultural buildings, but including solar panels, antennas, and storage sheds, are not permitted in the front yard of any principal use. Section 400.1 is not applicable in an R.C.8 zone; however, the height of accessory structures is subject to the provisions of Section 400.

* * * *

Because the height variance in this case was eliminated, the only variance remaining here is the area variance for 12 ft. into the front yard. Importantly, even without the variance, the Petitioner is still permitted, under the BCZR, to build the pool house/garage. Without the variance, the Petitioner needs to either reduce the size of the structure or do some grading to keep the pool house in the same location.

We find that, applying the holdings of the cases above to the facts of this case, this request should be denied. First, the Majority of this Board finds that the Property is not 'unique' under *Cromwell, supra*, because it does not have any 'inherent characteristic[s] not shared by other properties in the area' in terms of either, shape, topography, subsurface conditions, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. *Id.* at 710.

The Petitioner contends that his Property has severe slopes, thus making it unique from the other properties in the area. As the Majority of this Board sees it, based on the evidence presented, all the properties in the subdivision have the same steep slopes, and that, the subdivision of the Plummer Property is a 'neighborhood' in itself. The Majority finds that topographical map (Pet. Ex. 7) and the photographs submitted by Donna Ward (Prot. Ex. 5-4-C, 5-4-D, 5-5-C, 5-8-D, 5-9-C, 5-12, 5-13, 5-17-B, 5-17-C, 5-17-D) confirm the slopes are prevalent throughout the area. Testimony from Donna Ward, Robert Holtz and Karl Locklear reiterated the prevalence of steep slopes throughout the area.

The Court in *Cromwell*, *supra*, emphasized that the 'uniqueness' element of a property in Baltimore County must consist of a peculiar characteristic or unusual circumstance relating only and uniquely to the Property at issue, different and apart from other properties in the neighborhood. Accordingly, in this case, the Majority finds that the Property is not 'unique' for zoning purposes, based on the evidence presented. As a result, since 'uniqueness' is not found, there is no need for us to consider whether there are any 'practical difficulties'.

However, in the event that the appellate court would find that the Majority of this Board erred in failing to find 'uniqueness,' this Board unanimously finds that the facts here do not satisfy the 'practical difficulties' test to justify approval of the variance. First, applying the 3-part test in *McLean*, there was no evidence that not having an extra 12 feet for a pool house/garage would unreasonably prevent the Petitioner's use of his Property. The Property is already improved with a 2-car garage. While a pool house might be a nice feature, we cannot find that not having a pool house/second garage, would deprive the Petitioner 'use' of his Property. Indeed, the Property consists of 3 acres and is improved with a variety of recreational amenities which reinforces that the Petitioner is maximizing the use of his Property.

Second, we cannot find that denying 12 feet into the front yard would cause 'substantial injustice' to the Petitioner. At worst, the size of the pool house would be reduced or the Petitioner

will spend money on grading. Conversely, given that the Wards, Holtz and Locklears all endured grading issues while improving their properties to accommodate the natural slopes while keeping within the confines of the setbacks, we find that granting this variance would cause injustice to them.

Third, the Performance Standards of BCZR from which the Petitioner seeks relief, specify that the goal is to “foster creative development that promotes the goals stated in Section 1A09.1.B.” When considering all the evidence together, we cannot find that relief from the ordinance could be granted in such fashion that goals set forth in BCZR §1A09.1.B could still be met. If we were to grant the variance, the last 3 goals (*i.e.* BCZR §§1A09.1.B.10; 1A09.1.B.11; and 1A09.1.B.12) would be ignored.

The goal set forth in BCZR §1A09.1.B.10 addresses the location of buildings and site conditions. The evidence presented in the Petitioner’s photographs gives this Board a perspective on building location and site conditions such that there are no structures located in any front yards. (Pet. Ex. 12; Pet. Ex. 13B, 13C, 13D, 13E, 13F). The goal set forth in BCZR §1A09.1.B.11 discusses limiting the scale of development in order to preserve the traditional character of the community. We find that the photographs submitted by the Protestants accurately depict the limited development and rural character of the community. (Prot. Ex. 5-1-B, 5-1-D, 5-1-E, 5-1-F; Prot. Ex. 5-3-B, 5-3-C, 5-3-D). Adding a structure to the front yard would be tantamount to overdevelopment and would therefore be inconsistent with the rural character of the area.

Finally, BCZR §1A09.1.B.12 is directed toward maintaining the scale and character of Glen Falls Road. In regard to this goal, the Board weighs heavily the photographs of Glen Falls Road produced by the Petitioner. (Photos of Glen Falls Road attached to Pet. Ex. 8). Accordingly, based on the evidence here, permitting a structure in the front yard in this area would not be granted within the spirit of BCZR, §1A09.7.C.2.e.

Fourth, the testimony from both the Petitioner and his expert, Mr. Little, was that the hardship to be suffered by the Petitioner was ‘economic.’ Both witnesses testified that the only

impediment to building the pool house on the east side of the home was cost. Each also testified that the Petitioner would incur less grading cost if he could extend the structure into the front yard.

We find that any hardship upon the Petitioner is self-imposed. The size and location of the pool house/garage is for convenience of the Petitioner. The Petitioner has 3 cars – 2 of which are company vehicles. The porch in front of the pool house measures 6ft. in width. The pool house/bar area is 12 ft. The proposed garage is 26 ft. Any of these features could be reduced in size without depriving the Petitioner use of his Property. Alternatively, the size of the structure could remain if additional grading was done or the structure was built on the east of the home.

We also note that the January 22, 2015 Office of Planning Certification stated that the structure should be located behind “the front setback of the existing house.” When the Office of Planning reviewed the revised design, the structure was proposed to remain in the front yard. Yet, the Office of Planning approved the revised design based on the Petitioner’s assertion that grading prevented him from moving the structure.

We also find that evidence in this case as to the extent of the improvements on the Property was relevant on the issue of self-imposed hardship. The size and location of the existing pool, tennis court/basketball court and soccer field have otherwise reduced the available locations for the proposed pool house/garage. The Petitioner was clear in his testimony that at the time of the pool installation, he did not have the financial resources to build a pool house. The case law as set forth *supra* restricts this Board from considering economic reasons as a basis for finding ‘practical difficulty’. As the *Rotwein* Court, citing *Cromwell*, aptly stated: “every person requesting a variance can indicate some economic loss.” *Id.* at 732-33 citing *Cromwell* at 715.

For the foregoing reasons, the Petitioner’s request for variance is denied.

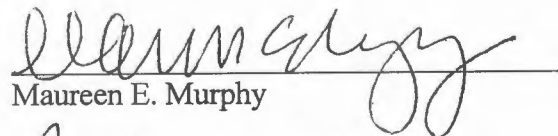
ORDER

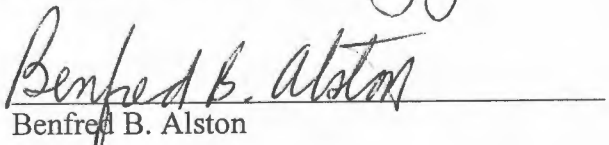
THEREFORE, IT IS THIS 22nd day of February, 2016, by the
Board of Appeals of Baltimore County,

ORDERED that the Petition for Variance seeking relief from Section 1A09.7.C.2.e and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed accessory structure (pool house) located in the front yard in lieu of the required side or rear yard, be and the same is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy


Benfred B. Alston

2/22/16

IN THE MATTER OF
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Re: Petition for Variance for Pool House
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DISSENT

As stated by the majority opinion in this matter, the Board is guided by the holding provided by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md. App. 691 (1995). In requiring a finding of "uniqueness," the Court of Special Appeals in *Cromwell* referred to the definition of "uniqueness" provided in *North v. St. Mary's County*, 99 Md. App. 502, 514 (1993):

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects in bearing or parting walls.

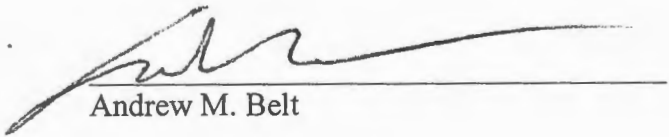
Cromwell at 710.

As also noted on the majority opinion, when comparing the property at issue with other properties to determine 'uniqueness,' the terms 'area', 'neighborhood' and district have all been used interchangeably. (*Easter v. Mayor & City Council*, 195 Md. 395, 400 (1950) citing *Rathkopf, Zoning, 2d Ed.*, p. 215); *Marino v. City of Baltimore*, 215 Md. 206, 219 (1957); *Chesley v. Annapolis*, 933 A.2d 475, 176 Md. App. 413 (Md. App., 2007). However, I am not convinced the term "area" is confined to one's immediate neighbors, nor do I interpret the law to imply that if two neighbors share

a topographical characteristic, that such a characteristic cannot be considered "unique" when employing the *Cromwell* analysis. In *Umerly v. People's Counsel for Baltimore County*, 108 Md. App. 497 (1996) in commenting on the Board of Appeals failure to make an evidentiary finding regarding "uniqueness", the Court of Special Appeals described "uniqueness" as when the "peculiarity of the property causes the zoning provision to have a disproportionate effect on the property." *Id.* at 506

While testimony was given that other lots in close proximity to the Petitioner's property shared the same steep slopes noted by the Petitioner, properties as near as directly across the street, did not. Consequently, I dissent in the majorities finding that the subject property is not "unique". However, I concur with the majorities finding regarding a lack of "practical difficulty, and consequently, concur with the majority's final decision denying the requested variance relief.

February 22, 2016
Date


Andrew M. Belt

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CONCURRING IN THE RESULT BUT DISSENT AS TO UNIQUENESS ¹

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¹ The 'Dissent' issued on February 22, 2016 was inadvertently titled incorrectly. This Concurring Opinion is identical to the Dissent other than it corrects the title.

A.2d 475, 176 Md. App. 413 (Md. App., 2007). However, I am not convinced the term “area” is confined to one’s immediate neighbors, nor do I interpret the law to imply that if two neighbors share a topographical characteristic, that such a characteristic cannot be considered “unique” when employing the *Cromwell* analysis. In *Umerly v. People’s Counsel for Baltimore County*, 108 Md. App. 497 (1996) in commenting on the Board of Appeals failure to make an evidentiary finding regarding “uniqueness”, the Court of Special Appeals described “uniqueness” as when the “peculiarity of the property causes the zoning provision to have a disproportionate effect on the property.” *Id. at 506*

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February 22, 2016

Date



Andrew M. Belt



Board of Appeals of Baltimore County

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February 22, 2016

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Peter Max Zimmerman
People's Counsel for Baltimore County
Office of People's Counsel
105 W. Chesapeake Avenue, Room 204
Towson, Maryland 21204

RE: *In the Matter of: Richard M. Folio*
Case No.: 14-185-A

Dear Counsel:

Enclosed please find a copy of the final majority Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter. Also enclosed is a copy of Mr. Belt's Dissent.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script, reading "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosures
Duplicate Original Cover Letter

c: Richard M. Folio
George Neubeck/Hanover Road Association, Inc.
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Deputy Administrative Officer and Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

Donna Ward
Vicki Locklear
Michael L. Snyder, Esquire
C. Robert Holtz
S. Glenn Elseroad
Frank and Donna Valentine

10/26/15

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OCT 26 2015

BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF

Richard M. Folio
6200 Glen Falls Road,
Petitioner

4th Election District
3rd Councilmanic District

Re: Petition for Variance

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
*
* Case No.: 14-185-A
*
*

* * * * *

POST-HEARING MEMORANDUM IN LIEU OF CLOSING ARGUMENT

Richard M. Folio, Petitioner, through Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, his attorneys, submits this Post-Hearing Memorandum in Lieu of Closing Argument and respectfully states:

STATEMENT OF THE CASE

This matter comes before the County Board of Appeals ("the Board") as an appeal of the Opinion and Order, as well as the subsequent final Order on Motion for Reconsideration, issued by Administrative Law Judge ("ALJ") John E. Beverungen. In his initial Opinion and Order dated May 23, 2014, ALJ Beverungen denied a petition for area variances requested by Petitioner, Richard M. Folio, owner of the subject property at 6200 Glen Falls Road. The variances requested sought approval to allow an accessory building (a combined detached garage and pool house) to be located in the front/side yard rather than the required side/rear yard (BCZR § 400.1) and with a height of 24 feet, in lieu of the maximum permitted 15 feet (BCZR § 400.3). By Order on Motion for Reconsideration dated June 30, 2014, ALJ Beverungen revised his

decision and granted the requested variances, with restrictions. A timely appeal to this Board was filed by Donna Ward, a neighbor of the subject property.

The Board scheduled and convened the *de novo* appeal hearing on October 16, 2014. At the onset of the hearing, counsel for all parties jointly moved that the Board stay the proceedings and require that the Baltimore County Planning Director or her designee issue a recommendation about the merits of the proposed variance request pursuant to BCZR § 1A09.4.A. This provision requires that for any variance requested for a property in the RC 8 zone, a recommendation must be provided to the Administrative Law judge, or on *de novo* appeal, to the Board. Such a recommendation had not been previously provided because the Department of Planning did not believe that the instant matter was subject to the RC 8 requirements, because the property was originally developed as an RC 4 lot and was subsequently rezoned to the current RC 8 zoning classification. The Board concluded that the Department of Planning's conclusion was in error and that the RC 8 regulations controlled. Thus, the Board granted that Motion. The proceedings were stayed and the Board issued an interlocutory order dated December 15, 2014, instructing the Planning Director to issue the required recommendation. An initial recommendation dated January 22, 2015 was issued (Petitioner's Exhibit No. 8) recommending a denial of the variance, which was followed by a revised recommendation dated June 15, 2015 issued by the Department of Planning (Petitioner's Ex. No 9). This revised recommendation recommended that the petition be granted, with conditions. The matter was thereafter rescheduled for a hearing at the Board. Testimony and evidence was taken by the Board on June 16, 2015 and September 24, 2015. At the conclusion of the hearing, the parties requested an opportunity to submit written memoranda in lieu of oral closing argument and this memorandum follows.

STATEMENT OF FACTS

The subject property is a 3.001 acre parcel of land presently zoned RC 8 with frontage on Glen Falls Road in rural northwestern Baltimore County. The boundary between Baltimore County and Carroll County is but a short distance away to the west. The property is improved with a single-family detached dwelling, in which Petitioner and his children reside. Testimony and evidence presented was that Mr. Folio acquired the Property in 1998 in joint title with his then spouse. He and his wife subsequently divorced and he acquired the Property in his own name as the result of the divorce settlement. He has resided on the Property since the dissolution of the marriage. In addition to Mr. Folio, it was indicated that his three children also reside on the Property under the couple's custody arrangement. The children are now getting older (two of the three are teenagers) and, as expected, want their own room and "space." He testified that the existing dwelling was relatively small (2,160 square feet, Petitioner's Ex. No. 2) and based upon that fact, he and the children desire additional living area. Thus, he proposes to convert an existing garage which is connected to the dwelling by a breezeway into additional living area. To replace the storage area now provided by the garage, Mr. Folio proposes the detached structure which is the subject of the variance request. In addition to providing space for vehicle and general storage, a portion of the structure will serve as a pool house. In this regard, the property is improved with an in ground swimming pool which is located a short distance from the dwelling and will be immediately adjacent to the proposed location of the new building. Thus, the new building will have small residential type quarters associated with the pool, namely, a changing area and bathroom.

In addition to the existing house and pool, there are other improvements on the property. These include a combination tennis/basketball court, shed and a turf soccer pitch (field) laid out in the rear of the property. All of the improvements were shown on photographs that the parties submitted as evidence at the hearing.

Although the design of the structure has been amended during the course of this matter before the zoning authorities of Baltimore County, the current plans show it to be located in front of the swimming pool and to the side and partially in front of the dwelling. Therefore, Petitioner requests variances to allow the structure to be in the front/side yard in lieu of the required side or rear yard (BCZR § 400.1). Previously, the building was proposed to be 24 feet high, which is in excess of the maximum permitted 15 feet by BCZR § 400.3. However, the height of the re-designed building has been reduced to one story, so that the proposed building now complies with the 15 foot limitation and the request for the height variance has been withdrawn.

Insofar as the Property's history and neighborhood, the Property was originally part of a larger tract of land encompassing approximately 26.6 acres known as the Plummer property. In 1989, the then owners of the Plummer property proposed a residential subdivision of this tract. Under the then applicable RC 4 Zone regulations, a subdivision was proposed which created five building lots, plus a non-buildable one-acre parcel of land designated as Parcel B. The Folio lot (3.001 acres) was designated as Lot 1. As shown in the recorded subdivision plat, the County Review Group (CRG), then the approving authority, approved the plan for development in 1989, followed by a refinement in 1991. The five lots ultimately were built out and developed accordingly. Mr. Folio is an original owner.

As noted above, the current zoning classification of the property is RC 8. By legislative act of the Baltimore County Council during the 2008 Comprehensive Zoning Map Process

("CZMP"), the property was in an area rezoned from RC 4 to RC 8. At the time that the subdivision of this property was approved by Baltimore County, the property was zoned RC 4. However, the parties agree that the proposed garage/pool house building is governed by the RC 8 (and not the RC 4) regulations. As noted above, this finding was likewise in the Board's interlocutory order.

Although the RC 4 and RC 8 zones are both "resource conservation" zones, they are regulated separately and have different use and development standards. The regulations governing the RC 8 zone came into being via legislative act of the Baltimore County Council in Bill 76-2004. They are set forth in BCZR § 1A09.1 through § 1A09.8. The RC 4 regulations are codified in BCZR § 1A03.1 through 1A03.8.

It is significant to note that when the variances were requested, relief (as to the garage's location) was requested pursuant to BCZR § 400.1 which governs accessory structures in the residential zones. This section requires that an accessory structure (i.e. the proposed garage/pool house) must be located in the rear yard (and not the front or side yard). However, as stated in the "Performance Standards" for the RC 8 zone (BCZR § 1A09.7.C.2(e), "Section 400.1 is not applicable in the RC 8 zone." Rather, the RC 8 regulations specifically govern the location of accessory buildings and require that the garage be located in the side or rear yard. The RC 8 regulations are thus more "generous" than the general regulations, as they permit an accessory structure to be in the side yard. This clearly evidences legislative intent to permit more flexibility in the placement of accessory structures in the RC 8 zone. Thus, the variance request at issue is relatively minor in scope, as it is only for that slight extension of the building into the front yard. The front yard of the property is defined as that area between the front of the house (exterior wall and road). As shown on the plan, the garage is proposed to extend into the front yard a distance

of 12 feet. The garage will be 59 feet from Glen Falls Road, modestly less than the 71 foot setback presently maintained by the dwelling. As noted above, the previously requested height variance has been withdrawn, as the building as now proposed meets the 15 foot height limitation.

THE VARIANCE STANDARD

Like every variance case that comes before the Board (and there have been many over the years), the regulation that the Board must apply to the request at issue is BCZR § 307. This section, as well as the case law that has interpreted it, imposes what has been characterized as a two step process and both steps must be established by the property owner in order for a variance to be granted. See *Cromwell v. Ward*, 102 Md. App. 691 (1995).

The first prong required is a finding of uniqueness. As explained by the Court in *Cromwell*, the uniqueness must relate to the actual land at issue and drive the need for variance. *Id. at 717*. Uniqueness can be based upon the following characteristics: property shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties or similar conditions. *Id. at 710*. In this case, the property is unique based upon its topography and grade. As shown in photographic evidence (Petitioner's Ex. No. 1) and a topography map (Petitioner's Exhibit No. 7) submitted at the hearing, the property is severely sloped. Moreover, the location of this slope on the property is particularly significant. The property falls away (downhill) beginning precisely at the rear of the Petitioner's house, exactly at the location where the garage/pool house is to be located. This is shown in photographs that the house is two stories at grade in the front, but has a walk out basement (three stories) in the rear. Obviously, the location of the house and pool mandate the proposed location of the garage which is to serve those

uses/structures. Thus the slope generates the request for variance in that locating the garage where proposed (slightly into the front yard) is the only practical and suitable location.

It is anticipated that the People's Counsel (in its closing memorandum) will note the language of the *Cromwell* opinion which infers that variances should rarely be granted, and only under unusual and compelling circumstances. Indeed, People's Counsel has opined in the past that, practically speaking, zoning variances should never be granted (or perhaps one in a million) because of the onerous legal test. But that unyielding and impractical interpretation of the application of § 307 begs the following question: If variances are never to be granted, then why did Baltimore County adopt a variance statute in the first place? If all must and should be denied (as People's Counsel routinely advocates), then there is no need for the statute. Under People's Counsel's theory, blind adherence to the regulations, in all circumstance and on all occasions, should be required.

Interestingly, the appellate Courts of Maryland may be retreating from the draconian application of the *Cromwell* opinion, which opponents of development routinely advocate in variance cases. In *Alviani v. Dixon*, 365 Md. 95 (2001), the court granted variances that it deemed "minor." Writing for the Court, Judge Cathell (who had authored the *Cromwell* decision while a member of the Court of Special Appeals), affirmed the granting of three variances by Board of Appeals of Anne Arundel County, seemingly softening his rigid stance in *Cromwell* that administrative bodies which grant variances act "improperly and contrary to the intent of the legislature." See *Cromwell*, 102 Md. App. at 726. The opinion in *Alviani* suggests a more reasonable and practical application of the variance than advocated by People's Counsel and the Protestants in this case. As importantly, the variance requested in this case, particularly in

considering the property and neighborhood, is in the same character (i.e. minor) as were the variances in *Alviani*.

Moreover, since *Cromwell*, the appellate courts have affirmed the granting of variances from the Chesapeake Bay Critical Areas requirements, the criteria for which are more onerous than the BCZR. In *Assateague Coastal Trust v. Schwalbach*, 223 Md. App. 631 (2014), the Court of Special Appeals affirmed the granting of a variance, holding that the property owner's knowledge of the zoning restrictions at the time of his purchase of the property was not a self imposed hardship. This holding by the Court effectively rebuts the Protestants' assertions (made repeatedly during the hearing) that, "Mr. Folio knew the restrictions of the property when he bought it and he's thus ineligible for a variance." Just because a property owner wishes to reasonably utilize his property for a reasonable purpose and cannot comply with the letter of every zoning ordinance does not make him a scofflaw or outlaw. See also *Chesapeake Bay Foundation v. DCW Dutchship Island, LLC*, 439 Md. 538 (2014).

Even under the most rigid application of BCZR § 307, Petitioner avers that the variance should be granted. Obviously, the proposed structure must be located adjacent to the house and next to the pool. Suggestions that it be located down the hill well in the rear yard are illogical. Do the Protestants actually contend that Mr. Folio tear up his yard, construct a lengthy asphalt driveway to access the new garage and be forced to walk up and down a severe slope to go from the house or pool to the proposed accessory structure? As the building will serve the both the house and the pool, and will be a place for storage of vehicles, it logically needs to be placed in close proximity to those structures and in the front of the lot near the road. To ignore these practical considerations is nonsensical. If Protestants interpretation and application of the law to

this case is as they assert, then Mr. Bumble's assertion in Dickens' *Oliver Twist* is accurate; indeed "the law is an ass."

THE UNIQUENESS OF THE PROPERTY CAUSED BY THE SLOPE

Several opponents also contended that the severity of the slope cannot be considered a unique factor because "all the properties in the area have hills" and thus the Folio property is not unique. However, this reasoning is also improper. Such an approach is an unrealistic simplification of the issue. It is as if to say that none of the factors identified by the *Cromwell* Court could ever be found to justify a finding of uniqueness because many properties have steep slopes, streams, unusual shapes or one or more of the factors identified in *Cromwell*. The mere fact that other properties possess a characteristic that drives the variance here does not mean that the subject property is not unique for the purpose of the application of § 307. Instead, the Board must consider the unique characteristic applicable and determine its' impact upon the reasonable use of a property. The mere fact that there are slopes in the area does not mean that the Folio property is not unique. The uniqueness here is the slope, its location on the property and the disparate impact has on Mr. Folio's ability to place an accessory building in proximity to his dwelling. As stated by the Court of Special Appeals in *Umerly v. People's Counsel for Baltimore County*, 108 Md. App. 497 (1996), uniqueness of a property is determined when the peculiarity of its physical nature imposes a disproportionate impact on the subject parcel.

Similarly, the fact that neighbors testified "we had to grade our yard when we built our house because of our slope" or similar arguments should not be heeded by this Board. Other owners could have requested a variance. More importantly, the facts of the case as they exist here are not common to other properties. The existing location of the house and the pool, coupled with the proposed location of the garage drive the unusual circumstances presented here. The

issues that the neighbors addressed when they were siting their homes on undeveloped property are not akin to the issue that the Petitioner faces when located an accessory structure on a developed lot. In conclusion, the degree of the slope here and its impact presents a unique circumstance.

Having demonstrated that the property is unique, the second prong of the variance standard requires a finding of "practical difficulty." Practical difficulty has been essentially defined as when the strict application of the zoning requirement would render compliance unduly burdensome. In this case, Mr. Folio is proposing a permitted use (i.e. accessory residential structure) and compliance with the location requirement would not allow this permitted use to exist in a reasonable manner when considering the site constraints imposed by the unique characteristics of Mr. Folio's property..

THE ALLEGED OVERDEVELOPMENT OF THE FOLIO PROPERTY

As was obvious during the Protestants' testimony, their real objection to the request is not the proposed structure and its location. As was testified about repeatedly, the opponents contend that the Folio property is "over developed." They don't like the tennis/basketball court in the backyard and the lights that surround it. They also object to the soccer field. In their opinion, Mr. Folio has excessively developed his property. In their view, "we moved to the country for the wide open spaces and not to see houses with recreational amenities." However, whatever one's opinion is as to whether Mr. Folio should or shouldn't have a tennis court (or soccer field) this complaint is irrelevant to the issue presented. As is the case with the allowance of the accessory structure in the side yard (as opposed to *only* the rear yard) for RC 8 zoned properties, the RC 8 zoning is more flexible in its allowance of residential development than the RC 4 zone. BCZR § 1A03.4.B.3 limits impermeable surfaces in the RC 4 zone to 10% of the lot area. There is no

similar requirement in the RC 8 zone. More importantly, even if there were, the issue of the development of Mr. Folio's property is not an issue. That (assuming there is any violation, which the Petitioner vehemently denies) is a matter for the County to pursue and is not related to the variance issue for an accessory building which this Board must decide.

THE LOCATION OF THE GARAGE IN CONTEXT TO THE NEIGHBORHOOD

In considering the reasonableness of Mr. Folio's request, some sense of the neighborhood is appropriate. Indeed, most of the Protestant's objections are based upon an alleged fear that the grant of variance relief will cause irreparable harm to the neighborhood. However, as noted above, the garage as proposed will sit back 59 feet from Glen Falls Road. This is not an insignificant distance. As importantly, it was admitted by neighbors who testified that other houses on Glen Falls Road are closer to the street. These are mainly the houses on the other side of the road, including the immediately dwellings across the street. Moreover, there is a commercial kennel operation in the immediate neighborhood. Thus, it can not be realistically contended that Mr. Folio's proposed garage will detrimentally impact the neighborhood. The proposed location is entirely consistent with the pattern of development in the neighborhood.

CONCLUSION

This is a simple case. Once one cuts through the confusion of the application of the RC 8 standards versus the RC 4, the missing Department of Planning comment and the objections to Mr. Folio's alleged "recreational facility", the actual issue presented is whether this Property owner can build a garage 59 feet from the road, as opposed to 71 feet. The variance is modest and the request is practical and makes sense. Legally, it is justified and driven by the fact that the property is severely sloped and, realistically, for the building to serve its function, it must be located away from the slope and near the structures it serves. The undersigned anticipates

People's Counsel's typical dissertation about the history of the variance statute, the disfavor on which variances are viewed, etc. But, cutting to the chase, the request is sensible and appropriate, both legally and practically. The variance to allow the garage as proposed under the amended request should be granted.

Respectfully submitted,

Christopher
Corey

Lawrence Schmidt

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Attorney for the Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 26th day of October, 2015, a copy of the foregoing Memorandum was mailed, postage pre-paid, to

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Room 204
Towson, Maryland 21204

Mrs. Donna M. Ward
6130 Glen Falls Road
Reisterstown, MD 21136

Christopher
Corey

Lawrence Schmidt

Lawrence E. Schmidt

10/26/15
RE: PETITION FOR VARIANCE

6200 Glen Falls Road
4th Election & 3rd Council Districts

Petitioner(s): Richard M. Folio

* BEFORE THE

* BOARD OF

* APPEALS FOR

* BALTIMORE COUNTY

* 2014-185-A

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BALTIMORE COUNTY
BOARD OF APPEALS

* * * * *

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

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RE: PETITION FOR VARIANCE

6200 Glen Falls Road
4th Election & 3rd Council Districts

Petitioner(s): Richard M. Folio

* BEFORE THE
* BOARD OF
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* BALTIMORE COUNTY
* 2014-185-A

* * * * *

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

People's Counsel for Baltimore County files this post-hearing memorandum to review the facts and law,

This Case Affects the Public Interest in Many Ways

Richard Folio's (Folio) petition, as amended, asks for variance for an accessory pool house/garage in the R.C. 8 (Environmental Enhancement) Zone. The proposed building, 44' x 32', extends from the side yard and encroaches 12' into the front yard.

The petition cites BCZR Sec. 1A09.7.C.2.e, which states, in pertinent part,

"Structures accessory to residential use, excluding agricultural buildings, but including solar panels, antennas and storage sheds, are not permitted in the front yard of any principal use."

People's Counsel submits that the petition still conflicts with all of the BCZR Sec. 307.1 variance standards for uniqueness and resulting practical difficulty. It conflicts as well with the spirit and intent of the R.C. 8 Zone, BCZR Sec. 1A09.1, and the public safety, health, and welfare.

The petition also suffers from threshold defects because it omits conflicts with other specific R.C. 8 Zone area and performance standards in BCZR Sec. 1A09.7. Yet another problem is that it violates the 1991 Plummer Property final development plan (FDP), the zoning requirements for FDP amendments, and the subdivision plat setback.

Equally important, it is contrary to justice and equity. Even as a 1-story building, Folio still proposes a supersized "accessory" building on a 3-acre lot which he has already developed to excess. As big as many houses, his newest project would be the first

“accessory building” in the front yard in this area. Proportionally and visually, it does not fit. There are also plausible citizen concerns about the negative impact on property values, both in itself and as an incongruous precedent.

To downplay the major problems, Folio withdrew the second story from the original proposal and negotiated to secure the blessing of the Planning Director. Folio would like to slacken, loosen, and relax the rule of law ostensibly for a “small” matter of 12 feet encroaching into the front yard.

To begin, it is not just a matter of 12 feet. Folio disregards the additional requirement that,

“Buildings must be located on the least visually prominent portion of the site from the public road” BCZR Sec. 1A09.7.C.2.a.

This means the entire proposal is misplaced, not just the front section.

There is much more. The core function of zoning controls is to set boundaries, like the foul line on a baseball field or out-of-bounds lines in other sports. The Maryland cases set very high legal standards for variances. None of them are met here. They also call for justice. Area citizens have brought up many legitimate points to show the injustice of Folio’s proposal from every point of view.

The Petition, ALJ Review, Procedural Context, Appeal, and CBA Stay

To set the stage, we describe the case history. On March 11, 2014, Folio filed the attached petition for administrative zoning variance for property at 6200 Glen Falls Road, zoned R.C. 8. Folio requested a variance from,

“”1A09.7.C.2.e BCZR [R.C. 8 Zone] & Section 400.3 BCZR to permit a proposed accessory structure (pool house) located in the front yard in lieu of the required side and rear yard, and to permit a height of 24 feet in lieu of the maximum height of 15 feet.”

To repeat, this petition is incomplete. It fails to address deviations from other R.C. 8 Zone area and performance standards, the final development plan (FDP) amendment procedures and criteria, and record plat.

In the absence of a request for hearing, the Administrative Law Judge (ALJ) could have decided the case on the documentary record. County Code Sec. 32-3-303. However, Donna Ward requested a hearing.

Along with his Petition, Folio filed the attached site plan. It was Pet. Exh. 1 at the ALJ hearing. The drawing portion became large Pet. Exh. 3 at the CBA. It is on a printed form. It is skeletal, incomplete, misleading, and deficient under the Zoning Officer's published Zoning Hearing Checklist.

The site plan lists the R.C. 8 Zone, 3-acre lot size, private water and sewer, plat book and deed reference. It shows road frontage but only a front part of the lot. It draws rectangles for the existing house, attached garage, swimming pool area, and proposed detached garage/pool house, but leaves them undefined as to size or dimensions. There is an outline of an "ex. driveway to remain," stating: "modify as req'd," (whatever that means). There are a few distances to property lines. The location plan is bare. An "X" marks the approximate spot of the property on an excerpt of the ADC highway map.

The site plan does not show the entire Folio lot. There are no dimensions at all for the existing house or garage (floor area, length, width, height). There is no mention of the 2-stories or 4 bedrooms, the porch, or the basement. There is no drawing or even mention of the tennis/basketball court; the soccer field; and the equipment shed. There are no topographic lines, well and septic system locations, or drainage features.

The site plan fails to describe adjoining roads other than Glen Falls Road. There is likewise no description of ownership, zoning, location, size, improvements, topography, and features of adjacent properties.

Before the ALJ hearing, the Director of Planning communicated that the petition should be evaluated as if the property were zoned R.C. 4, reasoning that the property had been zoned R.C. 4 at the time of subdivision approval. ALJ John Beverungen then treated it as such. On May 23, 2014, the ALJ initially denied the variance because the proposed new building would add 1,536 square feet (48' x 32') to the existing 12,082 sq. ft., bringing the total impervious surface coverage to 13,618 sq. ft., over the 10% R.C. 4 Zone maximum for the property's 130,680 square feet.

On June 20, 2014, however, Folio filed a motion for reconsideration, stating his willingness to satisfy the 10% limit ‘... by removal of 600 square feet of existing impervious area (anticipated by reduction of existing driveway, parking or sidewalk area or by the downsizing of the proposed improvements (or a combination of both)). On June 30, 2014, the ALJ granted the motion for reconsideration, conditioned on reducing the impervious lot coverage to 10%.

Donna Ward appealed to the County Board of Appeals. The appeal is *de novo* under County Charter Sec. 603. See Pollard’s Towing v. Berman’s Body Frame & Mechanical 137 Md. App. 277 (2000).

Folio’s 3-acre lot is 1 of 6 lots in the 30-acre Plummer Property subdivision. The 1991 subdivision plat and second amended final development plan are in evidence. P.C. Exh. 2, 17. When approved, the subdivision was zoned R.C. 4, allowing a density of 0.2 lots per acre (1 dwelling per 5 acres). In 2008, with Bill 87-08, as part of 141-acre Issue 3-077, the County Council rezoned the area to R.C. 8. P.C. Exh. 4-6. The zoning geography is reflected on the My Neighborhood Zoning Map. P.C. Exh. 3. This zone imposes a much more limited density allowance. BCZR Sec. 1A09.7.B.

Preliminarily, the parties agreed that the current R.C. 8 Zone does apply, rather than the Planning Director revival of the R.C. 4 Zone. On October 16, 2014, they presented to the CBA their reasoning, including People’s Counsel Exh. 1-11. The CBA agreed and on December 15, 2014 issued its Opinion and Order to Stay Proceedings. The CBA referred the matter to the Planning Director for findings under BCZR Sec. 1A07.4.

After the Planning Director submitted a finding on January 22, 2015 (Pet. Exh. 8), Folio’s representatives negotiated to secure the Director’s approval for a one-story garage/pool house which still encroached into the front yard. They represented that grading issues prevented putting the building in the rear yard. The Director accepted Folio’s amended proposal at face value. The Director did not communicate with Donna Ward, other interested citizen parties, or the undersigned People’s Counsel. This resulted in the Director’s revised findings dated June 15, 2015. Pet. Exh. 9.

The Director's revised findings were dated just one day prior to the CBA hearing on the merits June 16, 2015. They were provided initially to the CBA and Folio, without notice to other parties. As we shall explain, the Director's revised findings suffered from procedural irregularity as well as factual and legal errors and insufficiency.

The case proceeded to trial hearing on June 16 and September 24, 2015. At the CBA hearing, Folio introduced architectural elevations both as originally conceived and later modified, with the proposed structure lesser in height but with a cupola. Pet. Exh.4, 6, 10. There was no attempt to correct the numerous other site plan omissions.

A View from the Ridge

The procedural background resembles a jungle or thicket. But there emerged at the trial hearing a picture of the basic facts. To be sure, in order to do this, we had to cross-examine Folio's design consultant to extract many elements and dimensions of the property and improvements. We also were fortunate to have much photography and the descriptions provided by Donna Ward and other area citizens.

By the end of the hearing, we were able to piece together a pretty good record. Realistically, the major facts are not now genuinely in dispute. The Chairman at times politely gave us the impression that the panel has a good grip on the essential facts. The case will come down to the interpretation of these facts based on the law.

The photographic evidence includes the large standard 2011 GIS aerial photo. P.C. Exh. 12. Donna Ward introduced an itemized and extensive group of photos as part of Protestants' Exh. 5. Other photos are in Petitioner's Exh. 1, 12-13 and P.C. Exh. 14. Ms. Ward, Robert Holtz, Karl Locklear, and George Harman filled out the picture nicely.

The history is fairly straightforward. Richard Folio acquired Lot 1, 6200 Glen Falls Road in 1998. Pet. Exh. 2. He and his wife built a home shortly thereafter. It is a 2-story 4-bedroom house with a rear porch and a partially finished basement. Combined, the home amounts to well over 3000 square feet in floor area. They also built a 2-car attached garage. They and their 3 children lived there. In 2004, they added a swimming pool. In 2010, they added a hard tennis/basketball court, a turf soccer field, and an equipment shed. At some point, Folio and his wife and children moved to an even larger

house in Lutherville. After his relatively recent divorce, Folio moved back to GF Road, transferring the Lutherville property to his wife. As noted, on March 11, 2014, he filed this zoning petition. On September 11, 2014, Folio transferred his GF Road property to Richard M Folio, Trustee of the RMF Revocable Trust. Prot. Exh. 5 (2-A).

The Plummer Property subdivision is on the west side of Glen Falls (GF) Road. The ADC map shows GF road running from Westminster Pike (Route 140) to Hanover Road (Route 30). P.C. Exh. 1. GF Road runs along a ridge. The topography slopes downward west to the Carroll County line and Liberty Reservoir watershed. On the east side of the road, the land also slopes away downward, though not as steeply. Folio and his neighbors came to the area in the late 1990s. The aerial and other photography depict the location, configuration, and character of area homes and improvements.

As described by Donna Ward and the other neighbors, and corroborated by the photography, the uneven terrain and slopes caused all of the property owners in the subdivision, including Folio, to undertake substantial grading to build their homes, garages, and any swimming pools, sheds, or other improvements. For example, Folio's home is directly on a slope, with 2 stories in front, but the basement facing only the rear. The swimming pool, tennis/basketball court, and soccer field are also built into the slope, with evident grading. See also P.C. Exh. 13, 18 as to Folio's permit history.

The evidence also includes a description of the smaller lots and homes on the other side of GF Road. These came about from the subdivision of a larger property occupied by a kennel. The kennel still remains, but is set back and does not have much visibility.

Questions Presented

1. a. Is the Petition for Variance incomplete and defective because of the failure to address deviations from other R.C. 8 Zone area and performance standards and from the zoning requirements applicable to amendments of final development plans?
- b. Is the site plan incomplete and unsatisfactory?
- c. Do the petition and site plan deficiencies affect the adequacy of public notice, due process, jurisdiction, and the rule of law, and are they grounds for disqualification?

2. a. Are Folio's alleged topography and grading difficulties peculiar or unique to his property?

b. If it be assumed there is the requisite uniqueness, does the proposal also satisfy the "practical difficulty" test, that is to say, unreasonable prevention or burden for a permitted use, substantial justice in relation to justice for other property owners in the district, and consistency with the spirit of the ordinance and public safety and welfare?

c. Is any alleged "practical difficulty" self-created by Folio's choices to develop and crowd the property with a swimming pool, tennis/basketball court, and soccer pitch?

d. Is the Planning Director's recommendation based on sufficient facts and sound reasons pertinent to variance law?

3. Does the conflict with the final development plan disqualify the petition?

Baltimore County Zoning Regulations and Code Provisions in the Appendix

*** BCZR Sec. 102.1 Conformance with regulations.

*** BCZR Sec. 307.1, Authority to grant variances; procedures and restrictions

*** BCZR Sec. 1A09, the R.C. 8 Zone, People's Counsel Exhibit 6.

*** BCZR Sec. 1B01.3.A.7, concerning amendments to final development plans for Density Residential (D.R.) Zones

*** BCZR Sec. 1A00.4 incorporating the D.R. Zone FDP amendment requirements for the Resource Conservation Zones.

*** BCZR Sec. 400, accessory buildings in residential zones

*** County Code Secs. 32-3-301-02, zoning petitions, notice

Argument

I. The Zoning Petition and Site Plan

A. The Zoning Petition is Incomplete and Defective

As noted, the petition, as amended, focuses exclusively on the BCZR Sec. 1A09.7.C.2.e prohibition of any accessory structure in the front yard. But this is not the only applicable legal standard or procedure applicable to the proposed garage/pool house. There are the following errors and omissions:

To repeat, BCZR Sec. 1A09.7.C.2.a sets another performance standard, which is stricter and stronger than the front yard restriction,

“Buildings must be located on the least visually prominent portion of the site, consistent with effective resource protection, except where appropriate to continue an established pattern of development along the edge of the road.”

But Folio’s proposed building is on the most visually prominent portion of the site.

Separately, BCZR Sec. 1A00.4 incorporates BCZR Sec. 1B01.3.A.7 and requires a special hearing for FDP amendments, subject to special exception review and the test of whether the amendment meets the spirit and intent of the original plan. Here, the final development plan shows a building envelope with a 70’ setback from Glen Falls Road and then states in Accessory Structure Note 21, P.C. Exh. 17,

“Accessory structures, fences, and projections may be extended into yards, but must comply with Sections 400 and 301 of the Baltimore County Zoning Regulations. (subject to covenants and applicable building permits).”

BCZR Sec. 400.1 requires accessory buildings to be in the rear yard. To place such a building in the front yard as well as side yard. Folio would have to petition for an FDP Amendment. Moreover, there is no plausible basis to conclude that he could satisfy the requirement that it be consistent with the spirit and intent of the original FDP. The record plat also includes the building envelope and 70’ setback. P.C. Exh. 2.

There is also the environmental control in BCZR Sec. 1A09.7.C.1, which states,

“Stormwater management. Stormwater management facilities shall be integrated into the site design to utilize nonstructural practices unless it is demonstrated that this is not possible.”

The zoning petition omits stormwater management. Folio never addressed it. The proposed garage/pool house will add to stormwater runoff in the sensitive Liberty Reservoir watershed. While Chairman Belt observed that another accessory structure in the rear yard could also pose problems, it is speculative whether Folio would try or want to build there. Either way, it is necessary to address the stormwater management standard. This failure should not be treated as a loose end to be tied up later.

B. The Site Plan Is Incomplete and Legally Insufficient

We have already described the skeletal and scanty site plan. To make a long story short, the site plan omits and fails to satisfy the following "Hearing Plan Requirements" listed on pages 6-7 of the Zoning Hearing Review Checklist, P.C. Exh. 16:

"3. Outline of Property.

4. Vicinity Map. Legible vicinity map with site outline.

9. Streets, Widening, R/w. Easements. "Include all existing boundary streets ..."

10. Buildings. "Use, dimensions, height, and location of all existing buildings/improvements ... and the use, dimension, and location of all proposed buildings." "The general use, building and lot dimensions and all facing property line setbacks of buildings on adjoining lots."

11. Utilities. This includes well and septic system locations.

12. Features. Streams, storm water management systems, drainage.

C. The Petition and Site Plan Deficiencies Affect the Adequacy of Public Notice, Due Process, Jurisdiction, and the Rule Of Law and are Grounds for Disqualification.

The petition and site plan deficiencies are not just technical and inconsequential.

A prerequisite to subject-matter jurisdiction in a zoning case is the public notice of the nature of the petition and issues presented. Baltimore County Code Sec. 32-3-301 (2003) authorizes the zoning commissioner (now ALJ, Code Sec. 3-12-104) to review and grant zoning variances and other zoning petitions and to interpret the zoning regulations. Code Sec. 32-3-302 provides detailed notice requirements, including

"(b) Notice.

* * *

(2) The notice shall provide:

- (i) The address of the property under petition or, if not available, a description of the property; and
- (ii) The action requested by the petition."

BCZR Sec. 307.1 reinforces the notice requirement for variances,

"Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification."

Code Sec. 32-3-509(c)(2) also compels notice of the "...action requested by the petition."

The scope of “action” embraces the entire scope of relevant zoning relief. The Court of Appeals stated in Cassidy v. County Board of Appeals 218 Md. 418, 421 (1958),

“It has been stated so frequently and so generally that the failure of an administrative official or board to give a proper *422 notice of a hearing, required by law, is fatal to the jurisdiction of the official or the board to conduct the hearing that it requires no citation of authority to support the proposition;¹ hence, we must examine the notice and the proceedings to determine whether the Commissioner and the Board lacked jurisdiction to grant the special exception.”

To sustain jurisdiction, the litigation must proceed within the framework of the notice. There may be lesser included issues, but not changed or expanded issues. See 4 Salkin, American Law of Zoning (5th Ed.), Secs. 40:17, et seq., especially Sec. 40:21; 3 Rathkopf's The Law of Planning and Zoning Secs. 57:48, et seq., especially 57:51.

The notice issue overlaps with procedural due process, based on fundamental fairness. Schultz v. Pritts 291 Md. 1, 7 (1981); Ottenheimer Publishers, Inc. v. Employment Sec. Admin. 275 Md. 514, 520 (1975); Dal Maso v. Board of County Comm'rs 238 Md. 333, 337 (1965).

Moreover, whenever a zoning petition is granted, the site plan provides the framework for implementation and as a baseline for future zoning petitions to modify or otherwise relate to the property. For all these reasons, a materially inadequate, incomplete, and/or misleading petition and/or site plan is a ground for disqualification.

II. Variance Law: an Introduction

As background, it is good to keep in mind **BCZR Sec. 102.1**,

“No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use.”

See Kowalski v. Lamar 25 Md. App. 493, 496-501 (1975); People's Counsel v. Surina 400 Md. App. 662, 688 (2007).

BCZR Sec. 307.1 enables the Zoning Commissioner (ALJ) to grant variances,

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict

compliance with unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance." Emphasis supplied.

The essential elements to prove a variance are the peculiarity of the property or, as more commonly described, "uniqueness," and resulting "practical difficulty." Judge Dale Cathell provided an encyclopedic review of the law and highlighted the "uniqueness" element in Cromwell v. Ward 102 Md. App. 691 (1995). The Court of Appeals had already identified the three-pronged "practical difficulty" criteria in McLean v. Soley 270 Md. 208, 213-15 (1973). The Court of Appeals integrated the analysis in Trinity Assembly of God v. People's Counsel 407 Md. 53, 79-85 (2008). This included a discussion of the essential relationship between "uniqueness" and "practical difficulty."

Judge Cathell began his discussion in Cromwell with this observation,

"The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances. *See, e.g.,* A. Rathkopf, 3 The Law of Zoning and Planning §38 (1979)." 102 Md. App. at 703.

He explained the "uniqueness" element, 102 Md. App. at 710,

"In the zoning context the 'unique' aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property."

"Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls."

Judge Cathell concluded,

"We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it has always been—a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in

conjunction with the ordinance's more severe impact on the specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists."

It should be underlined that the "the extent of improvements upon the property" are irrelevant to "uniqueness." As we shall also see, the extent of Folio's improvements contradict any claim of "practical difficulty" and translate to "self-created difficulty."

Even if there is the requisite uniqueness, the unique characteristic must relate to and cause "practical difficulty." Often misunderstood or overlooked, the law has been settled that an essential element of a variance case is this causal connection.

As long ago as Easter v. Mayor & City Council 195 Md. 395 (1950), the Court of Appeals described the heavy burden of proof on an applicant for a variance,

"The burden of showing facts to justify an exception or variance rests upon the applicant, and it must be shown that the hardship affects the particular premises and is not common to other property in the neighborhood."

In Marino v. City of Baltimore, 215 Md. 206 (1957), the Court explained:

"The expression 'practical difficulties or unnecessary hardships' means difficulties which are peculiar to the situation of the applicant for the permit and are not necessary to carry out the spirit of the ordinance and which are of such a degree of severity that their existence amounts to a substantial and unnecessary injustice to the applicant."

"[I]t was incumbent upon the Marinos to have shown... (ii) that the difficulties or hardships were peculiar to the property in question in contrast with those of other property owners in the same district."

Judge Harrell revisited variance law in Trinity Assembly, as the Court affirmed this CBA's findings in denying sign variances,

"In *Umerley v. People's Counsel for Balto. County*, the Court of Special Appeals opined that a zoning authority must determine, as part of its uniqueness inquiry, whether 'the uniqueness or peculiarity of the property causes the zoning provision [at issue] to have a disproportionate impact.' 108 Md. App. 497, 506 ... (1996). Assuming that a disproportionate impact must be found before a local zoning authority may grant a variance, it is a logical fallacy to say that Board erred on this score. The disproportionate impact consideration, if viable, exists because of the notion that it is not enough for a landowner or user to show merely that the property is somehow physically peculiar or unique; she, he, or it also must prove, to the satisfaction of the tribunal, a connection between the property's inherent characteristics and the manner in which the zoning law hurts the landowner or user. Where a property's physical

characteristics do not cause the landowner to suffer disproportionately due to application of the zoning enactment in question, the property is not 'unique' in the law of variances. For example, if a property has physical characteristics that might justify variance relief from drainage or sewage regulation, those attributes probably would have no bearing on how that property is affected by an ordinance establishing the maximum height for a fence. Here, the Board concluded simply that the physical attributes of the Property are not distinguishing. That conclusion is supported by substantial evidence." 407 Md. at 82-83.

Judge Harrell went on to discuss the criteria for "practical difficulty." 407 Md. App. at 83-85." He brought forward McLean 270 Md. 208, 213-15 (1973), where the Court had "... adopted from Professor Rathkopf's treatise a three-part inquiry to guide local zoning authorities in determining whether a landowner established this element:

“1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.”

The Maryland approach tracks the national pattern. In general, the purpose of variance law is to allow relief so a property owner has some reasonable use of his property. See 2 Salkin, American Law of Zoning 5th, § 13:1 (2009). A key point is that the property owner's inability to comply with zoning law for the purpose of a selected use does not justify a variance. Otherwise, a variance would have to be granted in every case; and zoning law would collapse. Even if we posit that the "practical difficulty" test does not equate to a "taking" test, it is still a very strict test.

As the Court wrote in Carney v. Baltimore 201 Md. 130, 137 (1952), another case involving a setback variance,

“The need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for

reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance. * * *

‘The expression ‘practical difficulties or unnecessary hardships’ means difficulties or hardships which are peculiar to the situation of the applicant for the permit and are not necessary to carry out the spirit of the ordinance and which are of such a degree of severity that their existence amounts to a substantial and unnecessary injustice to the applicant.’”

The Court quoted this language from Carney in Marino, 215 Md. at 216-17. It was quoted again in Montgomery County v. Rotwein 176 Md. App. 716, 732 (2006).

As a corollary, the potential additional expense of compliance does not justify a variance. Variance claims should not be based on financial considerations. Burns v. Mayor & City Council 251 Md. 554 (1968); Daihl v. County Board of Appeals 258 Md. 157 (1970). As the CSA wrote in Rotwein, 169 Md. App. at 732-33,

“Economic loss alone does not necessarily satisfy the ‘practical difficulties’ test because, as we have previously observed, ‘every person requesting a variance can indicate some economic loss.’ Cromwell, 102 Md. App. at 715 ... Indeed, to grant an application for a variance any time economic loss is asserted, we have warned, ‘ would make a mockery of the zoning program. Cromwell, 102 Md. App. at 715.”

“Financial concerns are not entirely irrelevant, however. The pertinent inquiry with respect to economic loss is whether ‘it is impossible to secure a reasonable return from or to make a reasonable use of such property.’”

Marino also observed it is “... incumbent [on the applicant] to [show]... that the hardship was not the result of the applicants’ own actions.” 215 Md. at 218. Cromwell quoted Marino and cited numerous cases holding self-inflicted hardship “... is never proper grounds for a variance.” 102 Md. App. at 721-22. Judge Cathell quoted Steele v. Flavanna Co. Bd. Of Zoning Appeals, 436 S.E.2d 453, 456 (Va. 1993):

“[T]he hardship, if any, was self-inflicted. The placement of the improvements... was within the control of the [applicants] and their contractor.”

He concluded, 102 Md. App. at 722,

“Were we to hold that self-inflicted hardships in and of themselves justified variances, we would effectively not only generate a plethora of such hardships but we would also emasculate zoning ordinances. Zoning would become meaningless. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted.”

A. Folio's Property's Alleged Topography and Grading Difficulties are Not Peculiar or Unique to his Property and Other Area Properties

The short answer to Folio's petition is that there is nothing at all unique about Folio's lot. It is a good-sized lot. Like all the other lots on the west side of Glen Falls Road, it slopes generally down to the Liberty Reservoir. Like all the other lot owners, Folio had to undertake grading to build his house and other structures. The only real difference is that Folio has built more on his property already than anyone else. There is no variance reward for overcrowding a property and then claiming a difficulty. Judge Cathell's observation is worth repeating here,

"In the zoning context the 'unique' aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property."

To add perspective, we review a number of illustrative cases.

Easter v. Mayor & City Council 195 Md. 395 (1950). This involved a front yard and occupancy variance for a one-story and basement addition for a tavern and dwelling on Belair Road. The proposed addition varied the minimum front yard setback of 10 feet. The zoning board had granted the variances, finding the "The lot in question is of very shallow depth and irregular in shape" They also had found "... several buildings constructed up to the front lines of the lot and the proposed addition would not affect access for light and air to any neighboring properties, nor would it even cut off the view up and down the street." The Court of Appeals reversed, stating that the irregularity of the lot and the existence even of nonconforming or possibly illegal neighboring buildings did not justify deviation from the general zoning plan. Judge Henderson observed,

"But we think the detriment to the applicant must be weighed against the benefit to the community in maintaining the general plan. 'It is by these gradual encroachments, individually or relative insignificance, that the integrity of the general scheme is undermined and ultimately shattered. One departure serves as justification for another * * *'"

North v. St. Mary's County 99 Md. App. 502, 514-20 (1994) foreshadowed **Cromwell** in reversing the grant of a mean high water mark setback variance for a gazebo of approximately 234 square feet. The property had an existing ranch home and outbuildings. The petitioner claimed a deprivation of property rights because he needed

the gazebo to enhance his view, to contemplate, to read, and (presumably) for shade and protection from rain. The applicant also posited that other property owners had built closer to the water. As Judge Cathell noted, these were probably nonconforming. He covered, among other things, the uniqueness test. The bottom line is that there was nothing unique about the property.

Cromwell v. Ward 102 Md. App. 691 (1995) involved an accessory building for a garage, wine cellar, and storage area for a Ruxton residence. The building height of 21 feet exceeded the 15 feet maximum, a difference of just six feet. The Court nevertheless reversed the CBA's grant of a height variance, 102 Md. App. at 697,

"Simply stated, the variance that is desired (and the difficulties that would exist if it is not granted) cannot be the source of the first prong of the variance process-an inherent uniqueness of the subject property not shared by surrounding properties."

Among cases from other states, Judge Cathell discussed **Xanthos v. v. Board of Adjustment** 685 P.2d 1032 (Utah 1984), denying front yard variance for duplex addition to dwelling and **Prince William County Bd. Of Zoning Appeals v. Bond** 300 S.E. 2d 781 (Va. 1983), affirming denial of variance for conversion of garage into dwelling. Even the difficulties presented by a substandard lot or oceanfront lot restrictions do not justify a variance where this characteristic is common to area properties. **Sibley v. Inhabitants of the Town of Wells** 462 A.2 27, 30-31 (1983); **Town of Indialantic v. Nance** 400 So.2d 37, 40 (Fla. App. 1981), aff'd 419 So.2d 1041 (Fla. 1982).

Chester Haven Beach Partnership v. Board of Appeals 103 Md. App. 324, 337-41 (1995) followed **Cromwell**. The petitioner appealed the denial of a conditional use and variances for a residential subdivision. The primary alleged difficulty involved serious Chesapeake Bay Critical Area environmental constraints. The professional staff supported the development based on these environmental factors. It was again Judge Cathell who wrote the opinion. Notwithstanding the staff support, Judge Cathell observed there was no evidence that the environmental constraints were unique to this critical area property. He went further and criticized the professional staff, stating that the staff "... abdicated its responsibility in its role in respect to conditional uses and

variances.” 103 Md. App. at 340. Despite environmental constraints much more serious than any alleged constraints on Folio’s residential use, Judge Cathell wrote,

“It is not, however, the function of staff to make such policy decisions in the absence of legislative action. We do not perceive that it was the legislative intention in passing the State or local critical area legislation that zoning variance procedures would be prostituted in order to alleviate the harshness of environmental regulation. If that is the intention of the legislative entities, they have the power to express clearly that intention.”

We will return to this in our discussion of the Planning Director’s recommendation here.

Umerley v. People’s Counsel 108 Md. App. 497, 504-09, cert. denied 342 Md. 584 (1996) is especially apt. The applicant sought to expand his trucking facility operation on Philadelphia Road. He sought a special exception and six variances, including setback variances from the road, wetlands, and a residential zone. He cited the narrowness of the property and the relatively short rear yard adjoining a B. & O. railroad track. The Board of Appeals granted the relief. Upon appeal, the Circuit Court reversed, and the Court of Special Appeals sustained the reversal, thereby denying the petition. The analysis centered on “uniqueness.” The Umerleys claimed simply that their property was too small to comply with the trucking facilities law and that their business made a major contribution to the Baltimore County economy, consistent with one of the purposes of the trucking facilities law. But this did not constitute substantial evidence of any inherently unique characteristic of the property, which had a location in common with many other properties situated between Philadelphia Road and the railroad.

Riffin v. People’s Counsel 137 Md. App. 90, cert. denied 363 Md. 660 (2001) involved the active litigant well known to this Board. He proposed a special exception for a bungee jumping operation as well as nine variances for a modification of his office building on Greenspring Drive. The property was situated between Greenspring Drive in front and the MTA light rail track in back. In affirming the CBA denial of several variances. Judge Moylan wrote,

“It is this Board's finding that the proposed site is in no way unique, unusual or different from the other properties that are existent in this M.L.-I.M. zone. The Maryland Department of Assessments and Taxation, real Property System map, shows just how similar in size and shape all of the properties are along Greenspring Drive. Testimony by Mr. Patton indicated that this property was consistent with others in the community, and

he noted that the gentle slope off of Greenspring Drive was consistent with other properties, further noting that some chose to fill in their properties before building and have entrances at the rear of their locations.... At no time in the hearing did the appellant entertain any historical significance to the site nor were environmental or subsurface conditions documented. Mr. Riffin did testify as to the damage to the interior of his building but did not document the same with photographic exhibits, receipts for repairs or documentation by some authority regarding the nature or extent of this damage. There was no testimony or evidence regarding abutting properties restricting his activities or imposing any unique characteristics upon his site. *In the absence of an initial finding of uniqueness, the inquiry under Section 307.1 stops and, in this case, the three variances must be denied."*

Montgomery County v. Rotwein 169 Md. App. 716 (2004). The petitioner requested front and side yard setback variances to build a garage and walkway. Her property was about three-quarters of an acre in size. She had a one-story residence, finished basement, open carport in front, and in the rear a deck, slate patio, swimming pool, and tennis court. It resembles the Folio situation in some ways, but on a much smaller lot. The garage would replace the carport. The zoning board denied the variances.

Petitioner Frances Rotwein rejected various alternative proposals to avoid the need for variances: enclose the carport (but that would obstruct the front door); build a one-car garage (but the neighbors had 2-car garages); move the garage closer to the main house (but that would involve re-grading problems). Petitioner also rejected the suggestion that she build the garage behind the main house because of the steep drop-off. She also claimed mobility problems. Again, the issues bear some resemblance to the present case.

Following Cromwell, the Court affirmed the denial. Judge Krauser described Rotwein's main arguments for uniqueness as her mobility problems and the substantial additional expense for relocation of the garage. Neither of these, however, constituted peculiar or unusual practical difficulties. Moreover, as we shall discuss further below, any difficulty arose from Rotwein's choices in the way she had improved the property.

**B. Folio's Proposed Garage/Pool House Fails to Meet
the "Practical Difficulty" Test**

We shall discuss the McLean/Trinity Assembly of God criteria, having in mind also the instruction that variances are to be granted sparingly and based on substantial and urgent need, not merely for the convenience of the applicant.

"1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome."

Here, Folio's application is a matter of convenience. He still proposes a supersized accessory building, as big as many houses, on an overdeveloped property which looks more like an institutional campus than a dwelling. He and his family have enjoyed a very nice house, garage, swimming pool, tennis/basketball court, soccer field, and shed for many years. His current proposal is based on his personal considerations and situation, and has nothing to do with any real difficulty or hardship involving the property.

Every property has constraints. Folio has adjusted to the topography and done the necessary grading for his house and the other improvements. If he chooses to have another building, he can perhaps adjust again and place it in the rear, even if it be more expensive. Whether or not he wishes to do that, he already is fortunate to have an enviable and wonderful use of property in a very nice neighborhood.

Folio would like the CBA to focus only on the accessory building and the supposedly modest encroachment as if this is no big deal. The CSA addressed a similar approach in the North case. The applicant there focused only on the part of the property where the gazebo would be located. Judge Cathell underlined that the entire property must be considered, along with the improvements, 99 Md. App. at 517,

"The applicant, Mr. Enoch, the county, and the trial judge for that matter, when discussing the reasonable use of the property seem to restrict their considerations to just the part of the property where Enoch desires to construct the gazebo. That is incorrect. The property at issue here is the 4+ acre site already developed with a ranchhouse of approximately 1,100 square feet with extensive decking, an improved walkway, and a pier, from which expansive views are present. Thus, the property already is subject to a reasonable use."

The Court of Special Appeals addressed practical difficulty in several recent cases. Motngomery County v. Rotwein, which we have discussed as to uniqueness, is really on point. Judge Krauser went on to review the “practical difficulty” claim. Applying the law quoted earlier, he wrote, 169 Md. at 733,

“But Rotwein has not demonstrated that, unless her application is granted it will be ‘impossible [for her] to make reasonable use of the property.’ *Id.* Indeed, she has made more reasonable use of the property, as it houses not only her residence, but, among other things, a swimming pool and a tennis court.”

Rotwein, moreover, had made a sympathy argument based on her physical limitations. As a matter of law, this did not, however, justify the setback variances.

Chesley v. City of Annapolis 176 Md. App. 413 (2007) is also apt. The Chesleys built a new 5000 sq. ft. house and swimming pool to replace an existing dwelling on their one-third of an acre lot. They also desired a garage. They needed a front yard setback variance and were able to secure the support of the Planning Staff. They claimed that the garage would help when their wheelchair-bound adult son visited. They also claimed that other area properties had garages within a few feet of the street.

The Zoning Board denied the variance, finding among other things that there was nothing unique about the property, because “... the typical constraints of waterfront development within the critical area and the view cone covenant do not in and of themselves necessitate the requested variance.” The CSA affirmed the denial. Turning to the issue of difficulty or hardship under the analogous Chesapeake Bay Critical Area variance provisions, Judge Adkins wrote, 176 Md. App. at 435,

“Rather, the essence of the Chesleys' argument is that a garage would make loading more convenient, and that a variance will allow them to locate the garage where the City's Planning Department preferred. The City Code requires more than a showing of “mere inconvenience [.]” *See* former Code § 21.80.030(A). As the Court of Appeals has recognized, it generally is not a hardship to be without a desired convenience or amenity on one's property, because zoning restrictions are to be enforced in the absence of a “substantial and urgent” need for a variance. *See Belvoir Farms Homeowners Ass'n*, 355 Md. at 261, 734 A.2d 227. When a variance would be required to build within the critical area buffer, for example, the fact that a particular improvement would enhance the owner's enjoyment of the property did not establish that it would be a hardship to continue using the property without the variance. *See, e.g., Citrano v. North*, 123 Md.App. 234, 717 A.2d 960 (1998)(fact that proposed deck created “pleasant amenity”

did not create hardship); *North v. St. Mary's County*, 99 Md. App. 502, 519, 638 A.2d 1175 (owner's desire to build gazebo to read and view creek is not evidence of hardship), *cert. denied sub nom. Enoch v. North*, 336 Md. 224, 647 A.2d 444 (1994). The City Code's distinction between "mere inconvenience" and true hardship reflects the application of this principle to setback variances."

In sum, the zoning law does not prevent Folio from making a reasonable use of the property or impose an unnecessary burden.

"2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners."

For essentially the above reasons, there is no injustice to Folio. He has a satisfactory and even privileged use of his very nice property. The proposal does, however, work an injustice to the area property owners. This would be the first area accessory building in the front yard and at the most prominent location on the site. It conflicts not only with the zoning law, but also with the final development plan and subdivision plat, upon which the neighbors reasonably rely.

Donna Ward testified cogently to the visual impact and the effect on her property value. She also emphasized that she and other neighbors had adjusted to the FDP in building their homes and improvements. Karl Locklear reinforced Ms. Ward's testimony. He identified and emphasized the adverse impact of this proposal as precedent and the opening of a Pandora's Box. The "slippery slope" metaphor is especially apt here.

The CSA in Chesley recognized similar testimony by neighbors concerning visual impact and property values. 176 Md. App. at 441-45. One of the neighbors posited that, "overbuilding and overcrowding loom on the horizon" The Court accepted, among other things, the legitimate concerns about overcrowding and imposing structures which harm the views and enjoyment of the neighborhood.

“3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.”

The public safety and welfare overlaps with the problem of injustice, but extends further to the legislative intent of the R.C. 8 Zone. BCZR Sec. 1A09.1.B includes among its goals (7.) maintenance of “the unique character of certain rural and urban areas;” (10.) enhancement of “local character and environmental protection by locating buildings in harmony with site conditions;” and (11.) preservation of “the traditional character of communities by limiting the scale and intensity of development.” There are also a series of environmental goals, including protection of the ecosystem and water resources. BCZR Sec. 1A09.1.B.1-3. The performance standards serve these goals. This would be the first zoning variance in the area. It would detract from these legislative goals.

Despite the CBA’s cramping of his testimony to some degree, George Harman properly highlighted that the R.C. 8 Zone places substantial additional environmental limitations on development. Indeed, the Plummer Property subdivision density qualified under the R.C. 4 Zone, but could not qualify today as a new subdivision under the more restrictive density limits in BCZR Sec. 1A09.7.B.1. For lots between 10 and 30 acres, just 2 dwelling lots are allowed. The Plummer Property subdivision is vested for 5 lots, and the current R.C. 8 Zone cannot change that. But the newer zone is a factor which weighs against variances, especially involving overcrowding of a property and additional stress on the visual environment as well as the watershed.

* * *

To conclude, from every angle or perspective, Folio’s proposal does not meet the test of practical difficulty.

C. Folio’s Alleged Practical Difficulty is Self-Created

This is a classic case of self-created difficulty. Folio’s choices in developing his property intensely have necessarily limited his remaining options. His proposal for a large new garage/pool house at his preferred location is necessarily influenced by what he has done in the placement of his house and improvements. Had he made different

choices about what to build and where, he could even have room for a supersized accessory building of 1408 sq. ft.

To make a long story short, both Rotwein and Chesley illustrate how applicants' choices about where to build homes and improvements, as well as size, may underlie their ostensible claims of difficulty. In Rotwein, Judge Krauser put it well,

"Furthermore, the "hardships" about which Rotwein complains are self-created and, as such, cannot serve as a basis for a finding of practical difficulty. *See Cromwell*, 102 Md.App. at 722, 651 A.2d 424. Rotwein contends that the requested location for her garage is the only feasible location. But that is so only because of the location of the other improvements to the property, and the decision whether to build those improvements and where to place them was Rotwein's. *See id.*; *see also Steele v. Fluvanna County Bd. of Zoning Appeals*, 246 Va. 502, 436 S.E.2d 453, 456-57 (1993)."

D. The Planning Director's Support Lacks a Legally Sufficient Basis

The Planning Director initially opposed as disproportionate the huge 2-story "accessory building" with a ground floor area at least as large as the main house. In the end, however, the Director negotiated and worked with Folio's representatives to support a modified 1-story project with a cupola.

Most important, the Director disregarded the applicable zoning law governing variances. There was no attention paid to uniqueness. There was no attention paid to the criteria for practical difficulty or self-created difficulty. There was no attention paid to the panoply of improvements already on the site.

As an aggravating factor, the Director was aware of the building envelopes on the subdivision plat but chose to support their breach. The Director also disregarded the FDP and the requirements for amendments, to be discussed further below.

As another aggravating factor, the Director took Folio's spin about grading problems at face value and failed to recognize that the topography was a feature to which all area property owners had to adjust in planning their improvements and which did not justify departure from the zoning plan.

Yet another aggravating factor was the Director's failure provide the area residents with equal access or line of communication. Had the Director given the residents a fair opportunity to be heard, the Director may have understood the issues better.

The Director's findings were thus not based either on proper facts, in context, or legally sufficient conclusions. In effect, there was an abdication of legal function.

The situation here is reminiscent of **Chester Haven Beach Partnership v. Board of Appeals** 103 Md. App. 324, 337-41 (1995) There, as we pointed out earlier, the professional environmental staff supported the proposed variances for development based on environmental factors. Notwithstanding staff support, Judge Cathell observed there was no evidence that the environmental constraints were unique to this critical area property. Judge Cathell went stated that the professional staff "... abdicated its responsibility in its role in respect to conditional uses and variances." 103 Md. App. at 340. Despite environmental constraints much more serious than any alleged constraints on Folio's residential use, Judge Cathell wrote,

"It is not, however, the function of staff to make such policy decisions in the absence of legislative action. We do not perceive that it was the legislative intention in passing the State or local critical area legislation that zoning variance procedures would be prostituted in order to alleviate the harshness of environmental regulation. If that is the intention of the legislative entities, they have the power to express clearly that intention."

Sometimes, professional staffs have agendas which, while worthy from their perspective, do not follow and are not oriented to the zoning law. This is what happened in Chester Haven, and what happened here. Indeed, the staff in Chester Haven appears to have had much more sympathetic reasons to support the variance than the staff did here.

The situation here also tracks **Chesley v. City of Annapolis** 176 Md. App. 413 (2007). There, the Planning Department negotiated with the applicant and ended up giving strong support to the variances for the proposed garage. For many reasons elucidated in the opinion, the Court found that the staff support had no legal basis.

III. Folio's Proposed Garage/Pool House Conflicts with the Final Development Plan, and with the Requirements for FDP Amendments

It is a big deal that the proposal conflicts with the FDP Note 21, which restricts accessory buildings to the rear yard. The FDP is in the public record. Once lots are for sale, the purchasers can rely on the FDP to know and understand the scope and structure of residential development permitted in the subdivision. The evidence here, moreover, is

that Donna Ward and other property owners did affirmatively review and/or adjust to the FDP. In addition, Folio's proposal conflicts with the subdivision plat's building envelope.

Folio's proposed breach of these lines is disqualified in the absence of an application for and approval of an FDP amendment under BCZR Secs. 1B01.3.A.7 and 1A00.4. Under the circumstances, moreover, it is implausible that Folio could properly receive approval because of the significant conflict with the spirit and intent of the FDP.

The CBA has reviewed petitions for special hearing for FDP amendments pursuant to this zoning provision. The cases include In the Matter of Trees Property Re: Final Approval of Development Plan, CBA No. 95-180 (1995); In the Matter of Thomas and Cynthia Hutson, Petition for Special Hearing, CBA No. 09-035-SPH (2010), Andrew Belt, Panel Chair. Such cases may include a proposal for resubdivision or a change in the building envelopes or controls. The latter is the case here.

Peter Max Zimmerman

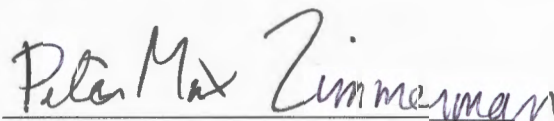
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 26th day of October, 2015 a copy of the foregoing Memorandum of People's Counsel for Baltimore County was sent to Donna Ward, 6130 Glen Falls Road, Reisterstown, Maryland 21136, Appellant, and Lawrence E. Schmidt, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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 6200 Glen Falls Road

which is presently zoned RC 8

Deed Reference 343 89/00497

10 Digit Tax Account # 2 2 0 0 0 1 0 2 0 2

Property Owner(s) Printed Name(s) Richard M Folio

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s) 1A09.7.C.2.e BCZR & Section 400.3 BCZ
To permit a proposed accessory structure (Pool house) located in the front yard in lieu of the required side and rear yard, and to permit a height of 24 feet in lieu of the maximum height of 15 feet.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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:

Name- Type or Print

Signature

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners:

Richard M Folio

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

6200 Glen Falls Road Reisterstown MD

Mailing Address

City

State

21136

410-654-9505

Zip Code

Telephone #

Email Address

Representative to be contacted:

Beverly True

Name - Type or Print

Signature

3920 London Bridge Road Sykesville, MD

Mailing Address

City

State

21784

442-398-0988

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2014-0185-A Filing Date 3/11/14 Estimated Posting Date 3/23/14 Reviewer GH

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 6200 Glen Falls Road Reisterstown MD 21136
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

Due to the placement of our home, slope of the land on the rear of our home and design of our home on this lot, it would be difficult to place this detached garage with pool house on the lot anywhere else. I am asking to allow a detached garage on the front/side of the house to accommodate our family needs. The proposed detached garage will add value and beauty to the existing neighborhood and will match existing home. We are asking for a height of 24' for much needed storage and to accommodate our vehicles.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Affiant

Signature of Affiant

Name- Print or Type

Richard M Folio
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of March, 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

My Commission Expires

5/14/2016

ZONING DESCRIPTION FOR 6200 GLEN FALLS ROAD

Beginning at a point on the North West side of Glen Falls Road which is 40' wide at the distance of 750' South West of the centerline of the nearest intersecting street Hiltner Road which is 30' wide.

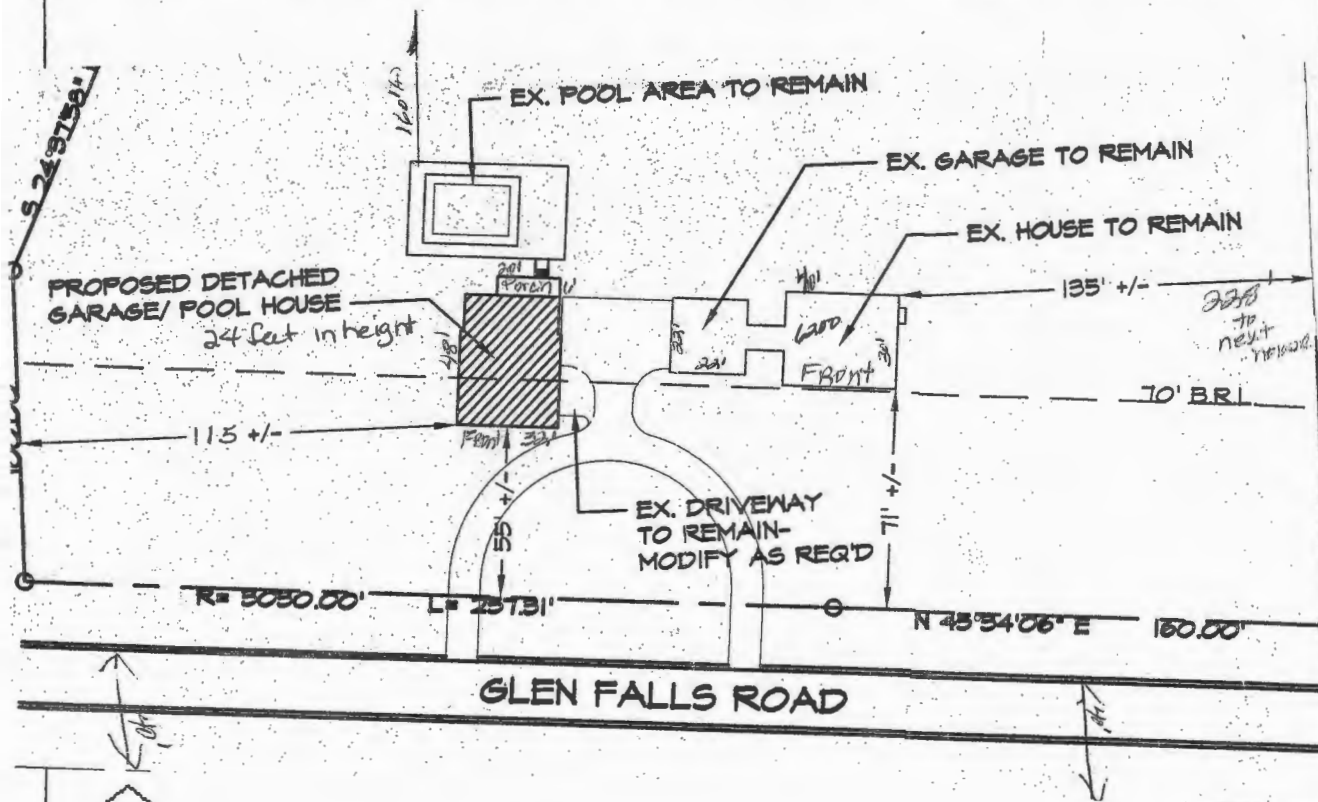
Being Lot # 1 Block 7 in the subdivision of Plummer Property as recorded in Baltimore County Plat Book # 0063, Folio # 0144, containing 3 acres. Located in the 4th Election District and 3rd Council District. Also Known as 6200 Glen Falls Road Reisterstown, MD 21136

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

ADDRESS 6200 Glen Falls Rd OWNER(S) NAME(S) Richard M. Folio

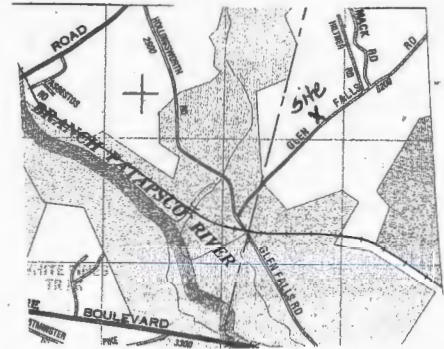
SUBDIVISION NAME Plummer Property LOT # 1 BLOCK # 7 SECTION # _____

PLAT BOOK # 0063 FOLIO # 0144 10 DIGIT TAX # 22 000 1 02 02 DEED REF. # 343291 00497



PLAN DRAWN BY BOV TRUC DATE 2/24/14 SCALE: 1 INCH = 40' FEET

SITE VICINITY MAP



N
MAP IS NOT TO SCALE

ZONING MAP# NW19-L/039A2

SITE ZONED LCB

ELECTION DISTRICT 4

COUNCIL DISTRICT 3

LOT AREA ACREAGE 3 ACRES

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE ✓

SEWER IS:

PUBLIC _____ PRIVATE ✓

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PETITIONER'S

EXHIBIT NO. 1

2014-0185-A

*Baltimore County, MD
Wednesday, October 21, 2015*

ARTICLE 1. General Provisions

SECTION 102. General Requirements

§ 102.1. Conformance with regulations.

No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use.

Baltimore County, MD
Wednesday, October 21, 2015

ARTICLE 1A. Resource Conservation Zones

SECTION 1A00. General Provisions for All R.C. Classifications

§ 1A00.4. Plans and plats.

Development plans and final subdivision plats shall be required in the manner prescribed under Section 1B01.3, and, for the purpose of this section, all references to D.R. Zones shall include the R.C. Zones.

Baltimore County, MD
Wednesday, October 21, 2015

ARTICLE 1A. Resource Conservation Zones

SECTION 1A09. R.C.8 (Environmental Enhancement) Zone

§ 1A09.1. Findings and legislative goals.

A. Findings.

1. Master Plan 2010, adopted by the County Council in February 2000, identifies specific resource preservation areas where valuable cultural, historic, recreational and environmental resources are located and should be protected for the health of the local community and the community at large.
2. While the resource preservation areas identified in the Master Plan are predominantly in the rural part of Baltimore County, there are certain areas of environmental significance that are located throughout Baltimore County that require protection.
3. An R.C. 8 Zone allows limited development, compatible with the rural and urban community, and at the same time protects environmental resources.
4. The County recognizes the importance of retaining certain areas for environmental protection.

B. Legislative goals. The Baltimore County Council seeks to achieve the following goals in the R.C. 8 Zone:

1. To preserve and protect total ecosystem function, including riparian and aquatic ecosystems;
2. To protect forests, streams, wetlands and floodplains;
3. To protect the water quality of reservoirs, watercourses, the Chesapeake Bay and regional biodiversity;
4. To respect historic sites in their settings;
5. To provide a quality recreational experience to visitors;
6. To protect remaining prime and productive soils, environmental resources in areas not currently protected by the R.C. 2 or the R.C. 7 Zone;
7. To maintain the unique character of certain rural and urban areas by preserving its natural, environmental, historic, cultural, recreational, scenic, architectural and archaeological resources not protected by the R.C. 7 Zone;
8. To provide for the environmentally sound use of land and forest resources, and to prevent forest fragmentation, especially in areas of extensive interior forest;
9. To implement state and federal mandates for the protection of natural resources and rural legacy;
10. To enhance local character and environmental protection by locating buildings in harmony with site conditions;
11. To preserve the traditional character of communities by limiting the scale and intensity of development;
12. To maintain the scale and character of area roads by limiting growth in the volume of traffic generated by local development.

§ 1A09.2. Definitions.

In this section, the following term has the meaning indicated:

BUILDING ENVELOPE

The area on a lot within which all structures except wells, septic systems, stormwater management systems, driveways or fences are permitted to be built.

§ 1A09.3. Permitted uses.

A. Uses permitted by right. In addition to the uses in Paragraph D of this subsection, the following uses are permitted by right in an R.C. 8 Zone:

1. Dwellings, single-family detached.
2. Farms and limited-acre wholesale flower farms, subject to Section 404.
3. Open space, common.
4. Schools.
5. Streets and ways.
6. Telephone, telegraph, electrical power or other lines or cables, provided that any such line or cable is underground; underground gas mains; shared well and septic systems when approved by the Department of Environmental Protection and Sustainability; or other underground conduits, except interstate pipelines.
[Bill No. 122-2010]
7. Accessory uses or structures, subject to Section 400, including:
 - a. Farmer's roadside stand and produce stand, subject to Section 404.4;
 - b. Home occupations;
 - c. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professionals, provided that any such office or studio is established within the same building as that serving the professional person's primary residence; does not occupy more than 25% of the total floor area of that residence; and does not involve the employment of more than one nonresident employee;
 - d. Parking and residential garage space, subject to Section 409;
 - e. Signs, subject to Sections 450 and 1A09.7.C.5; and
 - f. Swimming pools, tennis courts and other recreational amenities, if accessory to a dwelling.
8. Commercial film production, subject to Section 435.
9. Farmstead creamery, subject to the provisions of Section 404.13.
[Bill No. 34-2009]

B. Uses permitted by special exception. The following uses only are permitted by special exception in an R.C. 8 Zone:

1. The following uses, provided that they are located in a principal building that was originally constructed before August 6, 2004, and the building is converted to the new use without any external enlargement after August 6, 2004:
 - a. Antique shop;
 - b. Bed-and-breakfast;

- c. Residential art salon.
- 2. Public utility uses not permitted by right.
- 3. Bottled water plant as an agricultural support use, if the source of water is located on the same site as the plant, and provided that the Director of Environmental Protection and Sustainability makes a finding that the proposed facility is not expected to adversely affect the quality or capacity of surface water or groundwater.
[Bill No. 122-2010]
- 4. Farm market, subject to Section 404.4.
- 5. Horticultural nursery, subject to Sections 404.1 and 404.2.
- 6. Volunteer fire company or ambulance-rescue facilities.
- 7. Winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on the premises. Temporary promotional events such as wine tasting or public gatherings associated with the winery are permitted within any limits set through the special exception process.
- 8. Wireless telecommunications towers and monopoles; however, they shall be designed and located in a manner that substantially minimizes their visual impact; stealth towers such as flagpoles, flush-mounted monopoles set into wooded hillsides and painted to blend into the trees, and other innovative options. Such poles or antennas shall not project more than five feet above any tree within 25 feet of the monopole. In no case shall a tower or monopole project above a ridge line. Wireless telecommunications facilities that are proposed within a county, state or national historic district or preservation area will be required to be reviewed by the Baltimore County Landmarks Commission. Wireless telecommunications facilities may be incorporated into the structure of existing high-voltage electric transmission lines as a matter of right.
- 9. Conservation burial ground. (See Section 401.1.1.)
[Bill No. 6-2015]
- C. Application of zone. The R.C. 8 Zone is primarily intended to be applied to forested lands, reservoir watershed areas and extensive natural areas. The R.C. 8 Zone may not be applied to lands currently zoned R.C. 2 or R.C. 7.
- D. Prior zoning. If a property was zoned so that churches and other buildings for religious worship were permitted by right and were owned or under contract to a religious institution prior to being zoned as R.C. 8, churches and other buildings for religious worship are permitted by right on that property.

§ 1A09.4. Plans and permits.

All development must be in accordance with this section and the standards and guidelines for "rural preservation" and "scenic views" adopted pursuant to this section, and published as part of the Comprehensive Manual of Development Policies.

- A. Before the approval of any concept plan, development plan, limited exemption, special exception plan or variance, the Director of Planning or the Director's designee must certify in a written finding that the plan, exemption or variance is consistent with the spirit and intent of these regulations. To support the finding, the Director shall require information such as building elevations, building cross sections or view shed analyses pursuant to Sections 32-4-223 and 32-4-224 of the Baltimore County Code. The Director shall certify that any deviation from this section or the standards and guidelines cited above was necessary to:
 - 1. Meet another standard or guideline;
 - 2. Comply with environmental regulations or otherwise protect resources; or
 - 3. Achieve the best possible site design based on the goals in Section 1A09.1.B.
- B. Before the issuance of any building permit, the Director of Planning or the Director's designee shall certify that the

proposed development is in conformance with a plan approved pursuant to these regulations.

- C. A finding pursuant to this section may be appealed to the Baltimore County Board of Appeals within 30 days of the date of the finding by any person aggrieved by the finding.

§ 1A09.5. Natural resource protection.

[Bill No. 122-2010]

- A. Unless the applicant demonstrates to the Director of Environmental Protection and Sustainability or his designee that greater water quality or forest protection would result, the building envelope shall be located:
1. Outside of forested areas where possible;
 2. For forested tracts, within 100 feet of the perimeter of the forest;
 3. To minimize the number and length of roads and driveways; and
 4. To minimize the number of stream crossings.
- B. The Department of Environmental Protection and Sustainability may require alternative site layouts to achieve the water quality and forest protection objectives of this zone.

§ 1A09.6. Scenic views.

To protect the scenic views or, if necessary pursuant to Section 1A09.4, to mitigate the disturbance of scenic views, the Director of Planning may require that one or both of the following be clearly designated on the final record plat with appropriate notations:

- A. Areas where disturbance of natural vegetation is prohibited; or
- B. Areas where revegetation of landscaping is required.

§ 1A09.7. Development area and standards.

- A. Maximum height. No structure with a height greater than 35 feet is permitted, except as otherwise provided under Section 300.
- B. Area regulations.
1. Maximum lot density. A contiguous tract of land, whether or not in one or more parcels, not part of an approved subdivision may be developed in an R.C. 8 Zone at the following density:

Number of Acres	Number of Lots
1 to 10	1
10 to 30	2
30 to 50	3
51 acres or more	0.02 lot per acre

2. Lot area. The area of any proposed residential lot in a major or minor subdivision must not be less than three acres.
3. Building envelope. For residential development, the maximum area of the building envelope on any residential lot other than a farm is 20,000 square feet, and no single dwelling, garage or accessory building shall have a building footprint that exceeds 5,000 square feet. The placement of the building envelope is determined on the basis of:
 - a. The goals for the zone; and

- b. The minimum setbacks for the zone.
- 4. Minimum development allowance. Any lot of record or parcel of land lawfully existing on August 6, 2004, may be developed with a single dwelling.
- 5. Setbacks.
 - a. Any principal building constructed in an R.C. 8 Zone shall be situated at least:
 - (1) Thirty-five feet from the right-of-way of public or private interior streets;
 - (2) Eighty feet from any principal building; and
 - (3) Fifty feet from the rear lot line.
 - b.
 - (1) As determined by the Director of Environmental Protection and Sustainability, any dwelling or accessory residential structure to be constructed shall be located at least 300 feet from an adjacent property that is either:
[Bill No. 122-2010]
 - (a) Cultivated or used for pasture, or received preferential agriculture assessment at any time over the past five years;
 - (b) Land that is suitable for agriculture production, excluding forestry, that is not in production as part of a federal or state conservation program; or
 - (c) Land that is suitable for agriculture production, excluding forestry, and is subject to an agricultural or conservation easement.
 - (2) A modification to a residential dwelling in existence prior to August 6, 2004, is exempt from the requirements of this subsection.
- 6. Impervious surface coverage, nonresidential development. Except for residential lots which are subject to a building envelope restriction, no more than 5% of any lot may be covered by impervious surfaces such as structures or pavement.
- 7. Historic properties. No building or structure on a development tract which is officially included on the preliminary or final list of the Landmarks Preservation Commission or the National Register of Historic Places, or which is subject to an easement held by the Maryland Historical Trust will be counted as a lot or dwelling for purposes of calculating density, provided that:
 - a. There is an area of sufficient size, as determined by the Director of Planning in consultation with the Landmarks Preservation Commission or Maryland Historical Trust, surrounding the building, structure or landmark to preserve the integrity of its historic setting;
 - b. An overall photographic and written description of the building, structure or landmark identified has been submitted and is determined to be in compliance with the Secretary of the Interior's standards for the treatment of historic properties;
 - c. Documentation of the preservation, restoration and protection for the building, structure or landmark has been approved by the Director of Planning in consultation with the Maryland Historical Trust prior to issuance of any building permit; and
 - d. When provisions of this paragraph apply to any development, the conditions for approval must be noted on the concept plan and development plan, or the minor subdivision plan.
- C. Performance standards. Conditions for approval pursuant to this section must be noted on the concept plan and development plan, or minor subdivision plan. The following standards are intended to foster creative development that

promotes the goals stated in Section 1A09.1B.

1. Stormwater management, Stormwater management facilities shall be integrated into the site design to utilize nonstructural practices unless it is demonstrated that this is not possible.
2. Buildings.
 - a. Buildings must be located on the least visually prominent portion of the site from the public road, consistent with effective resource protection, except where appropriate to continue an established pattern of development along the edge of the road.
 - b. Buildings should reflect the traditional rural character of the area in architectural form, scale, materials and detailing and in landscaping context.
 - c. Dwellings and other principal use buildings should be front-oriented to public rights-of-way; reverse-fronted lots generally will not be permitted.
 - d. All of the exterior walls of a building must be treated similarly with respect to materials, color and architectural details.
 - e. Structures accessory to residential use, excluding agricultural buildings, but including solar panels, antennas and storage sheds, are not permitted in the front yard of any principal use. Section 400.1 is not applicable in an R.C. 8 Zone; however, the height of accessory structures is subject to the provisions of Section 400.
 - f. If buildings are located in open fields because of site constraints, additional landscaping and berms, or either of them, may be required to soften views.
3. Roads, parking areas and storage areas.
 - a. Interior roads must conform to Baltimore County's standards for rural roads, and no paved section of road may exceed a width of 18 feet, except for turnaround areas.
 - b. Curbing must not be used unless required for storm drainage, as determined by the Department of Public Works.
 - c. Perimeter fencing of residential properties must be in keeping with rural character. Fences must be either split rail or board on post, and the type of fence must be consistent throughout the development.
 - d. Off-street parking and vehicle or equipment storage areas, when necessary for nonresidential or non-farm uses, must be visually screened by fencing, buildings or vegetation, or a combination thereof, from the public roads and dwellings.
 - e. Areas for the outside storage of materials or supplies for nonagricultural commercial uses, except merchandise offered for sale by antique shops, must be visually screened by fencing, buildings or vegetation, or a combination thereof, from all public roads and dwellings.
 - f. Lighting, such as streetlights, elevated security lights, floodlights, high-intensity house and barn lights are not permitted. However, low-intensity, low-level accent lights and sensor lights no more than 20 feet above the ground may be requested as part of the development review. The light fixtures should be of a style that diffuses light by use of full cutoffs.
4. Screening. Visual screening for privacy or to block distracting views should be natural in appearance and sensitive to grade relationships. Screens should not disrupt the harmony of the natural landscape or obstruct scenic views.
5. Signs.
 - a. Community signs are prohibited. Subdivisions may be identified by street signs.
 - b. A nonresidential principal use may be identified by:

- (1) An enterprise sign, subject to Section 450; or
- (2) An identification sign, subject to Section 450.

§ 1A09.8. Inconveniences arising from agricultural operations.

Any dwelling in an R.C. 8 or adjacent zone may be subject to inconveniences or discomforts arising from agricultural operations. These may include noise, odors, fumes, dust, the operation of machinery during any twenty-four-hour period, the storage and disposal of manure and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The County shall not consider an agricultural operation to be a public or private nuisance if the operation complies with these regulations and all federal, state or county health or environmental requirements.

Baltimore County, MD
Wednesday, October 21, 2015

ARTICLE 1B. Density Residential (D.R.) Zones

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

§ 1B01.3. Plans and plats.

A. Development plans.

1. Purpose. This paragraph is intended:
 - a. To provide for the disclosure of development plans to prospective residents and to protect those who have made decisions based on such plans from inappropriate changes therein; and
 - b. To provide for review of residential development plans to determine whether they comply with these regulations and with standards and policies adopted pursuant to the authority of Section 504.
2. Partial development plan. For the purposes of this article, a "partial development plan" is a portion of a final development plan, and a partial or final development plan is "applicable" to a given lot if it covers all property in the subdivision within 300 feet of the given lot, in addition to the lot itself.
3. Subdivision lot sales, development and use subject to partial development plan. No interest in any lot which is in a D.R. Zone and is hereafter created by subdivision of a record lot existing on the effective date of this article or created by consolidation of such lots may be sold unless a final or partial development plan applicable to the lot has been approved as required under Paragraph 6, below; further, no use may be established and no construction may take place on any lot so created except in accordance with such a plan. The provisions of this paragraph shall not apply to Class A assisted living facilities.
[Bill No. 188-1993]
4. Notice in conveyance. Any party who sells an interest in real property within an area covered by an approved partial or final development plan shall attach to the instrument of sale a notice directing the buyer's attention to the plan (including any amendment) and listing the location of the various certified copies which may be publicly inspected (Paragraph 6), together with a listing of the recorded plats covering all portions of the subdivision as a whole. The notice shall also generally apprise the buyer of the rights, requirements and remedies provided under the development plan, those provided under this article and these zoning regulations in general, and those set forth in provisions adopted pursuant to the authority of Section 504, and, to this end, the notice shall be on a form issued by the county and approved by the Office of Law, the Zoning Commissioner, and the Planning Board as being clear and sufficient for the purpose.
5. Forms and content of plans.
 - a. Forms. Each partial development plan must be filed both as a separable document or set of documents and as part of a final development plan which includes all partial development plans as approved for other portions of the subdivision. Upon approval, each final development plan thus filed supersedes previous final development plans of the subdivision.
 - b. Content. Each partial and final development plan must show: the locations, types and exterior dimensions of all proposed structures and all existing structures to be retained; generalized floor plans to scale; layout of parking facilities; streets and drives giving access to and lying within the tract; existing topography and major vegetation; proposed grading; common amenity open space (including local open space); all

additional information that may be required under procedures adopted pursuant to the authority of Section 504; and all additional information which is necessary, as determined by the Director of Permits, Approvals and Inspections, to ascertain whether the project will comply with the zoning and subdivision requirements of Baltimore County. The plan shall contain the note that landscaping and screening shall conform to the standards contained in the Baltimore County Landscape Manual adopted pursuant to § 32-4-404 of the Baltimore County Code.

[Bill Nos. 137-2004; 122-2010]

6. Initial review and approval procedure. Procedural steps and requirements in the submission and review of various preliminary versions of partial and final development plans shall be as established provisions adopted pursuant to the authority of Section 504 or, in the absence of such provisions, as established by the Department of Planning. In formulating such steps and requirements, the Planning Board or the Department of Planning shall effect maximum coordination between the integration with similar and related steps and requirements in the submission and review of plans pursuant to the subdivision regulations. If the partial and final development plans for a subdivision are approved by the Zoning Commissioner as complying with the zoning regulations, approved by the Director of Planning as being consistent with the subdivision regulations and any subdivision plans filed pursuant thereto, and approved in such other manner as may be prescribed under provisions adopted pursuant to the authority of Section 504, copies of the plans, certified by the Zoning Commissioner and the Director of Planning as having been so approved, shall be filed with such county or state agencies as they may direct and as may otherwise be required, and shall be retained in the files of the Department of Planning, including the files of the Zoning Commissioner.
[Bill No. 55-2011]
7. Amendment of approved development plans. After partial or final development plans have been approved as provided under Paragraph 6, preceding, they may be amended only as provided below:
 - a. Amendment prior to sale of interest in nearby property. The development plans may be amended by simple resubmission, or by the submission of appropriate documents of revision, subject to the same requirements as are applied to original plans, if there is no change with respect to any lot, structure or use within 300 feet of a lot or structure which has been sold since the original plans were filed.
 - b. Amendment after sale of interest in nearby property or upon demand for hearing. In the case of an amendment not allowed under Subparagraph a, by reason of sale of property within the area, or in case of a demand for hearing by an eligible individual or group, the plans may be amended through special exception procedures, in the manner provided under Section 502 and subject to the following provisions:
 - (1) The amendment must be in accord with the provisions of the Comprehensive Manual of Development Policies and with the specific standards and requirements of this article, as determined by the Department of Planning. The Director, on behalf of the Planning Board, shall notify the Zoning Commissioner accordingly.
[Bill Nos. 29-1995; 55-2011]
 - (2) Only an owner of a lot abutting or lying directly across a street or other right-of-way from the property in question, an owner of a structure on such a lot, or a homes association (as may be defined under the subdivision regulations or under provisions adopted pursuant to the authority of Section 504) having members who own or reside on property lying wholly or partially within 300 feet of the lot in question are eligible to file a demand for hearing.
[Bill No. 29-1995]
 - (3) It must be determined in the course of the hearing procedure that the amendment would be consistent with the spirit and intent of the original plan and of this article.
[Bill No. 29-1995]
 - c. Amendment upon request by owner of lot within subdivision. The Zoning Commissioner may, without a public hearing but with the concurrence of the Director of Planning, amend the plans with respect to a structure on an individual lot created under the plans and used according to the purpose stated therein, or

with respect to such lot, at the request of the lot owner, under the following requirements and conditions:

- (1) Reasonable notification, by a standard method established pursuant to the authority of Section 504 and approved by the County Attorney, must be given to the occupants and owners of all real property which is fully or partially situated within 300 feet of the lot in question.
 - (2) It must be determined that a formal demand for hearing by an eligible individual or group, as described in Paragraph b, has not been filed.
 - (3) It must be determined that standards adopted under the authority of Section 504, in addition to the specific requirements under these regulations, will not be violated by the amendment.
 - (4) The Zoning Commissioner and the Director of Planning must certify that the amendment is in keeping with the spirit and intent of this article and other Baltimore County land use and development requirements administered by them, and both must certify that the amendment does not violate the spirit and intent of the original plan.
- d. Any amended development plan and any document of amendment of such a plan must be filed with all agencies or officials with whom copies of the original plan have been filed pursuant to paragraph above, and no amendment takes effect otherwise.

B. Final subdivision plat.

1. Purpose. Pursuant to the regulations for D.R. Zones, a portion of a tract of land may be subdivided for development at a higher residential density than the maximum average density permitted, lessening the permitted density of development on the remainder of the tract; or a portion of the tract may be subdivided for development at less than the maximum average density, thus increasing the density at which the remainder of the tract may be developed (Section 1Bo1.2.A). It is the purpose of this paragraph to assure that these factors will be identified in the sale of any portion of a development tract in a D.R. Zone and, in particular, to prevent the unknowing purchase of a tract which, as a result of such prior subdivision, may not itself be developed at the average gross density specified in the regulations.
2. Effect. No subdivision of a tract or a portion of a tract may be created after the effective date of this article, except as otherwise provided under Section 1Bo2.3.A.2 unless the final subdivision plat therefore contains a summary showing the total number of dwelling or density units allowed for the entire tract under the applicable D.R. Zones. The summary shall indicate, as appropriate, the number of dwelling or density units utilized by previous final subdivision plats for portions of the same tract, the number of dwelling or density units contained in the current subdivision plat, and the balance of dwelling or density units allowed for the remainder of the tract under the applicable D.R. Zone(s). It is the intent of these zoning regulations to prohibit subdivision or resubdivision of portions of a tract in a D.R. Zone in a manner so as to exceed the total number of dwelling or density units allowed under the applicable D.R. Zone(s) for the entire tract.

Baltimore County, MD
Wednesday, October 21, 2015

ARTICLE 3. Exceptions to Height and Area Requirements

SECTION 307. Variances

§ 307.1. Authority to grant variances; procedures and restrictions.

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification.^[1] Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

[1] *Editor's Note: Apparently conflicts with certain provisions found in the Baltimore County Code, 2003, as revised, which prescribe requirements with respect to notice and hearing regarding conventional reclassification petitions that differ from those which it prescribes regarding variance petitions. See the Appendices of this volume for excerpts from the Baltimore County Code, 2003. See Section 32-3-301 for authority of the Zoning Commissioner to grant variances, and Section 32-3-103 for provision regarding conflicts between Article 32, Title 3 of the Baltimore County Code, 2003 and the Zoning Regulations.*

Baltimore County, MD
Wednesday, October 21, 2015

ARTICLE 4. Special Regulations

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^[1]]

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 subject to the following:
 - a. The declaration of understanding and property description, including any conditions, restrictions, or regulations imposed by the Department or the Office of Administrative Hearings, shall be recorded in the land records of Baltimore County and a copy shall be filed with the Department; and
 - 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.
- [1] *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.*

Baltimore County Code

- (a) *In general.* The Board of Appeals shall:
 - (1) Conduct a hearing on the petition within 30 days after the petition was filed or as immediately thereafter as the Board's schedule provides; and
 - (2) Issue an order within 10 days after the hearing if there is no opposition.
- (b) *Opposition to a petition.* If there is opposition to a petition, the Board of Appeals may continue a hearing to allow for further presentation of the issues.
(1988 Code, § 26-134) (Bill No. 42, 1990, § 1; Bill No. 103-02, § 2, 7-1-2004)

§ 32-3-236. EXCLUSIVE PROCEDURE.

A petition filed under this Part is not subject to any procedure for the filing of petitions set forth under this Code but is required to satisfy the procedure as set forth under this Part.
(1988 Code, § 26-134) (Bill No. 42, 1990, § 1; Bill No. 103-02, § 2, 7-1-2004)

SUBTITLE 3. VARIANCES

§ 32-3-301. AUTHORITY OF ZONING COMMISSIONER.

- (a) *In general.* Except as provided in § 32-3-515 of this title and consistent with the general purpose, intent, and conditions set forth in the Baltimore County Zoning Regulations, upon petition, the Zoning Commissioner may:
 - (1) Grant variances from area and height regulations;
 - (2) Interpret the zoning regulations; and
 - (3) Grant special exceptions.
- (b) *Appeal.* A decision of the Zoning Commissioner under subsection (a) of this section may be appealed to the Board of Appeals as provided in this article.
- (c) *Conditional or restricted variance.* The Zoning Commissioner may grant a variance with conditions or restrictions that the Zoning Commissioner determines are appropriate for the purpose of protecting the health, safety, or general welfare of the surrounding community.
(1988 Code, § 26-127) (Bill No. 18, 1990, § 2; Bill No. 91, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 103-02, § 2, 7-1-2004)

§ 32-3-302. SAME – HEARING REQUIRED; NOTICE.

- (a) *In general.* Except as provided in § 32-3-303 of this subtitle, the Department of Permits, Approvals and Inspections shall schedule a public hearing on a petition for a variance or special exception for a date not less than 21 days and not more than 90 days after the petition is accepted for filing.
- (b) *Notice.*
 - (1) The Department of Permits, Approvals and Inspections shall ensure that notice of the time and place of the hearing relating to the property under petition be provided:

Baltimore County Code

- (i) By conspicuously posting the notice on the property for a period of at least 20 days before the date of the hearing;
- (ii) By a notice in at least one newspaper of general circulation at least 20 days before the hearing; and
- (iii) By posting notice on the county's internet website.
- (2) The notice shall provide:
 - (i) The address of the property under petition or, if not available, a description of the property; and
 - (ii) The action requested by the petition.
- (c) *Referral to Director of Planning.* Once a hearing date for a petition is established, the Department of Permits, Approvals and Inspections shall promptly forward a copy of the petition to the Director or Deputy Director of the Department of Planning for consideration and a written report containing findings relating to planning factors. (1988 Code, § 26-127) (Bill No. 18, 1990, § 2; Bill No. 91, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 103-02, § 2, 7-1-2004; Bill No. 122-10, §§ 12, 30, 1-16-2011; Bill No. 55-11, §§ 1, 2, 10-16-2011; Bill No. 15-12, § 1, 5-20-2012)

§ 32-3-303. SAME – ADMINISTRATIVE SPECIAL HEARING.

- (a) *In general.*
 - (1) Notwithstanding the hearing requirements under § 32-3-302 of this subtitle, the Zoning Commissioner may grant variances from area and height regulations without a public hearing if the variance petition involves an owner-occupied lot zoned residential, as defined by the Baltimore County Zoning Regulations.
 - (2) (i) In order to receive a variance without a hearing, the petitioner shall file a supporting affidavit with the petition under oath made on the personal knowledge of the petitioner that sets forth facts that would otherwise satisfy the petitioner's burden of proof if a hearing were to be required.
 - (ii) The affidavit is in addition to the information required by the Zoning Commissioner on the petition.
 - (3) The Zoning Commissioner may not grant a variance under this section unless notice of the petition is conspicuously posted on the property for a period of at least 15 days following the filing of the application in accordance with the requirement of the Department of Permits, Approvals and Inspections.
- (b) *Request for public hearing.*
 - (1) Within the 15 day posting period required under subsection (a)(3) of this section, an occupant or owner within 1,000 feet of the lot in question may file a written request for a public hearing with the Department of Permits, Approvals and Inspections.
 - (2) The Department shall schedule a hearing to be held on a date within 75 days after receiving a request for a public hearing.
- (c) *Discretion of Commissioner to require a hearing.* If a written request for a public hearing is not filed, the Zoning Commissioner may:
 - (1) Grant the variance without a public hearing, if the requested variance is in strict harmony with the spirit and intent of the height and area requirements of the Baltimore County Zoning Regulations, and any other applicable requirement; or

12/15/14

IN RE: PETITION FOR VARIANCE
(6200 Glen Falls Road)

Richard M. Folio,
Petitioner

4th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* CASE NO. 2014-0185-A

* * * * *

OPINION AND ORDER TO STAY PROCEEDINGS

This matter comes before the County Board of Appeals ("the Board") as an appeal of the Opinion and Order, as well as the subsequent final Order on Motion for Reconsideration, issued by Administrative Law Judge ("ALJ") John E. Beverungen. In his initial Opinion and Order dated May 23, 2014, ALJ Beverungen denied a petition for area variances requested by Petitioner, Richard M. Folio, owner of the subject property at 6200 Glen Falls Road. By Order on Motion for Reconsideration, ALJ Beverungen revised his decision on June 30, 2014 and granted the requested variances, with restrictions. A timely appeal to this Board was filed by Donna Ward, a neighbor of the subject property.

The Board scheduled and convened the *de novo* appeal hearing on October 16, 2014. Appearing at the public hearing was Petitioner, Richard M. Folio. He was represented by Lawrence E. Schmidt, Esquire and Smith, Gildea & Schmidt, LLC. Also appearing was Peter Max Zimmerman, Esquire, People's Counsel of Baltimore County. Several residents of the surrounding locale also appeared in opposition to the variance request. These neighbors included George Neubeck, Donna Ward, Paul Joyce, C. Robert Holtz, Vicki Locklear, and Frank Valentine.

At the onset of the hearing, counsel jointly moved that the Board stay these proceedings and require the Baltimore County Planning Director or her designee to perform their review function prescribed legislatively for specified zoning and development petitions in the R.C. 8 (Environmental Enhancement) Zone, including zoning variances. The Board will grant that Motion and, for reasons as stated below, will stay these proceedings, instruct the Planning Director to perform within 45 days the legislatively prescribed review function, and retain jurisdiction to reconvene these proceedings after that is done.

The parties represented and agree as follows. The Folio property is a 3.001 acre property zoned R.C. 8 with frontage on Glen Falls Road in rural northwestern Baltimore County. People's Counsel CBA Ex. No. 3. The boundary between Baltimore County and Carroll County is but a short distance away to the west. The property is improved with a single-family detached dwelling, in which Petitioner and his children reside. The property also has a number of other accessory uses and structures, including a swimming pool, tennis/basketball court, shed and attached garage. There is also a turf soccer pitch (field) laid out in the rear of the property.

The variances are for a proposed new 2-story detached garage/pool house building. This is to be constructed and located in front of the swimming pool and to the side and partially in front of the dwelling. Therefore, Petitioner requested variances to allow the structure to be in the front/side yard in lieu of the required rear yard (BCZR § 400.1) and with a height of 24 feet, in lieu of the maximum permitted 15 feet (BCZR § 400.3). As noted, ALJ Beverungen initially denied the variances but, upon reconsideration, granted them with conditions.

The preliminary Motion for Stay made by the parties here relates to the current zoning classification of the property (i.e. R.C. 8) and the applicable regulations. By legislative act of the Baltimore County Council during the 2008 Comprehensive Zoning Map Process ("CZMP"), the property was in an area rezoned from R.C. 4 (Watershed Protection) to R.C. 8. Bill 87-08, Issue 3-077: People's Counsel CBA Ex. No. 4.

Prior to this rezoning and at the time of subdivision approval, the subject property was zoned R.C. 4. The subject property was originally part of a larger tract of land encompassing approximately 26.6 acres known as the Plummer property. In 1989, the then owners of the Plummer property proposed a residential subdivision of this tract. Under the then applicable R.C. 4 Zone regulations, there was proposed a subdivision which created five building lots, plus a non-buildable one-acre parcel of land designated as Parcel B. The Folio lot (3.001 acres) was designated as Lot 1. As shown in the recorded subdivision plat (Pet. ALJ Exh. No. 2), the County Review Group (CRG), then the approving authority, approved the plan for development in 1989, followed by a refinement in 1991. The five lots ultimately were built out and developed accordingly. Mr. Folio has owned his property since 1998.

Although the R.C. 4 and R.C. 8 zones are both "resource conservation" zones, they are regulated separately and have different use and development standards. The regulations governing the R.C. 8 zone came into being via legislative act of the Baltimore County Council in

Bill 76-2004, People's Counsel CBA Ex. No. 5. They are set forth in BCZR § 1A09.1 through § 1A09.8. (People's Counsel CBA Ex. No. 6). The R.C. 4 regulations are codified in BCZR § 1A03.1 through 1A03.8.

The R.C. 8 zone is an "environmental enhancement" zone and is applied to rural areas of the county where there are viable historic, cultural, recreational and environmental resources. Limited development is allowed in the zone by right, including single-family dwellings and accessory structures. Significantly, BCZR § 1A09.4 provides, in part, that before any variance can be approved "the Director of Planning or the Director's designee must certify in a written finding that the . . . variance is consistent with the spirit and intent of these regulations." If the Planning Director finds "... any deviation from this section or the standards and guidelines cited above," (in the introduction to BCZR Sec. 1A09.4), then the proposal must meet one of three enumerated criteria to qualify for certification. BCZR Sec. 1A09.4.1, 2, 3.

For the sake of completeness, BCZR Sec. 1A09.4.A states,

"BCZR 1A09.4. Plans and Permits : All development must be in accordance with this section and the standards and guidelines for "rural preservation" and "scenic views" adopted pursuant to this section, and published as part of the Comprehensive Manual of Development Policies.

A. Before the approval of any concept plan, development plan, limited exemption, special exception plan or variance, the Director of Planning or the Director's designee must certify in a written finding that the plan, exemption or variance is consistent with the spirit and intent of these regulations. To support the finding, the Director shall require information such as building elevations, building cross sections or view shed analyses pursuant to Sections 32-4-223 and 32-4-224 of the Baltimore County Code. The Director shall certify that any deviation from this section or the standards and guidelines cited above was necessary to:

1. Meet another standard or guideline;
2. Comply with environmental regulations or otherwise protect resources; or
3. Achieve the best possible site design based on the goals in Section 1A09.1.B.

As noted by the parties, no such written finding, determination, or certification has been authored by the Director of Planning. To the contrary, the parties explained that the Director of Planning, via her staff, opined that no such certification is required.

On May 14, 2014, the day before the ALJ hearing, as stated in an e-mail from then area planner in reply to Petitioner Folio's counsel's request for review, the Office of Planning took

the position that because the subdivision was approved when the property was zoned R.C. 4, the R.C. 8 requirements do not apply in this case. (People's Counsel CBA Ex. No. 7).

Obviously, neither People's Counsel nor Petitioner could compel the Department of Planning to prepare a certification at that time. Indeed, People's Counsel was not copied on the e-mail. The case proceeded before ALJ Beverungen as if the R.C. 4 Zone applied.

After Donna Ward filed her appeal, People's Counsel reviewed in detail the record and found, in his opinion, that there is no legal basis for the Planning Department's substitution of the R.C. 4 Zone for the R.C. 8 Zone. He communicated his view to counsel for Petitioner Folio, Mr. Schmidt, and to Donna Ward. Consistent with his original view, counsel for Petitioner agreed with People's Counsel. This led to the joint motion to stay the present proceedings.

The bottom line is that the Board currently has no written finding, determination, or certification by the Planning Director to consider when it deliberates on the variances. Upon review of the applicable law, the Board agrees with the parties that such is required.

At the Board hearing, Petitioner and Peoples' Counsel explained why, notwithstanding the Planning Director's opinion, the R.C. 8 zone and its requirements do apply to this case. It is well settled law in Maryland that zoning laws are to be applied *retroactively* absent a legislative requirement to the contrary. As noted by the Court of Appeals in Layton v. Howard County Board of Appeals 339 Md. 36, 65 (2007), "in land use and zoning cases, the law shall be applied as it is in effect at the time of argument."

When the zoning classification or regulations applicable to a property change, they apply retroactively unless the new zoning legislation explicitly narrows its impact, has a grandfather clause, or affects vested rights. Accordingly, a relevant change in zoning law ordinarily applies to pending cases. Banner v. Home Sales Company D 201 Md. 425, 428 (1953); Lake Falls Ass'n v. Board of Zoning Appeals of Baltimore County 210 Md. 561, 565 (1956); Yorkdale Corp. v. Powell 237 Md. 121 (1964); Grasslands Plantation v. Frizz King Enterprises 410 Md. 191, 217-28 (2009); Maryland Reclamation Assoc. v. Harford County 414 Md. 1, 44-45 (2010); and McHale v. DCW Dutchship Island 415 Md. 145, 159-71 (2010). The Court of Appeals wrote long ago in Banner,

"The zoning contested in this case before the Court has been superseded by the [legislative] zoning authorities." 201 Md. at 428.

The Court quoted Banner in Lake Falls Ass'n, carried it forward in the oft-quoted Yorkdale case, and has adhered to this principle ever since.

Nevertheless, the May 14 Planning staff (Bialek, J.) e-mail stated,

"This subdivision was created under RC 4 zoning therefore, pursuant to Section 103.1 of the BCZR, there is no need for the DOP to issue a finding."

It is this e-mail which triggered the issue as to choice of zone, so to speak.

BCZR Sec. 103.1 was originally enacted as part of the 1955 Baltimore County Zoning Regulations (People's Counsel Ex. No. 8). It contains substantially the same language today. This section states, in pertinent part (People's Counsel CBA Ex. No. 9):

"Section 103 – Application of Zoning Regulations

103.1 – These Regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the then Baltimore County Planning Commission, now Planning Board, and approved or tentatively approved (including any approval made subject to any condition or conditions) under the then existing official procedure in Baltimore County, prior to the adoption of these Regulations. The zoning regulations applicable to any such development, subdivision or parcel of land as aforesaid shall be the zoning regulations in effect at the time such plan, as aforesaid, was originally submitted to the Baltimore County Planning Commission."

It thus contains certain grandfathering language that provides that the regulations shall not apply to development which was originally submitted and approved by the County Planning Commission (now Planning Board). BCZR §103.1 further states that such development shall be governed by the regulations then in effect. Similar language appears elsewhere in the BCZR. For example, BCZR § 1B02.3 provides for certain previously existing standards to be applied to existing residential development in the D.R. zone.

The Baltimore County Planning Commission was the institution which reviewed and approved subdivision plans prior to the 1956 adoption of the Baltimore County Charter. BCZR Sec. 103.1 was a transitional provision to grandfather subdivisions approved by the Commission under the previous 1945 zoning regulations, some of which subdivisions likely were still in various stages. It was not intended to control subdivisions filed and reviewed in future generations by newly created institutions (Planning Board, CRG, Hearing Officer). It was not intended to freeze the zoning governing a plan approved by the CRG in 1989, 34 years later.

Indeed, if BCZR 103.1 had that scope, then every new residential zoning case would require an inquiry into the zone in place when the subdivision was created and also the particular zoning regulations of the zone at that time. This is not done, and it would be unreasonable to do so. BCZR Sec. 103.1 does not have the expansive scope given here by the Planning Director.

Accordingly, we conclude that the general rule of law is applicable; that is, that the current R.C. 8 regulations apply to the requested variances, notwithstanding that the property was "developed" when zoned RC 4. Therefore, we find the Planning Director or her designee must review the petition, make a finding and determination and consistency, and issue a certification in accordance with BCZR § 1A09.4.A before this Board can consider this case.

We also note BCZR § 1A09.4.C provides that the certification can be independently appealed to the Board "by any person aggrieved by the finding." In this case, one of the parties (Mr. Folio or the opposing neighbors/People's Counsel) may feel aggrieved by the finding and/or certification from the Planning Director either that the proposed variances are consistent or not with the spirit and intent of the R.C. 8 regulations.

Under the present circumstances, we do not believe that a separate appeal of that certification is required. Because of the unusual posture of this case, in the interest of justice and efficiency, the Board shall retain jurisdiction.

In this regard, we note the provisions of BCZR § 501.4 and our holding in the recent matter, *In Re: Lutherville*, Case No. 14-009. In that case we observed that the Board can employ such technical, expert or other assistance as in its judgment may be required to determine a question before it. The Board may also, on its own authority, subpoena witnesses. (See Board's Rules of Practice and Procedure, Rule 5) Under this authority, the Board will therefore stay the proceedings in the instant case. Although retaining its jurisdiction in this matter, the Board hereby directs that a copy of this Opinion and Order be forwarded to the Planning Director, with instructions that that Office transmit to the Board the findings, determination, and/or certification required under BCZR § 1A09.4.A within forty five (45) days hereof. Upon receipt of that transmission, the Board shall reschedule this case for further proceedings, including a reconvening of the public hearing. At that hearing, the parties can address and the Board will consider all issues concerning this matter, including both the Planning Director's certification, as well as the underlying variance. In other words, the stay shall not prejudice the right of any party

to challenge the Planning Director's finding, determination, or certification in the same manner as they could on a direct *de novo* appeal.

ORDER

THEREFORE, IT IS THIS 15th day of December, 2014 by the County Board of Appeals for Baltimore County

ORDERED, that this case be and is hereby STAYED and that a copy of this Order be forwarded to the Department of Planning in accordance with the provisions herein; and

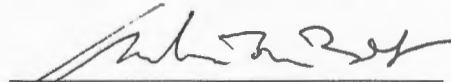
ORDERED, that the Planning Director or her designee prepare and submit to the Board a written finding, determination, and certification as required in BCZR § 1A09.4.A within forty five (45) days of the date of this Order; and

ORDERED, that upon transmittal of that certification to the Board by the Planning Director as described herein, the Board shall thereafter schedule this matter for further proceedings (including a reconvening of the public hearing) as may be required, with no further action to be taken on this Ruling until such time as the Board's final decision is issued; and

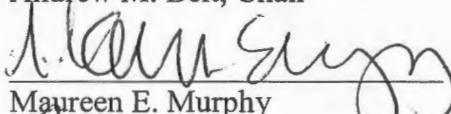
ORDERED, that the Board hereby retains jurisdiction, that it is not necessary for any party aggrieved or dissatisfied by the Planning Director's finding, conclusion, or certification to file an appeal, and that any party may raise issues or challenge the Planning Director's determination upon the resumption of Board proceedings.

(SIGNATURES ON FOLLOWING PAGE)

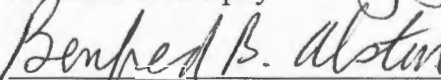
THE COUNTY BOARD OF APPEALS FOR
BALTIMORE COUNTY, by



Andrew M. Belt, Chair

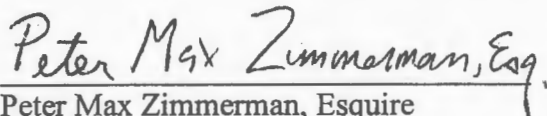


Maureen E. Murphy

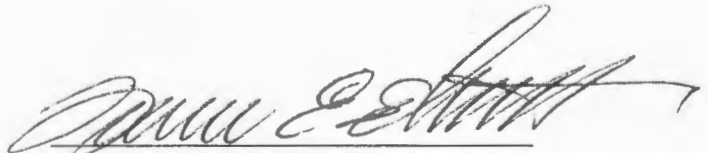


Benfred B. Alston

AGREED AS TO SUBSTANCE AND FORM:



Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204



Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 15, 2014

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Peter Max Zimmerman
People's Counsel for Baltimore County
Office of People's Counsel
105 W. Chesapeake Avenue, Room 204
Towson, Maryland 21204

RE: *In the Matter of: Richard M. Folio, Petitioner*
Case No.: 14-185-A

Dear Counsel:

Enclosed please find a copy of the Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Pursuant to the enclosed, this Order is not a final decision of the Board of Appeals for Baltimore County and does not constitute an appealable event at this time. This matter will be held open on the Board's docket until such time as a final opinion can be issued.

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

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Multiple Original Cover Letter

c: Richard M. Folio
S. Glenn Elseroad
Frank and Donna Valentine
George Neubeck/Hanover Road Association, Inc.
Paul E. Joyce/Hanover Road Association, Inc.
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney/Office of Law
Michael Field, County Attorney/Office of Law

Donna Ward
Vicki Locklear
Michael L. Snyder, Esquire
C. Robert Holtz
Kenneth Wells

6/30/14

IN RE: PETITION FOR VARIANCE

(6200 Glen Falls Road)

4th Election District

3rd Councilmanic District

Richard M. Folio

Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2014-0185-A**

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Petitioner sought variance relief to construct a pool house/garage on his property at 6200 Glen Falls Road. Following a public hearing, that petition was denied by Order dated May 23, 2014.

Petitioner has filed in a timely fashion a Motion for Reconsideration, received in the Office of Administrative Hearings (OAH) on June 20, 2014. Therein, Petitioner correctly notes that the petition for variance was denied because the proposed improvements would have exceeded the 10% impervious coverage limitation in the RC 4 zone. The May 23rd Order in fact recited that the configuration of the lot and the grade change throughout the site rendered the property unique. That Order also indicated Petitioner would experience a practical difficulty if the regulations were strictly interpreted.

Petitioner now requests that variance relief be granted, with the condition that the impervious coverage on the lot be reduced below 10%, as required by B.C.Z.R. §1A03.4.B.3. Since this was the only impediment identified in the original Order, the Motion shall be granted.

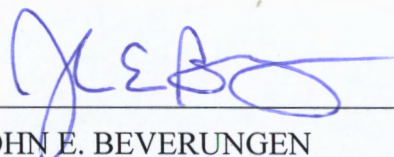
THEREFORE, IT IS ORDERED, this 30th day of June, 2014 by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration be and hereby is GRANTED;

IT IS FURTHER ORDERED that the Petition for Variance to permit a proposed accessory

structure (garage/pool house) located in the front yard in lieu of the required side or rear yard;
and to permit a height of 24' in lieu of the maximum height of 15', be and is hereby GRANTED,
subject to the following:

Prior to issuance of any permits for construction and/ or grading, Petitioner shall reduce to below 10% the impervious coverage on the lot, as determined in the sole discretion of the Department of Permits, Approvals and Inspections (PAI) and/or Department of Environmental Protection and Sustainability (DEPS).

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:sln

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 30, 2014

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: **Motion for Reconsideration**-Petition for Variance
Property: 6200 Glen Falls Road
Case No.: 2014-0185-A

Dear Counsel:

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,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

C: Richard M. Folio, 6200 Glen Falls Road, Reisterstown, Maryland 21136
Paul E. Joyce, 15713 Dover Road, Upperco, Maryland 21155
Donna Ward, 6130 Glen Falls Road, Reisterstown, Maryland 21136
Vicki Locklear, 6134 Glen Falls Road, Reisterstown, Maryland 21136
S. Glenn Elseroad, 5423 Mt. Gilead Road, Reisterstown, Maryland 21136

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
RAY M. SHEPARD
JASON T. VETTORI
DAVID W. TERRY*

CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO
LAUREN M. DODRILL
NATALIE MAYO
ELYANA TARLOW
of counsel:
DAVID T. LAMPTON

*LICENSED IN MO, IL, AR ONLY

June 20, 2014

Sent Via Hand Delivery

John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

JUN 20 2014

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Folio - 6200 Glen Falls Road
Case No. 2014-0185-A

Dear Administrative Law Judge Beverungen:

This is in reference to your Opinion and Order issued in the above captioned case dated May 23, 2014. Pursuant to Rule K of your Rules of Practice and Procedure, kindly accept this letter as a Motion for Reconsideration of that decision.

Your decision recites the facts of this case and concludes that the subject property is unique, given its configuration and topography. Thus, that prong of the legal test enunciated in Trinity Assembly of God v. People's Counsel 407 Md. 53 (2008) is satisfied. Your written decision further states that the property owner (Mr. Folio) would suffer a practical difficulty if the variance were denied. Thus, the second (and remaining) test enunciated in Trinity is satisfied.

Notwithstanding these findings, you denied the variance due to the requirements of BCZR Section 1A03.4.B.3. This provision relates to the RC 4 zone and limits impervious lot coverage to an area not to exceed 10% of the property. Your opinion finds that the subject property is three acres in area (130,680 square feet) and notes that a calculation of the existing impervious area was submitted into evidence by an interested neighbor. This calculation opined that the existing impervious surface is 12,082 square feet and that the proposed improvements will increase that coverage to 13,618 square feet. As you stated, this "would exceed (by nearly 600 square feet) the allowance referenced above."

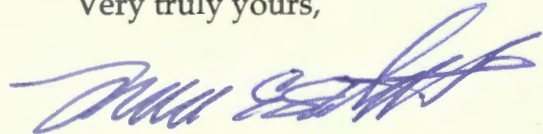
For the purposes of this Motion only, my client does not dispute the neighbor's calculation, which was the only evidence offered on this issue. However, my client does ask that you reconsider your decision. Specifically, in view of your findings insofar as to uniqueness and

John E. Beverungen, Esquire
Office of Administrative Hearings
June 20, 2014
Page 2

practical difficulty, we ask that you grant the variance but condition that approval. That condition would be that the Petitioner comply with the findings in your decision via the removal of 600 square feet of existing impervious area (anticipated by reduction of existing driveway, parking or sidewalk area) or by the downsizing of the proposed improvements (or a combination of both). A reduction and/or adjustment of the existing/proposed impervious area on the property as proposed herein would bring the property into compliance as required in your decision. Obviously, this condition could easily be enforced when building permits are issued for the proposed garage structure, which will (as required) reference this case.

Your favorable consideration of this request is appreciated.

Very truly yours,



Lawrence E. Schmidt

LES/amf

CC: Rick Folio
Paul E. Joyce
Donna Ward
Vicki Locklear
S. Glenn Elseroad

5/23/14
IN RE: PETITION FOR VARIANCE
(6200 Glen Falls Road)
4th Election District
3rd Councilmanic District
Richard M. Folio
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2014-0185-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owner of the property, Richard M. Folio, for property located at 6200 Glen Falls Road. The Petitioner is requesting Variance relief from Sections 1A09.7.C.2.e and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (pool house) located in the front yard in lieu of the required side or rear yard; and to permit a height of 24 ft. in lieu of the maximum height of 15ft.

Though originally filed as an Administrative Variance, a neighbor requested (in a timely fashion) a formal hearing on this matter. The hearing was subsequently scheduled for Friday, May 16, 2014 at 1:30 PM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no substantive Zoning Advisory Committee (ZAC) comments received.

Appearing at the public hearing in support of the Petition was Richard M. Folio and Lawrence Schmidt, Esq., from Smith, Gildea & Schmidt, who represented the Petitioner. Several neighbors and representatives of the Hanover Road Association attended the hearing and opposed the Petition.

ORDER RECEIVED FOR FILING

Date 5/23/14

By Den

The subject property is approximately 3 acres and is zoned RC 8. The property is improved with a single family dwelling, pool and other amenities. The Petitioner indicated he needs additional storage space, and proposes to construct a detached garage/pool house, as shown in the architectural drawings admitted as Petitioner's Exhibit 7. Given the height and proposed placement of the garage, variance relief is required.

Based upon the testimony and evidence presented, I will deny the petition for variance. To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

I believe the configuration of the lot and the topographical changes throughout the site render the property unique. I also believe Petitioner would experience a practical difficulty if the regulations were strictly interpreted, since the proposed placement of the garage is the only feasible location due to the topography of Petitioner's rear yard. But the Petition must be denied because the proposed structure would (in combination with existing improvements) exceed the lot coverage limitations of the RC 4 zone.

The property is currently zoned RC 8, which requires, prior to approval of a variance, the Department of Planning ("DOP") to issue a written finding that the request is in keeping with the "spirit and intent" of the regulations. B.C.Z.R. §1A09.4.A. The DOP has not issued such a finding, because it considers the property vested under the RC4 regulations, which was the zoning at the time the subdivision was approved in 1991. See Petitioner's Exhibit Nos. 2 (subdivision plat) and 5 (e-mail from DOP). The RC 4 regulations contain a lot coverage limitation of 10%. B.C.Z.R. §1A03.4.B.3.

ORDER RECEIVED FOR FILING

Date

5/23/14

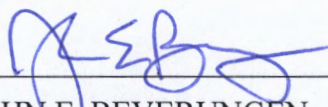
By

Sen

The Petitioner's lot is 3 acres or 130,680 square feet. Ten percent (10%) of that figure is 13,068 square feet, which under the B.C.Z.R. is the limitation on "impermeable surfaces." Id. One of Petitioner's neighbors submitted a calculation of the existing impermeable surface coverage on the subject property, by adding together the square footage of the house, garage, pool, basketball/tennis court, driveway and turnaround area. That figure is 12,082 square feet, which the author concedes is "approximate." Protestant's Exhibit 4A. The proposed garage measures 32' x 48', or 1,536 square feet. That would bring the total lot coverage to 13,618 square feet, which would exceed (by nearly 600 square feet) the allowance referenced above.

THEREFORE, IT IS ORDERED, this 23rd day of May, 2014 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Sections 1A09.7.C.2.e and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed accessory structure (pool house) located in the front yard in lieu of the required side or rear yard; and to permit a height of 24 ft. in lieu of the maximum height of 15ft., 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:slh

ORDER RECEIVED FOR FILING

Date 5/23/14
By slh

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

May 23, 2014

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: Petition for Variance
Property: 6200 Glen Falls Road
Case No.: 2014-0185-A

Dear Counsel:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Richard M. Folio, 6200 Glen Falls Road, Reisterstown, Maryland 21136
Paul E. Joyce, 15713 Dover Road, Upperco, Maryland 21155
Donna Ward, 6130 Glen Falls Road, Reisterstown, Maryland 21136
Vicki Locklear, 6134 Glen Falls Road, Reisterstown, Maryland 21136
S. Glenn Elseroad, 5423 Mt. Gilead Road, Reisterstown, Maryland 21136



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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 6200 Glen Falls Road

which is presently zoned RC 8

Deed Reference 343 89/00497

10 Digit Tax Account # 2 2 0 0 0 1 0 2 0 2

Property Owner(s) Printed Name(s) Richard M Folio

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s) 1A09.7.C.2.e BCZR & Section 400.3 BC
 To permit a proposed accessory structure (Pool house) located in the front yard in lieu of the required side and rear yard, and to permit a height of 24 feet in lieu of the maximum height of 15 feet.
 of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4-416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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:

Name- Type or Print

Signature

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners:

Richard M Folio

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6200 Glen Falls Road Reisterstown MD

Mailing Address

City

State

21136

410-654-9505

Zip Code

Telephone #

Email Address

Representative to be contacted:

Beverly True

Name - Type or Print

Signature

3920 London Bridge Road Sykesville, MD

Mailing Address

City

State

21784

443-398-0988

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2014-0185-A Filing Date 3/11/14 Estimated Posting Date 3/23/14 Reviewer G.H.

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

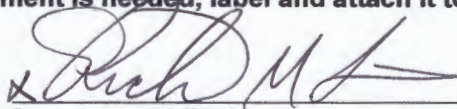
Address: 6200 Glen Falls Road Reisterstown MD 21136
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

Due to the placement of our home, slope of the land on the rear of our home and design
of our home on this lot, it would be difficult to place this detached garage with pool house
on the lot anywhere else. I am asking to allow a detached garage on the front/side
of the house to accommodate our family needs. The proposed detached garage will
addvalue and beauty to the existing neighborhood and will match existing home.
We are asking for a height of 24' for much needed storage
and to accommodate our vehicles.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Affiant


Signature of Affiant

Name- Print or Type

Richard M Folio
Name- Print or Type

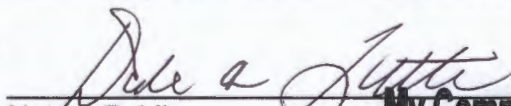
The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of March, 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal


Notary Public **My Commission Expires**
5/14/2016
My Commission Expires

ZONING DESCRIPTION FOR 6200 GLEN FALLS ROAD

Beginning at a point on the North West side of Glen Falls Road which is 40' wide at the distance of 750' South West of the centerline of the nearest intersecting street Hiltner Road which is 30' wide.

Being Lot # 1 Block 7 in the subdivision of Plummer Property as recorded in Baltimore County Plat Book # 0063, Folio # 0144, containing 3 acres. Located in the 4th Election District and 3rd Council District. Also Known as 6200 Glen Falls Road Reisterstown, MD 21136

2014-0185-A

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

No.

108015

Date:

3/11/14

PAID RECEIPT

BUSINESS ACTUAL TIME

3/11/2014 3/11/2014 09:23:26

REG NO. 108015

RECEIPT # 108015 3/11/2014

Dept 5 500 MISCELLANEOUS - IN

CP NO. 108015

Receipt Tot \$75.00

\$75.00 CA \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	300	0000		0150				75.00

Total: **75.00**

Rec From:

Preuse Bookkeeping, Inc.

For:

Administrative
Vouchers

2014-0185 A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 3-23-14

RE: Case Number: 2014-0185-A

Petitioner/Developer: Richard Folio

Date of Hearing/Closing: 4-7-14

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6200 Glen Falls Rd

The signs(s) were posted on 3-22-14
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road
(Street Address of Sign Poster)

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

410-343-1443
Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE

CASE # 2014-0185-A
TO PERMIT A PROPOSED ACCESSORY
STRUCTURE LOCATED IN THE FRONT YARD
IN LIEU OF THE REQUIRED SIDE OR REAR
YARD AND TO PERMIT A HEIGHT OF 24 FEET
IN OF THE MAXIMUM HEIGHT OF 15 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
ON 4/7/14 AT THE DEPARTMENT OF
BUILDING.



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2014-0185A

Address: 6200 GLEN FALLS RD

Petitioner(s): DONNA WARD

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We DONNA WARD
Name - Type or Print

() Legal Owner OR () Resident of
6130 GLEN FALLS RD
Address

REISTERSTOWN MD 21136
City State Zip Code

410-833-1357
Telephone Number

which is located approximately 100' feet from the
property, which is the subject of the above petition, **do hereby
formally demand that a public hearing be set in this matter.**

**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.**

Donna M. Ward 4/3/14
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

CERTIFICATE OF POSTING

Date: 4-24-14

RE: Case Number: 2014-0185-A

Petitioner/Developer: Richard Folio

Date of Hearing/Closing: May 16, 2014 10AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6200 Glen Falls Rd

The sign(s) were posted on 4-24-14

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2014-0185-A

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

JEFFERSON BLDG, ROOM 205
PLACE: 105 W. CHESAPEAKE AVE, TOWSON, MD 21204

DATE AND TIME: FRI. MAY 16, 2014 10AM

REQUEST: VARIANCE TO PERMIT A PROPOSED

ACCESSORY STRUCTURE (POOL HOUSE) LOCATED

IN THE FRONT YARD IN LIEU OF THE REQUIRED

SIDE OR REAR YARD, AND TO PERMIT A HEIGHT

OF 24 FEET IN LIEU OF THE MAXIMUM HEIGHT OF

16 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETHING NECESSARY.
TO CONFIRM HEARING CALL 807-3391

ON HEARING, UNDER PENALTY OF LAW



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

April 24, 2014

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 April 24, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0185-A

6200 Glen Falls Road

NW/s of Glen Falls Road, 750 ft. SW of centerline of Hiltner Road

4th Election District - 3rd Councilmanic District

Legal Owner(s): Richard Folio

Variance to permit a proposed accessory structure (pool house) located in the front yard in lieu of the required side or rear yard, and to permit a height of 24 feet in lieu of the maximum height of 15 feet.

Hearing: Friday, May 16, 2014 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the 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.

4/408 April 24

976753

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

No. **94647**

Date: **7/29/14**

PAID RECEIPT

BUSINESS ACTUAL TIME
 7/29/2014 7/29/2014 11:42:12

RES MSDM WALKIN SHIL GHI
 >>RECEIPT # 436090 7/29/2014 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	8000	0000		6150				265.00

Dept 5 528 ZONING VERIFICATION
 CK NO. 094647

Rept Tot 1265.00
 1265.00 CK 1.00 CA
 Baltimore County, Maryland

Total: **265.00**

Rec From: **Donna Ward**

For: **6200 Glen Falls Rd**

2014-0185-A

CK #5313

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0185 -A Address 6200 Glen Falls Rd 21136

Contact Person: Gary Mucik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/11/14 Posting Date: 3/23/14 Closing Date: 4/7/14

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2014- 0185 -A Address 6200 Glen Falls Rd 21136

Petitioner's Name Richard Folio Telephone 443-398-0988

Posting Date: 3/23/14 Closing Date: 4/7/14

Wording for Sign: To Permit a proposed accessory structure located
in the front yard in lieu of the required side or
rear yard, and to permit a height of 24 feet in lieu
maximum height of 15 feet.

Revised 7/06/11

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 24, 2014 Issue - Jeffersonian

Please forward billing to:

Richard Folio
6200 Glen Falls Road
Reisterstown, MD 21136

443-398-0988

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: 2014-0185-A

6200 Glen Falls Road

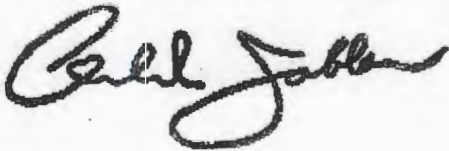
NW/s of Glen Falls Road, 750 ft. SW of centerline of Hiltner Road

4th Election District – 3rd Councilmanic District

Legal Owners: Richard Folio

Variance to permit a proposed accessory structure (pool house) located in the front yard in lieu of the required side or rear yard, and to permit a height of 24 feet in lieu of the maximum height of 15 feet.

Hearing: Friday, May 16, 2014 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

April 7, 2014

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: 2014-0185-A

6200 Glen Falls Road
NW/s of Glen Falls Road, 750 ft. SW of centerline of Hiltner Road
4th Election District – 3rd Councilmanic District
Legal Owners: Richard Folio

Variance to permit a proposed accessory structure (pool house) located in the front yard in lieu of the required side or rear yard, and to permit a height of 24 feet in lieu of the maximum height of 15 feet.

Hearing: Friday, May 16, 2014 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: Richard Folio, 6200 Glen Falls Road, Reisterstown 21136
Beverly True, 3920 London Bridge Road, Sykesville 21784

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 26, 2014.
- (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.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 6, 2014

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

RICHARD M. FOLIO

6200 GLEN FALLS ROAD

14-185-A

4TH ELECTION DISTRICT; 3RD COUNCILMANIC DISTRICT

Re: Petition for Variance from 1A09.7.C.2.e and 400.3 of the B.C.Z.R. to permit a proposed accessory structure (pool house) located in the front yard in lieu of the required side or rear yard; and to permit a height of 24 ft. in lieu of the maximum height of 15 ft.

5/23/14 Opinion and Order of Administrative Law Judge wherein the Petition for Variance was DENIED.

6/30/14 Order of Administrative Law Judge whereby the Motion for Reconsideration was GRANTED, with conditions.

ASSIGNED FOR:

THURSDAY, OCTOBER 16, 2014, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioner/LO
Petitioner/LO

: Lawrence E. Schmidt, Esquire
: Richard M. Folio

Protestant/Appellant

: Donna Ward

Vicki Locklear
George Neubeck/Hanover Road Association, Inc
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

S. Glenn Elseroad

Frank and Donna Valentine
C. Robert Holtz

Michael L. Snyder, Esquire

Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 29, 2015

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

RICHARD M. FOLIO

6200 GLEN FALLS ROAD

14-185-A

4TH ELECTION DISTRICT; 3RD COUNCILMANIC DISTRICT

Re: Petition for Variance from 1A09.7.C.2.e and 400.3 of the B.C.Z.R. to permit a proposed accessory structure (pool house) located in the front yard in lieu of the required side or rear yard; and to permit a height of 24 ft. in lieu of the maximum height of 15 ft.

5/23/14 Opinion and Order of Administrative Law Judge wherein the Petition for Variance was DENIED.

6/30/14 Order of Administrative Law Judge whereby the Motion for Reconsideration was GRANTED, with conditions.

ASSIGNED FOR:

TUESDAY, JUNE 16, 2015, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioner/LO
Petitioner/LO

: Lawrence E. Schmidt, Esquire
: Richard M. Folio

Protestant/Appellant

: Donna Ward

Vicki Locklear S. Glenn Elseroad
George Neubeck/Hanover Road Association, Inc
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Frank and Donna Valentine Michael L. Snyder, Esquire
C. Robert Holtz
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 13, 2015

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

RICHARD M. FOLIO

6200 GLEN FALLS ROAD

14-185-A

4TH ELECTION DISTRICT; 3RD COUNCILMANIC DISTRICT

Re: Petition for Variance from 1A09.7.C.2.e and 400.3 of the B.C.Z.R. to permit a proposed accessory structure (pool house) located in the front yard in lieu of the required side or rear yard; and to permit a height of 24 ft. in lieu of the maximum height of 15 ft.

5/23/14 Opinion and Order of Administrative Law Judge wherein the Petition for Variance was DENIED.

6/30/14 Order of Administrative Law Judge whereby the Motion for Reconsideration was GRANTED, with conditions.

ASSIGNED FOR: THURSDAY, SEPTEMBER 24, 2015, AT 10:00 A.M. – Day 3

LOCATION:

Hearing Room #2, Second Floor, Suite 206

Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioner/LO
Petitioner/LO

: Lawrence E. Schmidt, Esquire
: Richard M. Folio

Protestant/Appellant

: Donna Ward

Vicki Locklear S. Glenn Elseroad
George Neubeck/Hanover Road Association, Inc
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Frank and Donna Valentine
C. Robert Holtz

Michael L. Snyder, Esquire

Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 9, 2015

NOTICE OF DELIBERATION

IN THE MATTER OF: **RICHARD M. FOLIO**
 6200 GLEN FALLS ROAD
 14-185-A **4TH ELECTION DISTRICT; 3RD COUNCILMANIC DISTRICT**

This matter having been heard and concluded on October 16, 2014, June 16, 2015, and September 24, 2015, public deliberation has been scheduled for the following:

DATE AND TIME: **THURSDAY, DECEMBER 3, 2015 at 9:30 a.m.**

LOCATION: Jefferson Building - Second Floor
 Hearing Room #2 - Suite 206
 105 W. Chesapeake Avenue

NOTE: Closing briefs are due on **Monday, October 26, 2015 by 3:30 p.m.**
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioner/LO
 Petitioner/LO

: Lawrence E. Schmidt, Esquire
: Richard M. Folio

Protestant/Appellant

: Donna Ward

Vicki Locklear S. Glenn Elseroad
George Neubeck/Hanover Road Association, Inc

Frank and Donna Valentine
C. Robert Holtz

Michael L. Snyder, Esquire

Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

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

May 8, 2014

Richard M. Folio
6200 Glen Falls Road
Reisterstown MD 21136

RE: Case Number: 2014-0185 A, Address: 6200 Glen Falls Road

Dear Mr. Folio:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 11, 2014. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Beverly True, 3920 London Bridge Road, Sykesville MD 21784

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 3/21/14

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

RE: Baltimore County
Item No 2014-0185-A
Administrative Variance
Richard M. Folio
6200 Glen Falls 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. 2014-0185-A.

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,

A handwritten signature in blue ink, appearing to read 'Steven D. Foster'.

Steven D. Foster, Chief/
Development Manager
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: March 21, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For March 24, 2014
Item No. 2014-0177, 0179, 0180, 0181, 0182, 0183, 0184, 0185, 0186,
and 0187.

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\ZAC03242014 -.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED
JAN 27 2015

TO: Board of Appeals of Baltimore County

DATE: January 22, 2015

BALTIMORE COUNTY
BOARD OF APPEALS

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6200 Glen Falls Road Variance Requests

INFORMATION: RC 8 Written Finding

Item Number: 2014-0185A,

Petitioner: Richard M. Folio

Zoning: RC 8

Requested Action: Finding Conclusion: Change Design of Proposed Structure

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has completed a findings as required by BCZR 1A09.4.A in response to Order by the Board of Appeals in Case No. 2014-0185-A.

The petitioner has requested variances for a proposed 2-story detached garage/pool house building. One variance is to locate the new structure to the front of the existing dwelling and existing garage. The second variance is for a height of 24 feet in lieu of the maximum permitted 15 feet.

The property is located in a RC 8 (Environmental Enhancement) zone. This is a relatively new zone adopted in 2004. The Findings and legislative goals (BCZR 1A09.1) for this zone reflect a greater emphasis on "environmental protection" and to "maintain the unique character of certain rural and urban areas by preserving its natural, environmental, historic, cultural, recreational, scenic, architectural ... resources."

The zone requires (BCZR 1A09.4.A) that prior to the approval of a variance there be a finding from the Director of Planning or the Director's Designee that the variance "is consistent with the spirit and intent of these regulations."

A site visit was conducted on December 31, 2014. The subject property and immediate neighbors form a small cluster of residences surrounded by woods and fields (aerial photo). There are smaller fields and pockets of woods and trees proximate to the homes (Photos 1 & 2). It is a rural setting with some newer homes (Photo 3) that have blended in

well with the existing older smaller homes (Photo 4). An example of a detached garage in the vicinity is shown in Photo 5.

The property was developed under the RC4 regulations. It is an approximately 3 acre lot. There is a main dwelling and attached garage (Photo 6). The garage is slightly set back from the front of the house. To the west of the house there is a pool and to the rear a tennis court and a turf field. Otherwise the property is in grass with a few trees in the rear of the property

Glen Falls Road is **not** a designated Baltimore County Scenic Route. However, BCZR 1A09.4 as well as the BOA Order, directs that *"All development must be in accordance with this section and the standards and guidelines for "rural preservation and "scenic views" adopted pursuant to this section and published as part of the CMDP."* The applicable CMDP standard for this situation is Division VI, Section A, number 6 found on Page 178. This guideline states, *"Design new structures to complement the site and surrounding community. This can be accomplished through the repetition of scale, proportion, mass, material and/or details of the existing buildings on the site or in the community."*

The petitioner is requesting relief to allow a proposed accessory structure (garage/pool house) located in the front yard in lieu of the required side or rear yard and to permit a height of 24 feet in lieu of 15 feet. RC 8 (BCZR 1A09.4.A) requires elevations and drawing submittals to assure the proposed structure complies with the Comprehensive Manual of Development Policies (CMDP) pursuant to BCC Sections 32-4-223 and 32-4-224.

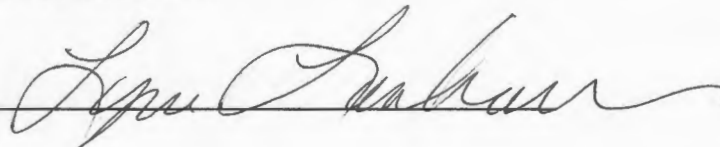
A review of the community found several residences had garages which were either attached or detached. The detached garages that were observed were smaller in height than is requested by the petition (Photos 3 & 5). No garages were observed in the front of a dwelling and the garages all looked like garages.

The petitioner has submitted a site plan, elevations and photographs to illustrate the existing as well as the proposed conditions. The plans do not illustrate grading or landscaping. The proposed structure is "cape cod" style, 1 ½ stories with full dormers and a projection on the north side. The first level contains garage and pool house. The second level is designated as storage. The structure is to be placed forward of the existing dwelling and 70' building restriction line established by the plat. Because of its design, scale and mass, the structure looks like a residence from the front and particularly from the rear view of the structure. The structure's position on the site is not complementary to the other residences found along that area of Glen Falls Road, nor to that established by the existing house location.

The Department of Planning finds that the proposal is inconsistent with the spirit and intent of the regulations at this time. It is suggested that the petitioner redesign the proposed structure to reduce its mass and to be complementary to the "site and surrounding community." It is recommended that the structure be redesigned to eliminate

the storage level, change the roof design and window treatment to look more like a garage than a residence and locate the structure in line with the front setback of the existing house.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Prepared By: 

AVA/LL
Enclosure

c: Lawrence E Schmidt, Smith, Gildea & Schmidt
Peter Max Zimmerman, Office of People's Counsel
Lawrence m. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director of Permits, Approvals, and Inspections



My Neighborhood Map

6200 Glen Falls Rd

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 12/30/2014



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 12/30/2014

Photo 1: View East along Glen Falls
From vicinity of 6200 Glen Falls



Photo 2: View West along Glen Falls
From 6200 Glen Falls



Photo 3: Larger dwelling east of
6200 Glen Falls



Photo 4: Smaller dwelling east of
6200 Glen Falls



Photo 5: Detached Garage Vicinity
of 6200 Glen Falls



Photo 7: 6200 Glen Falls



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Board of Appeals of Baltimore County

DATE: June 15, 2015

RECEIVED
JUN 16 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

BALTIMORE COUNTY
BOARD OF APPEALS

SUBJECT: 6200 Glen Falls Road Variance Requests

INFORMATION: RC 8 Written Finding

Item Number: 2014-0185A,

Petitioner: Richard M. Folio

Zoning: RC 8

Requested Action: Recommendation of Revised Design

SUMMARY OF RECOMMENDATIONS:

The Department of Planning completed an initial findings as required by BCZR 1A09.4.A on January 22, 2015 in response to Order by the Board of Appeals in Case No. 2014-0185-A. The Petitioner submitted a response to that Finding on June 11, 2015. Below is a review of the request followed by a response to the revision.

The petitioner has requested variances for a proposed 2-story detached garage/pool house building. One variance is to locate the new structure to the front of the existing dwelling and existing garage. The second variance is for a height of 24 feet in lieu of the maximum permitted 15 feet.

The property is located in a RC 8 (Environmental Enhancement) zone. This is a relatively new zone adopted in 2004. The Findings and legislative goals (BCZR 1A09.1) for this zone reflect a greater emphasis on "environmental protection" and to "maintain the unique character of certain rural and urban areas by preserving its natural, environmental, historic, cultural, recreational, scenic, architectural ... resources."

The zone requires (BCZR 1A09.4.A) that prior to the approval of a variance that there be a finding from the Director of Planning or the Director's Designee that the variance "is consistent with the spirit and intent of these regulations."

A site visit was conducted on December 31, 2014. The subject property and immediate neighbors form a small cluster of residences surrounded by woods and fields (aerial photo). There are smaller fields and pockets of woods and trees proximate to the homes

(Photos 1 & 2). It is a rural setting with some newer homes (Photo 3) that have blended in well with the existing older smaller homes (Photo 4). An example of a detached garage in the vicinity is shown in Photo 5.

The property was developed under the RC4 regulations. It is an approximately 3 acre lot. There is a main dwelling and attached garage. The garage is slightly set back from the front of the house. To the west of the house there is a pool and to the rear a tennis court and a turf field. Otherwise the property is in grass with a few trees in the rear of the property

Glen Falls Road is **not** a designated Baltimore County Scenic Route. However, BCZR 1A09.4 as well as the BOA Order, directs that *"All development must be in accordance with this section and the standards and guidelines for "rural preservation and "scenic views" adopted pursuant to this section and published as part of the CMDP."* The applicable CMDP standard for this situation is Division VI, Section A, number 6 found on Page 178. This guideline states, *"Design new structures to complement the site and surrounding community. This can be accomplished through the repetition of scale, proportion, mass, material and/or details of the existing buildings on the site or in the community."*

The petitioner has redesigned the proposed structure and is now requesting relief to allow a proposed accessory structure (garage/pool house) located in the front yard in lieu of the required side or rear yard. RC 8 (BCZR 1A09.4.A) requires elevations and drawing submittals to assure the proposed structure complies with the Comprehensive Manual of Development Policies (CMDP) pursuant to BCC Sections 32-4-223 and 32-4-224.

A review of the community found several residences had garages which were either attached or detached. The redesigned structure (Attachment 1) is now more similar in height to the other garage structures in the community (Photos 3 & 5).

The petitioner is requested a variance to locate the garage in front of the house in lieu of the rear of the dwelling (BCZR 400.1). The petitioner has indicated that this is not possible due to the grade. If moving the house back cannot be accommodated it is recommended that the petitioner makes some additional minor changes to differentiate the structure from the residence, add visual interest, and reduce visual impact from the roadway. It is recommended that the shutters be removed from the window, add a cupola to the roof, and landscape the side of the proposed structure. With these adjustments the proposed structure will be complementary to that of other residences found along that area of Glen Falls Road.

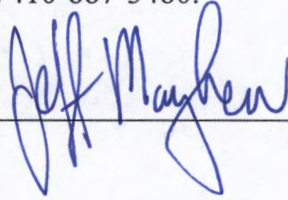
The Department of Planning finds the variance subject to the following conditions is consistent with the spirit and intent of these regulations.

- Petitioner's redesigned structure eliminating the need for a height variance (Attachment 1)
- Removal of shutters from the window
- Addition of a cupola to the roof

- Landscape the side of the proposed structure

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Prepared By: _____



AVA/WSL

Enclosure

c: Lawrence E Schmidt, Smith, Gildea & Schmidt
Peter Max Zimmerman, Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director of Permits, Approvals, and Inspections

Attachment 1.

DETACHED GARAGE / POOL HOUSE THE FOLIO RESIDENCE

PROJECT ADDRESS:
1000 S. 10TH AVE. #100
PHOENIX, AZ 85001

DESIGNED BY:
OBL CUSTOM HOME

DATE: 10/20/14

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

PHONE: 602-953-3339

1000 S. 10TH AVE. #100
PHOENIX, AZ 85001

1000 S. 10TH AVE. #100
PHOENIX, AZ 85001

1000 S. 10TH AVE. #100
PHOENIX, AZ 85001

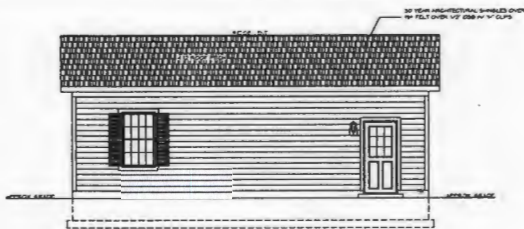
1000 S. 10TH AVE. #100
PHOENIX, AZ 85001

1000 S. 10TH AVE. #100
PHOENIX, AZ 85001

1000 S. 10TH AVE. #100
PHOENIX, AZ 85001

1000 S. 10TH AVE. #100
PHOENIX, AZ 85001

1000 S. 10TH AVE. #100
PHOENIX, AZ 85001



STREET SIDE "FRONT" ELEVATION
SCALE 1/4" = 1'-0"



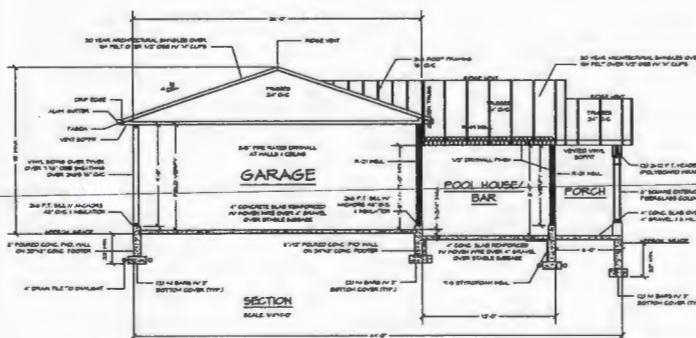
RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"



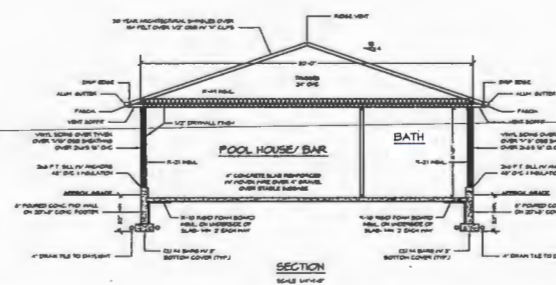
POOL SIDE "REAR" ELEVATION
SCALE 1/4" = 1'-0"



LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"



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



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

Photo 1: View East along Glen Falls
From vicinity of 6200 Glen Falls



Photo 2: View West along Glen Falls
From 6200 Glen Falls



Photo 3: Larger dwelling east of
6200 Glen Falls

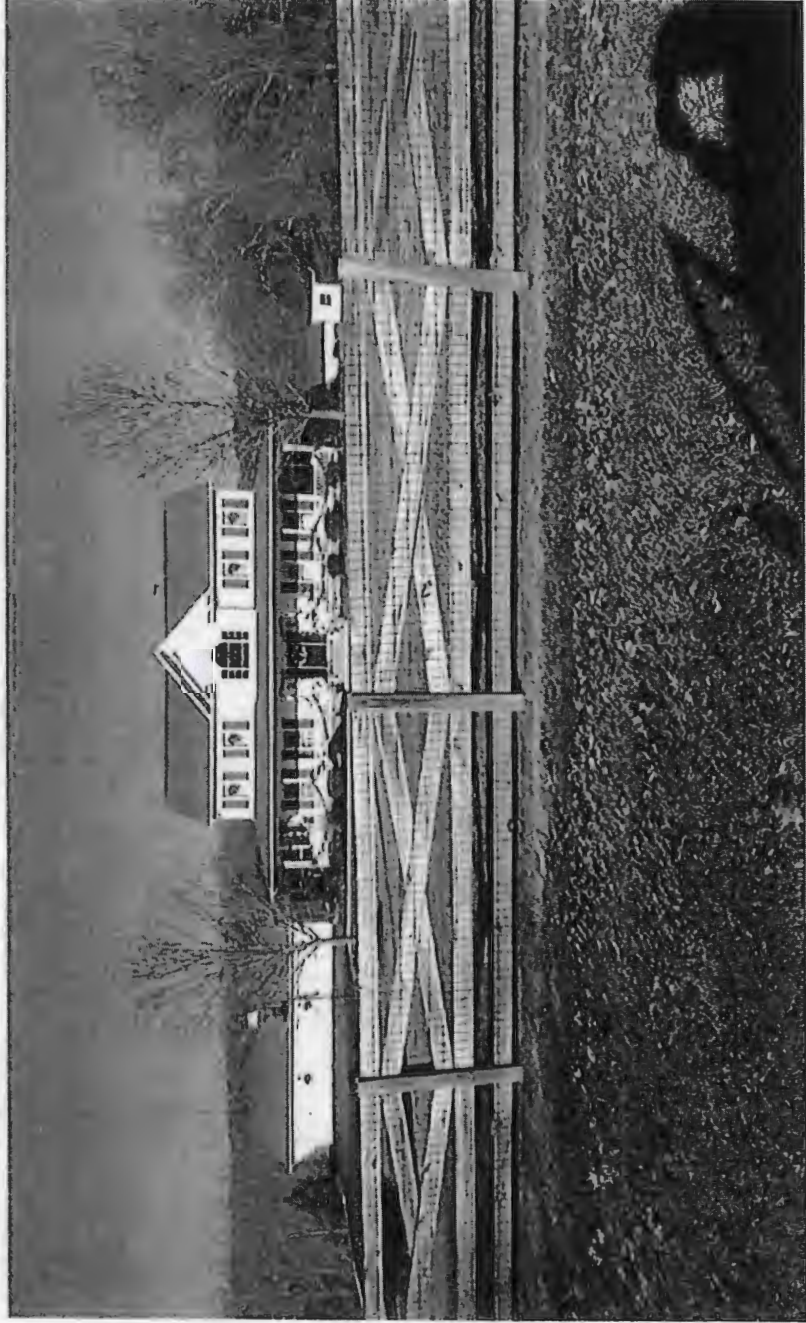


Photo 4: Smaller dwelling east of
6200 Glen Falls

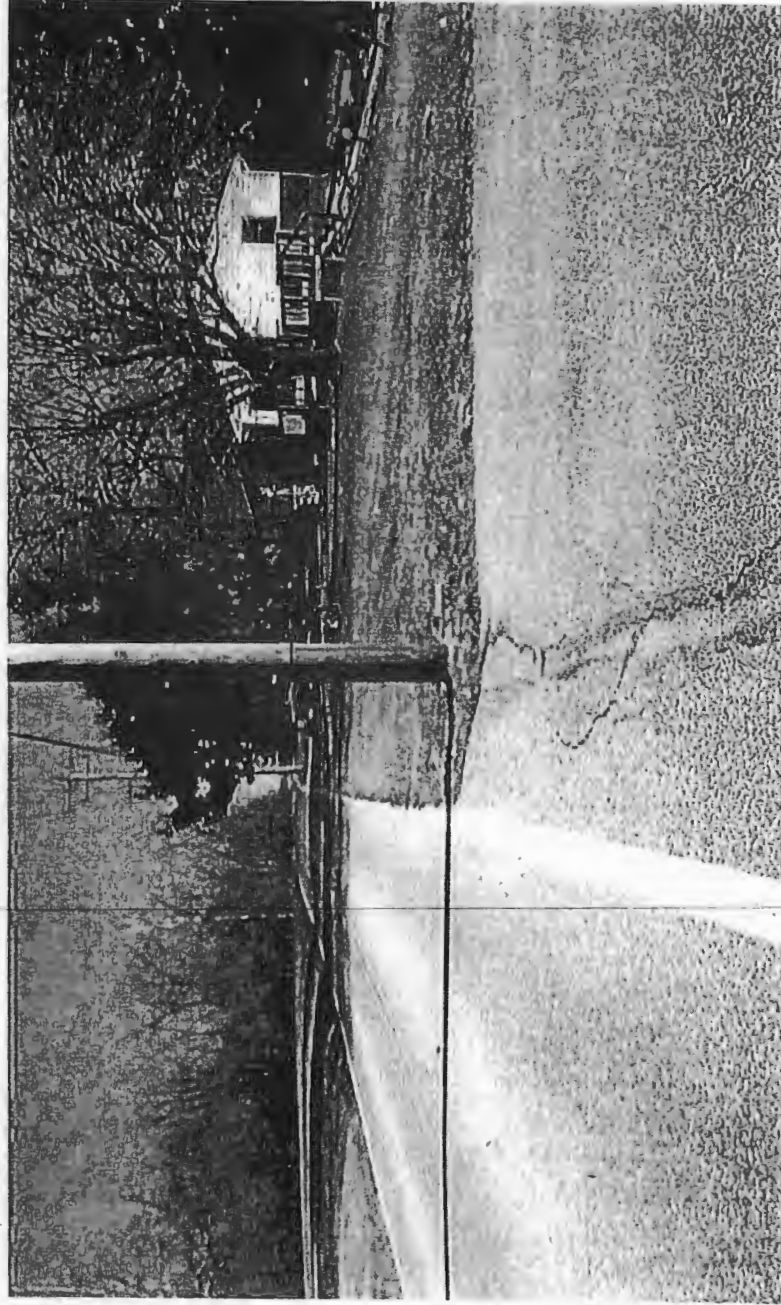


Photo 5: Detached Garage Vicinity
of 6200 Glen Falls



RE: PETITIONER FOR ADMINISTRATIVE
VARIANCE

6200 Glen Falls Road
4th Election & 3rd Council Districts

Petitioner(s): Richard M. Folio

* BEFORE THE
* BOARD OF
* APPEALS FOR
* BALTIMORE COUNTY
* 2014-185-A

RECEIVED
AUG 22 2014

BALTIMORE COUNTY
BOARD OF APPEALS

* * * * *

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.

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 22nd day of August, 2014, a copy of the foregoing Entry of Appearance was sent to Paul Joyce, 15713 Dover Road, Upperco, Maryland 21155; Donna Ward, 6130 Glen Falls Road, Reisterstown, Maryland 21136; Vicki Locklear, 6134 Glen Falls Road, Reisterstown, Maryland 21136; S. Glenn Elseroad, 5423 Mt. Gilead, Reisterstown, MD 21136; and Lawrence E. Schmidt, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

6130 Glen Falls Road
Reisterstown, MD 21136

July 25, 2104

Baltimore County Board of Appeals
Jefferson Building
Towson, MD

Office of the Administrative Law
Judge for Baltimore County
Jefferson Building
Towson, MD

RECEIVED

JUL 29 2014

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Case No. 2014-0185-A
Property: 6200 Glen Falls Road

To Whom It May Concern:

Please accept this letter as my request to appeal this case to the Baltimore County Board of Appeals.

Please address all correspondence to Donna Ward, 6130 Glen Falls Road, Reisterstown, MD 21136.

The reason for the appeal is that the subject property is not unique, and that any practical difficulty was caused by the property owners own actions, among other factors to be demonstrated at the appeal hearing.

Several neighboring property owners shall appear with, and support me at the appeal hearing.

Thank you.

Very truly yours,



Donna Ward

cc: Richard M. Folio, 6200 Glen Falls Road, Reisterstown, MD 21136
Paul E. Joyce, 15713 Dover Road, Upperco, MD 21155
Vicki Locklear, 6134 Glen Falls Road, Reisterstown, MD 21136
S. Glenn Elseroad, 5423 Mt. Gilead Road, Reisterstown, MD 21136

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

August 1, 2014

RECEIVED

AUG 01 2014

BALTIMORE COUNTY
BOARD OF APPEALS

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: APPEAL TO BOARD OF APPEALS – PETITION FOR VARIANCE

Property: 6200 Glen Falls Road
Case No.: 2014-0185-A

Dear Mr. Schmidt:

Please be advised that an appeal of the above-referenced case was filed in this Office on July 29, 2014. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

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

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:sln

- c: ☒ Baltimore County Board of Appeals
People's Counsel for Baltimore County
Richard M. Folio, 6200 Glen Falls Road, Reisterstown, Maryland 21136
Paul E. Joyce, 15713 Dover Road, Upperco, Maryland 21155
Donna Ward, 6130 Glen Falls Road, Reisterstown, Maryland 21136
Vicki Locklear, 6134 Glen Falls Road, Reisterstown, Maryland 21136
S. Glenn Elseroad, 5423 Mt. Gilead Road, Reisterstown, Maryland 21136

APPEAL

**Petition for Variance
(6200 Glen Falls Road)
4th Election District – 3rd Councilmanic District
Legal Owner: Richard M. Folio**

RECEIVED
AUG 01 2014
BALTIMORE COUNTY
BOARD OF APPEALS

Case No. 2014-0185-A

- ✓ Petition for Variance Hearing (March 1, 2014)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (April 7, 2014)
- ✓ Certificate of Publication (April 24, 2014)
- ✓ Certificate of Posting (April 24, 2014) J. Lawrence Pilson (Formal Demand requested by Donna Ward on 4-3-2014)
(March 22, 2014) J. Lawrence Pilson
- ✓ Entry of Appearance by People's Counsel - None
- ✓ Petitioner(s) Sign-in Sheet – One
- ✓ Citizen(s) Sign-in Sheet – One
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioner(s) Exhibits -
 1. Site Plan
 2. Plat Plummer Property
 3. 3A-3J Color Photos
 4. 4A-4B Google Earth Photos
 5. E-mail from Department of Planning
 6. SDAT records
 7. Architectural Drawings
- ✓ Protestants' Exhibits –
 1. Letter 5-16-2014 (Hanover Road Ass'n)
 2. 2A-2B Google Earth Photos
 3. Letter May 12, 2014 (Michael Snyder)
 4. 4A- Letter with attachments-Holtz
4B- Letter Valentine
- ✓ Miscellaneous (Not Marked as Exhibits)
- ✓ Administrative Law Judge Order and Letter (DENIED – May 23, 2014)
- ✓ Motion for Reconsideration Request by Lawrence Schmidt on June 20, 2014
- ✓ Order on Motion for Reconsideration- (GRANTED- June 30, 2014)
- ✓ Notice of Appeal –July 29, 2014 by Donna Ward 6130 Glen Falls Road

Address List

Petitioner:

Richard M. Folio
6200 Glen Falls Road
Reisterstown, MD 21136

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Protestant/Appellant:

Donna Ward
6130 Glen Falls Road
Reisterstown, MD 21136

Interested Persons:

Vicki Locklear
6134 Glen Falls Road
Reisterstown, MD 21136

Interoffice:

Office of People's Counsel - *Reye*
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

S. Glenn Elseroad
5423 Mt. Gilead Road
Reisterstown, MD 21136

Frank and Donna Valentine
6215 Glen Falls Road
Reisterstown, MD 21136

George Neubeck
Paul E. Joyce
Hanover Road Association Inc.
P.O. Box 121
Upperco, MD 21155-9998

Michael L. Snyder, Esquire
5930 Glen Falls Road
Reisterstown, MD 21136

C. Robert Holtz
6126 Glen Falls Road
Reisterstown, MD 21136

IN THE MATTER OF:

Richard M. Folio, Petitioner

6200 Glen Falls Road

4th Election District

3rd Councilmanic District

* BEFORE THE

* BOARD OF APPEALS

* OF

* BALTIMORE COUNTY

* CASE NO.: 2014-0185-A

* * * * *

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Wally Lippencott or Representative

Department of Planning for Baltimore County

YOU ARE HEREBY COMMANDED TO: ☒ Personally appear; () Produce documents and/or objects only; () Personally appear and produce documents or objects; in

Hearing Room 2, The Jefferson Building, 105 W. Chesapeake Avenue, Towson, Maryland 21204 on Tuesday, June 16, 2015 at 10:00AM a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects (for general purpose as stated):

SUBPOENA REQUESTED BY:

Lawrence E. Schmidt, Esquire

(Name of Party/Attorney)

Smith, Gildea & Schmidt, LLC

(Address/Telephone #)

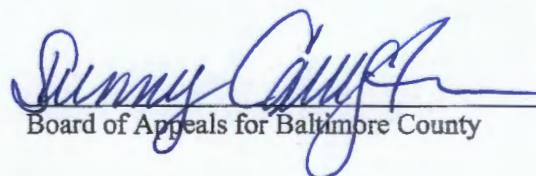
600 Washington Ave., Suite 200

Towson, MD 21204

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County. The Board requests () the Sheriff, (X) Private Process Server, to issue the summons set forth herein.

RECEIVED
JUN 15 2015

BALTIMORE COUNTY
BOARD OF APPEALS


Board of Appeals for Baltimore County

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Richard Folio

14-185-A

DATE: December 3, 2015

BOARD/PANEL: Andrew M. Belt, Chairman
Maureen E. Murphy
Benfred B. Alston

RECORDED BY: Tammy A. McDiarmid, Legal Secretary

PURPOSE: To deliberate the following:

Re: Petition for Variance from 1A09.7.C.2.e and 400.3 of the B.C.Z.R. to permit a proposed accessory structure (garage/pool house) located in the front yard in lieu of the required side or rear yard; and to permit a height of 24 ft. in lieu of the maximum height of 15 ft.

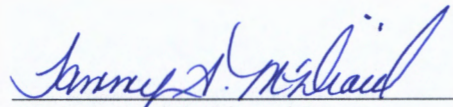
PANEL MEMBERS DISCUSSED THE FOLLOWING:

- The Board reviewed the history of this matter. This parcel was originally zoned RC4, but was rezoned several years ago to RC8.
- The height variance was withdrawn prior to the hearing.
- The Petitioner wishes to construct a garage/pool house on his property which will be located in the side yard, but as proposed, will extend 12' into the front yard. The RC8 zone allows structures to be built in the side yard. Thus, the only issue before this Board was a 12' variance into the front yard. Once the case was appealed to the Board, the parties agreed to send the case back to the Department of Planning for written recommendations of the proposed building in the RC8 zone.
- The Board convened for a hearing and several neighbors testified in opposition to the proposed structure. The neighbors also opposed the extent of the improvements on the property i.e. a turf field, tennis court and pool. The opposing neighbors live to the rear and side of the Applicant.
- The Board discussed the issue of uniqueness and the application of *Cromwell v. Ward*. There was discussion as to what the definition of neighborhood is? How far do you look in the "area"? Is it the subject property itself, neighboring properties, or a 2 mile radius? One Board Member was of the opinion that the property was unique due to steep slopes located on the property.
- The Board discussed the issue of practical difficulty. Even if the Property was unique under *Cromwell*, was the Applicant's hardship self-inflicted due the placement of the pool and various other structures on the property? Is it considered a hardship because the property would need to be regraded to accommodate the structure? At least one neighbor testified they had to regrade a portion of their property to accommodate a garage.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the requested Petition for Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,



Tammy A. McDiarmid



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 4, 2014

HAND-DELIVERED

Andrew M. Belt, Panel Chairman
County Board of Appeals of Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
DEC 04 2014

BALTIMORE COUNTY
BOARD OF APPEALS

Re: Richard Folio
6200 Glen Falls Road
Case No.: 2014-185-A

Dear Mr. Belt

Enclosed for the Board's review and approval is the proposed Opinion and Order to Stay Proceedings. We trust the Board will find it is consistent with the Board's decision on October 16, 2014.

In the course of the preparation of this proposal, Lawrence Schmidt and I have kept all the interested parties informed of the progress and have circulated various drafts. So far as we know, there have been no corrections or additions suggested.

Accordingly, both Mr. Schmidt and I have signed our agreement as to substance and form. I now deliver the proposed order to the Board along with Mr. Schmidt's letter to me dated December 2, 2014 requesting same.

Thank you for your consideration.

Respectfully submitted,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Lawrence Schmidt, Esquire, Attorney for Petitioner



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

February 23, 2016

RECEIVED
FEB 23 2016

BALTIMORE COUNTY
BOARD OF APPEALS

HAND-DELIVERED

Maureen E. Murphy, Chair
Benfred B. Alston, Panel member
Andrew M. Belt, Panel member
County Board of Appeals of Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: Richard Folio
6200 Glen Falls Road
Case No.: 2014-185-A

Dear Panel:

We are in receipt of and appreciate the February 22, 2016 County Board of Appeals decision and opinions in this case. Please accept, however, this letter as a request for clarification and technical correction, under the rubric of reconsideration, of the apparently inadvertent inaccuracy in the title of Panel Member Andrew Belt's "Dissent."

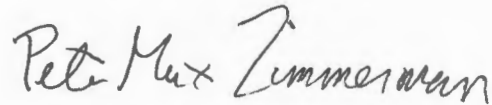
It is plainly not accurate to title Mr. Belt's opinion exclusively as a "Dissent." A review of the content of the opinion, highlighted by the last paragraph, reflects that Mr. Belt concurs in the majority opinion's result, including the finding regarding a "lack of practical difficulty," but he dissents from the majority's finding as to "uniqueness."

It would be accurate to title Mr. Belt's opinion as "Concurring Opinion," or "Concurring in the Result, but with Dissent as to 'Uniqueness.'" This is important for accuracy and to avoid any future confusion or misunderstanding as to the nature of the opinion.

Maureen E. Murphy, Chair
Benfred B. Alston, Panel member
Andrew M. Belt, Panel member
February 23, 2016
Page 2

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Peter Max Zimmerman". The signature is written in a cursive style with a large, stylized "Z".

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Lawrence Schmidt, Esquire, Attorney for Petitioner
Donna Ward, 6130 Glen Falls Road, Reisterstown, Maryland 21136



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 4, 2016

Peter M. Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building, Suite 204
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: *In the Matter of: Richard Folio – Legal Owner*
Case No.: 14-185-A

Dear Mr. Zimmerman:

We are in receipt of your letter dated February 23, 2016 requesting clarification and technical correction of the title of Panel Member Belt's Dissent issued February 22, 2016 with the Majority Opinion.

Pursuant to the Board's Rules of Practice and Procedure, Rule 11 states: "*Revisory power of the board.* Within thirty (30) days after the entry of an order, the board shall have revisory power and control over the order in the event of fraud, mistake or irregularity."

Enclosed please find the Concurring In The Result But Dissent As To Uniqueness in the above referenced matter.

Please be advised that Panel Member Belt's position and written decision have not changed other than in title. The issuance of this correction shall not affect the appeal period or process in any way.

Please do not hesitate to contact me with any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Enclosure

c: Lawrence E. Schmidt, Esquire
Donna Ward
S. Glenn Elseroad
George Neubeck
Michael L. Snyder, Esquire
Kenneth Wells

Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Nancy West, Assistant County Attorney

Richard M. Folio
Vicki Locklear
Frank and Donna Valentine
Paul E. Joyce
C. Robert Holtz
George Harman
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney/Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 4, 2015

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Peter Max Zimmerman
People's Counsel for Baltimore County
Office of People's Counsel
105 W. Chesapeake Avenue, Room 204
Towson, Maryland 21204

RE: *In the Matter of: Richard M. Folio, Petitioner*
Case No.: 14-185-A

Dear Counsel:

Enclosed please find a copy of the recommendations from the Department of Planning as requested in the Order of Stay issued in the above subject matter on December 15, 2014.

The Order of Stay indicates that the Board can hold a hearing upon receipt of the recommendations by the Department of Planning. Please advise if you believe a hearing on this matter is necessary.

Thank you in advance for your prompt response.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Enclosure
Multiple Original Cover Letter

c: Richard M. Folio
Donna Ward



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 16, 2015

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Peter Max Zimmerman
People's Counsel for Baltimore County
Office of People's Counsel
105 W. Chesapeake Avenue, Room 204
Towson, Maryland 21204

RE: *In the Matter of: Richard M. Folio, Petitioner*
Case No.: 14-185-A

Dear Counsel:

In an effort to reschedule this matter, please be advised that the Board generally has hearings on Tuesdays, Wednesdays, and Thursdays. The following dates are currently available on the Board's docket. All hearings begin at 10:00 a.m.

Tuesday, June 9, 2015,
Wednesday, June 10, 2015,
Thursday, June 11, 2015,
Tuesday, June 16, 2015,
Wednesday, June 17, 2015, or
Thursday, June 18, 2015

Please contact this office as soon as possible regarding your availability.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Enclosure
Duplicate Original

c: Richard M. Folio
Donna Ward

Krysundra Cannington

From: Alyssa Fiore <afiore@sgs-law.com>
Sent: Tuesday, April 28, 2015 10:31 AM
To: Krysundra Cannington
Subject: Folio / 14-185-A

Sunny,

Hope everything went well yesterday on your settlement! Congrats again on home ownership ☺

I heard back from our client yesterday and he is available either June 16th or 17th. Larry is available both days as well. Let me know when this matter has been rescheduled.

Thanks!

Alyssa M. Fiore
Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
afiore@sgs-law.com

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Krysundra Cannington

From: Alyssa Fiore <afiore@sgs-law.com>
Sent: Wednesday, June 17, 2015 8:47 AM
To: Krysundra Cannington
Subject: Folio/6200 Glen Falls Road

Sunny,

Good morning ☺

Larry indicated the hearing in the above matter was not concluded yesterday. Please let me know when you have dates available for rescheduling and I can confirm with our team.

Thanks!

Alyssa M. Fiore
Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
afiore@sgs-law.com

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Krysundra Cannington

From: Krysundra Cannington
Sent: Wednesday, July 08, 2015 10:05 AM
To: Lawrence Schmidt, Esquire; Peoples Counsel; 'rdcjward@verizon.net'
Cc: Alyssa Fiore
Subject: Folio 14-185-A

Good morning,

As you are aware, the matter of Richard Folio, case number 14-185-A, did not conclude on June 16, 2015. Please advise if Thursday, September 10, 2015 would be agreeable for the next day of hearing.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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Krysundra Cannington

From: Ron and Donna Ward <rdcjward@verizon.net>
Sent: Wednesday, July 08, 2015 7:38 PM
To: Krysundra Cannington
Subject: RE: Folio 14-185-A

That is fine with me.

Donna Ward

Sent from Yahoo Mail for iPhone

At Jul 8, 2015, 10:04:54 AM, Krysundra Cannington wrote:

Good morning,

As you are aware, the matter of Richard Folio, case number 14-185-A, did not conclude on June 16, 2015. Please advise if Thursday, September 10, 2015 would be agreeable for the next day of hearing.

Thank you,

Sunny

Krysundra "Sunny" Cannington

Administrator

Board of Appeals for Baltimore County

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Krysundra Cannington

From: Alyssa Fiore <afiore@sgs-law.com>
Sent: Monday, July 13, 2015 11:29 AM
To: Krysundra Cannington; Lawrence Schmidt; Peoples Counsel; rdcjward@verizon.net
Subject: RE: Folio 14-185-A

Sunny,

September 10th does not work for Larry. Please let me know what other days are available.

Thanks!

Alyssa M. Fiore
Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
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From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Wednesday, July 08, 2015 10:05 AM
To: Lawrence Schmidt; Peoples Counsel; rdcjward@verizon.net
Cc: Alyssa Fiore
Subject: Folio 14-185-A

Good morning,

As you are aware, the matter of Richard Folio, case number 14-185-A, did not conclude on June 16, 2015. Please advise if Thursday, September 10, 2015 would be agreeable for the next day of hearing.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue

Krysundra Cannington

From: Krysundra Cannington
Sent: Monday, July 27, 2015 9:08 AM
To: Andrew Belt; Alston, Ben; Maureen Murphy
Subject: Scheduling

Importance: High

Good morning,

I am attempting to schedule the following cases on the same date;

Dimick: Andy and Maureen – Counsel has agreed to proceed with the 2 of you for the public deliberation on the Motion for Reconsideration.

Volvo: Maureen is going to read into this case to take over for David. We need to have a public deliberation on the Motion for Reconsideration.

Folio: needs a day 3.

Please let me know if you are available August 25, 26, 27, September 8, 9, 10, 14, 15, 17, 30.

I will send the available dates to Counsel for Folio and schedule Dimick and Volvo on the same day.

Thank you.

Sunny

Krysundra Cannington

From: Krysundra Cannington
Sent: Monday, July 27, 2015 9:39 AM
To: Lawrence Schmidt, Esquire; 'rdcjward@verizon.net'; Peoples Counsel
Subject: Folio 14-185-A

Good morning,

I am checking the following dates with the panel for this matter. In the hopes of finding an agreeable date, please advise as to which dates work best for you.

August 25, 26, 27, September 8, 14, 15, 17 or 30, 2015

Please be advised, in order to use the August dates, we must hear from you by the end of this week.

Please do not hesitate to contact me with questions.

Thank you.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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Krysundra Cannington

From: Krysundra Cannington
Sent: Monday, July 27, 2015 1:14 PM
To: Lawrence Schmidt, Esquire; Peoples Counsel; 'rdcjward@verizon.net'
Subject: Re: Folio 14-185-A

Good afternoon,

I have heard back from the panel and unfortunately the only date offered this morning that works for everyone is September 8. Please let me know if this is an agreeable date. If not, I will check again with the panel to determine additional possibilities.

Thank you.

Sunny

From: Krysundra Cannington
Sent: Monday, July 27, 2015 9:39 AM
To: Lawrence Schmidt, Esquire; 'rdcjward@verizon.net'; Peoples Counsel
Subject: Folio 14-185-A

Good morning,

I am checking the following dates with the panel for this matter. In the hopes of finding an agreeable date, please advise as to which dates work best for you.

August 25, 26, 27, September 8, 14, 15, 17 or 30, 2015

Please be advised, in order to use the August dates, we must hear from you by the end of this week.

Please do not hesitate to contact me with questions.

Thank you.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

Confidentiality Statement

Krysundra Cannington

From: Krysundra Cannington
Sent: Wednesday, July 29, 2015 11:07 AM
To: Lawrence Schmidt, Esquire; Peoples Counsel; 'rdcjward@verizon.net'
Subject: Folio 14-185-A

Good morning,

It is my understanding that Ms. Ward is not available on September 8. Therefore, I now propose October for the next day of hearing in the Folio matter. Please be advised that the County will be closed on October 12, 2015 in observation of Columbus day. Otherwise, the month of October is currently empty. Please advise as to which dates work best for you and I will coordinate with the panel.

Thank you.

Sunny

Krysundra "Sunny" Cannington
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Krysundra Cannington

From: Ron and Donna Ward <rdcjward@verizon.net>
Sent: Wednesday, July 29, 2015 12:43 PM
To: Krysundra Cannington
Subject: RE: Folio 14-185-A

Sunny,

These are the dates that I am NOT available: 10/1, 10/2, 10/8, 10/9, 10/15, 10/28, 10/29, 10/30.

Donna Ward

Sent from Yahoo Mail for iPad

On Jul 29, 2015, 11:07:17 AM, Krysundra Cannington wrote:

Good morning,

It is my understanding that Ms. Ward is not available on September 8. Therefore, I now propose October for the next day of hearing in the Folio matter. Please be advised that the County will be closed on October 12, 2015 in observation of Columbus day. Otherwise, the month of October is currently empty. Please advise as to which dates work best for you and I will coordinate with the panel.

Thank you.

Sunny

Krysundra "Sunny" Cannington

Administrator

Board of Appeals for Baltimore County

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Krysundra Cannington

From: Krysundra Cannington
Sent: Wednesday, August 05, 2015 9:05 AM
To: Maureen Murphy; Andrew Belt; Alston, Ben
Subject: Folio

Good morning,

Checking one last time before I set Folio in for another day. Are you available on September 24, 28, 30, October 5, 6, and/or 7.

Thanks.

S.

Krysundra Cannington

From: Krysundra Cannington
Sent: Thursday, August 06, 2015 8:29 AM
To: Lawrence Schmidt, Esquire; 'Ron and Donna Ward'; Peoples Counsel
Subject: Folio

Good morning,

September 24, 2015 has opened up on the Board's docket, would you, your clients and witnesses be available to hold the next hearing in Folio that day?

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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Krysundra Cannington

From: Ron and Donna Ward <rdcjward@verizon.net>
Sent: Thursday, August 06, 2015 4:04 PM
To: Krysundra Cannington
Subject: RE: Folio

That works for me.

Donna Ward

Sent from Yahoo Mail for iPad

On Aug 6, 2015, 8:28:44 AM, Krysundra Cannington wrote:

Good morning,

September 24, 2015 has opened up on the Board's docket, would you, your clients and witnesses be available to hold the next hearing in Folio that day?

Thank you,

Sunny

Krysundra "Sunny" Cannington

Administrator

Board of Appeals for Baltimore County

The Jefferson Building, Suite 203

105 W. Chesapeake Avenue

Towson, MD 21204

Phone: 410-887-3180

Fax: 410-887-3182

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Krysundra Cannington

From: Krysundra Cannington
Sent: Monday, August 10, 2015 9:28 AM
To: Alyssa Fiore
Subject: Folio

Good morning Alyssa,

I hope you had a great vacation.

Last week I sent an email on Folio. I think your team is the only one I'm waiting to hear back on. Since HVBC does not appear to be going forward in September, can we use September 24 for Folio?

Let me know.

Thanks!

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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Krysundra Cannington

From: Alyssa Fiore <afiore@sgs-law.com>
Sent: Wednesday, August 12, 2015 11:13 AM
To: Krysundra Cannington
Subject: RE: Folio
Attachments: IMG_5621.jpg; IMG_5607.jpg; IMG_5613.jpg

Sunny,

Sorry again for my delay in getting back to you on this matter! I did enjoy my "vacation" to Colorado...although it was for my bestie's wedding and I am certainly not a mountain, high altitude fan. Next time, it will be the beach! I attached a couple photos for you guys to see how beautiful the venue (Arapahoe basin) was.

I received confirmation from our team that they are available on September 24th.

YAY! One less case to schedule ☺

I will await the hearing notice.

Alyssa M. Fiore
Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
afiore@sgs-law.com

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From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Monday, August 10, 2015 9:28 AM
To: Alyssa Fiore
Subject: Folio

Good morning Alyssa,

I hope you had a great vacation.

Last week I sent an email on Folio. I think your team is the only one I'm waiting to hear back on. Since HVBC does not appear to be going forward in September, can we use September 24 for Folio?

Let me know.

Krysundra Cannington

From: George Harman <harmangeorge@hotmail.com>
Sent: Thursday, October 22, 2015 11:14 PM
To: Appeals Board
Cc: Peoples Counsel; Ischmidt@sgs-law.com
Subject: Folio case
Attachments: Board of Appeals for Baltimore Count 2015 10 22.docx

Please enter the attached file into the record for the case referenced in the attachment.

George Harman
410-429-6035

October 22, 2015

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204

via email

RE: PETITION FOR VARIANCE BEFORE THE BOARD OF APPEALS FOR
BALTIMORE COUNTY

Petitioner(s): Richard M. Folio
6200 Glen Falls Road
4th Election & 3rd Council Districts
2014-185-A

Dear Board Members:

The point that I had hoped to get into the testimony during the hearing before the Board in the referenced case involved the removal of the maximum 10% imperviousness of the previously classified RC-4 parcel and replacing it with qualitative goals in the new RC-8 classification. The parcel in question had been classified as RC-4 prior to the last CZMP changes approved by Councilman McIntire eight years ago. He reclassified many parcels to RC-8, including the subject parcel. The purpose behind the creation of the new classification and applying it to RC-4 land was apparently to restrict the number of residential units in the watershed protection areas and providing the degree of environmental protection originally conceived. However, the new RC-8 classification eliminated the 10% limit on imperviousness that had been in place under the RC-4 classification and replaced that protective measure with a non-quantitative goal to protect ecosystem function, streams, wetlands, floodplains, water quality, and reservoirs (Article 1A - 1A09.1 B 1,2 & 3).

While the Board decided to deny my qualifications as an expert witness based on the objections of Lawrence Schmidt, who had misrepresented the intent of Mr. Zimmerman to qualify me as an expert in water quality standards and not as an expert in stormwater management, I do have over forty years of work and experience in developing water quality programs. In addition, I had the honor of managing the unit within the Maryland Department of the Environment during the ten years prior to my retirement that maintained the State's water quality regulations.

Excessive imperviousness is a well-documented negative factor that reduces ecosystem function and runs contrary to the goals that are required for RC-8 land. Five percent

imperviousness can be expected raise water temperatures and result in the loss of cold water-loving brook trout, the only native trout in Maryland. Ten percent imperviousness can be expected to prevent even the more hardy introduced brown and rainbow trout from reproducing and surviving. Twenty percent imperviousness will generally eliminate the more desirable insect life that is needed for viable warm water fish such as bass. The existing imperviousness of the Folio lot (20%) will not by itself destroy the downstream ecosystem, but it has the precedent setting potential through gradual approval of similar variances on other parcels to cumulatively negate the stated goals for RC-8 land.

The streams receiving runoff from properties west of Md. Route 30, including the stream behind the community in question, all support high quality ecosystems with desirable fish populations where the size of the streams are of sufficient size (personal knowledge). Two of the streams immediately to the south are even recognized by the Maryland Department of Natural Resources and the Maryland Department of the Environment as being streams of exceptional quality. Within the State's Water Quality Standards streams of this higher caliber are categorized as Tier II streams and watershed development of these streams must be carefully controlled to prevent imperviousness from reaching critical thresholds.

The existing twenty percent imperviousness of the Folio property is by itself excessive. The 10% impervious limit in the previous RC-4 classification was a reasonable target for individual parcels in preserving ecosystem function and should not be ignored under the new classification. As the County has replaced the quantitative limit from the Code with a new qualitative standard, we need have our arbitrators protect the goals established in the new land use classification. The use of the prior quantitative limit on imperviousness is a reasonable means of assuring that the goals of the new RC-8 classification are met.

It is hereby requested that your deliberations in this variance request carefully consider the ecosystem function goal in the new RC-8 classification.

George Harman
5429 Weywood Drive
Reisterstown, MD 21136
410-429-6035
harmangeorge@hotmail.com

Krysundra Cannington

From: Ron and Donna Ward <rdcjward@verizon.net>
Sent: Friday, October 23, 2015 5:19 PM
To: Appeals Board
Subject: Folio Variance Request
Attachments: Folio Variance Request Letter.pdf

Please provide the attached letter to the Board of Appeals regarding the Richard Folio variance request. A signed original was mailed yesterday.

Thank you,

Donna Ward

Ronald L. Ward and Donna M. Ward
6130 Glen Falls Road
Reisterstown, MD 21136

October 20, 2015

In the Matter of: Richard M. Folio
6200 Glen Falls Road

To the Board of Appeals of Baltimore County:

We regret that we are unable to attend the deliberation on December 3, 2015 and do not want you to interpret our absence to mean that we do not feel strongly regarding our opposition to Mr. Folio's request for a variance.

While we respect all homeowners' desires to make improvements to their properties as they see fit, we feel strong consideration should be given to the impact of any improvement that requires a variance from the established norms, as governed by codes and restrictions. We realize there are instances where deviations are minor, and we recognize their appropriateness; however in this instance, there are several factors that are reasons we feel this variance is excessive and should not be granted.

We feel the variance should be denied for the following reasons:

- Footprint of the proposed structure exceeds the footprint of existing house (minus garage which is attached by a small roof).
- We feel that the proposed structure will negatively impact the value of surrounding properties. Since our property is adjacent to the subject property, we will be the most affected by it.
- Proposed structure extends forward of the front of the house.
- The proposed structure doesn't fit the rural scope of the surrounding neighborhood.
- In our opinion, the improvements that have been made to the subject property to this point have been beyond what would be considered typical for the amount of acreage owned and the size of the residence.

We feel these factors would negatively impact the continuity of this residential area. While custom homes lend themselves to improvements beyond the scope of what is found in neighborhoods with more restrictive covenants, this is a rural residential area which borders state property and a reservoir, and efforts should be made to maintain that presence. Thank you for taking ours and other neighbors positions into consideration.

Ronald L. Ward

Donna M. Ward

Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Ron and Donna Ward <rdcjward@verizon.net>; Alyssa Fiore <afiore@sgs-law.com>

Subject: RE: Richard Folio 14-185-A

Sunny: To date, I have not seen the Board's written decision. I suspect that it may be in today's mail, which we have not received. I also have not received Mr. Zimmerman's correspondence, except that I note it is attached to your email. I will review all of these promptly when they are in my possession and will get back to you at that time.

Lawrence F. Schmidt
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
lschmidt@sgs-law.com

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From: Krysundra Cannington [<mailto:kcannington@baltimorecountymd.gov>]
Sent: Wednesday, February 24, 2016 11:30 AM
To: Lawrence Schmidt
Cc: Peoples Counsel; Ron and Donna Ward
Subject: Richard Folio 14-185-A

Mr. Schmidt,

Attached please find a copy of Mr. Zimmerman's request for clarification. While the Board does not feel this should be an issue, in the event this matter is appealed to the Circuit Court, we are inclined to amend the title of Mr. Belt's "Dissent." For the record, do you have any objections to Mr. Zimmerman's request?

Thank you for your time and attention.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Wednesday, February 24, 2016 11:33 AM
To: Krysundra Cannington
Cc: Peoples Counsel; Ron and Donna Ward; Alyssa Fiore
Subject: RE: Richard Folio 14-185-A

Sunny: To date, I have not seen the Board's written decision. I suspect that it may be in today's mail, which we have not received. I also have not received Mr. Zimmerman's correspondence, except that I note it is attached to your email. I will review all of these promptly when they are in my possession and will get back to you at that time.

Lawrence E. Schmidt
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
lschmidt@sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Wednesday, February 24, 2016 11:30 AM
To: Lawrence Schmidt
Cc: Peoples Counsel; Ron and Donna Ward
Subject: Richard Folio 14-185-A

Mr. Schmidt,

Attached please find a copy of Mr. Zimmerman's request for clarification. While the Board does not feel this should be an issue, in the event this matter is appealed to the Circuit Court, we are inclined to amend the title of Mr. Belt's "Dissent." For the record, do you have any objections to Mr. Zimmerman's request?

Thank you for your time and attention.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County

Krysundra Cannington

From: Krysundra Cannington
Sent: Wednesday, February 24, 2016 11:46 AM
To: 'Lawrence Schmidt'
Cc: Peoples Counsel; Ron and Donna Ward; Alyssa Fiore
Subject: RE: Richard Folio 14-185-A
Attachments: Folio 14-185-A Opinion and Dissent.pdf

Larry,

I have attached a pdf copy of the Folio Opinion with "Dissent" for your convenience.

Thank you.

Sunny

From: Lawrence Schmidt [mailto:lschmidt@sgs-law.com]
Sent: Wednesday, February 24, 2016 11:33 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Ron and Donna Ward <rdcjward@verizon.net>; Alyssa Fiore <afiore@sgs-law.com>
Subject: RE: Richard Folio 14-185-A

Sunny: To date, I have not seen the Board's written decision. I suspect that it mail be in today's mail, which we have not received. I also have not received Mr. Zimmerman's correspondence, except that I note it is attached to your email. I will review all of these promptly when they are in my possession and will get back to you at that time.

Lawrence E. Schmidt
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Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Wednesday, February 24, 2016 12:03 PM
To: Krysundra Cannington
Cc: Peoples Counsel; Ron and Donna Ward; Alyssa Fiore
Subject: RE: Richard Folio 14-185-A

Thanks Sunny. I will respond to you by the close of business tomorrow as I am going to be out of the Office most of this afternoon.

Thanks for sending.

Larry Schmidt

Lawrence E. Schmidt
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
lschmidt@sgs-law.com

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From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Wednesday, February 24, 2016 11:46 AM
To: Lawrence Schmidt
Cc: Peoples Counsel; Ron and Donna Ward; Alyssa Fiore
Subject: RE: Richard Folio 14-185-A

Larry,

I have attached a pdf copy of the Folio Opinion with "Dissent" for your convenience.

Thank you.

Sunny

From: Lawrence Schmidt [mailto:lschmidt@sgs-law.com]
Sent: Wednesday, February 24, 2016 11:33 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Thursday, February 25, 2016 11:41 AM
To: Krysundra Cannington
Cc: Peoples Counsel; Ron and Donna Ward; Alyssa Fiore
Subject: RE: Richard Folio 14-185-A

Sunny: I've had the opportunity to review the decision (both the majority and "dissent"), as well as Mr. Zimmerman's correspondence. I do not have any objection to a re-labeling of Mr. Belt's decision but ultimately leave it to his discretion as to what he chooses to do (and call it).

Larry Schmidt

Lawrence E. Schmidt
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 – fax
lschmidt@sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Wednesday, February 24, 2016 11:30 AM
To: Lawrence Schmidt
Cc: Peoples Counsel; Ron and Donna Ward
Subject: Richard Folio 14-185-A

Mr. Schmidt,

Attached please find a copy of Mr. Zimmerman's request for clarification. While the Board does not feel this should be an issue, in the event this matter is appealed to the Circuit Court, we are inclined to amend the title of Mr. Belt's "Dissent." For the record, do you have any objections to Mr. Zimmerman's request?

Thank you for your time and attention.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
NATALIE MAYO
ELYANA TARLOW

of counsel:

EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

December 2, 2014

Sent via Hand Delivery

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building 105 West Chesapeake Avenue, Room 204
Towson, MD 21204

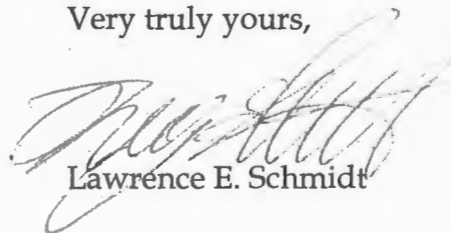
Re: Folio - 6200 Glen Falls Road

Dear Pete:

Enclosed for your review please find the final draft of the Opinion and Order to Stay Proceedings in the above referenced matter pending before the Board of Appeals. This draft combines both of our edits and should be acceptable as is. However, please review the enclosed and sign where indicated under "Agreed as to Substance and Form" on page 8. Upon execution, please deliver to the Board of Appeals for signature.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me. As always I am

Very truly yours,



Lawrence E. Schmidt

LES: amf

Enclosure

cc: Richard Folio
George Neubeck
Donna Ward
Paul Joyce
C. Robert Holtz
Vicki Locklear
Frank Valentine
Kenneth J. Wells
Christopher W. Corey, Esquire

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
NATALIE MAYO
ELYANA TARLOW

of counsel:

EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

February 20, 2015

Via Hand Delivery

Krysundra Cannington, Administrator
Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

**Re: In the Matter of: Richard M. Folio, Petitioner
Case No. 14-0185-A**

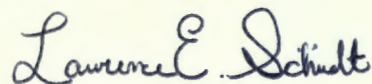
Dear Sunny,

I write by way of follow up to your February 4, 2015 letter in connection with the above referenced matter. In accordance with the December 15, 2015 Opinion and Order to Stay Proceedings, please accept this letter as a request for a hearing to be scheduled to reconvene on this matter. At the least, I wish to offer evidence and argument regarding the Department of Planning's recommendation to the Board. I understood that the parties, upon their request, would be given this opportunity.

Please contact Alyssa Fiore in my office to coordinate calendars so that a mutually agreeable hearing date can be assigned

Thank you for your consideration.

Very truly yours,



Lawrence E. Schmidt

LES/amf

cc: Peter Max Zimmerman, Esquire
Richard M. Folio

RECEIVED

FEB 20 2015

**BALTIMORE COUNTY
BOARD OF APPEALS**

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO
NATALIE MAYO
ELYANA TARLOW
of counsel:
DAVID T. LAMPTON

RECEIVED

AUG 07 2014

August 5, 2014

BALTIMORE COUNTY
BOARD OF APPEALS

Via First Class Mail

Krysundra Cannington
Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: 6200 Glen Falls Road
Case No. 14-0185-A

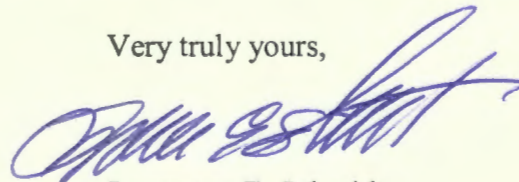
Dear Sunny,

I write by way of follow up to the appeal which was filed in the Office of Administrative Hearings in the above referenced matter on July 29, 2014.

Please be advised that I represent the Appellee, Richard M. Folio in this matter. Accordingly, please be sure to include me on any notices sent.

Please call should you have any interim questions.

Very truly yours,



Lawrence E. Schmidt

LES/amf

cc: Richard M. Folio

Ronald L. Ward and Donna M. Ward
6130 Glen Falls Road
Reisterstown, MD 21136

RECEIVED

OCT 26 2015

BALTIMORE COUNTY
BOARD OF APPEALS

October 20, 2015

In the Matter of: Richard M. Folio
6200 Glen Falls Road

To the Board of Appeals of Baltimore County:

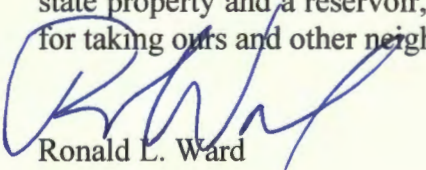
We regret that we are unable to attend the deliberation on December 3, 2015 and do not want you to interpret our absence to mean that we do not feel strongly regarding our opposition to Mr. Folio's request for a variance.

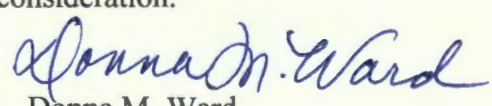
While we respect all homeowners' desires to make improvements to their properties as they see fit, we feel strong consideration should be given to the impact of any improvement that requires a variance from the established norms, as governed by codes and restrictions. We realize there are instances where deviations are minor, and we recognize their appropriateness; however in this instance, there are several factors that are reasons we feel this variance is excessive and should not be granted.

We feel the variance should be denied for the following reasons:

- Footprint of the proposed structure exceeds the footprint of existing house (minus garage which is attached by a small roof).
- We feel that the proposed structure will negatively impact the value of surrounding properties. Since our property is adjacent to the subject property, we will be the most affected by it.
- Proposed structure extends forward of the front of the house.
- The proposed structure doesn't fit the rural scope of the surrounding neighborhood.
- In our opinion, the improvements that have been made to the subject property to this point have been beyond what would be considered typical for the amount of acreage owned and the size of the residence.

We feel these factors would negatively impact the continuity of this residential area. While custom homes lend themselves to improvements beyond the scope of what is found in neighborhoods with more restrictive covenants, this is a rural residential area which borders state property and a reservoir, and efforts should be made to maintain that presence. Thank you for taking ours and other neighbors positions into consideration.


Ronald L. Ward


Donna M. Ward

HANOVER ROAD ASSOCIATION, INC.
P.O. BOX 121
UPPERCO, MARYLAND 21155

RECEIVED
JUN 11 2015

BALTIMORE COUNTY
BOARD OF APPEALS

June 9, 2015

Board of Appeals
of Baltimore County
Jefferson Building
2nd Floor, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

Re: Case Number: 2014-0185-A
6200 Gen Falls Road
NW/s of Glen Falls Road, 750 ft. SW of centerline of Hiltner Road
4th Election District – 3rd Councilmanic District
Legal Owners: Richard Folio

Dear Judges:

I am the Vice-President of the Hanover Road Association. The subject property is located within the area represented by the Association. Please accept this letter on behalf of the Association.

In a letter dated May 12, 2014, to the Administrative Law Judges, this Association stated its opposition to this requested variance. This letter shall serve to confirm the Association's opposition for the following reasons.

It is well established under Maryland case Law from the Maryland Court of Appeals and Maryland Court of Special Appeals that an applicant cannot base his variance request on practical difficulty or undue hardship which was created by the applicant. In this case Mr. Folio constructed many improvements to his property, including a swimming pool, tennis court, soccer field, and basketball court in the rear of his property. He is now claiming that because of these structures there is no room for the proposed new building. This he may not do because he has created his own practical difficulty and undue hardship.

The proposed building may violate the front building setback line as shown on, and required by the recorded subdivision Plat for this subdivision; which Plat is recorded among the Land Records of Baltimore County in Plat Book No. 63, folio 144.

The correct zoning for this property is RC8. It was formerly RC4 but was changed to RC8 several years ago. All setback requirements should be determined by RC8 zoning because that is the zoning designation in effect at the time this variance was requested. The prior RC4 zoning is irrelevant for any current variance request.

Board of Appeals of Baltimore County
June 9, 2015
Page 2

The proposed building should not be permitted except in the rear of the current dwelling, meaning behind the projected rear line of the existing dwelling.

There is sufficient space in the rear of his property to construct the new building. He may not claim that these locations in the rear of his dwelling are not suitable merely because the grading is not to his liking.

No other neighboring properties have any buildings constructed in the front or side yards. All such buildings are constructed in the rear. To allow this proposed structure is completely out of character for the neighborhood, and will result in diminished values to the neighboring properties. It also would set a precedent to permit other properties to do so, causing further economic devaluations.

The proposed new building should not be permitted a variance for height. The proposed new building should comply with the required 15' height limit as all other such buildings in the neighborhood.

The Hanover Road Association has standing in this matter. The Hanover Road Association is a non-profit, non-stock, homeowners association, whose territory of concern is centered on the Rt. 30 corridor, including the areas south of Rt. 30 to Rt. 140, from Reisterstown to Finksburg and Hampstead.

Thank you for your consideration of the Association's position in this matter.

Very truly yours,



Robert Slaterbeck, Vice-President
Hanover Road Association

cc: Office of People's Counsel
105 W. Chesapeake Avenue, Room 204
Towson, MD 21204

CASE NAME 2014-185-A
CASE NUMBER Fel10
DATE 3/16/14

CASE NAME 2014-185-A
CASE NUMBER Fel10
DATE 3/16/14

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 2014-0185-A
DATE May 16, 2014

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

CARROLL COUNTY

4 ED

039A2

NW 19-L

RC7

RC 8

Site

3 CD

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

2200010207

6134

Lot # 3 2200010204

1992-0189-A

2200010205

Lot # 4

Pt. Bk. 0000063, Folio 0144

2200010203

Lot # 2

6130

PDM # 040375

Pt. Bk./Folio # 063144

2200010208

0419052420

Lot # 1

2200010202

6200

6213

Lot # 3 2400001951

6210

Lot # 2 2400002900

6217

PDM # 040585

Pt. Bk./Folio # MP02008

GLEN FALLS RD

Lot # 1

0426020175

6225

2014-0185-A

Real Property Data Search (w4)

Your feed back is important to us. [Please take our short survey.](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Register
Account Identifier:	District - 04 Account Number - 2200010202	
Owner Information		
Owner Name:	FOLIO RICHARD M	Use: RESID
Mailing Address:	6200 GLEN FALLS RD REISTERSTOWN MD 21136-4517	Principal Residence: YES
		Deed Reference: 1) /3438 2)
Location & Structure Information		
Premises Address:	6200 GLEN FALLS RD REISTERSTOWN 21136-4517	Legal Description: 3.001 A PLUM
Map: 0039	Grid: 0007	Parcel: 0062
Sub District:	Subdivision: 0000	Section: 1
Block:	Lot: 2013	Assessment Year:
Plat No:	Plat Ref:	NONE
Special Tax Areas:		
Town:	Ad Valorem:	Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1998	2,160 SF	3.0000 AC
Stories	Basement	Type
2.000000	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	2 full/ 1 half	1 Attached
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2013	07/01/2013
Land:	144,000	108,000
Improvements	222,100	219,400
Total:	366,100	327,400
Preferential Land:	0	0
Transfer Information		
Seller: FOLIO RICHARD M	Date: 10/31/2013	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /34389/ 00497	Deed2:
Seller: INCOG ASSOCIATES LLC	Date: 01/02/1998	Price: \$82,000
Type: ARMS LENGTH VACANT	Deed1: /12584/ 00144	Deed2:
Seller: PLUMMER FRANKLIN A	Date: 08/04/1995	Price: \$50,971
Type: ARMS LENGTH MULTIPLE	Deed1: /11154/ 00321	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
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		





© 2014 Google

Google earth

Google earth

feet
meters



6300 Glen Falls Road

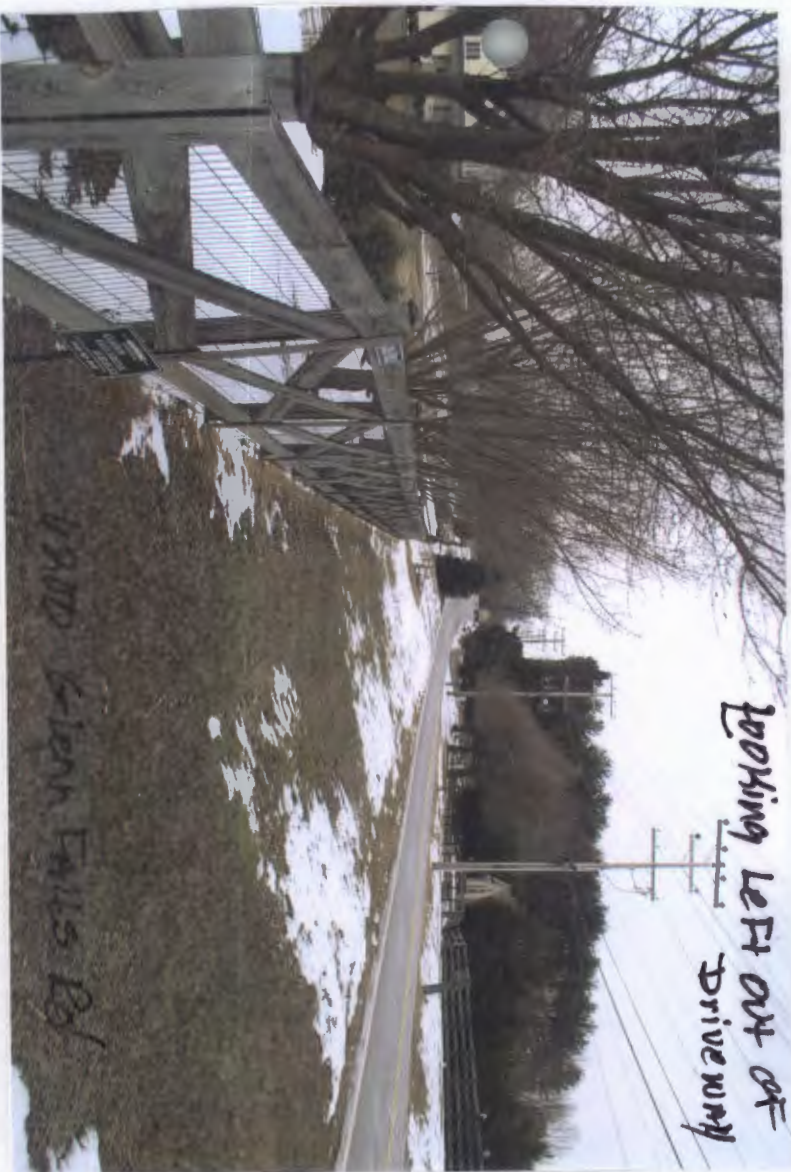


6300 Glen Falls Rd

2014-0185-A



Looking to Right out of driveway

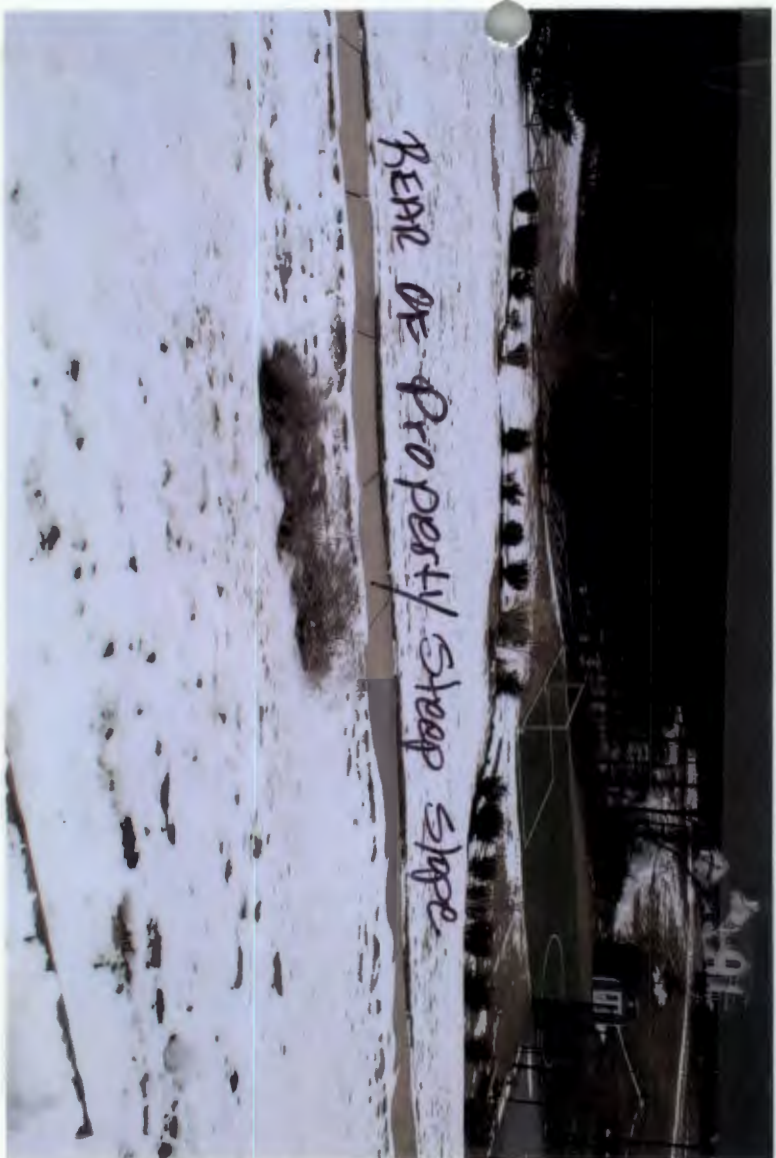


Looking Left out of driveway

1300 Green Falls Rd

2014-0185-A

6200- GLEN FALLS COND



2014-0185-A

Case No: 14-185 A Case Name: Richard M. Folio

Case Name:

Exhibit List

Party: Protestant

Date: 10-16-14

[illegible]

Case No: 4-185-A

Case Name: Richard Folio

Exhibit List

Party: Rural Protestants.

Date: 6/16/15

Exhibit No:	Description:
✓ 2	6/16/15 Sign In Sheet.
✓ 3	Rule 8 Papers- Hanover Rd A
✓ 4	9/24/15 Sign In Sheet.
✓ 5	Donna Ward Exhibits 5-A-5.
VERIFIED BY <u>KLC</u> DATE: <u>9/29/15</u>	

Protestant Exhibit 7 10/15/14

Case Name: RICHARD FOLIO PETITIONER, VARIANCES

Case No.: 2014-185-A

Date: OCTOBER 16, 2014

The Office of People's Counsel was created by the County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns, whether they have their own attorney or not. If you wish to be assisted by People's Counsel, please sign below.

[illegible]

Plot Ex. 2.
6/16/15.

6/16/15

Check to testify

Name _____

Address

Phone #

Email

Group you represent

Basis of your concerns

[illegible]

Case No
14-1851

Prot No 3
Richard Folio
6/14/15

Hanover Road

ASSOCIATION

RESOLVED: That at the General Membership meeting of the
HANOVER ROAD Association held on
April 10, 2013 [DATE], it was decided by the Association that
responsibility for review and action on all zoning matters for the period
April 2013 - November 2016 be placed in the (Board of Directors)
(Zoning Committee) consisting of the following members, each of whom is hereby
authorized to testify on behalf of the Association before the County Board of Appeals or
other duly constituted zoning agency, body, or commission:

Mike Snyder, Chairman Zoning Committee
Glenn Elseroad Sr.
George Neuback
Patty Fallon
Bob Slaterbeck
Paul Joyce

AS WITNESS OUR HANDS AND SEAL THIS 15 day of
October, 2014

ATTEST:

Hanover Road Association INC.

Patty Fallon
Secretary

Paul Joyce
President

AFFIDAVIT

**STATE OF MARYLAND
BALTIMORE COUNTY, SS:**

**TO WIT: ROBERT SLATERBECK
13929 OLD HANOVER ROAD
RESISTERSTOWN, MD 21136
410-429-5701
SLAT66@YAHOO.COM**

I HEREBY SWEAR UPON PENALTY OF PERJURY THAT I AM A DULY ELECTED MEMBER OF THE BOARD OF DIRECTORS, ZONING COMMITTEE AND VICE PRESIDENT OF THE HANOVER ROAD ASSOCIATION. INC.

Robert Slaterbeck

ATTEST: HANOVER ROAD ASSOCIATION, INC.

A. H. Elsen
TREASURER

David E. [Signature]
Pres. [Signature]

DATE: JUNE 14, 2015

HANOVER ROAD ASSOCIATION, INC.

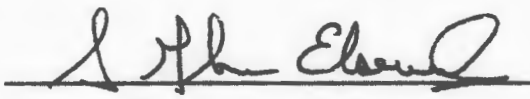
RESOLVED: That the position of the Hanover Road Association, Inc. as adopted by the Zoning Committee on the matter known as : BOA case 14-185-A Re: Petition for Administrative Variance 6200 Glen Falls Road

is that: the Hanover Road Association, Inc. continues to object to any and all variances. The property is already overbuilt with a pool, tennis court and soccer court. The addition of another large structure, in full view from the the road, will be in violation of county regulations, and adversely impact the property values of surrounding properties.

AS WITNESS OUR HANDS AND SEAL THIS 14th DAY OF

June, 2015

ATTEST: HANOVER ROAD ASSOCIATION, INC.


Treasurer


President

Protestants
Ex. ~~X~~ 4KC
9/24/15
14-185A

9/24/15
14-185A

[illegible]

Exhibit Explanations:

Prot Ex: 5
14-185 A
9/24/15
Folio

Exhibit #:	Detail:
1 - A	Ward Property Tax Record
1 - B	Ward property as viewed from front right corner of Folio property
1 - C	Ward property showing detached garage behind back wall of house
1 - D	Ward property as viewed from Holtz driveway showing topography
1 - E	Ward property as viewed from Holtz driveway showing topography
1 - F	Ward property as viewed from Locklear driveway showing topography
1 - G	Ward garage showing amount of brick foundation required due to topography
	Additional cost for Ward garage due to restrictions of topography and the zoning requirement to place it behind the back wall of the house \$18,000 (\$13,000 brick foundation work; \$5,000 in additional asphalt required)
1 - H	Plans of Ward house showing actual square footage is 2,677 and not 3,300 as
1 - I	shown on Baltimore County Tax Records; the only deviation from original plans
1 - J	is 2 x 6 walls and mirror image which do not increase the square footage
2 - A	Folio Property Tax Record
2 - B	Folio property as viewed from Ward back yard
2 - C	Folio property as viewed from Locklear front yard
2 - D	Folio property as viewed from Ward side yard showing large amount of undeveloped area on right side of house
2 - E	Folio property as viewed from Valentine front yard
2 - F	Folio property viewed from Wetzler front yard
2 - G	Folio property ariel view showing amount of development
3 - A	Valentine Property Tax Record
3 - B	Valentine property viewed from Folio front yard
3 - C	Valentine property back yard looking toward Wetzler yard showing significant drop off
3 - D	Valentine property back yard looking toward Lee yard showing significant drop off
4 - A	Holtz Property Tax Record
4 - B	Holtz property viewed from front yard (house is not easily visible from street)
4 - C, D	Holtz property viewed from back yard showing significant drop off
5 - A	Locklear Property Tax Record
5 - B	Locklear property as viewed from driveway (house sits directly behind Ward property)
5 - C	Locklear property showing steep grade in back yard
6 - A	McLeod Property Tax Record
6 - B	McLeod property as viewed from front street
7 - A	Crumbaker Property Tax Record
7 - B	Crumbaker property as viewed from driveway (house is not visible at all from street as it has no road frontage other than driveway and sits well back on 13 acres)
8 - A	Wetzler Property Tax Record - This property has been for sale for over 1 year
8 - B	Wetzler property as viewed from Folio front yard
8 - C	Wetzler side yard
8 - D	Wetzler back yard showing topography

- 9 - A Lee-Young Property Tax Record (This is currently rental property and was the original farm that Folio, Ward, Holtz and McLeod propertys were developed from)
- 9 - B Lee-Young property as viewed from Holtz driveway
- 9 - C Lee-Young property as viewed from Ward right side yard
- 10 - A Lee Property Tax Record
- 10 - B Lee property as viewed from Ward front yard
- 11 - A Carla Uhler Property Tax Record
- 11 - B Carla Uhler farm house - this is the only property on the street where a structure sits in front of the house; the structures existed prior to the house being built and all structures sit several hundred feet off of the road; property on this side of the road consists of 86 acres of farmland
- 12 & 13 Uhler farm property which is on the other side of Glen Falls road from the house and barns
- 14 Mt. Gilead United Methodist Church at 5302 Glen Falls Road
- 15 & 16 Cemetary on Glen Falls Road dating back to 1700's. The cemetary is surrounded by the Uhler farm.
- 17 - A Barb Uhler Ness Property Tax Record
- 17 - B Barb Uhler Ness property at 6022 Glen Falls Road which consists of 54 acres. Ms. Ness keeps cows and horses on her property.
- 17 - C, D, E Grazing field for Ness cows
- 18 Horses kept in field next to Mt. Gilead United Methodist Church
- 19 Aerial view of all properties that were originally part of the farm (Plummer Property), the Crumbacker properties and two additional properties that were subdivided from the Wetzler property (Valentine and Lee)
- 20 Letter from McLeods who cannot be at court due to wife's illness
- 21 Letter from Julie Crumbacker who cannot be at court due to job
- 22 Country Crier article which emphasizes Mr. Folio's "personal sports complex which stands in stark contrast to the bucolic woods which border his property" and his "recreational paradise."

WARD PROPERTY**1-A**Folio
Prot 5-1-
9/24/15
14-85A

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 2200010203			
Owner Information					
Owner Name:		WARD RONALD L WARD DONNA M		Use:	RESIDENTIAL
Mailing Address:		6130 GLEN FALLS RD REISTERSTOWN MD 21136-4516		Principal Residence:	YES
				Deed Reference:	/11154/ 00325
Location & Structure Information					
Premises Address:		6130 GLEN FALLS RD 0-0000		Legal Description:	4.245 AC 6130 GLEN FALLS RD PLUMMER PROP
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0039	0007	0062		0000	2 2016 0063/0144
Special Tax Areas:			Town: NONE		
			Ad Valorem: Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1996		3,310 SF		4.2500 AC	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	4 full/ 1 half	1 Detached
Last Major Renovation					
Value Information					
		Base Value		Value As of 01/01/2013	
				Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		119,200		119,200	
Improvements		339,700		339,700	
Total:		458,900		458,900	
Preferential Land:		0			
Transfer Information					
Seller: INCOG ASSOCIATES LLC		Date: 08/04/1995		Price: \$86,985	
Type: ARMS LENGTH VACANT		Deed1: /11154/ 00325		Deed2:	
Seller: PLUMMER FRANKLIN A		Date: 08/04/1995		Price: \$50,971	
Type: ARMS LENGTH MULTIPLE		Deed1: /11154/ 00321		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2015 07/01/2016	
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: Approved 06/17/2013					

Folio 14-185A 9/24/15 Plot 5-1-B

1-B



09/15/2015

1-C



Penio 14-185A 9/24/15 Prot 5-1-D

1-D



09/21/2015

1-E

Folio 14-185A 9/24/15 Prot 5-1-E



09/21/2015

Folio 9/24/15 9/24/15 Prot 5-1-F

1-F



09/15/2015

14-185A Folio 9/24/15 Part Ex 5-1-G 9/24/15



1-G

1-H

The Riverbend

Home Plan #

W-GOO-225

EMAIL

FACEBOOK

TWITTER

GOOGLE+

PIN IT

Print
the
details
of this
plan

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Front Exterior



Rear Exterior

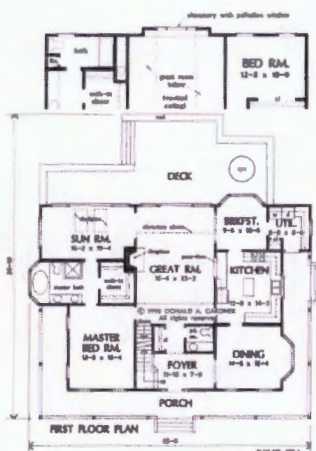
A double gabled roof with front and rear palladian windows give this wraparound porch house plan a stately elegance. Vaulted ceilings in the two-story foyer and great room reinforce the visual drama of the palladian windows, while a loft/study overlooks both areas. The covered front porch and outstanding rear deck expand living space to the outdoors. The spacious first floor master suite accesses the large sun room from a luxurious master bath with garden tub, shower, and double vanity. Upstairs in this floor plan, the largest of the three bedrooms serves as a second master suite with a private bath and walk-in closet.

Floor Plans

14-185A

Prot 5-1-I

1-I



Plan Packages

This plan is available in any of the following price packages:

AutoCAD Files	\$2,435.00
PDF Reproducible Set (Best Value)	\$1,335.00
One Reproducible Set	\$1,335.00
8 Copy Construction Set	\$1,000.00
5 Copy Construction Set	\$935.00
1 Review Set	\$860.00

2677**

Total Sq. Ft

4

Bedrooms

3.5

Bathrooms

2

Stories

Finished Square Footage

1st Floor:	1734 Sq. Ft.
2nd Floor:	943 Sq. Ft.

Additional Specs

House Dimensions:	55' 0" x 44' 0"
Great Room:	15' 4" x 23' 2"
Master Bedroom:	12' 8" x 16' 4"
Foundation:	Crawlspace

** Total Square Footage does not include "Bonus Room" or "Optional (Unfinished) Basement Foundation" square footage.

Alternate foundations are available for an additional charge. Please contact us for options.

Other House Plan Resources

Sater Design Floor Plans

\$-J

Designs Direct House Plans
Designer Dream Homes

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FOLIO PROPERTY**2A**

9/24/15

14-185A

Prot Ex 5-2

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 2200010202			
Owner Information					
Owner Name:		RICHARD M FOLIO TRUSTEE OF THE RMF REVOCABLE TR		Use: Principal Residence: RESIDENTIAL YES	
Mailing Address:		6200 GLEN FALLS RD REISTERSTOWN MD 21136-4517		Deed Reference: /35353/ 00105	
Location & Structure Information					
Premises Address:		6200 GLEN FALLS RD REISTERSTOWN 21136-4517		Legal Description: 3.001 AC PLUMMER PROP	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0039	0007	0062		0000	
					Block:
					1
					Lot:
					2016
					Assessment Year:
					Plat No:
					Plat Ref:
					0063/0144
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1998		2,160 SF		3.0000 AC	
Property Land Area		County Use			
3.0000 AC		04			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Last Major Renovation					
Value Information					
Base Value		Value As of 01/01/2013		Phase-in Assessments As of 07/01/2015	
				As of 07/01/2016	
Land:		108,000		108,000	
Improvements		219,400		219,400	
Total:		327,400		327,400	
Preferential Land:		0			
Transfer Information					
Seller: FOLIO RICHARD M		Date: 09/11/2014		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /35353/ 00105		Deed2:	
Seller: FOLIO RICHARD M		Date: 10/31/2013		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /34389/ 00497		Deed2:	
Seller: INCOG ASSOCIATES LLC		Date: 01/02/1998		Price: \$82,000	
Type: ARMS LENGTH VACANT		Deed1: /12584/ 00144		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2015	
				07/01/2016	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Folio 14-185A 9/24/15 Prot 5-2-B

2.1B



09/15/2015

Plot 5.2-C 9/24/15 Photo
14-185A
2.C



09/15/2015

Plot 5-2-D 9/24/15 Folio
14-185A.

2-D



09/15/2015

Folio 14-185A 9/24/15 Phot 5-2-E

32



Folio 9/24/15 Part 5-2-F
14-185A

2.F



Folio 9/24/15
Plot 5-2-G
2-G 14-185A



VALENTINE PROPERTY**3-A**

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 2400002900			
Owner Information					
Owner Name:	VALENTINE FRANK A 3RD VALENTINE DONNA M		Use:	RESIDENTIAL	
Mailing Address:	6215 GLEN FALLS RD REISTERSTOWN MD 21136-4517		Principal Residence:	YES	
			Deed Reference:	/17641/ 00460	
Location & Structure Information					
Premises Address:		6215 GLEN FALLS RD 0-0000		Legal Description:	1.12 AC SS GLEN FALLS RD 8100 FT W HANOVER PIKE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0039	0007	0297		0000	
					Block:
					2
					Lot:
					2016
					Assessment Year:
					Plat No:
					Plat Ref:
					MS
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
2004	2,654 SF		1.1200 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Last Major Renovation					
Value Information					
Base Value		Value As of 01/01/2013		Phase-in Assessments As of 07/01/2015	
Land:		91,000		As of 07/01/2016	
Improvements		285,700			
Total:		376,700		376,700	
Preferential Land:		0			
Transfer Information					
Seller: WETZLER ROBERT A		Date: 06/02/2003		Price: \$105,000	
Type: ARMS LENGTH VACANT		Deed1: /17641/ 00460		Deed2:	
Seller: WETZLER ROBERT A/JOYCE T		Date: 03/07/2003		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /17641/ 00460		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
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: Approved 12/03/2013					

Photo Prot 5-3-B 9/24/15
14-185A

3-B



09/15/2015

9/24/15

Folio 14-185A Plot 5-3-C

3-C



3-D



HOLTZ PROPERTY9/24/15
Prot 5-4-A
14-185A 4-A
Folio

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 2200010204			
Owner Information					
Owner Name:		HOLTZ CHARLES ROBERT HOLTZ MICHELLE		Use: RESIDENTIAL Principal Residence: YES	
Mailing Address:		6126 GLEN FALLS RD REISTERSTOWN MD 21136-4516		Deed Reference: /29780/ 00025	
Location & Structure Information					
Premises Address:		6126 GLEN FALLS RD 0-0000		Legal Description: 5.063 AC 6126 GLEN FALLS RD PLUMMER PROP	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0039	0007	0062		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	0063/0144
	3	2016			
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1998	1,832 SF		5.0600 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Last Major Renovation					
Value Information					
Base Value		Value As of		Phase-in Assessments	
		01/01/2013		As of 07/01/2015	
				As of 07/01/2016	
Land:	126,200	126,200			
Improvements	182,300	182,300			
Total:	308,500	308,500		308,500	
Preferential Land:	0				
Transfer Information					
Seller: HOLTZ CHARLES ROBERT		Date: 08/17/2010		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /29780/ 00025		Deed2:	
Seller: INCOG ASSOCIATES LLC		Date: 10/22/1997		Price: \$87,900	
Type: ARMS LENGTH VACANT		Deed1: /12452/ 00513		Deed2:	
Seller: PLUMMER FRANKLIN A		Date: 08/04/1995		Price: \$50,971	
Type: ARMS LENGTH MULTIPLE		Deed1: /11154/ 00321		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
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: Approved 12/18/2012					

Folio 9/24/15 Phot 5.4-B

4-B



09/21/2015

Photo 5.4.e Photo 9/24/15 14-185A



Plot 5-4-D 9/24/15 14-185A P090

4-D



LOCKLEAR PROPERTY**5-A**

14-185A

Real Property Data Search (w1)

Guide to searching the database

Search Result for CARROLL COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 067711			
Owner Information					
Owner Name:		LOCKLEAR KARL B LOCKLEAR VICKI L		Use:	RESIDENTIAL
Mailing Address:		6134 GLEN FALLS RD REISTERSTOWN MD 21136		Principal Residence:	YES
				Deed Reference:	/01714/ 00001
Location & Structure Information					
Premises Address:		6134 GLEN FALLS RD REISTERSTOWN 21136-0000		Legal Description:	3.239 AC NW/S GLEN FALLS RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0007	0011		0000	2014
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1996	1,276 SF	400 SF	3.2300 AC	000000	
Stories Split Foyer	Basement YES	Type SPLIT FOYER	Exterior SIDING	Full/Half Bath 3 full	Garage 1 Attached Last Major Renovation
Value Information					
Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		176,100		161,100	
Improvements		139,900		128,000	
Total:		316,000		289,100 289,100	
Preferential Land:		0		0	
Transfer Information					
Seller: INCOG ASSOCIATES LLC		Date: 08/08/1995		Price: \$77,247	
Type: ARMS LENGTH VACANT		Deed1: /01714/ 00001		Deed2:	
Seller: PLUMMER FRANKLIN A		Date: 08/02/1995		Price: \$64,056	
Type: ARMS LENGTH VACANT		Deed1: /01713/ 00067		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 03/30/2012					

Folio 14-185A Plot 5.5.B 9/24/15

5-B



Folio Prot 5-5-C 9/24/15

5-C



MCLEOD PROPERTY 6-A

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 2200010206			
Owner Information					
Owner Name:		MCLEOD WILLARD L MCLEOD BARBARA J		Use:	RESIDENTIAL
Mailing Address:		6110 GLEN FALLS RD REISTERSTOWN MD 21136-4516		Principal Residence:	YES
				Deed Reference:	/10019/ 00745
Location & Structure Information					
Premises Address:		6110 GLEN FALLS RD 0-0000		Legal Description:	5.885 AC 6110 GLEN FALLS RD NS PLUMMER PROP
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0063/0144
0039	0007	0062		0000	5 2016
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1994		2,088 SF			5.8800 AC
County Use	04				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Last Major Renovation					
Value Information					
Base Value		Value As of 01/01/2013		Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		129,900		129,900	
Improvements		164,300		164,300	
Total:		294,200		294,200	
Preferential Land:		0			
Transfer Information					
Seller: PLUMMER FRANKLIN A		Date: 09/17/1993		Price: \$83,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /10019/ 00745		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2015 07/01/2016	
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: Approved 03/06/2012					

Photo 9/24/15 Plot 5.6-B H-185A

6-B

09/21/2015



CRUMBACKER PROPERTY

14-185A

7-A

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 2400009521			
Owner Information					
Owner Name:		CRUMBACKER BERNARD JR CRUMBACKER JULIE MARIE		Use: AGRICULTURAL Principal Residence: YES	
Mailing Address:		6125 GLEN FALLS RD REISTERSTOWN MD 21136-4515		Deed Reference: /21684/ 00526	
Location & Structure Information					
Premises Address:		6125 GLEN FALLS RD 0-0000		Legal Description: 13.2182 AC SES GLEN FALLS RD 1050FT SW OF MACK RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: MS
0039	0014	0299		0000	2 2016 Plat Ref:
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1978		2,797 SF		13.2200 AC	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	YES	STANDARD UNIT	SIDING	3 full	1 Attached
Value Information					
Base Value		Value As of 01/01/2013		Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		92,400		92,400	
Improvements		272,800		272,800	
Total:		365,200		365,200	
Preferential Land:		2,400			
Transfer Information					
Seller: CRUMBACKER BERNARD JR		Date: 04/08/2005		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /21684/ 00526		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2015 07/01/2016	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		AGRICULTURAL TRANSFER TAX			
Homestead Application Information					
Homestead Application Status: Approved 04/06/2010					

Folio 9/24/15 Plot 5.7.B 14-18A

7-B



09/21/2015

WETZLER PROPERTY 8-A

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 0426020175			
Owner Information					
Owner Name:	WETZLER ROBERT A WETZLER JOYCE T		Use: Principal Residence:	AGRICULTURAL YES	
Mailing Address:	6217 GLEN FALLS RD REISTERSTOWN MD 21136-4517		Deed Reference:	/26657/ 00612	
Location & Structure Information					
Premises Address:		6217 GLEN FALLS RD 0-0000		Legal Description:	16.829AC 6217 GLEN FALLS RD 8165 FT W HANOVER PIKE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0039	0013	0059		0000	
Block:	Lot:	Assessment Year:	Plat No:	MS	
	1	2016	Plat Ref:		
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1971	3,299 SF	600 SF	16.8300 AC	05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	SIDING	3 full/ 1 half	
Value Information					
		Base Value	Value As of 01/01/2013	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		115,100	115,100		
Improvements		568,700	568,700		
Total:		683,800	683,800	683,800	
Preferential Land:		1,600			
Transfer Information					
Seller: WETZLER ROBERT A		Date: 02/11/2008		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /26657/ 00612		Deed2:	
Seller: BUCKNER ALLEN M		Date: 06/22/1989		Price: \$370,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08206/ 00458		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	AGRICULTURAL TRANSFER TAX FCMA PENALTY				
Homestead Application Information					
Homestead Application Status: Approved 08/22/2012					

9/24/15 Folio
14-185A

Page 1 of 1

Prot 5.8.13

8-B





Folio 9/24/15

Page 1 of 1

Prot 5.8.D 14-185A

8-D



LEE-YOUNG PROPERTY 9-A

9/24/15

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 2200010205			
Owner Information					
Owner Name:		LEE-YOUNG ALFRED W		Use: RESIDENTIAL	
Mailing Address:		1174 POOLE RD WESTMINSTER MD 21157-7237		Principal Residence: NO Deed Reference: /25244/ 00592	
Location & Structure Information					
Premises Address:		6120 GLEN FALLS RD REISTERSTOWN 21136-4516		Legal Description: 6.352 AC 6120 GLENN FALLS RD PLUMMER PROP	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0039	0007	0062		0000	4 2016 0063/0144
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1910		1,808 SF		6.3500 AC	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	
Value Information					
		Base Value		Value As of 01/01/2013	
Land:		132,000		132,000	
Improvements		99,300		99,300	
Total:		231,300		231,300	
Preferential Land:		0		231,300	
Transfer Information					
Seller: CHESAPEAKE HOUSE HUNTERS LLC		Date: 02/22/2007		Price: \$605,000	
Type: ARMS LENGTH IMPROVED		Deed1: /25244/ 00592		Deed2:	
Seller: BUSH LEONARD H		Date: 04/04/2006		Price: \$455,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /23627/ 00403		Deed2:	
Seller: HUDSON TONY KENT		Date: 05/05/2003		Price: \$319,900	
Type: NON-ARMS LENGTH OTHER		Deed1: /17939/ 00738		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2015 07/01/2016	
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: Denied					

14-1854 Plot 5.9-B 9/24/15 Foli 0

9-B



09/21/2015

Folia Phot S.9.C. 14-185A

9/24/15

9-C

↑ Barn

09/15/2015



LEE PROPERTY

Folio 14-185A
 Prot 5-10-A 10-A
 9/24/15

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 2400001951			
Owner Information					
Owner Name:		LEE LUCILLE M		Use:	RESIDENTIAL
Mailing Address:		6213 GLEN FALLS RD REISTERSTOWN MD 21136-4517		Principal Residence:	YES
				Deed Reference:	/31142/ 00310
Location & Structure Information					
Premises Address:		6213 GLEN FALLS RD 0-0000		Legal Description:	1.12 AC SS GLEN FALLS RD 9150 FT W HANOVER PIKE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: MS
0039	0007	0294		0000	3 2016 Plat Ref:
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
2003		2,279 SF			1.1200 AC
County Use		05			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Last Major Renovation					
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2013		07/01/2015	
				As of	
				07/01/2016	
Land:	91,000	91,000			
Improvements	271,800	271,800			
Total:	362,800	362,800		362,800	
Preferential Land:	0				
Transfer Information					
Seller: LEE LEONARD R		Date: 08/31/2011		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /31142/ 00310		Deed2:	
Seller: WETZLER ROBERT A		Date: 03/27/2003		Price: \$110,000	
Type: ARMS LENGTH VACANT		Deed1: /17742/ 00541		Deed2:	
Seller: WETZLER ROBERT A/JOYCE		Date: 10/23/2002		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /16984/ 00194		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
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: Approved 12/16/2008					

Plot 5-10-B Folio 14185A

9/24/15

10-B



09/21/2015

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 1600001840			
Owner Information					
Owner Name:	UHLER JAMES M UHLER CARLA M		Use:	AGRICULTURAL	
Mailing Address:	5914 GLEN FALLS RD REISTERSTOWN MD 21136-4512		Principal Residence:	YES	
			Deed Reference:	/10063/ 00555	
Location & Structure Information					
Premises Address:		5914 GLEN FALLS RD 0-0000		Legal Description:	86.4 AC NS NS GLEN FALLS RD 4400 W HANOVER RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0039	0008	0243		0000	2016 05
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
2004	2,769 SF			86.4000 AC	05
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Value Information					
Base Value		Value As of 01/01/2013		Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:	109,700	109,700			
Improvements	402,800	402,800			
Total:	512,500	512,500		512,500	
Preferential Land:	19,700				
Transfer Information					
Seller: BERG ELLIOTT MANN NORMAN		Date: 10/12/1993		Price: \$400,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /10063/ 00555		Deed2:	
Seller: BERG F JEANNETTE BERG ELLIOTT M		Date: 04/18/1990		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /08456/ 00000		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	AGRICULTURAL TRANSFER TAX				
Homestead Application Information					
Homestead Application Status: Approved 03/04/2014					

5/24/15 8:40 AM 14-18A 0903 51/22/16

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09/15/2015



9/24/15 Folio 14-185A

Prot 5.12

12

09/15/2015



Plot 5-13

14-185A

Photo 9/24/15

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09/15/2015



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9/24/15 Polio 14-185A Phot 5.14



09/15/2015

Photo 9/24/15 Case No 14-185A Plot 5-14



09/15/2015

Dist 5-16 9/24/15 Foto 14-185A



09/15/2015

9/24/15

17-A

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 0419073514			
Owner Information					
Owner Name:		NESS BARBARA ANN UHLER		Use:	AGRICULTURAL
Mailing Address:		6022 GLEN FALLS RD REISTERSTOWN MD 21136-4514		Principal Residence:	YES
				Deed Reference:	/29752/ 00080
Location & Structure Information					
Premises Address:		6022 GLEN FALLS RD 0-0000		Legal Description:	54.161 AC NS GLEN FALLS RD 3100 NE OLD EMORY CHAPEL
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0039	0008	0231		0000	
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1973	2,742 SF	400 SF	54.1600 AC	05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	YES	STANDARD UNIT	BLOCK	2 full/ 1 half	
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2013	As of 07/01/2015	As of 07/01/2016
Land:		142,100	142,100		
Improvements		204,700	204,700		
Total:		346,800	346,800	346,800	
Preferential Land:		7,100			
Transfer Information					
Seller:		UHLER BERNARD E, JR		Date:	08/10/2010
Type:		NON-ARMS LENGTH OTHER		Deed1:	/29752/ 00080
				Price:	\$0
				Deed2:	
Seller:		STEUART ENSOR A G USE 83-84		Date:	05/26/1972
Type:		ARMS LENGTH IMPROVED		Deed1:	/05270/ 00216
				Price:	\$55,100
				Deed2:	
Seller:				Date:	
Type:				Deed1:	
				Price:	
				Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2015	07/01/2016
County:	000			0.00	
State:	000			0.00	
Municipal:	000			0.00	0.00
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	AGRICULTURAL TRANSFER TAX				
Homestead Application Information					
Homestead Application Status: No Application					

Plot 5.173 14-185A 9/24/15

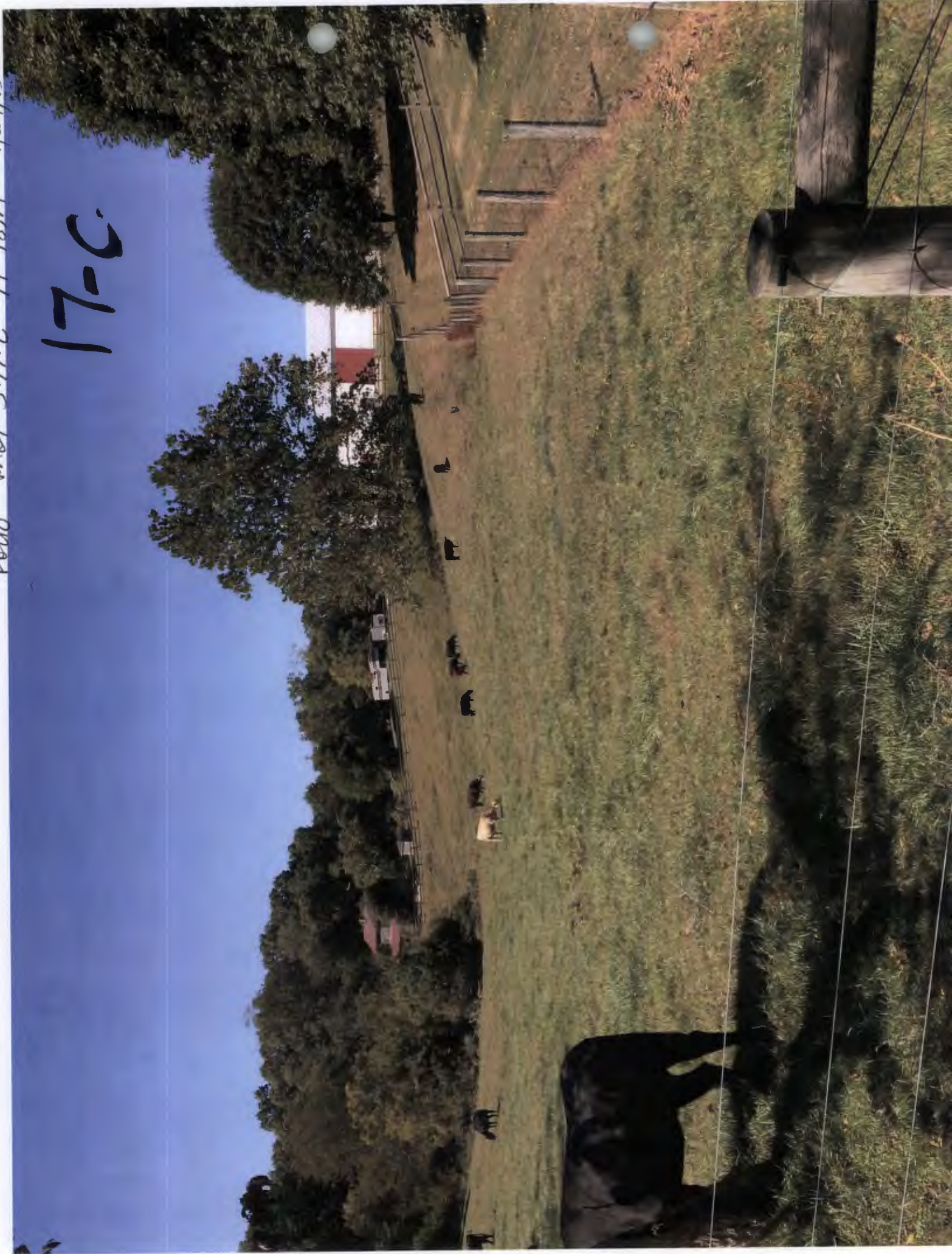
11-B



09/15/2015

Folio Plot 5-17-C 14-185A 9/24/15

17-C



Plot 5-17.D 9/24/15 Folio 14-185A

17-D



ESUO 9/24/15 14-18A Pset 5-17-E

3-21



Plot Ex: 5.18 Folio 14-185A 9/24/15

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FOHO 9/24/15 Plot 5.19 14-185A

19



Glen Falls Rd

McLeod
6110

Holtz
6126

Ward
6130

Glen Falls Rd

Lee
6213

Valentine
6215

Folio
6200

Glen Falls Rd

Wetzler
6217

Anderson
6210

Locklear
6134

Liberty Reservoir
Property

Carroll County
Baltimore County

Glen Falls Rd

Hollingsworth Rd

Crumbaker
6127

Crum
6128

Liberty Reservoir
Property

Hollingsworth Rd

Folio 14-185A

20

9/24/15 Prot. 5.70

MY NAME IS WILLARD MC LEOD AND I LIVE AT 6110 GLEN FALLS ROAD.

MY WIFE BARBARA AND I ARE 100 % OPPOSED TO RICK FOLIO S REQUEST TO BUILD A
NONCONFORMING STRUCTURE ON HIS PROPERTY.

WHEN THE PLUMMER PROPERTY WAS SUBDIVIDED IN THE 1990 S INTO 7 RESIDENTIAL
BUILDING LOTS , THE BUYERS BELIEVED THAT THEY WOULD BE LIVING IN A
RESIDENTIAL COMMUNITY.

THAT WAS IN FACT WHAT TRANSPIRED AS THE PROPERTIES HAVE BEEN DEVELOPED
INTO A VERY AESTHETICALLY APPEALING NEIGHBORHOOD.

IF MR FOLIO IS ALLOWED TO PROCEED , THE NEIGHBORHOOD WILL BEGIN TO LOOK
MORE COMMERCIAL THAN RESIDENTIAL AS HE ALREADY HAS INSTALLED A TENNIS
COURT AND SOCCER FIELD ON THE PROPERTY.

IN A DEMOCRACY ,THE WILL OF THE MAJORITY IS SUPPOSED TO PREVAIL OVER THE WILL
OF THE MINORITY.

FOR THE ABOVE STATED REASONS, WE ASK THE ZONING AUTHORITIES TO UPHOLD
THEIR ORIGINAL DECISION AND DENY MR FOLIO S ATTEMPT TO RIDE ROUGHSHOD OVER
ALL THE OTHER RESIDENTS ON GLEN FALLS RD.

SINCERELY

Willard McLeod Barbara McLeod
WILLARD AND BARBARA MC LEOD

Folio 18-1854

Prot 5.21

9/24/15

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To whom it may concern,

I am writing this letter to oppose the the Folio's building request for a nonconforming structure on his property.

It is my position that the large structure, that will exceed height zoning codes, as well as the fact that the structure will sit at the front of his property, will be obtrusive and negatively impact our rural setting.

For these reasons, I feel that the proposed project exceeds what is considered a normal residential renovation. Furthermore, this project has the potential to negatively impact our neighborhood, our property values and our understanding of the strict zoning codes in this watershed neighborhood.

I respectfully ask that you reconsider this project and the many neighbors that it will impact and deny this project during the appeal process.

Julie Crumbacker

6125 Glen Falls Road

Julie Crumbacker
6/1/2015

Not
Admitted

News

Upperco Pool House Nixed For Front Yard, Then OK'd

by Michael Ruby

A lighted basketball court, tennis court and turf soccer field adorn the backyard of Richard Folio's Upperco home, tucked away on Glen Falls Road near the Carroll County line. And that's not all: he's got an in-ground pool to complement his personal sports complex which stands in stark contrast to the bucolic woods which border his property.

Though Folio's recreational paradise fills up the backyard of his three-acre property, it is not complete. That's why the homeowner is seeking permission on October 16 from Baltimore County officials to put a pool house, including a two-car garage and upper-level storage area, in his front yard.

County regulations allow such accessory uses in the side or backyards only and, while most of the proposed 42-foot by 32-foot pool house/garage is at the

side of Folio's home, a portion of the structure juts out so it is closer to Glen Falls Road than the primary residence. That, according to zoning regs, places it in the front yard for which Folio needs special permission before he will be issued the necessary grading and building permits.

"These are some good concessions."

-- Donna & Frank Valentine

'Difficult to place'

Why not just move the pool house/garage back a little and avoid the county scrutiny? Can't, claimed Folio in a letter to the county's top zoning official.

The slope of the rear yard combined with the design of the existing home (and other recreational amenities) "makes it difficult to place this detached garaged with pool house on the lot anywhere else," according to Folio's application to the administrative law judge who decides whether to permit the structure in the front yard.

Continued on page 10

On The Cover: Photographer Owen Dawson grew up in Glen Arm but now lives in Parkville. He has been pursuing photography for the last 10 years shooting landscapes here and in the Southwest. To view more of his work, visit his website at www.owen-dawsonphotography.com and you may contact him at owenpda@comcast.net.

We Wanted to Know, Too: Last month's cover photograph by Chuck Robinson of the full rainbow over a local farm caught the attention of many readers who called to find out whose farm it was and where was the picture taken. Mr. Robinson could not identify whose farm he shot but it is located near the intersection of Black Rock and Lower Beckleysville roads.

Upperco Pool House Nixed For Front Yard, Then OK'd

"I am asking you to allow a detached garage in the front/side yard of the house to accommodate our family's needs," continued Folio in his petition to the zoning official. "The proposed detached garage will add value and beauty to the existing neighborhood and will match existing homes."

'When it will stop'

Then why did the Hanover Road Association, the area's community group, and several Glen Falls Road neighbors oppose the proposal at the May 16 public hearing?

"It sets a dangerous precedent," said Paul Joyce, president of the Hanover Road Association. "Accessory structures are not supposed to be in the front yard."

Also, Joyce said he objected to the pool house/garage's proposed height of 24 feet when only 15 feet is allowed by the rural zoning.

Neighbors Donna and Frank Valentine, who live across the street from Folio, expressed their disapproval of the proposal in a letter to the zoning official.

"We have already survived the construction of the recreational facilities...[which] increase the noise level and light up the front of our house," said the couple in the letter. "Construction of the pool house would continue to increase the noise level and decrease the property values [of Glen Falls homes]."

"We are wondering where and when it will stop."

For other reasons

Even Administrative Law Judge John E. Beverungen, who presided over the May 16 hearing, denied the request but not for the reasons argued by opponents.

Beverungen agreed that the property's topography and configuration rendered the site unique which qualified it for the requested variances. However, continued the zoning official, when combined, the rooftops of the existing house and garage, the pool, basketball/tennis court and driveway areas are just under the amount of impermeable surfaces allowed by the rural zoning.

If the pool house/garage were permitted, the total coverage would exceed that limitation by 600 square feet so Beverungen denied Folio's requests in a three-page order dated May 23, 2014.

Reduction of driveway

But before neighbors could celebrate their victory, Beverungen reversed his decision after the attorney representing Folio proposed a revision to the plan which would bring the impermeable surface total to within the allowable amount.

News

Upperco Pool House Nixed For Front Yard, Then OK'd

Continued from page 10

According to a June 20 letter from attorney Lawrence E. Schmidt to Beverungen, Folio agreed he would reduce the amount of existing impermeable surface by at least 600 square feet either "by reduction of existing driveway, parking or sidewalk area or by the downsizing of the proposed improvements (or a combination of both)."

No additional testimony before the administrative law judge is necessary, argued Schmidt, since "the condition could easily be enforced when building permits are issued for the proposed garage structure," he said in the motion for reconsideration.

In a two-page order dated June 30, Beverungen granted Folio's original requests -- including exceeding the 15-foot height limit -- as long as any plan presented for building permits shows the total impermeable surface is below that allowed by the zoning.

By his own action

That's not OK with Donna Ward, a Glen Falls resident, who on July 23 appealed the revised ruling to the Baltimore County Board of Appeals, the next step in the administrative review process.

In her letter requesting the appeal, Ward said the property is not unique and that any "practical difficulty" (the legal term used to justify a variance) experienced by Folio is caused by his own actions.

Ward promised in her appeal request that several other Glen Falls residents "will appear with and support me" at the October 16 hearing before the appeals board.

Even Schmidt conceded in an interview after the amended order was issued

that the area calculations were introduced by a neighbor who said he did not go onto the property for precise measurements. So Schmidt could not verify their veracity or accuracy which could alter how much existing impervious surface must be reduced to meet zoning regulations.

Bolstering her argument

Plus, Schmidt said he did not know if the existing artificial turf soccer field was an impervious surface and should be included in the total. That, too, could alter what Folio must do to comply with the rural rules.

That's just another reason to have the matter heard before the Baltimore County Board of Appeals instead of allowing an amended order to hold sway without any opportunity for additional community input.

Also, bolstering Ward's arguments before the Board of Appeals is a June 23 decision by Beverungen which denied variances being sought for a proposed McDonald's restaurant at the corner of St. Thomas Lane and Reisterstown Road in Owings Mills. In that ruling, Beverungen noted that Maryland law states that when seeking a variance, a petitioner must overcome "daunting odds" and, as such, "variances are rarely appropriate."

He concluded that McDonald's efforts to shoehorn the proposed restaurant onto the 1.3-acre parcel did not constitute a practical difficulty that was not of their own making. Therefore, the site was not unique and did not qualify for the variance relief.

McDonald's officials have since dropped their efforts to build a restaurant on the site.

Case No: 14-185-A Case Name: Richard Folio

Exhibit List

Party: Petitioner

Date: 6/16/15

Exhibit No:	Description:
✓ 1 A-K	Photos of Property
✓ 2	SDAT Information
✓ 3	Site Plan Original Large Exhibit
✓ 4	Original House Elevations Large Exhibit
✓ 5	Floor Plan Large Exhibit
✓ 6	Revised House Elevations Large Exhibit
✓ 7	Topo Map
✓ 8	1/22/15 Planning Dept Comment to BOA
✓ 9	6/15/15 Plan Dept Revised Comment to BOA
✓ 10	2nd Revised House/Site Plan
✓ 11	Building Code Section Design Professionals
✓ 12	Aerial Photo Neighborhood
✓ 13	A-J Photos other Properties
	VERIFIED BY <u>KLC</u> DATE: <u>9/29/15</u>

6/17/15
KLC

6/16/15

Richard Folio

Ref 1B

CBA- 14-185-A



Del 1c
Richard Folio
6/16/15
CB4 14-185A.



Richard Folio
6/16/15
let 1P
CBA-14-185A



Richard Folio.
8/16/15
Del 11E
CBA 14-185



Feb 15

Richard Folio

6/16/15

CBA-14-185-A



Richard Felio

CBT - 14-185A

Feb 16

6/16/15



Richard Folio
Ret(14)

6/16/15

EBL 14-185A



Nicholas Fazio
6/16/15
Ref 1 I
CBA-14-185A.



CPA-14-185A 6/16/15 Richard Folio Det 15



Richard Folio

Case No 14-185A

72 11K

6/16/15



Not Noz
Case 14-185A

Michael Folio

Search Help

6/16/15

Your feed back is important to us. Please take our short survey.

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 2200010202			
Owner Information					
Owner Name:	FOLIO RICHARD M		Use:	RESIDENTIAL	
Mailing Address:	6200 GLEN FALLS RD REISTERSTOWN MD 21136-4517		Principal Residence:	YES	
			Deed Reference:	1) /34389/ 00497 2)	
Location & Structure Information					
Premises Address:	6200 GLEN FALLS RD REISTERSTOWN 21136-4517		Legal Description:	3.001 AC PLUMMER PROP	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0039	0007	0062		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	
1	2013			0063/ 0144	
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1998	2,160 SF		3.0000 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2.000000	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Last Major Renovation					
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
Land:	144,000	01/01/2013	07/01/2013	07/01/2014	
Improvements	222,100	219,400			
Total:	366,100	327,400	327,400	327,400	
Preferential Land:	0			0	
Transfer Information					
Seller:	FOLIO RICHARD M	Date:	10/31/2013	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/34389/ 00497	Deed2:	
Seller:	INCOG ASSOCIATES LLC	Date:	01/02/1998	Price:	\$82,000
Type:	ARMS LENGTH VACANT	Deed1:	/12584/ 00144	Deed2:	
Seller:	PLUMMER FRANKLIN A	Date:	08/04/1995	Price:	\$50,971
Type:	ARMS LENGTH MULTIPLE	Deed1:	/11154/ 00321	Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class		07/01/2013	07/01/2014	
County:	000		0.00		
State:	000		0.00		
Municipal:	000		0.00 0.00	0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Pet Ex: 8
9/24/15

Folio
Case No 14-185A

TO: Board of Appeals of Baltimore County

DATE: January 22, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6200 Glen Falls Road Variance Requests

INFORMATION: RC 8 Written Finding

Item Number: 2014-0185A,

Petitioner: Richard M. Folio

Zoning: RC 8

Requested Action: Finding Conclusion: Change Design of Proposed Structure

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has completed a findings as required by BCZR 1A09.4.A in response to Order by the Board of Appeals in Case No. 2014-0185-A.

The petitioner has requested variances for a proposed 2-story detached garage/pool house building. One variance is to locate the new structure to the front of the existing dwelling and existing garage. The second variance is for a height of 24 feet in lieu of the maximum permitted 15 feet.

The property is located in a RC 8 (Environmental Enhancement) zone. This is a relatively new zone adopted in 2004. The Findings and legislative goals (BCZR 1A09.1) for this zone reflect a greater emphasis on "environmental protection" and to "maintain the unique character of certain rural and urban areas by preserving its natural, environmental, historic, cultural, recreational, scenic, architectural ... resources."

The zone requires (BCZR 1A09.4.A) that prior to the approval of a variance that there be a finding from the Director of Planning or the Director's Designee that the variance "is consistent with the spirit and intent of these regulations."

A site visit was conducted on December 31, 2014. The subject property and immediate neighbors form a small cluster of residences surrounded by woods and fields (aerial photo). There are smaller fields and pockets of woods and trees proximate to the homes (Photos 1 & 2). It is a rural setting with some newer homes (Photo 3) that have blended in

C:\Users\afiore\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\J52XUUTM\14-185

BOA Finding 6200 Glen Falls.docx

Pet Ex: 9
Folio
14-185A
9/24/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Board of Appeals of Baltimore County

DATE: June 15, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6200 Glen Falls Road Variance Requests

INFORMATION: RC 8 Written Finding

Item Number: 2014-0185A,

Petitioner: Richard M. Folio

Zoning: RC 8

Requested Action: Recommendation of Revised Design

SUMMARY OF RECOMMENDATIONS:

The Department of Planning completed an initial findings as required by BCZR 1A09.4.A on January 22, 2015 in response to Order by the Board of Appeals in Case No. 2014-0185-A. The Petitioner submitted a response to that Finding on June 11, 2015. Below is a review of the request followed by a response to the revision.

The petitioner has requested variances for a proposed 2-story detached garage/pool house building. One variance is to locate the new structure to the front of the existing dwelling and existing garage. The second variance is for a height of 24 feet in lieu of the maximum permitted 15 feet.

The property is located in a RC 8 (Environmental Enhancement) zone. This is a relatively new zone adopted in 2004. The Findings and legislative goals (BCZR 1A09.1) for this zone reflect a greater emphasis on "environmental protection" and to "maintain the unique character of certain rural and urban areas by preserving its natural, environmental, historic, cultural, recreational, scenic, architectural ... resources."

The zone requires (BCZR 1A09.4.A) that prior to the approval of a variance that there be a finding from the Director of Planning or the Director's Designee that the variance "is consistent with the spirit and intent of these regulations."

A site visit was conducted on December 31, 2014. The subject property and immediate neighbors form a small cluster of residences surrounded by woods and fields (aerial photo). There are smaller fields and pockets of woods and trees proximate to the homes

Attention Residential Permit Applicants

On July 1, 2012, the 2012 Edition of the International Residential Code (IRC) and 2012 Edition of the International Energy Conservation Code (IECC) will become effective pursuant to Baltimore County Bill 40-12.

Construction Documents

Registered Design Professional Seal Required: Submitted plans meeting the following shall be sealed by a registered design professional licensed by the state of Maryland as follows:

- All construction located in a 100-year floodplain subjected to High-Velocity Wave Action (V Zones) IRC Section R322.3.6
- Construction that utilizes steel framing pursuant to any of the following code sections R505, R603 or R804.
- Construction that exceeds 3000 square feet gross floor area, excluding one-story garages.
- Permanent plans: All submittals regardless of size.

Note: Design professional shall provide detail information as to compliance with the International Conservation Code 2012 Edition, Energy Efficiency for Zone 4A.

Electrical And Plumbing Drawings Not Accepted In Plans Submittal Package.

Revised on April 11, 2014

Folio 9/24/13 Pet 13A 14-185A



Pet 13B



Per 130



Per BD



Per/B/E



PeiBF



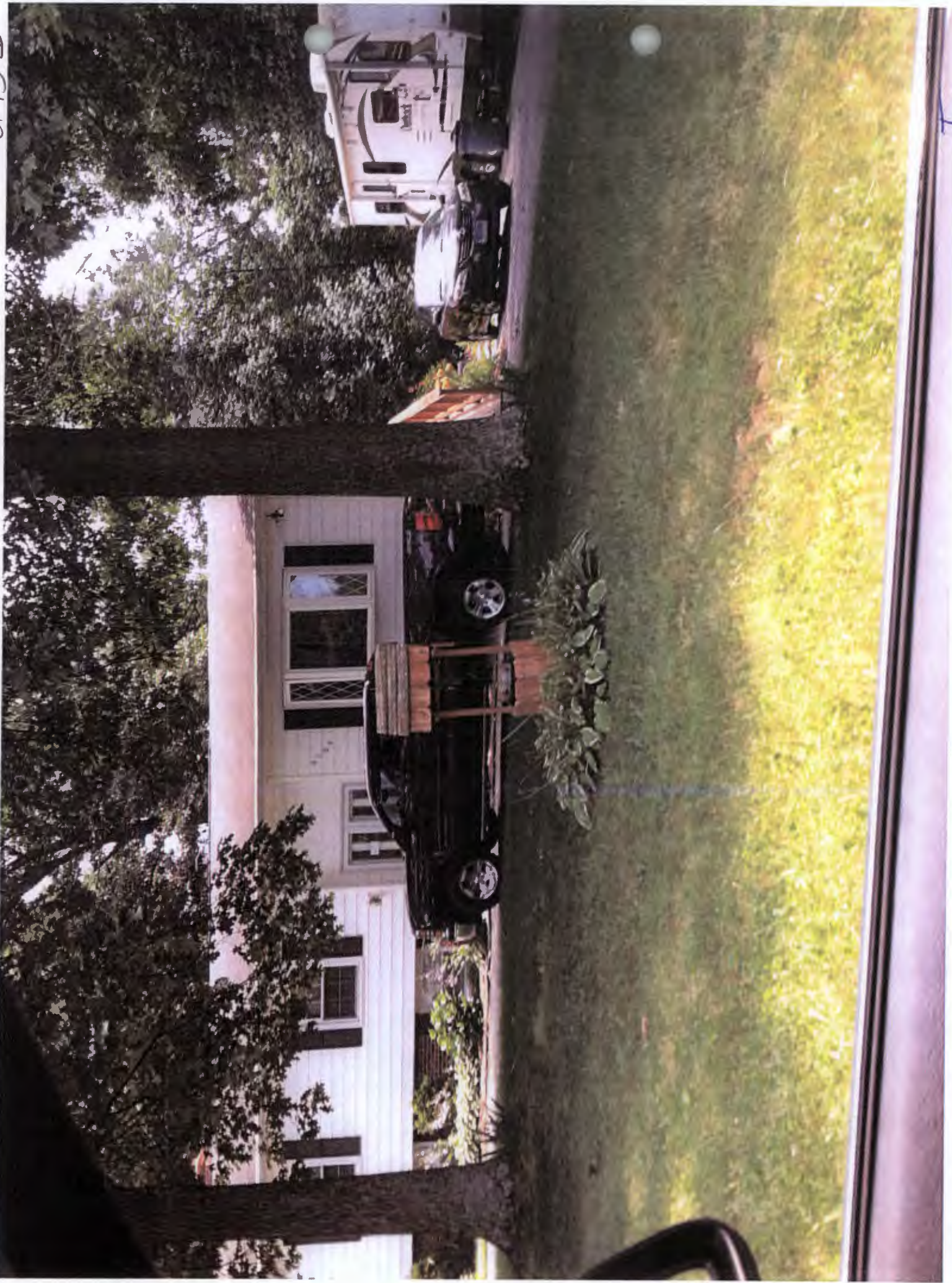
Pet Ex. 136



Ref B H



Oct 13 I



Pet B-J



Case No: 14-185 ACase Name: RICHARD M. FOLIO

Office of

Exhibit List

Party: People's CounselDate: 10-16-14

Exhibit No:	Description:
✓ 1	Baltimore City & County Index to maps
✓ 2	Vicinity Map / Subdivision Plat
✓ 3	My Neighborhood MAP, Printed 9/24/2014
✓ 4	Bill No. 87-08 - August 4, 2008
✓ 5	Bill No. 76-04 July 6, 2004
✓ 6	Article 1A, Section 1A09. RC8
✓ 7	Email, 5-15-2014 Alyssa Fiore to Jeff Mayhew
✓ 8	Baltimore County Zoning Regulations, March 30, 1955
✓ 9	Article 1: General Provisions Sec. 103 Application of Zoning Regulations
✓ 10	Reporter's Notes to Proposed Home Rule Charter of Baltimore County
✓ 11	¹⁰⁻¹⁵⁻¹⁴ Minutes of THE General Meeting of Hanover County Road Association
12	
VERIFIED BY <u>Jaw</u> DATE: <u>10-20-14</u>	

Case No: 14-185ACase Name: Nicholas Folio

Exhibit List

Party: PCDate: 6/16/15

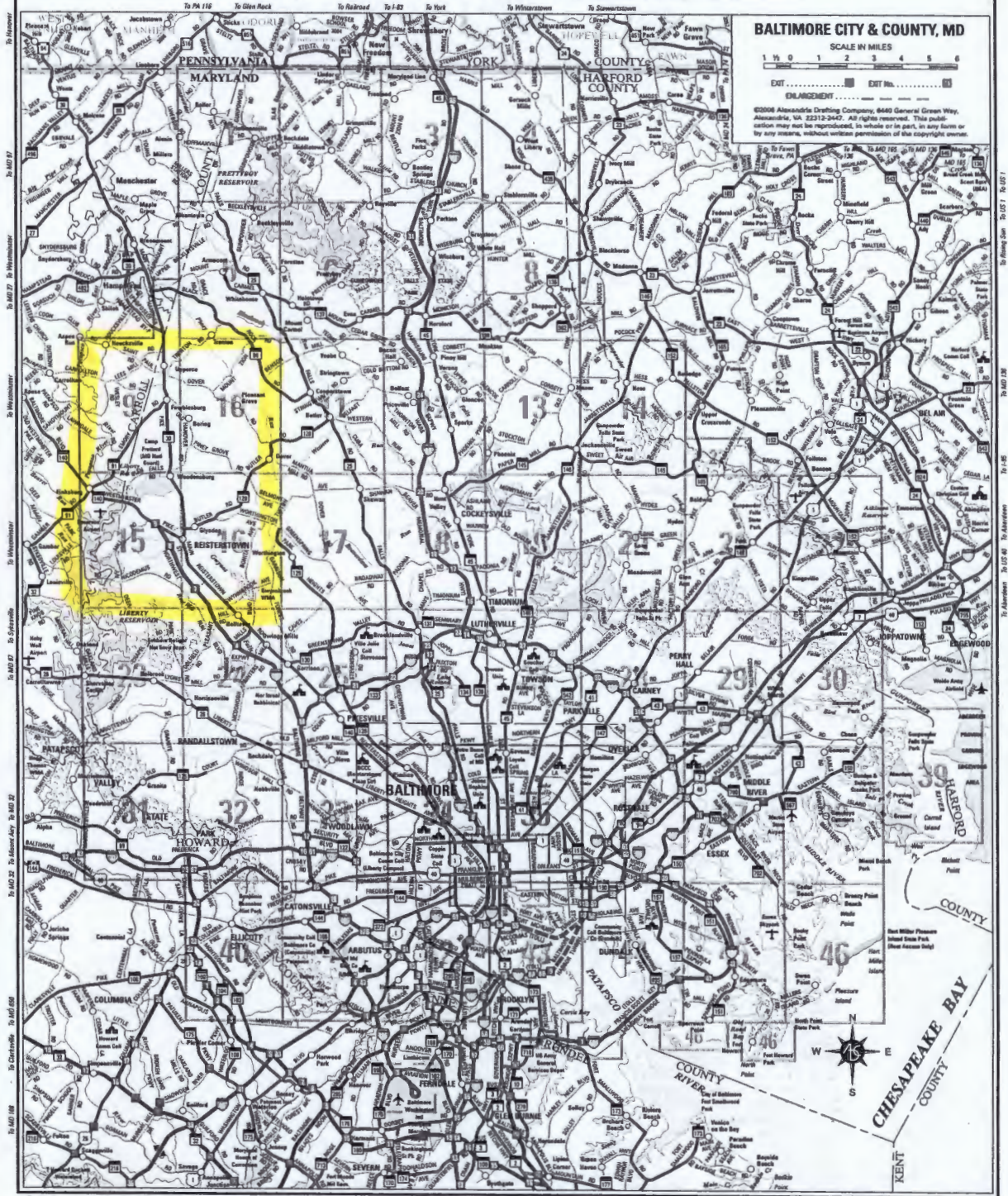
Exhibit No:	Description:
✓ 12	Aerial Photo. of Property.
✓ 13	GPS Map. 2011
✓ 14A	B County Permit History
✓ 14B	Photo
✓ 15	Photo Basketball / Soccer Field.
✓ 16	Original Site Plan.
✓ 17	Zoning Office Checklist
✓ 18	2nd Amended Final Dev Plan 8/19/90
	B County Permit / Grading Sports Court
	VERIFIED BY <u>KLC</u> DATE: <u>9/29/15</u>

KLC
6/17/15

BALTIMORE CITY & COUNTY, MD

INDEX TO MAPS

Pages 2, 3, and 4 provide you a complete Step-by-Step guide to using your Street Map Book, Map Legend, Table of Contents and Key to Abbreviations. Take a few minutes to familiarize yourself with this time-saving information.



For additional ADC Maps and Charts, please see the inside back cover.

1. The relevance of this PLT does not constitute a party's admission to the claim of the other party.
2. The PLT may serve as evidence in the PLT proceedings.
3. The PLT may serve as evidence in the PLT proceedings.
4. The PLT may serve as evidence in the PLT proceedings.
5. The PLT may serve as evidence in the PLT proceedings.
6. The PLT may serve as evidence in the PLT proceedings.
7. The PLT may serve as evidence in the PLT proceedings.
8. The PLT may serve as evidence in the PLT proceedings.
9. The PLT may serve as evidence in the PLT proceedings.
10. The PLT may serve as evidence in the PLT proceedings.

[illegible]

Coordinates and bearings shown on this Plot are referred to the system of coordinates established in the Baltimore County Metropolitan District, and are based on the following traverse stations:

12506	N 79.855.47	W 64.395.70
12506	N 79.855.47	W 70.044.50

[illegible]

SUREYOR'S CERTIFICATION

The undersigned, a Registered Land Sureyor of the State of Maryland does hereby certify that the Sureyor who prepared this Plat and that the land shown hereon has been sold out and the Plat thereon has been prepared in compliance with Subsection (C) Section 3-106 of the Real Property Article of the Annotated Code of Maryland, particularly insofar as some concerns the making of a Plat and may be setting.

OWNER'S CERTIFICATION

The undersigned, owner of the land shown hereon, hereby certifies that to the best of his knowledge, the requirements of Subsection (C) of Section 3-108 of the Real Property Act of the Annotated Code of Maryland has been complied with, as same concerns the making of the Plot and setting of markers.

OWNER / DEVELOPER
FRANKLIN A. / MARGARET A. FLEMMING
P.O. BOX 487
SARASOTA, FL 34230, 941/554-0444
C/O MARGARET A. FLEMMING, 16157 NW
ACACIA BLVD., SUITE 100, MIAMI, FL 33187

APPROVED: _____
BALTIMORE COUNTY OFFICE OF
PLANNING & ZONING.

DATE 12/6/14

McKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 135 SHAWAN ROAD
NANT VALLEY, MARIANA 20709
(301) 547-1888

FWA COMPLETED: 1/14/81
FINAL PLAN CHECKED: 2/27/81
DRAWN BY: G.C.S.
CHK: JMK

PLUMMER PROPERTY

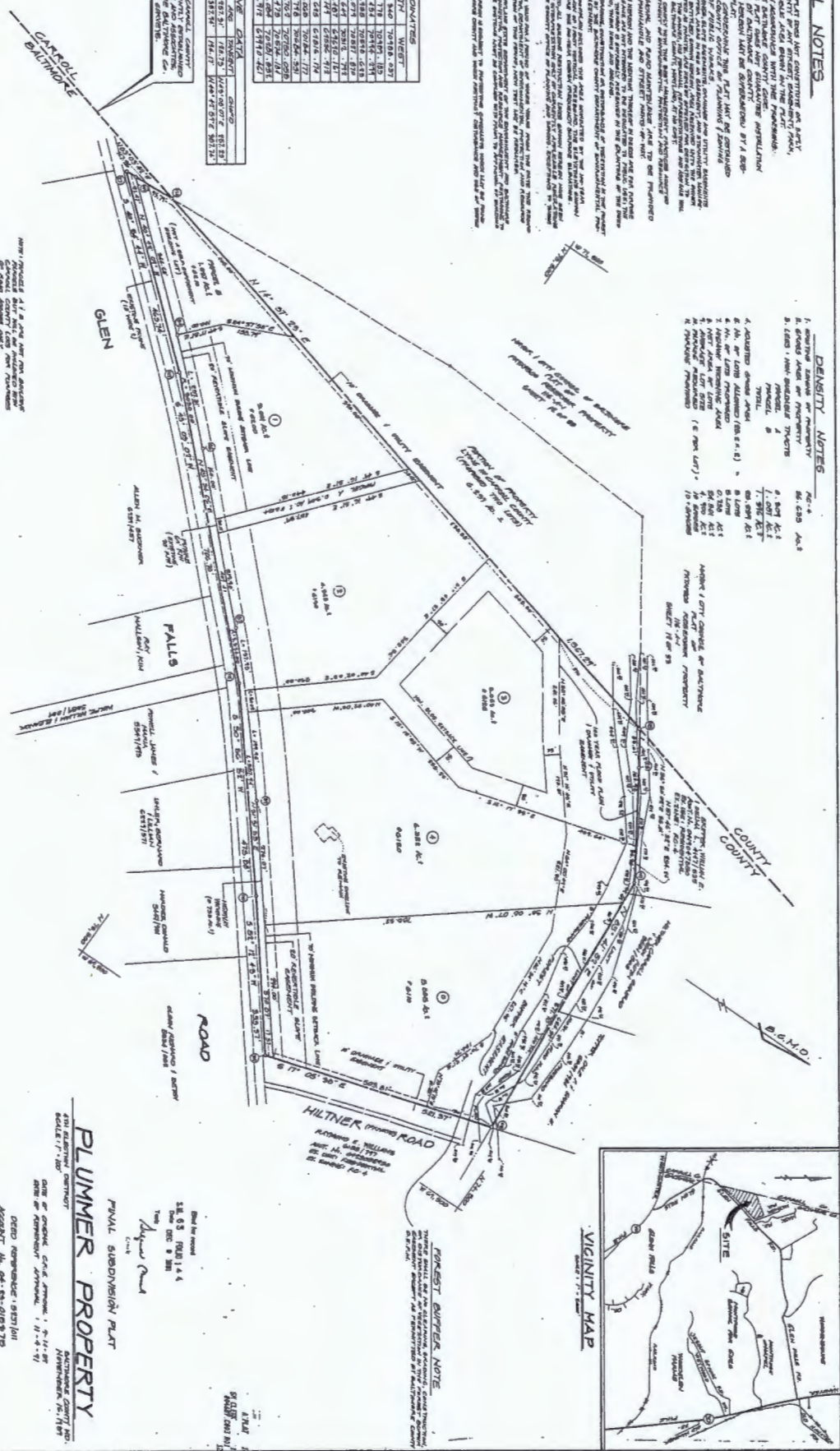
FINAL SUBDIVISION PLAT

11-18-1975
BATTLE RIVER, MONTANA

OWNER: C. G. GRIFFIN, JR.
ATTORNEY: ROBERT L. KENNEDY, JR.
RECORDING: 11-18-75

DEED: 10-18-1975
ACCESSION: 10-24-1975

MSA 541236-5374 S234-211 63-14





My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2008, Legislative Day No. 13

Bill No. 87-08

Mr. T. Bryan McIntire, Councilman

By the County Council, August 4, 2008

A BILL
ENTITLED

AN ACT concerning

The Comprehensive Zoning Maps - Third District

FOR the purpose of repealing certain existing zoning maps and to adopt an official zoning map for the Third Councilmanic District of Baltimore County, such map to be known as the 2008 Official Comprehensive Third District Councilmanic District Zoning Map for Baltimore County and to supersede any previous zoning maps approved by the County Council of Baltimore County for that particular district.

WHEREAS, under the provisions of Sections 32-3-221 through 32-3-223, Baltimore County Code, 2003, the County Council has received a final report of the Planning Board on the Board's proposed County-wide Comprehensive Zoning Map for Baltimore County and has held public hearings thereon after giving at least 10 working days' notice thereof in a newspaper of general circulation throughout the County, and during the period of such notice the final report of the Planning Board, with accompanying maps and supporting exhibits, were shown and exhibited in the Office of Planning, in each Councilmanic District, and at such other public places as designated by

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strikethrough indicates matter stricken from bill.
Underlining indicates amendments to bill.

the County Council; and after the expiration of such period of notice and hearings, the County Council made certain changes in the Comprehensive Zoning Map for the Third Councilmanic District of Baltimore County which the County Council deemed appropriate; now, therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the portion of the official zoning map of Baltimore County referred
3 to in Section 32-1-101 of the Baltimore County Code and now in effect, including any amendments
4 thereto and comprehensive revisions of portions thereof as it pertains to the Third Councilman
5 District of Baltimore County, be and it is hereby repealed, and that the boundaries of zones and
6 districts, as established by the Baltimore County Zoning Regulations, as shown on the Official
7 Comprehensive Third Councilmanic District Zoning Map for Baltimore County accompanying this
8 Act, are hereby established.

9 SECTION 2. BE IT FURTHER ENACTED, that the accompanying Official Comprehensive
10 Third Councilmanic District Zoning Map for Baltimore County is hereby adopted and declared to
11 be a part of this Act to the same extent as if it were incorporated herein. The Official
12 Comprehensive Third Councilmanic District Zoning Map is the map described in Section 32-3-
13 202(d) of the Baltimore County Code, the correctness of which is attested to by the signature of the
14 chairman of the Baltimore County Council. When this Act stands enacted, the Director of Permits
15 and Development Management shall thereupon have legal custody of said map.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2004, Legislative Day No. 14

Bill No. 76-04

Mr. T. Bryan McIntire, Councilman

By the County Council, July 6, 2004

A BILL
ENTITLED

AN ACT concerning

Land Use and Development - Resource Conservation Zones

FOR the purpose of amending the Baltimore County Zoning Regulations in order to create a new RC 8 zoning classification; adding certain definitions; establishing certain guidelines and use limitations for development; establishing certain permitted uses by right and by special exception; establishing certain area, design, and performance standards and guidelines; establishing certain procedures for the approval of certain permits and plans; permitting certain agricultural operations; and generally relating to the use and development of resource conservation zones.

.BY adding

Sections 100.1.A.2, the zoning classification of "R.C. 8 Environmental Enhancement Zone" and 1A09
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Sections 100.1.A.2, the zoning classification of "R.C. 8
3 Environmental Enhancement Zone" and 1A09, are hereby added to the Baltimore County Zoning
4 Regulations, as amended, to read as follows:
5 Section 100 Zones and Districts; Boundaries.
6 100.1 Baltimore County is hereby divided into zones and districts in accordance with this
7 section.
8 A. Zones.
9 2. Zones are classified as follows:
10 R.C. 8 ENVIRONMENTAL ENHANCEMENT ZONE
11 SECTION 1A09
12 R.C. 8 (ENVIRONMENTAL ENHANCEMENT) ZONE
13 1A09.1 FINDINGS AND LEGISLATIVE GOALS.
14 A. FINDINGS.
15 1. MASTER PLAN 2010, ADOPTED BY THE COUNTY COUNCIL IN
16 FEBRUARY 2000, IDENTIFIES SPECIFIC RESOURCE PRESERVATION AREAS WHERE
17 VALUABLE CULTURAL, HISTORIC, RECREATIONAL AND ENVIRONMENTAL
18 RESOURCES ARE LOCATED AND SHOULD BE PROTECTED FOR THE HEALTH OF
19 THE LOCAL COMMUNITY AND THE COMMUNITY AT LARGE.
20 2. WHILE THE RESOURCE PRESERVATION AREAS IDENTIFIED IN THE
21 MASTER PLAN ARE PREDOMINANTLY IN THE RURAL PART OF BALTIMORE
22 COUNTY, THERE ARE CERTAIN AREAS OF ENVIRONMENTAL SIGNIFICANCE THAT

Baltimore County, MD
Wednesday, October 15, 2014

ARTICLE 1A. RESOURCE CONSERVATION ZONES

SECTION 1A09. R.C.8 (Environmental Enhancement) Zone

§ 1A09.1. Findings and legislative goals.

A. Findings.

1. Master Plan 2010, adopted by the County Council in February 2000, identifies specific resource preservation areas where valuable cultural, historic, recreational and environmental resources are located and should be protected for the health of the local community and the community at large.
2. While the resource preservation areas identified in the Master Plan are predominantly in the rural part of Baltimore County, there are certain areas of environmental significance that are located throughout Baltimore County that require protection.
3. An R.C. 8 Zone allows limited development, compatible with the rural and urban community, and at the same time protects environmental resources.
4. The County recognizes the importance of retaining certain areas for environmental protection.

B. Legislative goals. The Baltimore County Council seeks to achieve the following goals in the R.C. 8 Zone:

1. To preserve and protect total ecosystem function, including riparian and aquatic ecosystems;
2. To protect forests, streams, wetlands and floodplains;
3. To protect the water quality of reservoirs, watercourses, the Chesapeake Bay and regional biodiversity;
4. To respect historic sites in their settings;
5. To provide a quality recreational experience to visitors;
6. To protect remaining prime and productive soils, environmental resources in areas not currently protected by the R.C. 2 or the R.C. 7 Zone;
7. To maintain the unique character of certain rural and urban areas by preserving its natural, environmental, historic, cultural, recreational, scenic, architectural and archaeological resources not protected by the R.C. 7 Zone;
8. To provide for the environmentally sound use of land and forest resources, and to prevent forest fragmentation, especially in areas of extensive interior forest;
9. To implement state and federal mandates for the protection of natural resources and rural legacy;
10. To enhance local character and environmental protection by locating buildings in harmony with site conditions;
11. To preserve the traditional character of communities by limiting the scale and intensity of development;

12. To maintain the scale and character of area roads by limiting growth in the volume of traffic generated by local development.

§ 1A09.2. Definitions.

In this section, the following term has the meaning indicated:

BUILDING ENVELOPE

The area on a lot within which all structures except wells, septic systems, stormwater management systems, driveways or fences are permitted to be built.

§ 1A09.3. Permitted uses.

A. Uses permitted by right. In addition to the uses in Paragraph D of this subsection, the following uses are permitted by right in an R.C. 8 Zone:

1. Dwellings, single-family detached.
2. Farms and limited-acre wholesale flower farms, subject to Section 404.
3. Open space, common.
4. Schools.
5. Streets and ways.
6. Telephone, telegraph, electrical power or other lines or cables, provided that any such line or cable is underground; underground gas mains; shared well and septic systems when approved by the Department of Environmental Protection and Sustainability; or other underground conduits, except interstate pipelines. [Bill No. 122-2010]
7. Accessory uses or structures, subject to Section 400, including:
 - a. Farmer's roadside stand and produce stand, subject to Section 404.4;
 - b. Home occupations;
 - c. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professionals, provided that any such office or studio is established within the same building as that serving the professional person's primary residence; does not occupy more than 25% of the total floor area of that residence; and does not involve the employment of more than one nonresident employee;
 - d. Parking and residential garage space, subject to Section 409;
 - e. Signs, subject to Sections 450 and 1A09.7.C.5; and
 - f. Swimming pools, tennis courts and other recreational amenities, if accessory to a dwelling.
8. Commercial film production, subject to Section 435.
9. Farmstead creamery, subject to the provisions of Section 404.13. [Bill No. 34-2009]

B. Uses permitted by special exception. The following uses only are permitted by special exception in an R.C. 8 Zone:

People's Counsel Exhibit 6

Alyssa Fiore

From: Jessie Bialek <jbialek@baltimorecountymd.gov>
Sent: Thursday, May 15, 2014 12:06 PM
To: Alyssa Fiore
Cc: Jeff Mayhew; Lynn Lanham
Subject: Re: Folio - 6200 Glen Falls Road (2014-0185-A)

No 5

Alyssa,

This subdivision was created under RC 4 zoning therefore, pursuant to Section 103.1 of the BCZR, there is no need for the DOP to issue a finding.

Please let me know if you have any further questions.

Thank you,
Jessie

Jessie A. Bialek
Planner
Baltimore County
Department of Planning
Jefferson Building
105 W. Chesapeake Ave, Suite 101
Towson, MD 21204
(410) 887-3480. Fax (410) 887-5862
jbialek@baltimorecountymd.gov

>>> On 5/15/2014 at 11:37 AM, Alyssa Fiore <afiore@sgs-law.com> wrote:

Jessie,

I am writing with regards to the above matter which is scheduled for a hearing tomorrow, May 16th. Please call me to discuss today if possible.

We were recently hired by Mr. Folio to represent him at tomorrow's hearing. This property is zoned RC 8. Pursuant to BCZR 1A09 4.A, "Before the approval of any concept plan, development plan, limited exemption, special exception plan or variance, the Director of Planning or the Director's designee must certify in a written finding that the plan, exemption, or variance is consistent with the spirit and intent of these regulations."

I did not see a ZAC comment from Planning in the County file and wanted to see if you could assist with the above.

Alyssa M. Fiore
Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070

**BALTIMORE COUNTY
ZONING REGULATIONS**

ADOPTED BY
COUNTY COMMISSIONERS
OF
BALTIMORE COUNTY

March 30, 1955, in accordance with Title 30, Section
532 (c) of the Code of Public Local Laws of Baltimore
County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill
Augustine J. Muller
County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wilsie H. Adams
Zoning Commissioner

Baltimore County, MD
Wednesday, October 15, 2014

ARTICLE 1. GENERAL PROVISIONS

SECTION 103. Application of Zoning Regulations

§ 103.1. Applicability; when effective.

[Resolution, November 21, 1956; Bill Nos. 100-1970; 55-2011]

These regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the (then) Baltimore County Planning Commission (now Planning Board) and approved or tentatively approved (including any approval made subject to any condition or conditions) under the then existing official procedure in Baltimore County, prior to the adoption of these regulations.^[1] The Zoning Regulations applicable to any such development, subdivision or parcel of land as aforesaid shall be the Zoning Regulations in effect at the time such plan, as aforesaid, was originally submitted to the Baltimore County Planning Commission.

Provided further, however, that the use and development of land in M.L. Zones shall not be affected by the foregoing provision, but development is permitted in accordance with any preliminary development plan approved by the Department of Planning^[2] before the effective date of this further proviso, even though such development may be counter to then-current regulations for M.L. Zones, if, on the fifth anniversary of such effective date, construction either is completed or is substantially commenced and diligently being pursued to completion; otherwise, the regulations generally in effect at the time such use or development is to be established shall control.^[3]

[1]: *Editor's Note: Refers to the Baltimore County Zoning Regulations (BCZR) adopted 3-30-1955.*

[2]: *Editor's Note: Formerly the "Office of Planning," this Department was renamed by Bill No. 55-2011, effective 10-16-2011.*

[3]: *Editor's Note: M.L. Grandfather Clause. This provision (second paragraph) was added by Bill No. 100-1970, which provided (Section 20) that "any amendments herein . . . shall be effective only upon the adoption by the County Council of any new Zoning Maps on or before March 31, 1971." The subsequent Zoning Maps were passed by the County Council 3-24-1971. However, the bill also states (Section 21) that "this act shall take effect 45 days after its enactment." The bill was enacted 8-5-1970, and the 45th day thereafter was 9-19-1970.*

REPORTER'S NOTES TO THE PROPOSED HOME RULE CHARTER OF BALTIMORE COUNTY

By ARTHUR W. MACHEN, JR., Reporter

INTRODUCTION — SCOPE AND PURPOSE OF REPORTER'S NOTES

The Reporter's Notes to the Baltimore County Home Rule Charter constitute unofficial but contemporaneous comment on each section of the Charter.

The Notes are "unofficial" in that they are not to be considered a part of the Charter itself. They are exclusively the responsibility of the Reporter, and any errors, omissions or ambiguities therein should not in any manner be attributed to the Charter Board.

The Notes constitute "contemporaneous comment" in that they are derived from the official records of the Charter Board assembled during the period when the Charter was being drafted. It was the duty of the Reporter to study and evaluate research material and to submit for the consideration of the Charter Board drafts and redrafts of the Charter. The Notes are compiled from this material and these drafts.

During the period when the Charter was being written, meticulous records were preserved which show the evolution of each section, beginning with the first rough draft prepared by the Reporter and ending with the final draft approved by the Board. Minutes of each Board meeting were also maintained, and a number of legal opinions, both written and oral, were delivered by Mr. Kenneth C. Proctor as Legal Counsel. After the adoption of the Charter, these records will be delivered to the appropriate County officials for permanent custody. Meanwhile, they will be preserved by the Charter Board and can be referred to if the need should arise.

Hanover Road ASSOCIATION

RESOLVED: That at the General Membership meeting of the
HANOVER ROAD Association held on
April 10, 2013 [DATE], it was decided by the Association that
responsibility for review and action on all zoning matters for the period
April 2013 - November 2016 be placed in the (Board of Directors)
(Zoning Committee) consisting of the following members, each of whom is hereby
authorized to testify on behalf of the Association before the County Board of Appeals or
other duly constituted zoning agency, body, or commission:

Mike Snyder, Chairman Zoning Committee
Glenn Elsegood Sr.
George Neuback
Patty Fallon
Bob Slaterbeck
Paul Joyce

AS WITNESS OUR HANDS AND SEAL THIS 15 day of
October, 2014

ATTEST:

Hanover Road Association INC.

Patty Fallon
Secretary

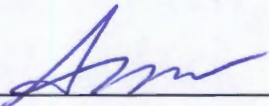
Paul Joyce
President

AFFIDAVIT

**STATE OF MARYLAND
BALTIMORE COUNTY, SS:**

**TO WIT: George Neubeck
14301 Hanover Pike
Reisterstown, MD 21136
410-833-0893
georgen2008@comcast.net**

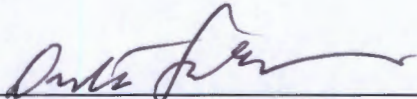
I hereby swear upon penalty of perjury that I am currently a duly elected member
of the Board of Directors & Zoning Committe of the Hanover Road Association, Inc.



George Neubeck

ATTEST:

Hanover Road Association, Inc.



Secretary: Patricia Fallon



President: Paul E. Joyce

DATE: October 16, 2014

HANOVER Road

ASSOCIATION INC.

RESOLVED: That the position of the Hanover
Road Association as adopted by the (Board of Directors)
(Zoning Committee) on the zoning matter known as: CASE NO. 2014-0185-A
RE: PETITION FOR ADMINISTRATIVE VARIANCE
6200 Glen Falls Road

is that: The Hanover Road Association INC.
Supports the appeal of several neighboring
property owners that the subject property
is not unique, and that any practical
difficulty was caused by the property
owners own actions, among other
factors to be demonstrated at the
appeal hearing.

AS WITNESS OUR HANDS AND SEAL THIS 15 day of
October, 2014.

ATTEST:

Hanover Road Association INC.

PARTAK
Secretary

Dan E. Price
President

Richard Folio
CBA 14-185A

PC 13
6/16/15
PAGE NO. 1
DP. NO. BP0003

DATE PRINTED 10/07/2014
TIME PRINTED 14:58:00

BALTIMORE COUNTY, MARYLAND -- PERMITS & LICENSES
PRINT DETAILS OF ARCHIVED RECORDS
PERMIT# B327602

MASTER DATA

APPLICATION DATE..... 01/05/98
ISSUE DATE..... 01/27/98
OCCUPANCY DATE..... 06/08/98
CONTROL#..... NR
BUILDING PERMIT#..... B327602
AMOUNT PAID..... 154.00
CORRECT FEE..... 154.00
RECEIPT#..... A342354
INITIAL INPUT USER ID.. PDM
OWNER NAME..... FOLIO, RICHARD M. & TRACEY L.
OWNER ADDRESS..... 463 SILVER CT WESTMINSTER, MD 21158
PAID BY..... APPLICANT
INSPECTOR INITIALS. 04R

APPLICANT DATA

NAME..... ALLAN ACKERMAN
COMPANY.. ASHTON VALLEY LTD PARTNERSHIP
ADDRESS1. 31 WALKER AVENUE STE110
ADDRESS2. BALTIMORE, MD 21208
PHONE#... 410-559-0000
LICENSE#.

PROPERTY DATA

STREET#..... 6200
STREET NAME.. GLEN FALLS RD
SUBDIVISION.. PLUMMER PROP
ACCOUNT#..... 2200010202
DISTRICT..... 04
PRECINCT..... 09

USER NOTES

NOTES-1.. SMD/JMC
NOTES-2..
NOTES-3..

----LAST UPDATE---
DATE..... 01/05/98
TIME..... 11:15:44
USER ID.. PDM

APPROVAL DATA

PERMIT# B327602

----- LAST UPDATE -----	-AGENCY-	--DATE--	CODE	----- COMMENTS -----
DATE..... 01/27/98	BLD PLAN	01/12/98	01	JOS VENTURINA
TIME.....	SEDI CTL	01/13/98	01	SC-01/09 PP
USER ID.....	ZONING	01/05/98	01	JLL/JMC
#APPROVALS REQUESTED. 06	PUB SERV	01/08/98	01	JLL/1V-3751
	ENVRMNT	01/22/98	01	EIR-MK 1/8/98///GWM-01/09ME
	PERMITS	01/27/98	01	DAS

INSPECTION DATA

PERMIT# B327602

-----LAST UPDATE-----
DATE..... 06/05/98
TIME..... 13:23:27
USER ID..... PDM
#INSPECTIONS-DONE..... 0012

---TYPE---	--DATE--	-TIME-	CODE	---COMMENTS---	---TYPE---	--DATE--	-TIME-	CODE	---COMMENTS---
FT/PM	02/10/98		01	GIP GK					
FDN/DR TIL	02/25/98		01	GK					
FR	03/25/98		10	GK					
RE/FRM	04/01/98		01	GK					
INSL	04/03/98		01	GK					
FT/DK	04/27/98		01	2GK					
ENVRMNT	06/05/98		01						

PE 14A
Richard Felio
6/16/15
14-185A



PC 14B
Richard Folio
Case 14-185A
6/16/15

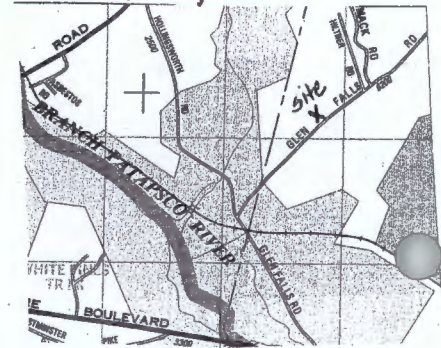


* refer to Pet Ex: 1
of ALJ file

PC 15
Richard Folio
CBA 14-185A
6/16/15

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 6200 Glen Falls Rd OWNER(S) NAME(S) Richard M. Folio
SUBDIVISION NAME Plummer Property LOT # 1 BLOCK # 7 SECTION # _____
PLAT BOOK # 0063 FOLIO # 0144 10 DIGIT TAX # 22 000 1 02 02 DEED REF. # 343221 00497

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# NW19-L/039A2

SITE ZONED RCB

ELECTION DISTRICT 4

COUNCIL DISTRICT 3

LOT AREA ACREAGE 3 acres

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE ✓

SEWER IS:

PUBLIC _____ PRIVATE ✓

PRIOR HEARING? NO

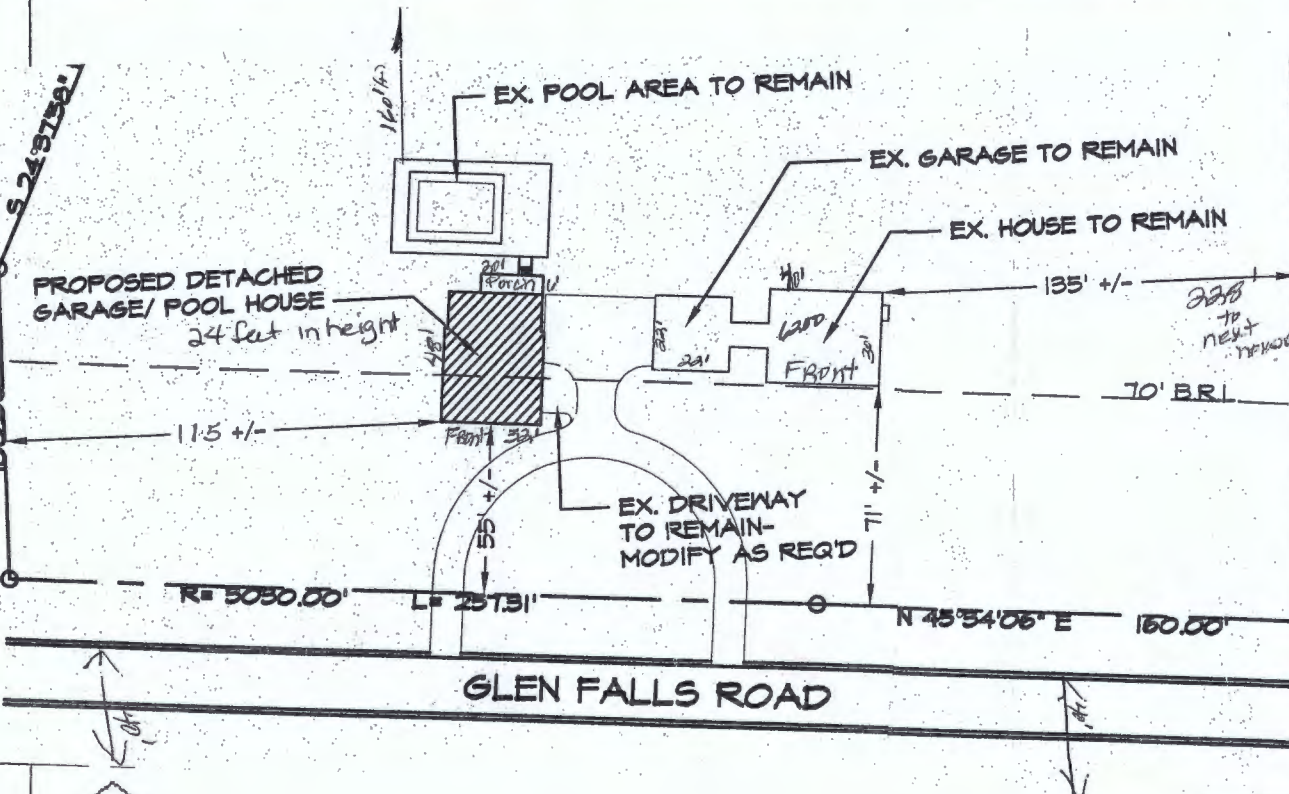
IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PETITIONER'S

EXHIBIT NO. 1



PLAN DRAWN BY Bart Brice DATE 2/24/14 SCALE: 1 INCH = 40' FEET

2014-0185A

ZONING REVIEW

HEARING CHECKLIST

REVISED 4/13/11

This checklist is provided to you, for your information only, and is not to be considered legal advice.

First: and most importantly: You must understand that the relief you request is a quasi-judicial decision and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations (BCZR). A judicial hearing is an adversary process and, therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence, and cross-examine witnesses. The Office Of Administrative Law will rule on the evidence and testimony to determine whether or not the petition will be granted.

Second: You must understand that if a hearing is required, you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, though it is recommended that you consider obtaining legal representation. If you are incorporated, it is considered a requirement that you be represented by an attorney.

Third: It is strongly recommended that you read and understand the requirements of the BCZR and related policies.

Fourth: No employee of the Department of Permits, Approvals and Inspections (PAI) may provide legal advice to anyone. The representations and opinions of any employee are not to be construed as definitive in any case. Only the decision of the Administrative Law Judge rendered after the statutory required public hearing is considered dispositive in matters relating to the interpretation of the BCZR.

Even though there may not be opposition in a given case, your request may be denied. For further information or to make the required appointment, please contact:



Zoning Review
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue
Room 111
Towson, MD 21204
Telephone: 410-887-3391

INDIVIDUAL RESIDENTIAL LOTS

Variances
Administrative Variances
Special Hearings
Administrative Special Hearings
Posting & Waivers

YOU MUST MAKE AN APPOINTMENT TO FILE A PETITION

Call 410-887-3391 to make an appointment and confirm filing fees. Due to the exacting review necessary for petition filing, petitions or revisions will not be processed or accepted if they are just delivered or mailed.

AUTHORITY AND PETITIONER'S BURDEN:

All requests for zoning residential lot variances and special hearings are handled by the Department of Permits, Approvals and Inspections (PAI), Bureau of Zoning Review. Applications/forms are available from Zoning Review or online**. Hearings are scheduled before an Administrative Law Judge. The legislation that provides the Judge with the authority is in Sections 307 & 500 of the BCZR. The Director of PAI interprets and enforces the BCZR. Any disagreement with said interpretation may be taken to the Office of Administrative Law per Section 500.7 (BCZR).

** http://www.baltimorecountymd.gov/Agencies/permits/pdm_zoning/zonforms.html#forms

Legal representation is recommended in all cases, but in the case of a corporation, it is a requirement. The information that proceeds is provided to give the petitioner a basic understanding of the legal burden of proof that must be satisfied prior to the granting of the petition. It is not a substitute for private legal counsel nor should it be construed as legal advice.

Variances: Under the authority of Section 307.1 (BCZR), the Administrative Law Judge, applying the two-step test set forth in Cromwell v. Ward, 100 Md. App. 691 (1995), has the authority to grant variance from the height, area, parking, and sign regulations.

- A. The first step requires the petitioner to prove, to the satisfaction of the hearing officer, that the property whereon structures are to be placed (or uses conducted) is unique, unusual, and different from the surrounding properties such that the uniqueness causes the zoning provision to impact more on the subject property than on the surrounding properties.
- B. The second step of the test requires that the petitioner demonstrate that strict compliance with the BCZR would result in either practical difficulty or unreasonable hardship. The Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, stated:
 1. "To prove undue hardship for a use variance, the following three criteria must be met:
 - (i) Applicant must be unable to secure a reasonable return or make any reasonable use of his property (mere financial hardship or opportunity for greater profit is not enough).
 - (ii) The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district.
 - (iii) Hardship was not the result of applicant's own actions.
 2. To provide practical difficulty for an area variance, the following criteria must be met:
 - (i) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.
 - (ii) Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser relaxation than that applied for would give substantial relief.
 - (iii) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."
- C. No increase in residential density beyond that allowed by the BCZR shall be permitted.
- D. The relief requested must be in strict harmony with the spirit and intent of height, area, parking, or sign regulations.
- E. And only in such manner as to grant relief without substantial injury to the public health, safety, and general welfare.

Case No.:

2014-0185-A

Exhibit Sheet

ALN
5-23-14

Petitioner/Developer

Respondent

No. 1	Site plan	Letter 5-16-2014 Hanover Rd. Ass'n.
No. 2	Plat Plummer Property	2A - 2B Google Earth photos
No. 3	3A-3J Color photos	Letter May 12, 2014 Michael Snyder
No. 4	4A Google Earth photos 4B	4A - Letter w/ attachments - Holtz 4B - letter - Valentine
No. 5	Email - from Dept. of Planning	
No. 6	SDAT records	
No. 7	Architectural Drawings	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

3A

ZONING NOTICE

CASE # 2014-0185-A

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

JEFFERSON BLDG, ROOM 205
105 W. CHESAPEAKE AVE, TOWSON, MD 21204

PLACE: 105 W. CHESAPEAKE AVE, TOWSON, MD 21204
DATE AND TIME: FRI. MAY 16, 2014 10AM

REQUEST: VARIANCE TO PERMIT A PROPOSED
ACCESSORY STRUCTURE (POOL HOUSE) LOCATED

IN THE FRONT YARD IN LIEU OF THE REQUIRED
SIDE OR REAR YARD AND TO PERMIT A HEIGHT

OF 24 FEET IN LIEU OF THE MAXIMUM HEIGHT OF
16 FEET

POSTPONEMENTS DUE TO WEATHER OR OTHER CIRCUMSTANCES ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 410-339-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

9B



36



3D



306



3F



36



34



31



35





Google earth

feet
meters



Y/A



Google earth

feet 700
meters 200



Y13

Alyssa Fiore

From: Jessie Bialek <jbialek@baltimorecountymd.gov>
Sent: Thursday, May 15, 2014 12:06 PM
To: Alyssa Fiore
Cc: Jeff Mayhew; Lynn Lanham
Subject: Re: Folio - 6200 Glen Falls Road (2014-0185-A)

No 5

Alyssa,

This subdivision was created under RC 4 zoning therefore, pursuant to Section 103.1 of the BCZR, there is no need for the DOP to issue a finding.

Please let me know if you have any further questions.

Thank you,
Jessie

Jessie A. Bialek
Planner
Baltimore County
Department of Planning
Jefferson Building
105 W. Chesapeake Ave, Suite 101
Towson, MD 21204
(410) 887-3480 . Fax (410) 887-5862
jbialek@baltimorecountymd.gov

>>> On 5/15/2014 at 11:37 AM, Alyssa Fiore <afiore@sgs-law.com> wrote:

Jessie,

I am writing with regards to the above matter which is scheduled for a hearing tomorrow, May 16th. Please call me to discuss today if possible.

We were recently hired by Mr. Folio to represent him at tomorrow's hearing. This property is zoned RC 8. Pursuant to BCZR 1A09.4.A, "Before the approval of any concept plan, development plan, limited exemption, special exception plan or variance, the Director of Planning or the Director's designee must certify in a written finding that the plan, exemption, or variance is consistent with the spirit and intent of these regulations."

I did not see a ZAC comment from Planning in the County file and wanted to see if you could assist with the above.

Alyssa M. Fiore
Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070

[Search Help](#)

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 04 Account Number - 2200010202		
Owner Information		
Owner Name:	FOLIO RICHARD M	Use: RESIDENTIAL
Mailing Address:	6200 GLEN FALLS RD REISTERSTOWN MD 21136-4517	Principal Residence: YES Deed Reference: 1) /34389/ 00497 2)
Location & Structure Information		
Premises Address:	6200 GLEN FALLS RD REISTERSTOWN 21136-4517	Legal Description: 3.001 AC PLUMMER PROP
Map: 0039	Grid: 0007	Parcel: 0062
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 1	Assessment Year: 2013
Town:	NONE	
Ad Valorem:		
Tax Class:		
Primary Structure Built 1998	Above Grade Enclosed Area 2,160 SF	Finished Basement Area
Property Land Area 3.0000 AC	County Use 04	
Stories 2.000000	Basement YES	Type STANDARD UNIT
Exterior SIDING	Full/Half Bath 2 full/ 1 half	Garage 1 Attached
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2013	07/01/2013
		As of
		07/01/2014
Land: 144,000	108,000	
Improvements: 222,100	219,400	
Total: 366,100	327,400	327,400
Preferential Land: 0		0
Transfer Information		
Seller: FOLIO RICHARD M	Date: 10/31/2013	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /34389/ 00497	Deed2:
Seller: INCOG ASSOCIATES LLC	Date: 01/02/1998	Price: \$82,000
Type: ARMS LENGTH VACANT	Deed1: /12584/ 00144	Deed2:
Seller: PLUMMER FRANKLIN A	Date: 08/04/1995	Price: \$50,971
Type: ARMS LENGTH MULTIPLE	Deed1: /11154/ 00321	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County: 000		07/01/2013
State: 000		07/01/2014
Municipal: 000		0.00
		0.00
		0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

PETITIONER'S

EXHIBIT NO. 6

Case No.:

2014-0185-A

Exhibit Sheet

SN
5-23-14

Petitioner/Developer

Respondent

No. 1	Site plan	Letter 5-16-2014 Hanover Rd. Ass'n.
No. 2	Plat Plummer Property	2A - 2B Google Earth photos
No. 3	3A-3J Color photos	Letter May 12, 2014 Michael Snyder
No. 4	4A Google Earth photos 4B	4A - Letter w/ attachments - Holtz 4B - letter - Valentine
No. 5	Email - from Dept. of Planning	
No. 6	SDAT records	
No. 7	Architectural Drawings	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

HANOVER ROAD ASSOCIATION INC.
"PRESERVING THE RURAL CHARACTER"
P.O. BOX 121
UPPERCO, MARYLAND 21155-9998

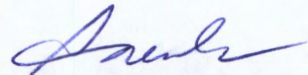
May 16, 2014

Case Number 2014-0185-A

To Whom It May Concern:

Mr. S. Glenn Elseroad and Mr. Paul E. Joyce have the Hanover Road Association Inc.'s permission to speak for the Association, at the Zoning Hearing concerning 6200 Glen Falls Road on May 16, 2014.

Thank you for your attention to this matter.



**George Neubeck
Zoning Committee
Hanover Road Association**

CC: Hanover Road Association Inc. Board of Directors

PROTESTANT' S

EXHIBIT NO. 1



PROTESTANT' S

EXHIBIT NO. 2A



PROTESTANT' S

EXHIBIT NO.

2B

MICHAEL L. SNYDER

ATTORNEY AT LAW
5930 Glen Falls Road
Reisterstown, MD 21136
410-833-8088

May 12, 2014

Administrative Law Judges
of Baltimore County
Zoning Review, Room 111
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case Number: 2014-0185-A
6200 Gen Falls Road
NW/s of Glen Falls Road, 750 ft. SW of centerline of Hiltner Road
4th Election District – 3rd Councilmanic District
Legal Owners: Richard Folio

Dear Judges:

I am a member of the Board of Directors of the Hanover Road Association. Please accept this letter on behalf of the Association.

The subject property is situated within the area of coverage of the Hanover Road Association. The Association has reviewed this matter with several neighbors of the subject property, all of whom are opposed to the requested Variance. Please accept this letter as the Association's formal opposition to the granting of this Variance. It is the Association's opinion that the requested building should be constructed no higher than the maximum height of 15 feet; and that it should be constructed behind the projected line of the front of the dwelling. A homeowner may not create an undue hardship or practical difficulty themselves in order to justify a variance.

The Association is unable to have a member personally attend the May 16th hearing.

Thank you for your consideration of the Association's position.

Very truly yours,



Michael L. Snyder

MLS/ap

PROTESTANT' S

EXHIBIT NO.

3

C. Robert Holtz
6126 Glen Falls Road
Reisterstown, MD 21136
410-526-2927

May 14, 2014

Administrative Law Judges
of Baltimore County
Zoning Review, Room 111
County Office Building
111 West Chesapeake Avenue

Re: Case Number 2014-0185-A
6200 Glen Falls Road

Dear Judges:

I am a resident of Glen Falls Road and live approximately 700 feet, North
Northeast of subject property.

I ask you take into consideration how a 24' tall structure with a footprint of
32' x 48' will directly and negatively affect the immediate surrounding six properties on
Glen Falls Road. As well the effect it will have on all properties just beyond the
immediate surrounding properties. One reason the area is so attractive to the neighboring
homeowners is the restrictive zoning and rural nature of the community. Adding a
dwelling of that size as is proposed, and being located in front of the front foundation wall
line of the house will only diminish the values of surrounding properties.

Also, please take into consideration that the proposed building site is zoned
R.C.8. On which the property owner has already added a brightly lighted
tennis/basketball court and a turf soccer field as well as an in-ground pool (see attached
aerial photo). The sum total of these additions appears to be much greater than the 5% of
land that R.C.8 allows for impervious surface coverage. Any additional structure will
only increase the amount of land that is considered impervious surface and allowed under
R.C.8.

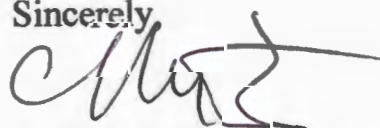
I will be unable to attend the hearing in person on the 16th.

Thanks you for your consideration of my letter.

PROTESTANT' S

EXHIBIT NO. 4A

Sincerely



C. Robert Holtz

May 15, 2014

Dear Zoning Commissioner:

We are writing to voice our disapproval of the proposed construction of a Pool House at 6200 Glen Falls Road, Reisterstown, Maryland 21136 – a residence owned by Richard Folio.

We have already survived the construction of the recreational facilities he has constructed. These facilities increase the noise level and the spotlights light up the front of our house.

We believe that the construction of the Pool House would continue to increase the noise level and decrease the property values. It certainly would obstruct the beautiful views we once had and built our home because of, particularly since we live directly across the street. We are wondering where and when this will stop.

Sincerely,

Frank & Donna Valentine
6215 Glen Falls Road
Reisterstown, MD 21136

PROTESTANT' S

EXHIBIT NO.

4B



Legend

County Boundary

Parcel Boundary

Prepared by Geographic Information Services
Baltimore County Office of Information Technology
Business Applications
Date: Tuesday, 30 September, 2014
Date of Imagery: 2011

1 inch = 100 feet



CBA 14-185A
PC #12 6/16/15
Richard Folio

Det
No 7
(AND
DET #4)

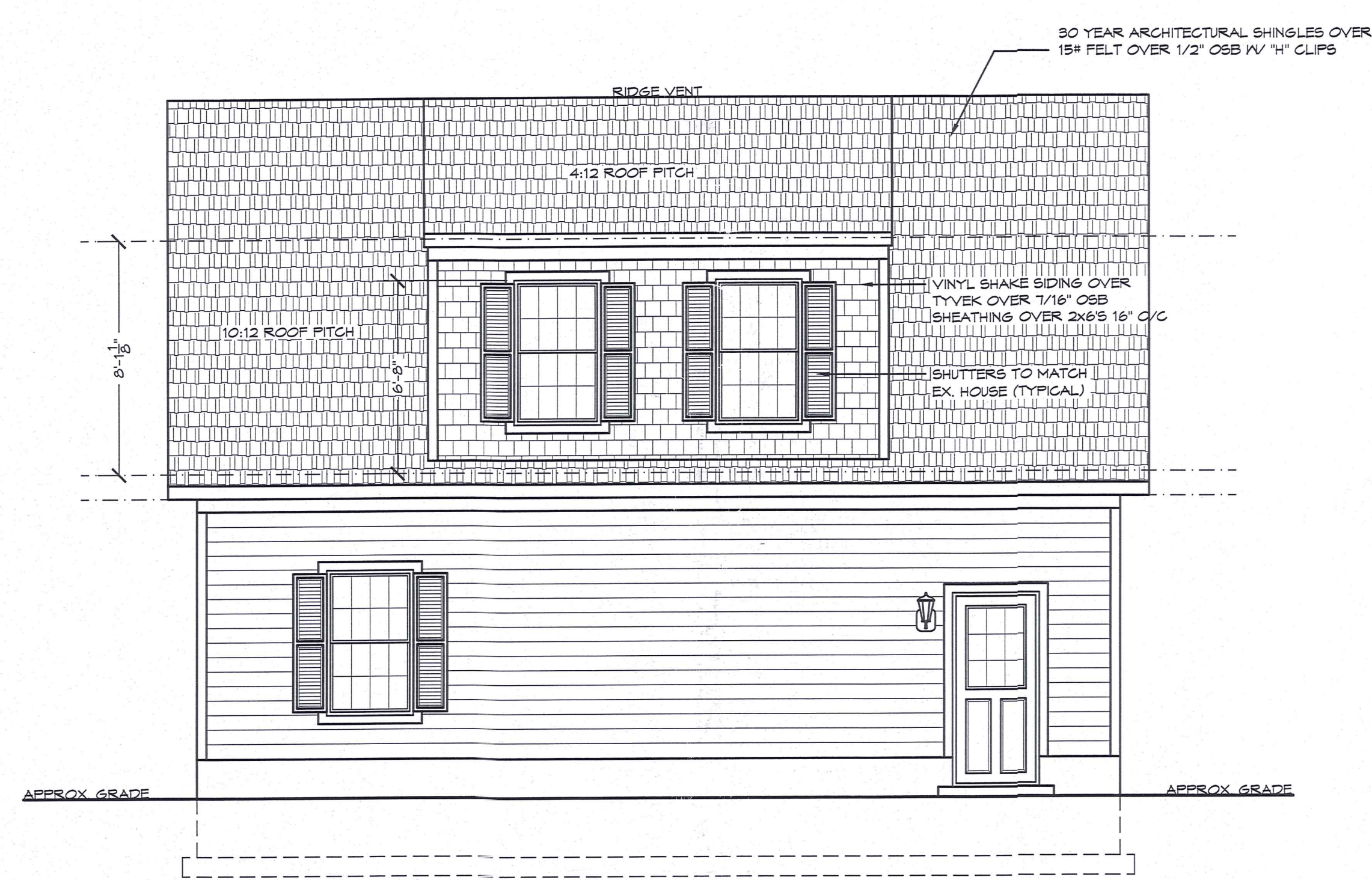
DETACHED GARAGE / POOL HOUSE
THE FOLIO RESIDENCE

PROJECT ADDRESS:
6200 GLEN FALLS ROAD
REISTERSTOWN, MD 21136
BALTIMORE COUNTY, MD

REVISED 3/6/2014
REVISED 1/31/2014

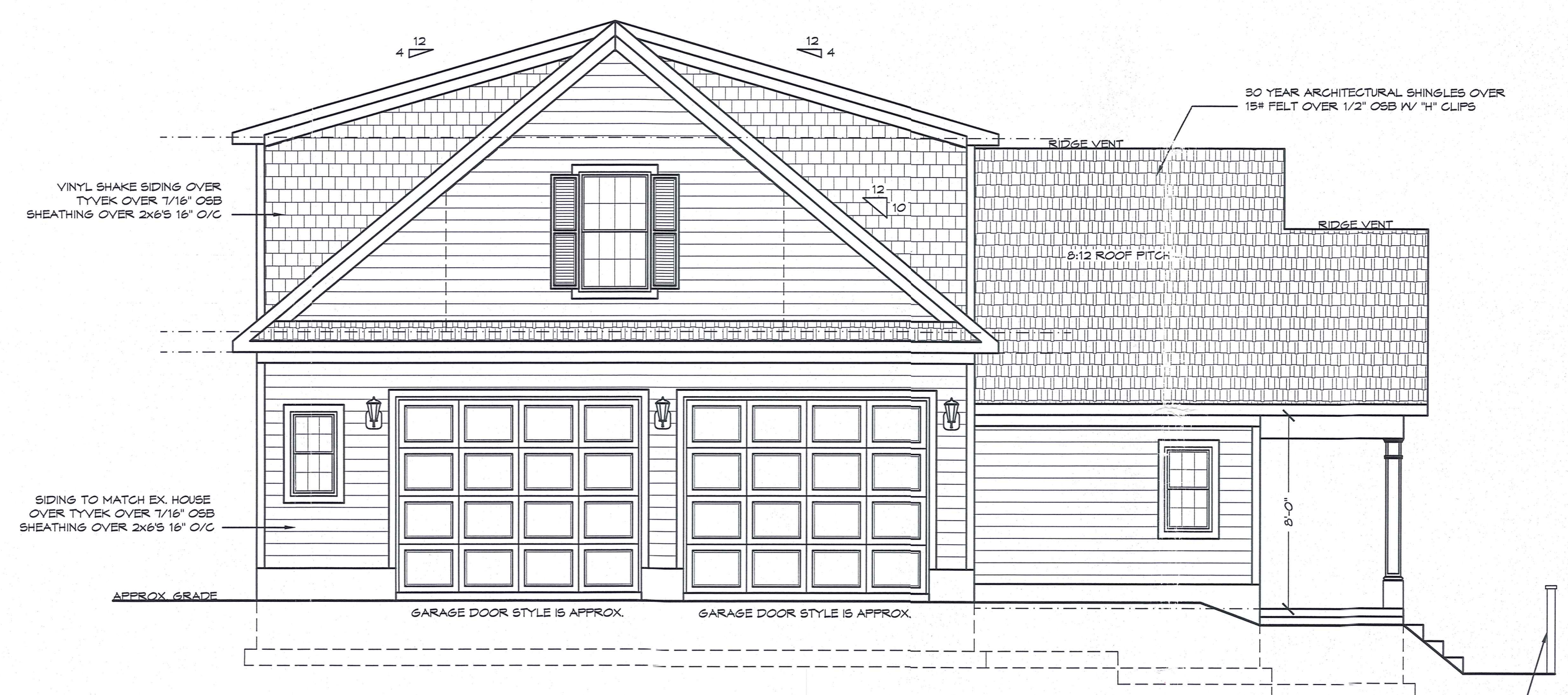
		GBL CUSTOM HOME DESIGN INC. PO BOX 237 FINKSBURG, MD 21048 PHONE 410-833-8320
SCALE: 1/4" = 1'-0"		
DATE: 1/2014		
SHEET NO.: 1 OF 6		

FILE: FOLIO GARAGE



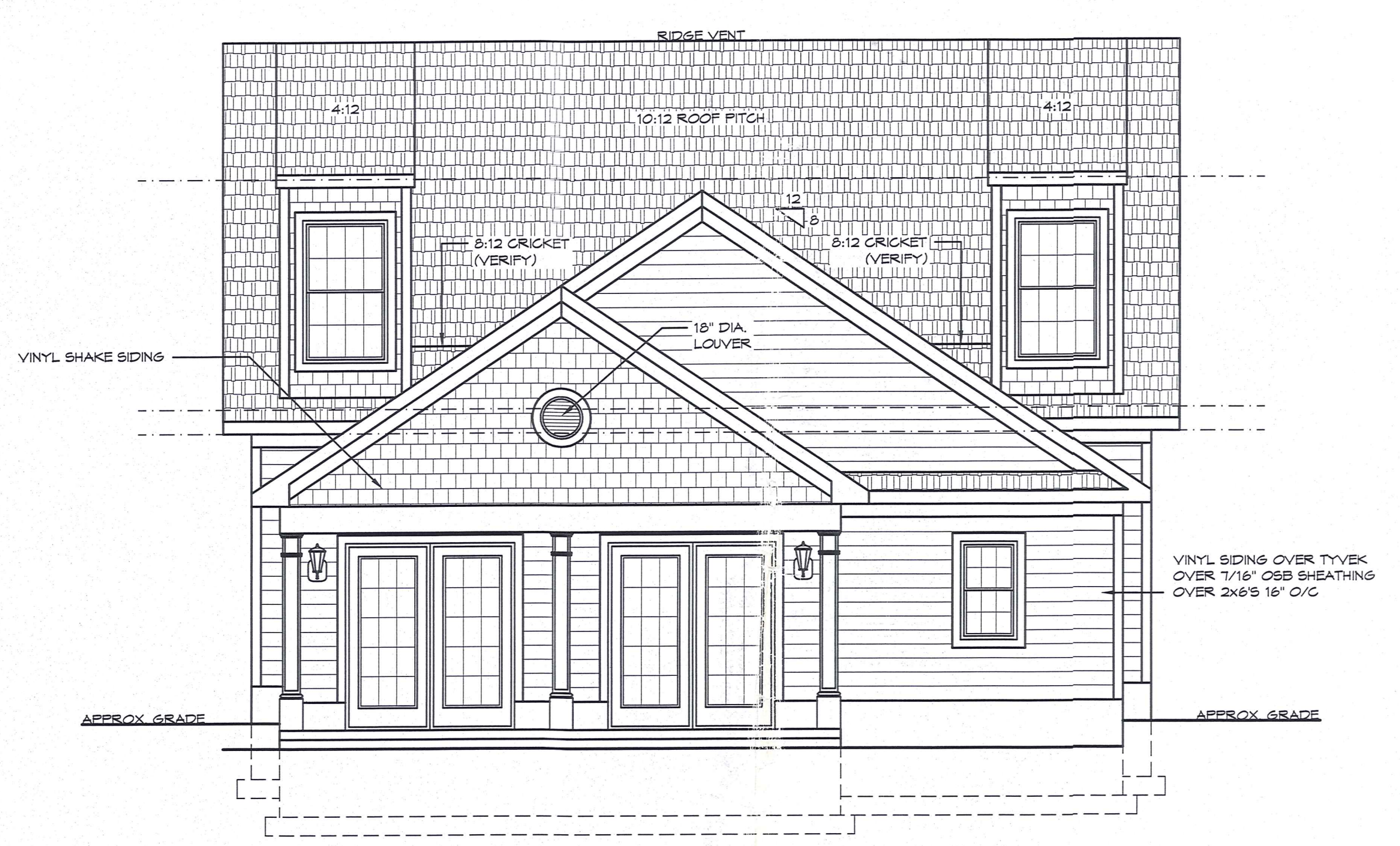
STREET SIDE "FRONT" ELEVATION

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



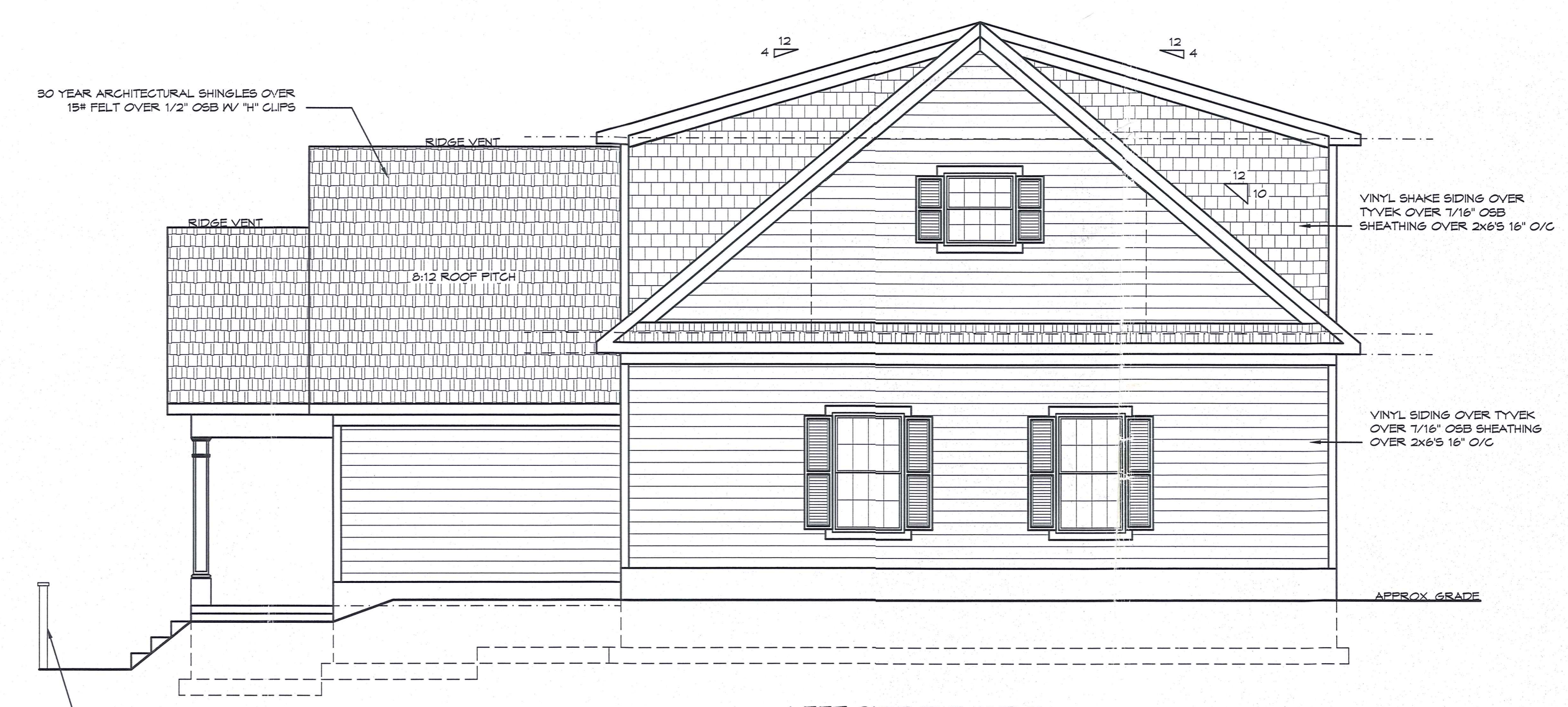
RIGHT SIDE ELEVATION

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



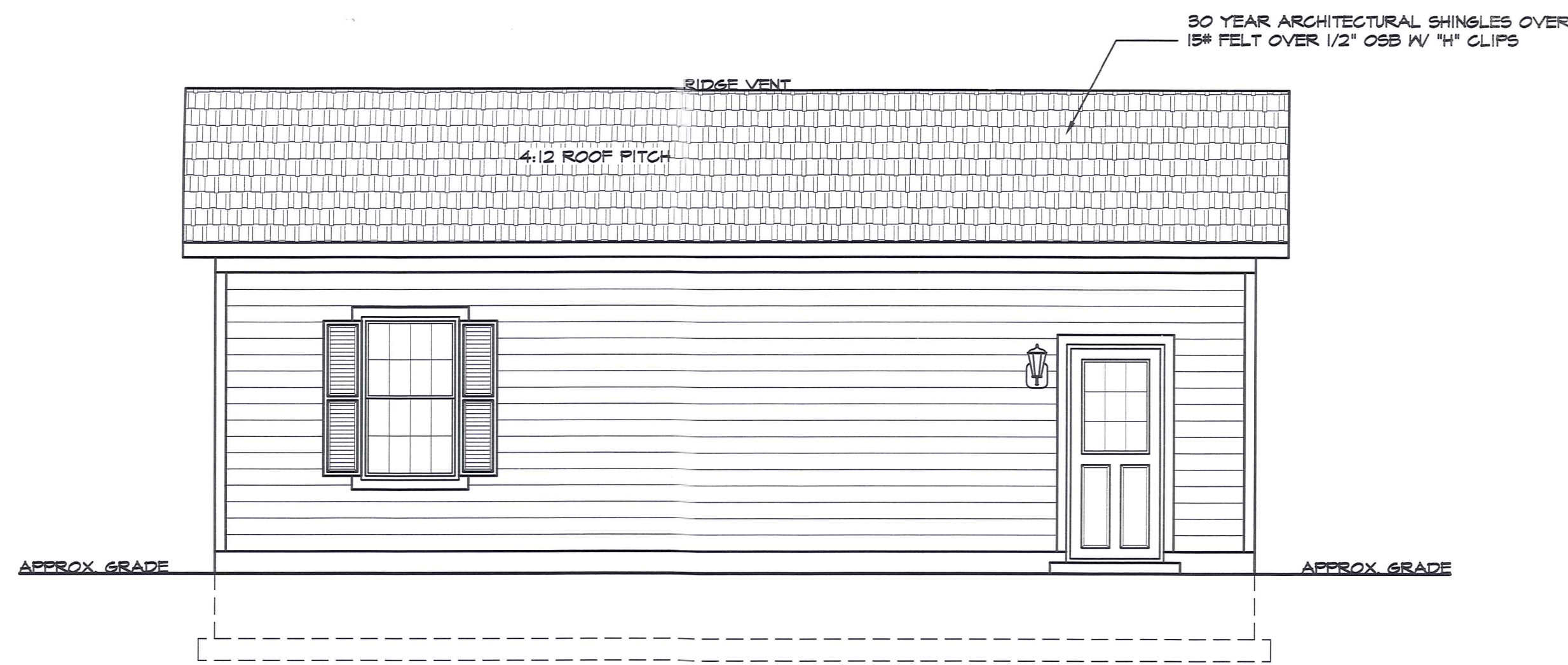
POOL SIDE "REAR" ELEVATION

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



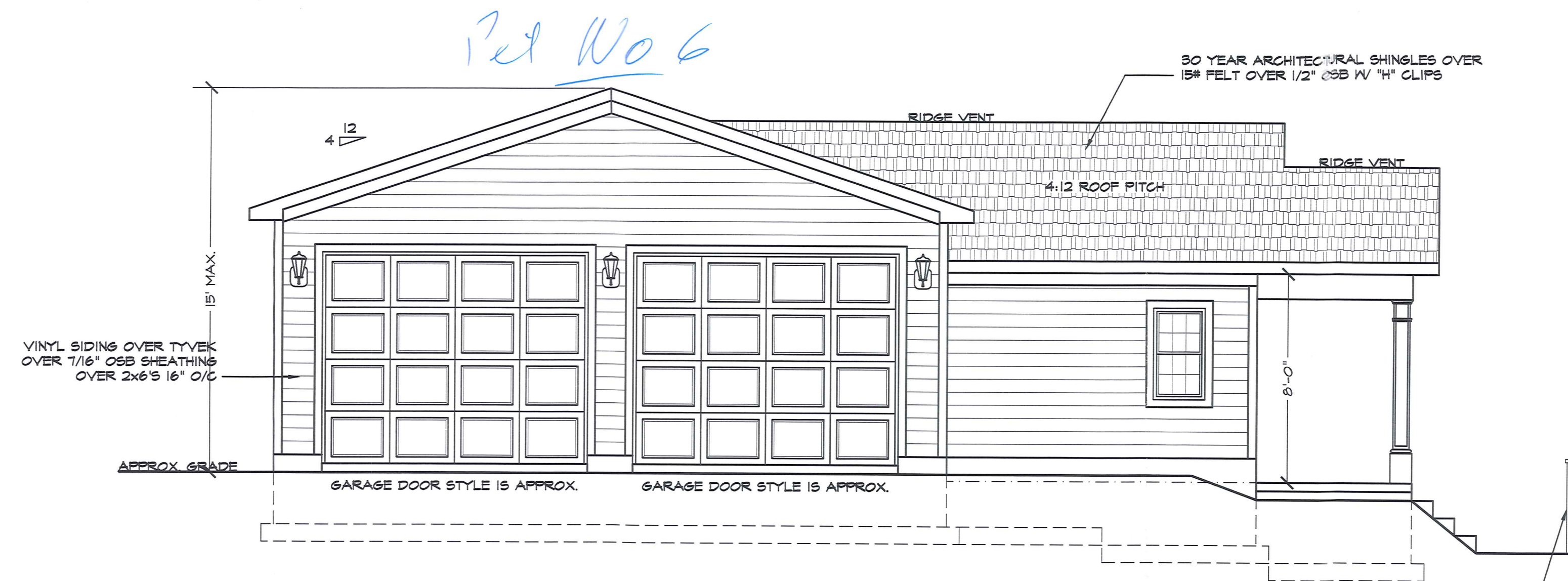
LEFT SIDE ELEVATION

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



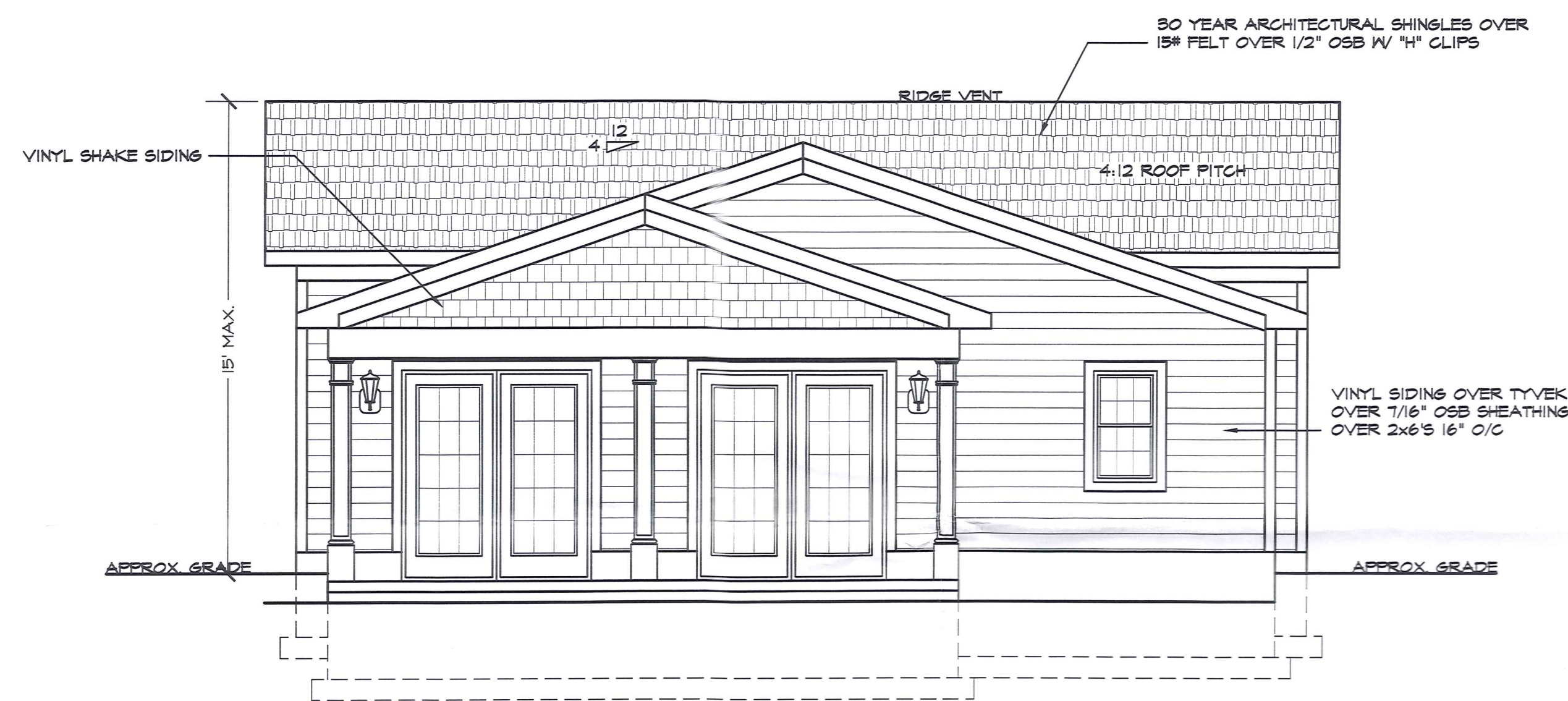
STREET SIDE "FRONT" ELEVATION

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



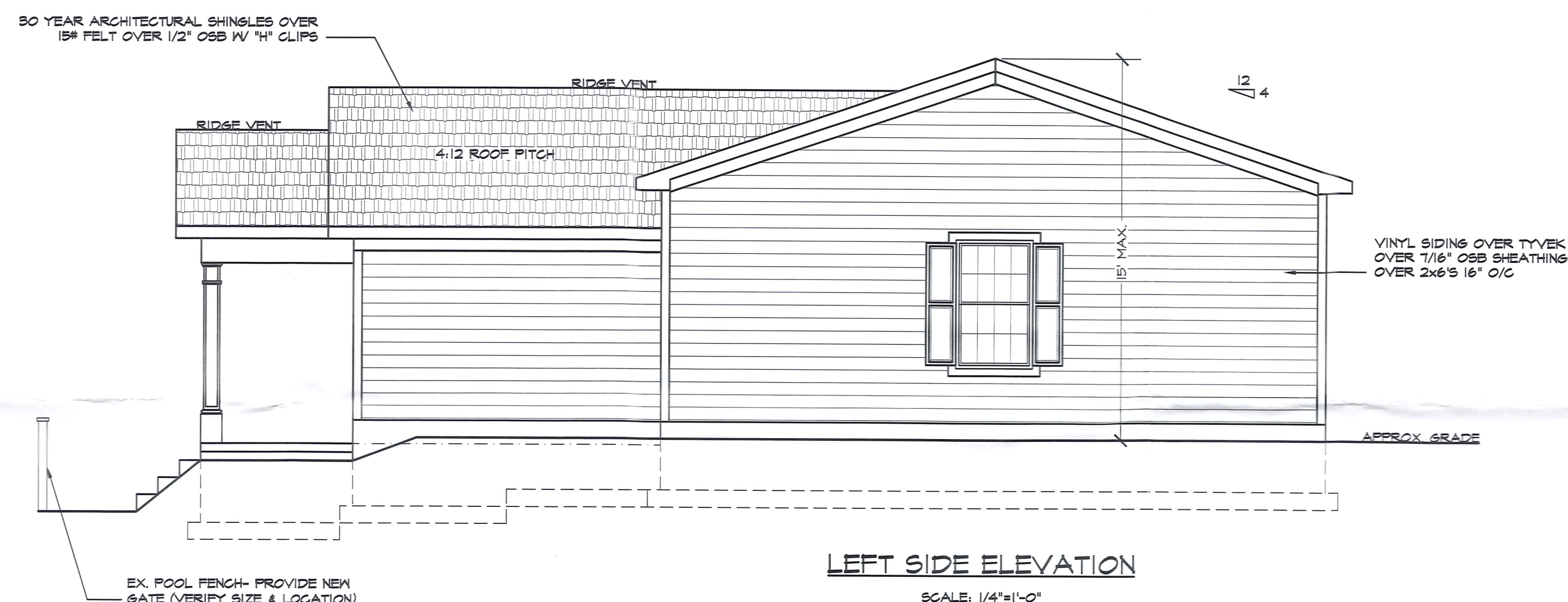
RIGHT SIDE ELEVATION

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



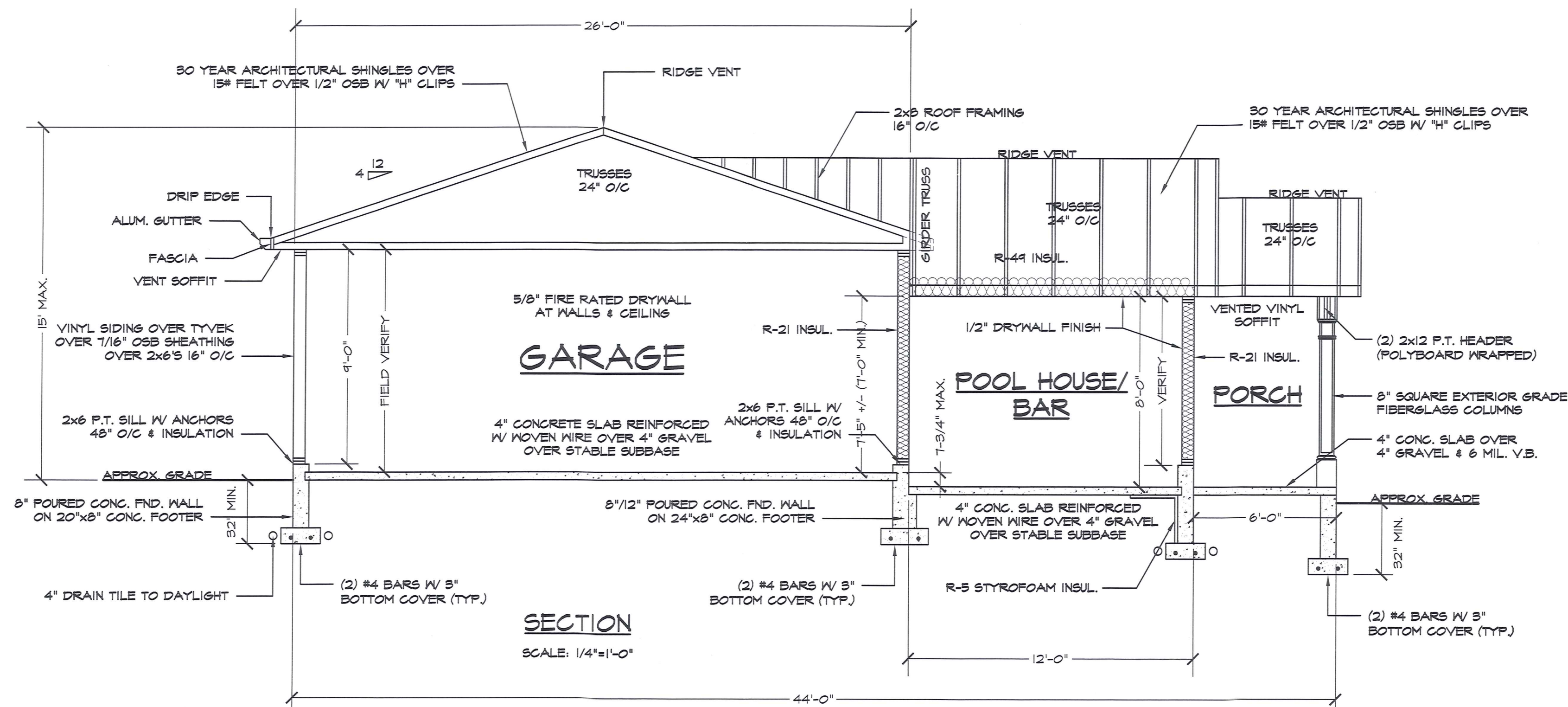
POOL SIDE "REAR" ELEVATION

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



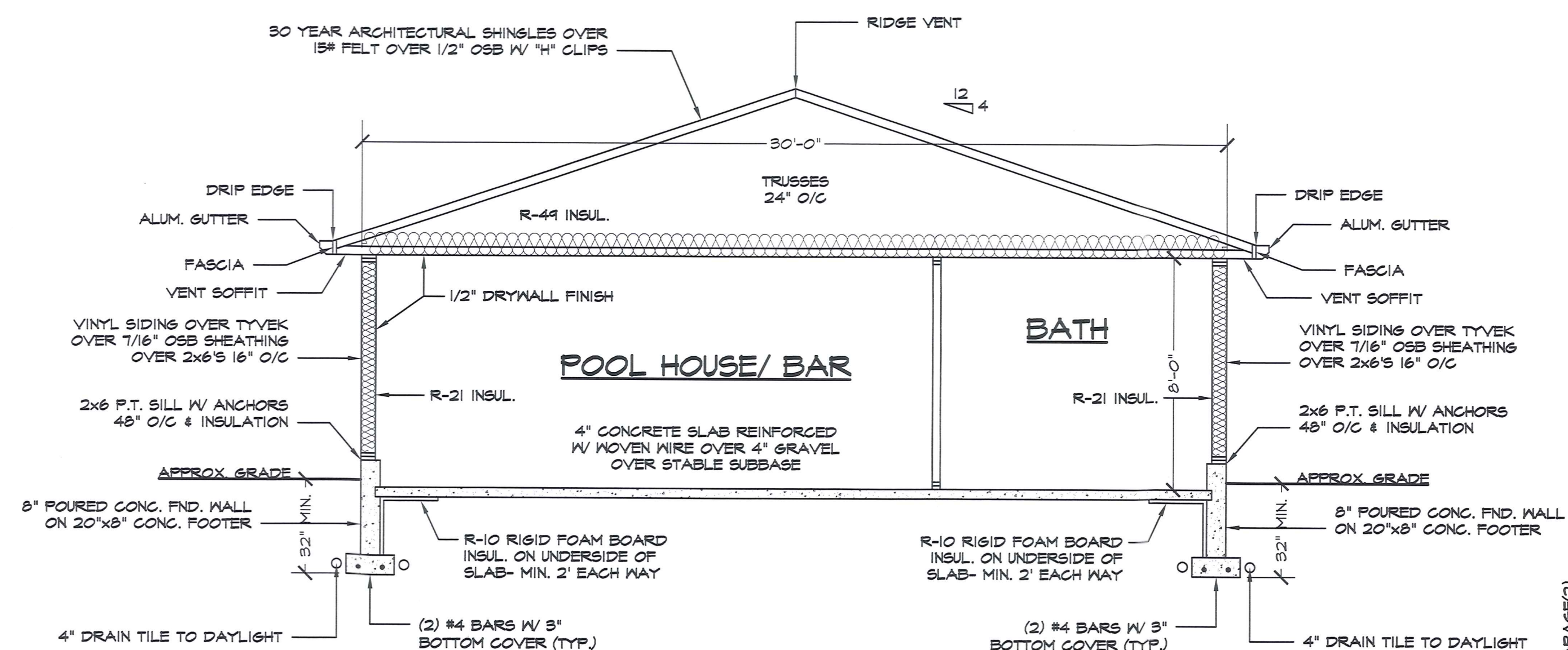
LEFT SIDE ELEVATION

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



SECTION

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



SECTION

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

DETACHED GARAGE / POOL HOUSE
THE FOLIO RESIDENCE #2014-0185-A

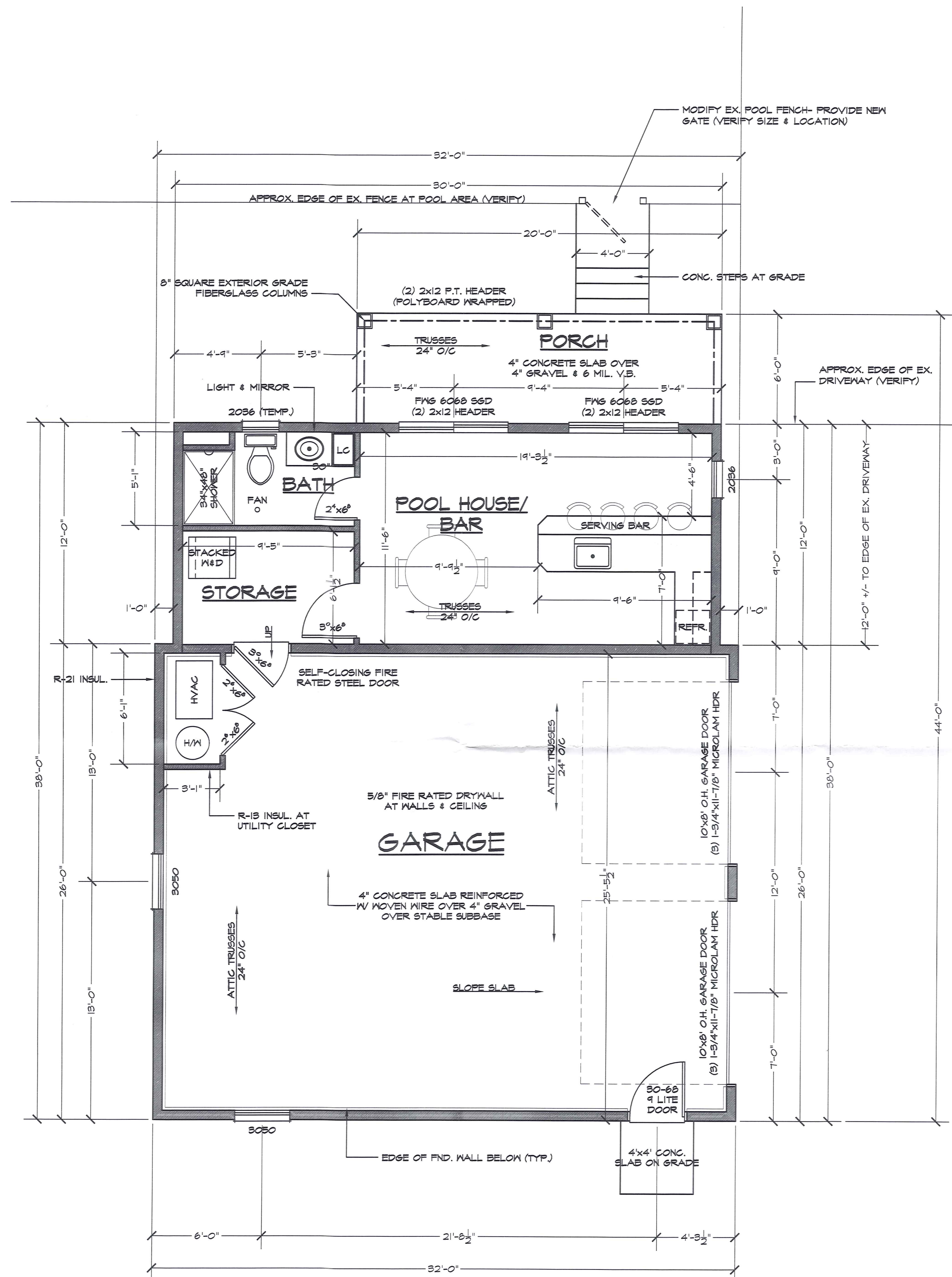
PROJECT ADDRESS:
6200 GLEN FALLS ROAD
REISTERSTOWN, MD 21116
BALTIMORE COUNTY, MD

REVISED 4/24/2015
REVISED 3/6/2014
REVISED 1/31/2014

GBL CUSTOM HOME
DESIGN INC.
PO BOX 237 FINKSBURG, MD 21048
PHONE 410-833-8320

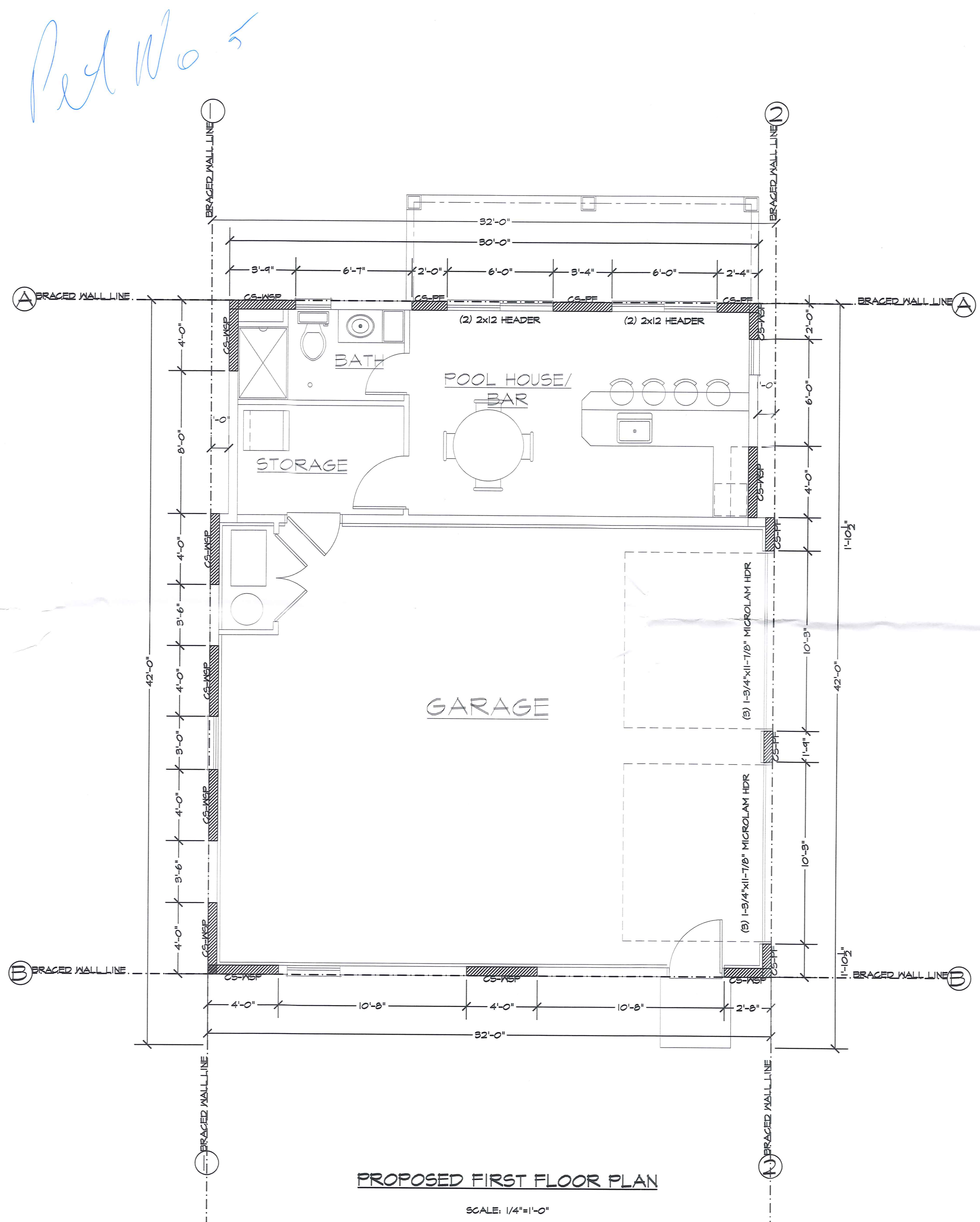
SCALE: 1/4" = 1'-0"
DATE: 1/2014
SHEET NO.: 1 OF 4

FILE: FOLIO GARAGE(2)



PROPOSED FIRST FLOOR PLAN

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



PROPOSED FIRST FLOOR PLAN

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

FILE: FOLIO GARAGE(2)

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

DATE: 1/20/14

SHEET NO.: 3 OF 4

GEL CUSTOM HOME
DESIGN INC.

PO BOX 237 PINKSBURG, MD 21048
PHONE 410-833-8320

PROJECT ADDRESS:
6200 GLEN FALLS ROAD
REISTERSTOWN, MD 21136
BALTIMORE COUNTY, MD

REVISED 4/24/2015
REVISED 3/6/2014
REVISED 1/31/2014

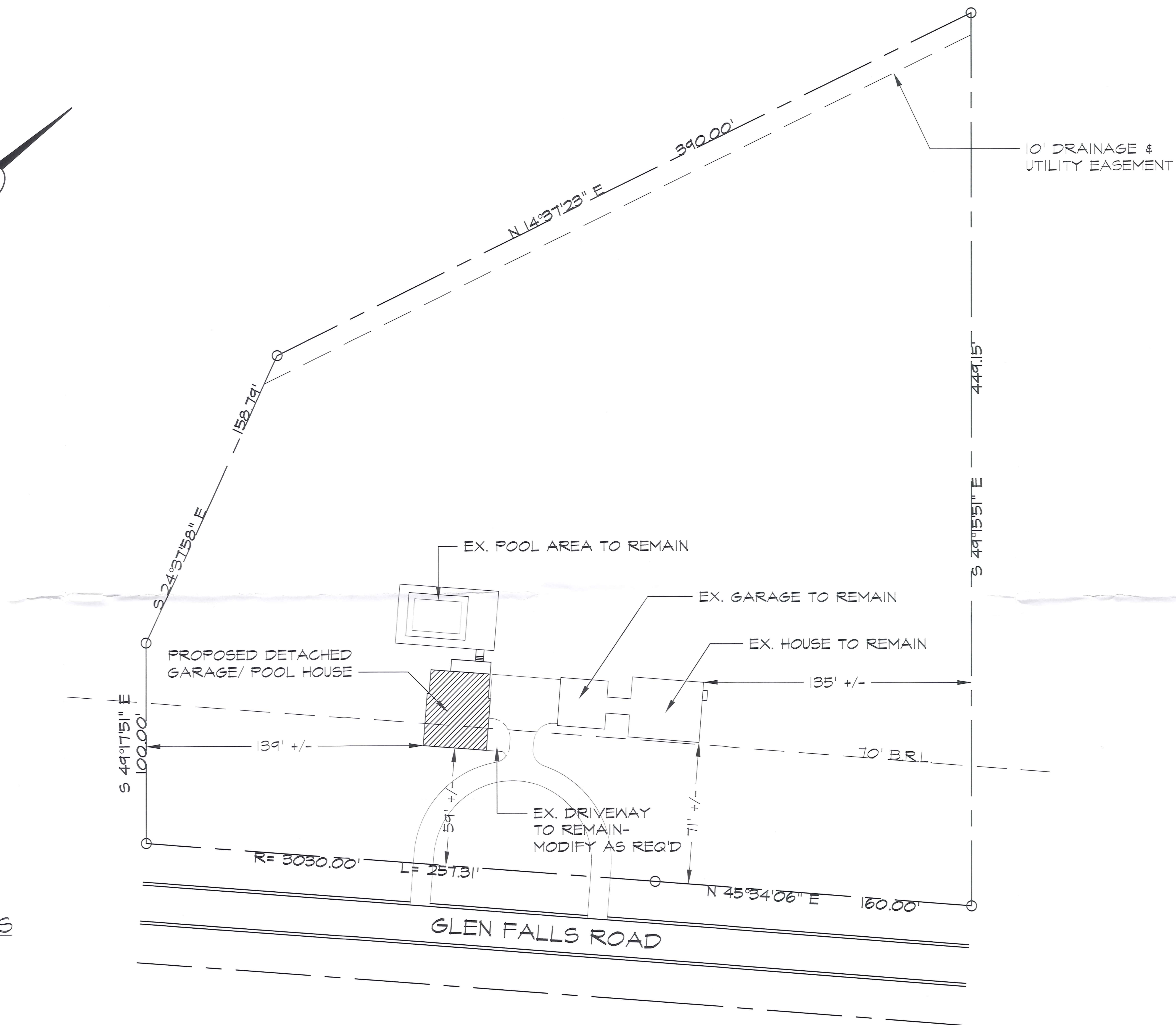
DETACHED GARAGE / POOL HOUSE
THE FOLIO RESIDENCE
#2014-0185-A

EXISTING SITE CONDITIONS
PROVIDED BY:

M&H DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND

SITE PLAN

SCALE: 1"=60'-0"



Ret No 3

PROJECT ADDRESS:

6200 GLEN FALLS ROAD
REISTERSTOWN, MD 21136
BALTIMORE COUNTY, MD

DETACHED GARAGE / POOL HOUSE
THE FOLIO RESIDENCE

#2014-0185-A

FILE: FOLIO GARAGE(2)

SCALE NOTED

DATE: 1/2014

SHEET NO.:

GBL CUSTOM HOME
DESIGN INC.
PO BOX 237 FINKSBURG, MD 21048
PHONE 410-833-8320



226 Feet



My Neighborhood Map

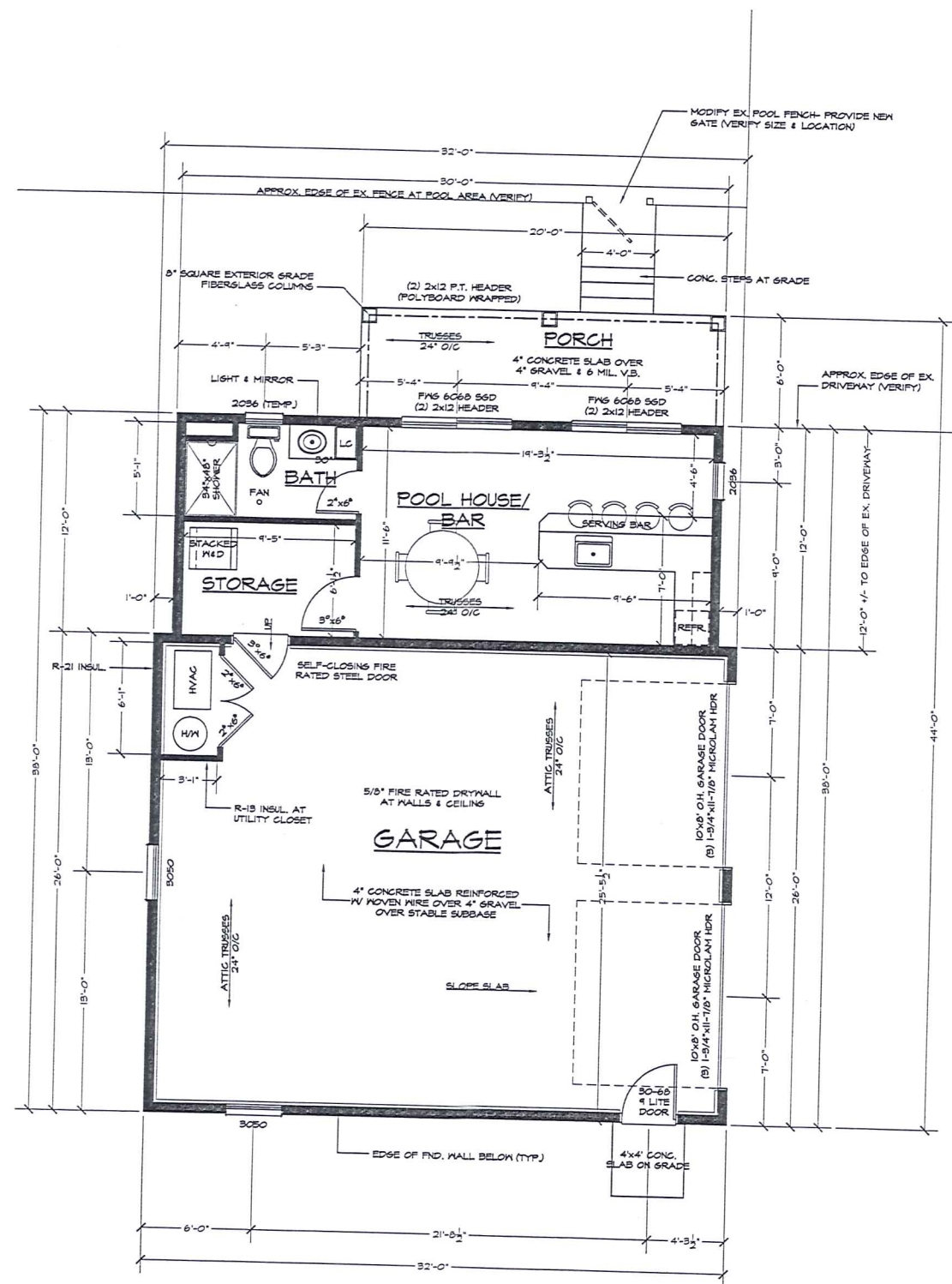
Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

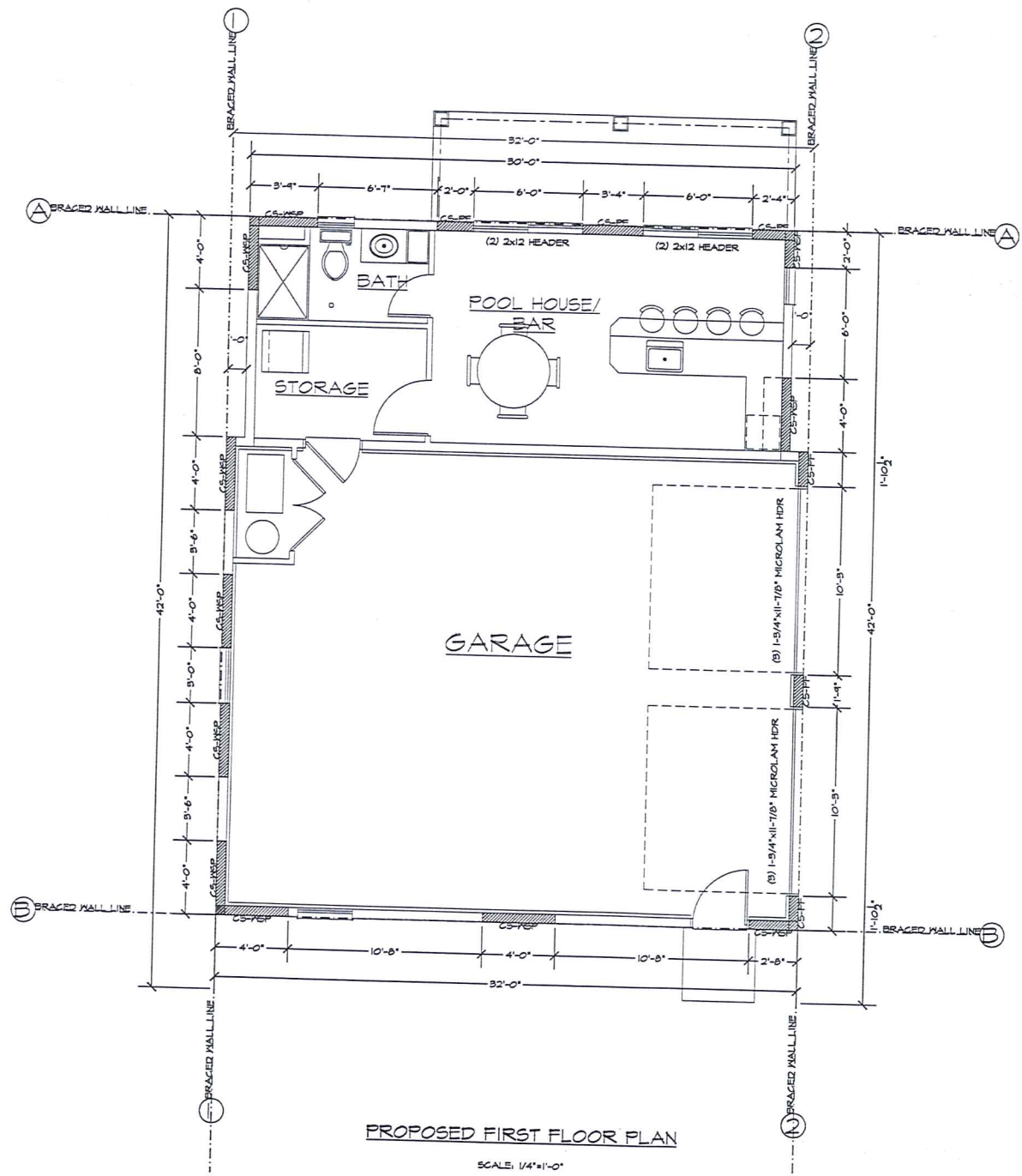
Pet 12 Folio 9/24/15 14-185-A

Printed 9/23/2015



PROPOSED FIRST FLOOR PLAN

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



PROPOSED FIRST FLOOR PLAN

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

DETACHED GARAGE / POOL HOUSE THE FOLIO RESIDENCE

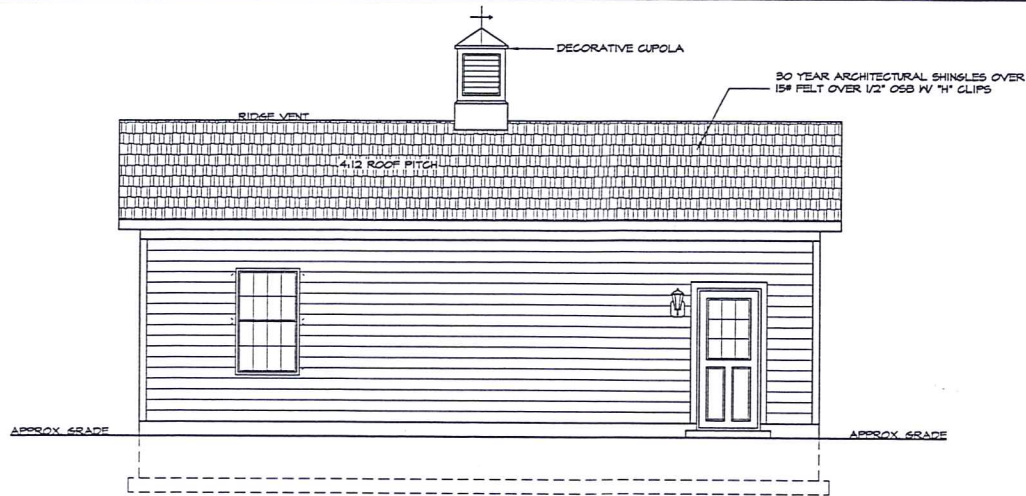
PROJECT ADDRESS:
6200 GLEN FALLS ROAD
REISTERSTOWN, MD 21136
BALTIMORE COUNTY, MD

REVISED 4/24/2015
REVISED 3/16/2014
REVISED 1/31/2014

SCALE: 1/4" = 1'-0"
DATE: 1/2014
SHEET NO.: 5 OF 4

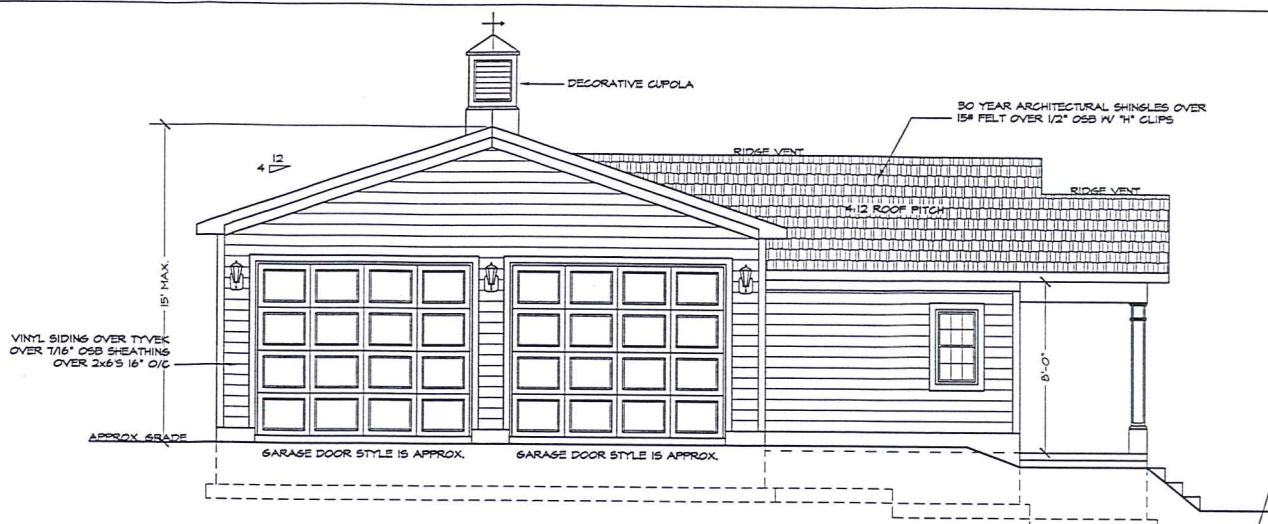
GBL CUSTOM HOME
DESIGN INC.
PO BOX 237 FINKSBURG, MD 21048
PHONE 410-533-8320

FILE: FOLIO GARAGE(2)



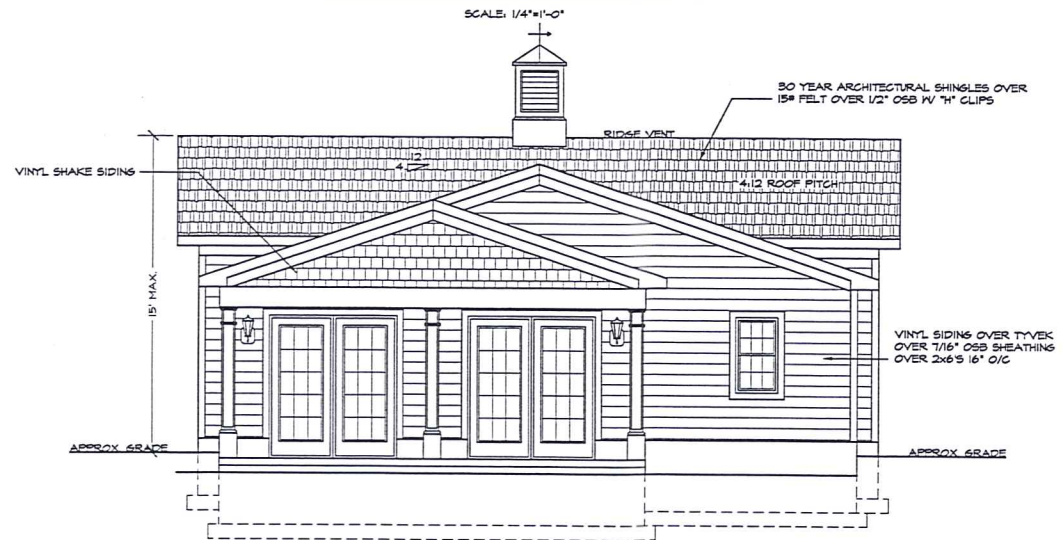
STREET SIDE "FRONT" ELEVATION

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



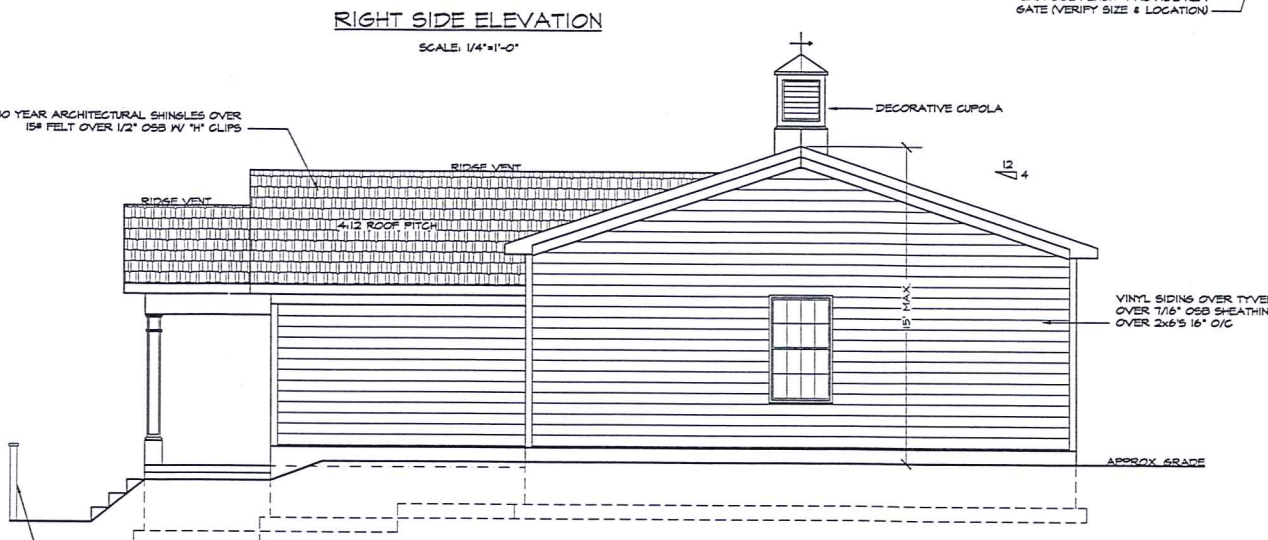
RIGHT SIDE ELEVATION

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



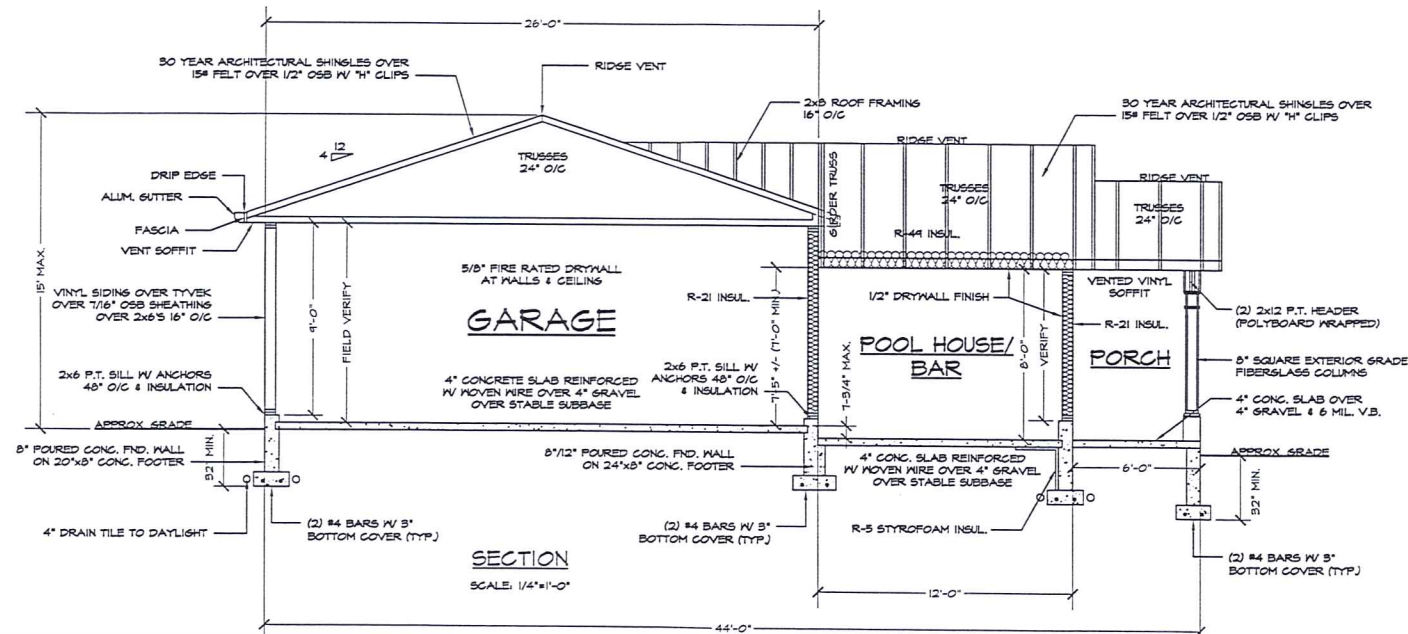
POOL SIDE "REAR" ELEVATION

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



LEFT SIDE ELEVATION

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



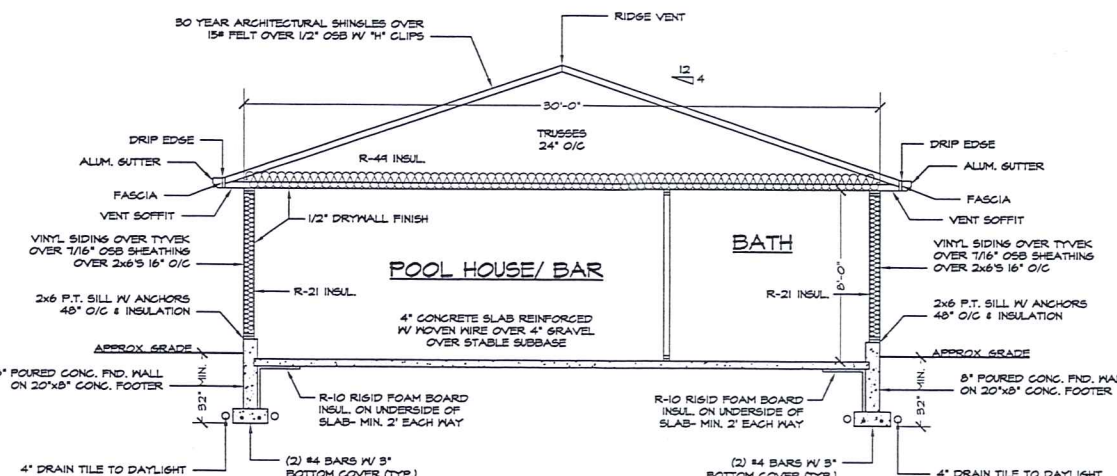
GARAGE

POOL HOUSE/
BAR

PORCH

SECTION

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



POOL HOUSE/
BAR

BATH

SECTION

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

DETACHED GARAGE / POOL HOUSE THE FOLIO RESIDENCE

PROJECT ADDRESS:
6200 GLEN FALLS ROAD
REISTERSTOWN, MD 21136
BALTIMORE COUNTY, MD

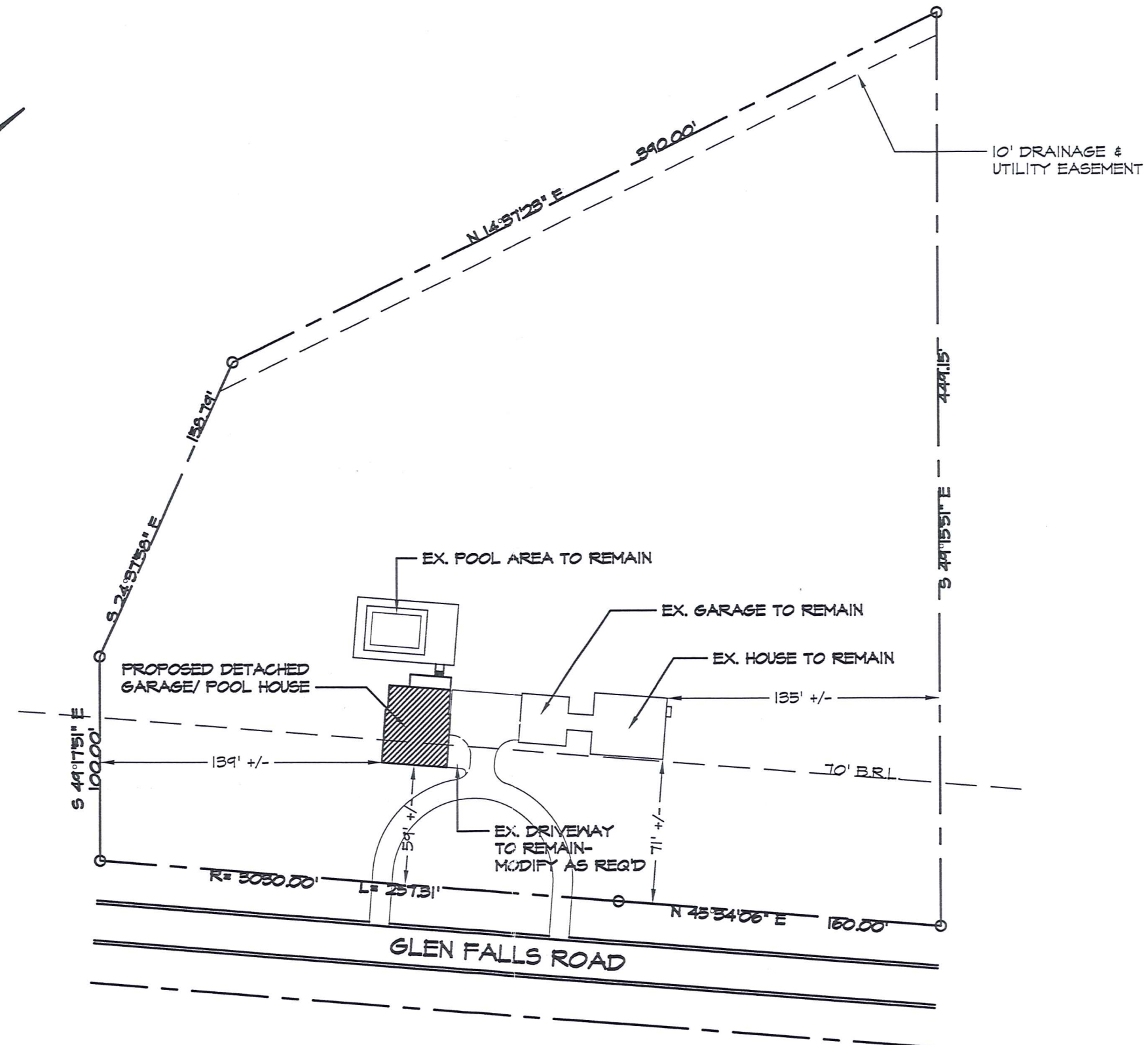
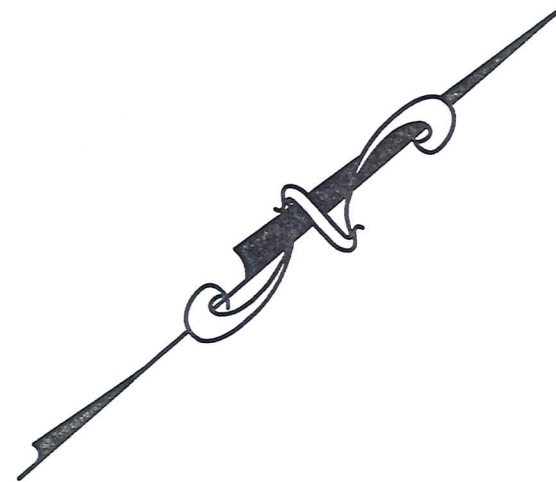
REVISED 4/24/2015
REVISED 3/6/2014
REVISED 1/31/2014

GBL CUSTOM HOME
DESIGN INC.
PO BOX 237 FINKSBURG, MD 21048
PHONE 410-833-8320

SCALE: 1/4" = 1'-0"
DATE: 1/2014
SHEET NO: 1 OF 4

FILE: FOLIO GARAGE(2)

DETACHED GARAGE / POOL HOUSE THE FOLIO RESIDENCE



EXISTING SITE CONDITIONS PROVIDED BY:

M&H DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND

SITE PLAN

SCALE: 1"=60'-0"

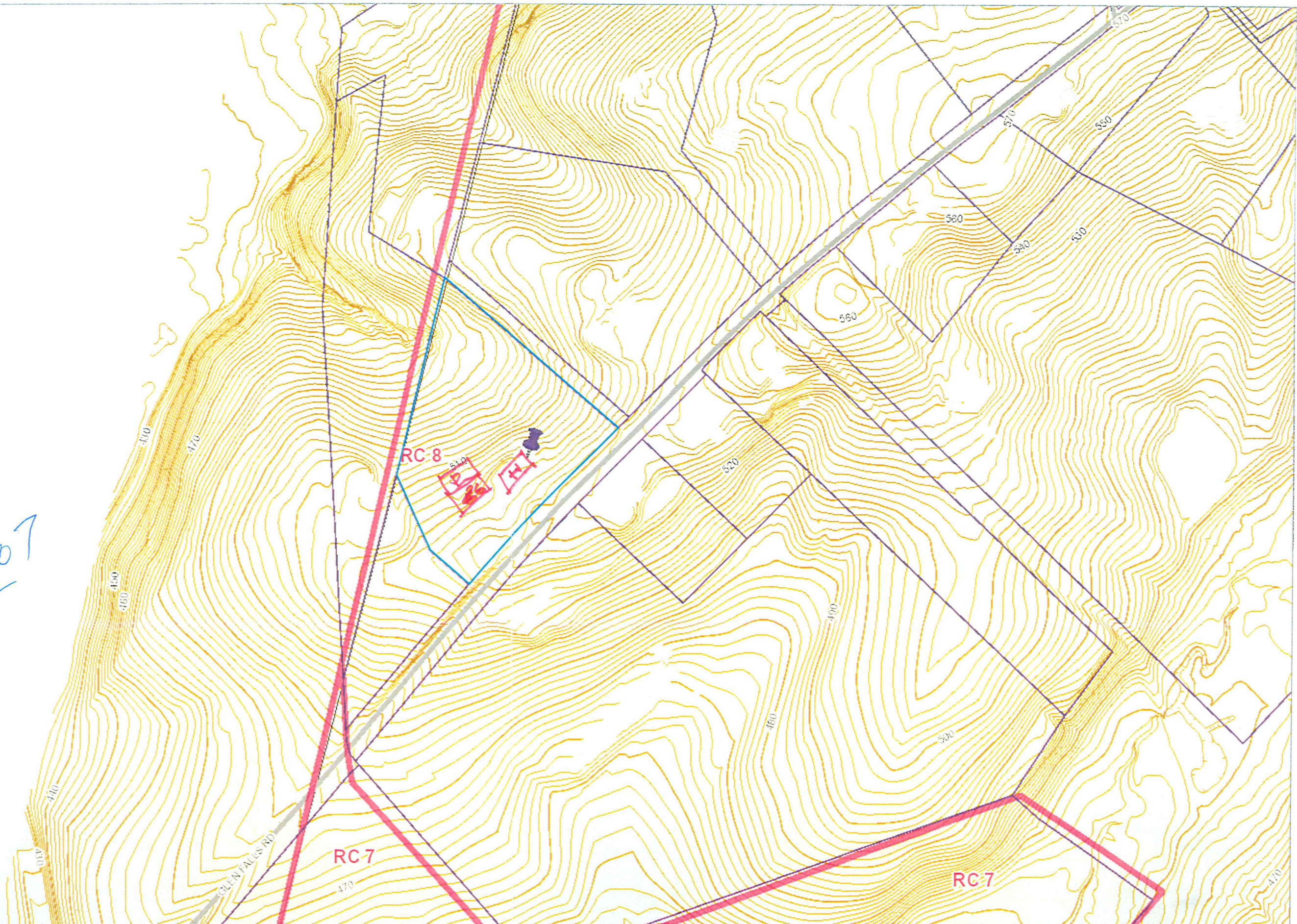
PROJECT ADDRESS:

6200 GLEN FALLS ROAD
REISTERSTOWN, MD 21136
BALTIMORE COUNTY, MD

FILE: FOLIO GARAGE(2)

SCALE: NOTED	DATE: 1/20/14	SHEET NO.:
GBL CUSTOM HOME DESIGN INC. PO BOX 237 PINEBURG, MD 21048 PHONE 410-533-0320		

Ref No 7



284 Feet



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 6/16/2015

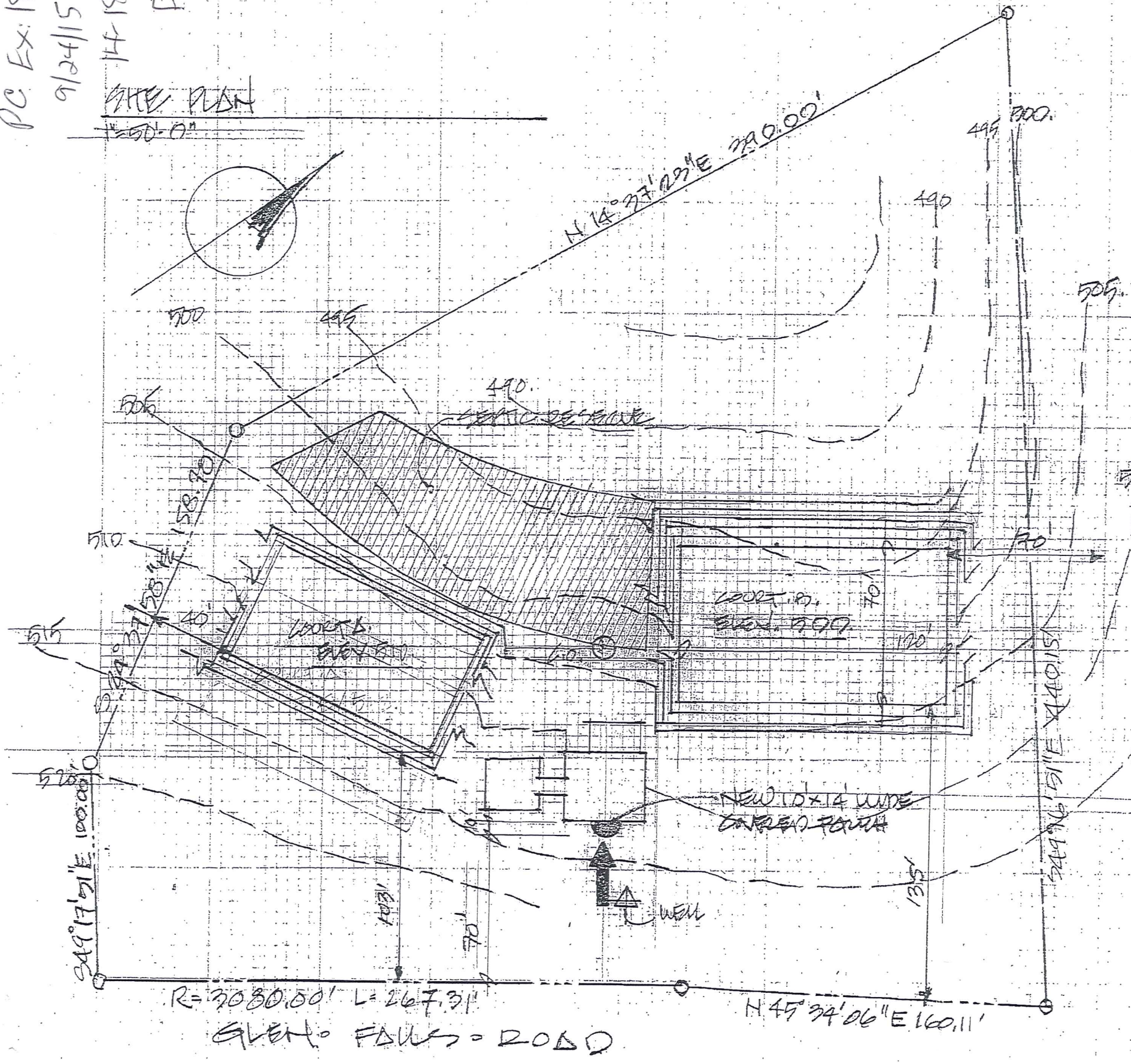
PC Ex: 18

9/24/15

14-185A

F0410

SITE PLAN



TURNER RESIDENCE

145x110 15950
120x80 9600

1000 GLEN FALLS ROAD, LOT #1

2.5 INK 32.1MG
EX 727, BROOKLYN DRIVE WVD. 120M2
410.33719528

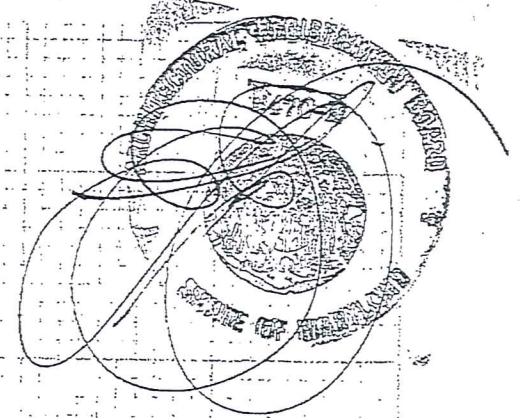
SCOPE OF WORK: FRONT CARRIED PORCH 10'x14'x10'H.
PROVIDE & INSTALL 2 (TWO) SHORT COURTS ON
PROPERTY AS NOTED

COURT A: 55'x120' (59000)
COURT B: 70'x120' (84000)

TOTAL DISBURSED AREA OF SITE: 143000

Notes for Site Work & Landscaping:

1. All work shall be performed in accordance with all state, federal, and local codes and restrictions regarding the installation of sediment control measures and protocols for management of water runoff, discharge, quality, & related matters that effect the site & the related properties. Contractor shall be responsible for the installation & maintenance of all measures required by said jurisdictions.



GENERAL NOTES

1. ALL LOTS SHOWN HEREIN ARE FOR SINGLE FAMILY USE AND ARE FOR SALE.
2. THIS SITE LIES WITHIN CENSUS TRACT No. 4046.
3. THIS SITE LIES WITHIN CONGRESSIONAL DISTRICT No. 3.
4. THIS SITE LIES WITHIN WATERSHED 39, SUBWATERSHED B1.
5. EXISTING LAND USE IS AGRICULTURAL (WOODS).
6. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HISTORICAL AREAS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT OR HAZARDOUS MATERIALS ON THIS SITE.
7. TRASH TO BE COLLECTED BY BALTIMORE COUNTY.
8. INDIVIDUAL LOT GRADING WILL BE ACCOMPLISHED BY THE HOME BUILDING CONTRACTOR.
9. EXISTING TREES AND VEGETATION ARE TO BE PRESERVED WHERE POSSIBLE, NO MORE THAN 25% OF THE NATURAL VEGETATION MAY BE REMOVED.
10. THIS SITE IS EXEMPT FROM STORM WATER MANAGEMENT AS PER SECTION 2-150.3b.4 OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS STORM WATER MANAGEMENT POLICY AND DESIGN MANUAL.
11. THIS SITE IS EXEMPT FROM COMPLIANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL (MAY 7, 1984).
12. NO LOCAL OPEN SPACE IS REQUIRED.
13. TOPOGRAPHY SHOWN HEREIN IS TAKEN FROM BALTIMORE COUNTY 200 SCALE TOPOGRAPHY.
14. SOILS SHOWN HEREIN ARE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 15-1-20.
15. LOTS SHOWN HEREIN WILL OPERATE ON PRIVATE WELL AND SEPTIC SYSTEMS.
16. AVERAGE DAILY TRIPS 5-12.4-62.
17. THIS PROPOSED DEVELOPMENT IS IN CLOSE PROXIMITY TO ACTIVE AGRICULTURAL OPERATIONS. IT IS THE DEVELOPER'S RESPONSIBILITY TO ADVISE FUTURE HOMEOWNERS THAT AGRICULTURE HAS A PREFERRED USE STATUS AND THAT ODORS, NOISE, DUST, FARM EQUIPMENT, LIVE STOCK AND THE USE OF AGRICULTURAL CHEMICALS (PESTICIDES, FERTILIZER, HERBICIDES, AND OTHER CONTROL AGENTS) ARE IN ACTIVE USE.
18. NO MORE THAN 10% OF ANY LOT MAY BE COVERED BY IMPERMEABLE SURFACES IN THE RC-4 ZONE.
19. COVENANTS SHALL BE RECORDED TO RESTRICT THE LIMITS OF DISTURBANCE IN EACH LOT.
20. ACCESSORY STRUCTURE NOTE
 1. ENVELOPES SHOWN HEREIN ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 501 OF THE BALTIMORE COUNTY ZONING REGULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
 2. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRO SOILS.
22. FOR LOT 4- THE EXISTING BARRS ARE TO BE RAZED OR A VARIANCE TO ACCESSORY STRUCTURE REGULATIONS MUST BE GRANTED BY THE ZONING COMMISSIONER.

DENSITY NOTES

1. EXISTING ZONING OF PROPERTY RC-4
2. GROSS AREA OF PROPERTY 26.695 AC.
3. LESS NON-BUILDABLE TRACTS
 1. PARCEL A 0.909 AC.
 2. PARCEL B 1.087 AC.
 3. TOTAL 1.996 AC.
4. ADJUSTED GROSS AREA 25.239 AC.
5. NO. OF LOTS ALLOWED (25.239/2) = 12.619
6. NO. OF LOTS PROPOSED 5 LOTS
7. HIGHWAY WIDENING AREA 0.739 AC.
8. NET AREA OF LOTS 24.501 AC.
9. AVERAGE LOT SIZE 4.900 AC.
10. PARKING REQUIRED (2 PER LOT) 10 SPACES
11. PARKING PROVIDED 10+ SPACES

MAYOR & CITY COUNCIL OF BALTIMORE
PLAT OF
PATAPSCO RESERVOIR PROPERTY
116-A-1
SHEET 12 OF 23

There shall be no clearing, grading, construction, or disturbance of vegetation in the Forest Buffer, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

BALTIMORE/CARROLL COUNTY LINE AS JOINTLY ESTABLISHED BY MCKEE AND ASSOCIATES, INC. AND THE BALTIMORE CO. BUREAU OF SURVEYS.

CARROLL
BALTIMORE

PARCEL B

NOT FOR BUILDING PURPOSES.
TO BE PART OF CARROLL
COUNTY LOT 6.

LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- WELL AREAS
- PERCOLATION TEST
- 25% SLOPES OR GREATER
- LIMIT OF SOIL TYPES
- FOREST BUFFER
- LIMIT OF DISTURBED AREA
- EXISTING TREE LINE
- TREES TO BE REMOVED

PARCEL A

NOT FOR BUILDING PURPOSES.
TO BE PART OF CARROLL
COUNTY LOT 7.

MCKEE & ASSOCIATES, INC.

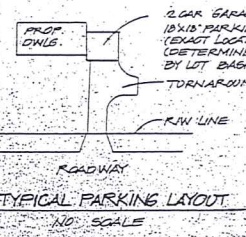
Engineering - Surveying - Real Estate Development
SHAWAN PLACE, S SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555

Computed by: G.C.S.
Drawn by: J.S.K.
Checked by: G.C.S.
Job Number: 89-76

James W. McKee Date
(Maryland Registered No. 9012)



DATE	REVISIONS

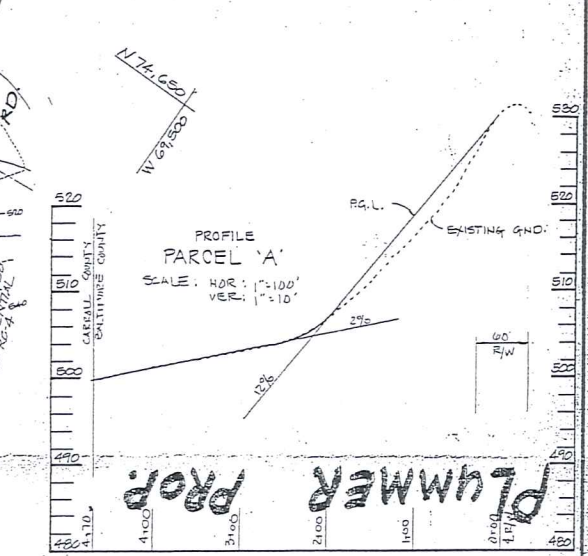


SOIL TYPES & LIMITATIONS (SEE MITIGATED MEASURES FOR SOILS WITH SEVERE SLOPES)				
TYPE	CLASS	FILTER FIELDS	WITH BASEMENTS	STREETS & PARKING
C6B2, E5B	B	SLIGHT	SLIGHT	MODERATE SLOPE
E5C, M6C2	B	MODERATE SLOPE	MODERATE SLOPE	SEVERE SLOPE
E5D, M6C1	B	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE
M+D3	B	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE

- * MITIGATED MEASURES FOR SOILS WITH LIMITATIONS DUE TO STEEP SLOPES:
1. NO AREAS WITH 25% OR GREATER SLOPES WILL BE DISTURBED.
 2. ALL DISTURBED AREAS WILL BE STABILIZED WITH PERMANENT SEEDING AND VEGETATION.
 3. WHENEVER POSSIBLE, RUNOFF WILL BE DIVERTED AWAY FROM SEVERE SLOPES.
 4. STORM DRAIN OUTFALLS WILL BE DESIGNED SO AS TO SPREAD RUNOFF AND AVOID CONCENTRATED FLOWS.

VICINITY MAP

SCALE: 1" = 2000'



OFFICE OF PLANNING AND ZONING
APPROVED BY:
DIRECTOR OF PLANNING
JAN 29 1992
ZONING COMMISSIONER

2ND AMENDED
FINAL DEVELOPMENT PLAN
PLUMMER PROPERTY

4TH. ELECTION DISTRICT BALTIMORE CO., MD.
SCALE: 1"=100' AUGUST 14, 1990

OWNER: FRANKLIN A. & MILDRED A. PLUMMER
P.O. BOX 447
SEVERNA PARK, MD. 21146
DEED REFERENCE: 5237/011
ACCOUNT NO. 04-23-015375

APPLICANT/DEVELOPER: KOREN DEVELOPMENT COMPANY INC.
1 CENTER PARK - SUITE 207
COLUMBIA, MD. 21045
(301) 740-1010



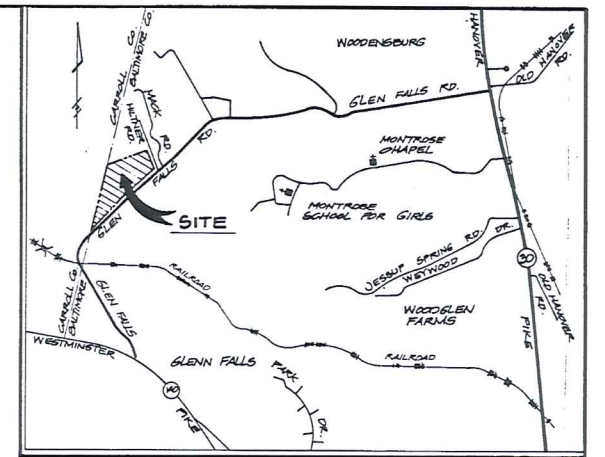
GENERAL NOTES

- THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THE PLAT.
- THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 26-216 OF THE BALTIMORE COUNTY CODE.
- THE RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
- THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
- ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE BALTIMORE COUNTY OFFICE OF PLANNING & ZONING OR THE DEPARTMENT OF PUBLIC WORKS.
- HIGHWAYS AND HIGHWAY WIDENINGS, SLOPE EASEMENTS, DRAINAGE AND UTILITY EASEMENTS, ACCESS EASEMENTS, FOREST BUFFER AREAS IN FEE OR EASEMENT, AND STORMWATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND, EXCEPT FOR THOSE INDICATED AS PRIVATE, ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE OWNER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS WILL CONVEY SAID AREAS BY DEED, TO BALTIMORE COUNTY, MARYLAND, AT NO COST.
- THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES ADOPTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- TRASH COLLECTION, SNOW REMOVAL AND ROAD MAINTENANCE ARE TO BE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND STREET RIGHTS-OF-WAY.
- STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE TO THE BARRELS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- THE AREA DESIGNATED AS A FLOODPLAIN INCLUDES THE AREA INUNDATED BY THE 100-YEAR FREQUENCY STORM AND A MINIMUM OF 1 FOOT VERTICAL FREEBOARD. THE ELEVATIONS SHOWN ON THE FLOODPLAIN SECTIONS ARE THE 100-YEAR DESIGN FREQUENCY SURFACE ELEVATIONS.
- EXCEPT AS OTHERWISE INDICATED, ALL BUILDING RESTRICTION LINES SHOWN HEREON HAVE BEEN PLACED AS THE RESULT OF AN INTERPRETATION ONLY OF CURRENTLY APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING. EXCEPTIONS TO THESE RESTRICTIONS MAY APPLY.
- SOIL PERCOLATION TEST WILL BE VALID FOR A PERIOD OF THREE YEARS FROM THE DATE THE RECORD PLAT IS SIGNED BY THE DIRECTOR, DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT. AT THE EXPIRATION OF THIS PERIOD, NEW TEST MAY BE REQUIRED.
- ALL REQUIREMENTS OF THE MARYLAND STATE DEPARTMENT OF THE ENVIRONMENT AND BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, PERTAINING TO PRIVATE WATER AND/OR SEWAGE SYSTEMS MUST BE COMPLIED WITH PRIOR TO APPROVAL OF BUILDING APPLICATIONS.
- ANY FOREST BUFFER SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

DENSITY NOTES

- EXISTING ZONING OF PROPERTY RC-4
- GROSS AREA OF PROPERTY 26.635 AC.±
- LESS: NON-BUILDABLE TRACTS
 - PARCEL A 0.309 AC.±
 - PARCEL B 1.081 AC.±
 - TOTAL 1.390 AC.±
- ADJUSTED GROSS AREA 25.239 AC.±
- NO. OF LOTS ALLOWED (25.239 x 2) = 5 LOTS
- NO. OF LOTS PROPOSED 5 LOTS
- HIGHWAY WIDENING AREA 0.738 AC.±
- NET AREA OF LOTS 24.501 AC.±
- AVERAGE LOT SIZE 4.900 AC.±
- PARKING REQUIRED (2 PER LOT) = 10 SPACES
- PARKING PROVIDED 10+ SPACES

MAYOR & CITY COUNCIL OF BALTIMORE
PLAT OF
PATATECO RESERVOR PROPERTY
116-A-1
SHEET 12 OF 33



VICINITY MAP
SCALE: 1" = 200'

FOREST BUFFER NOTE

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPT. OF ENVIRONMENTAL PROTECTION.

COORDINATES

No.	NORTH	WEST
27	72597.340	70988.937
149	72518.778	70989.183
114	72714.434	70994.299
115	74030.988	70818.629
23	74478.079	70827.878
107	74413.644	70912.795
108	74420.487	70910.161
109	73962.147	70932.912
110	73745.025	70916.174
111	73447.068	70184.177
112	72947.798	70684.331
84	72896.762	70780.058
86	73084.473	70574.184
87	73371.084	70281.831
89	73626.912	69990.461

CURVE DATA

FROM TO	RADIUS	DELTA	ARC	TANGENT	CHORD
B4 - 86	3030.00	04° 51' 56"	257.31'	128.73'	N 49° 08' 01" E 257.23'
B7 - 89	3530.00	06° 17' 48"	387.94'	194.17'	N 48° 42' 59" E 387.74'

BALTIMORE/CARROLL COUNTY LINE AS JOINTLY ESTABLISHED BY MCKEE AND ASSOCIATES, INC. AND THE BALTIMORE CO. BUREAU OF SURVEYS.

NOTE: PARCELS A & B ARE NOT FOR BUILDING PARCELS BUT WILL BE INCLUDED WITH CARROLL COUNTY LOTS FOR PURPOSES OF ROAD ACCESS ONLY.

Filed for record
S.M. 63 FOLIO 144
Date DEC 9 1991

Test:
James McKee
Surveyor

FINAL SUBDIVISION PLAT

PLUMMER PROPERTY

4TH ELECTION DISTRICT
SCALE: 1" = 100'
BALTIMORE COUNTY MD.
NOVEMBER 16, 1989

DATE OF ORIGINAL C.R.S. APPROVAL: 9-14-89
DATE OF REFINEMENT APPROVAL: 11-4-91

DEED REFERENCE: 5237/011
ACCOUNT No. 04-23-015975

Pet No 2

The streets and/or roads shown hereon and the mention thereof in deeds are for purposes of description only, and the same are not intended to be dedicated to public use. The fee simple title to the lands thereof is expressly reserved in the grantors of the deed to which this Plat is attached, their heirs and assigns.

Coordinates and bearings shown on this Plat are referred to the system of coordinates established in the Baltimore County Metropolitan District, and are based on the following traverse stations:

1) HUB NO.	12585	N 73.809.27	W 69.723.78
2) HUB NO.	12586	N 73.555.11	W 70.041.50

SURVEYOR'S CERTIFICATION

The undersigned, a Registered Land Surveyor of the State of Maryland, does hereby certify that he is the surveyor who prepared this Plat and that the land shown hereon has been laid out and the Plat thereof has been prepared in compliance with Subsection (C) Section 3-108 of the Real Property Article of the Annotated Code of Maryland, particularly insofar as same concerns the making of Plat and marker setting.

James W. McKee
Date 12/20/91

OWNER'S CERTIFICATION

The undersigned, owner of the land shown hereon, hereby certifies that to the best of his knowledge, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland have been complied with, as same concerns the making of the Plat and setting of markers.

Franklin G. Plummer 10-8-91
Franklin G. Plummer 10/8/91
Owners Date

OWNER/DEVELOPER

FRANKLIN A. & MILDRED A. PLUMMER
P.O. BOX 447
SEVERNA PARK MD. 21146
DEED REFERENCE: 5237/011
ACCOUNT No. 04-23-015975

APPROVED: DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
James D. Smith 12/15/91
DATE

APPROVED:

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING.

James D. Smith 12/2/91
DATE

APPROVED: DEPARTMENT OF PUBLIC WORKS.
James D. Smith 12/2/91
DATE



MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555

PWA. COMPLETED: N/A
FINAL PLAT CHECKED: *DLT*
PLANNING: *DLT* 11/21/91
ENGINEERING: *DLT* 11/19/91
HOUSE NUMBERS: *DLT* 11-23-91
COMPUTED BY: G.C.S.
DRAWN BY: J.S.K.
CHECKED BY: G.C.S.
JOB NUMBER: 89-76

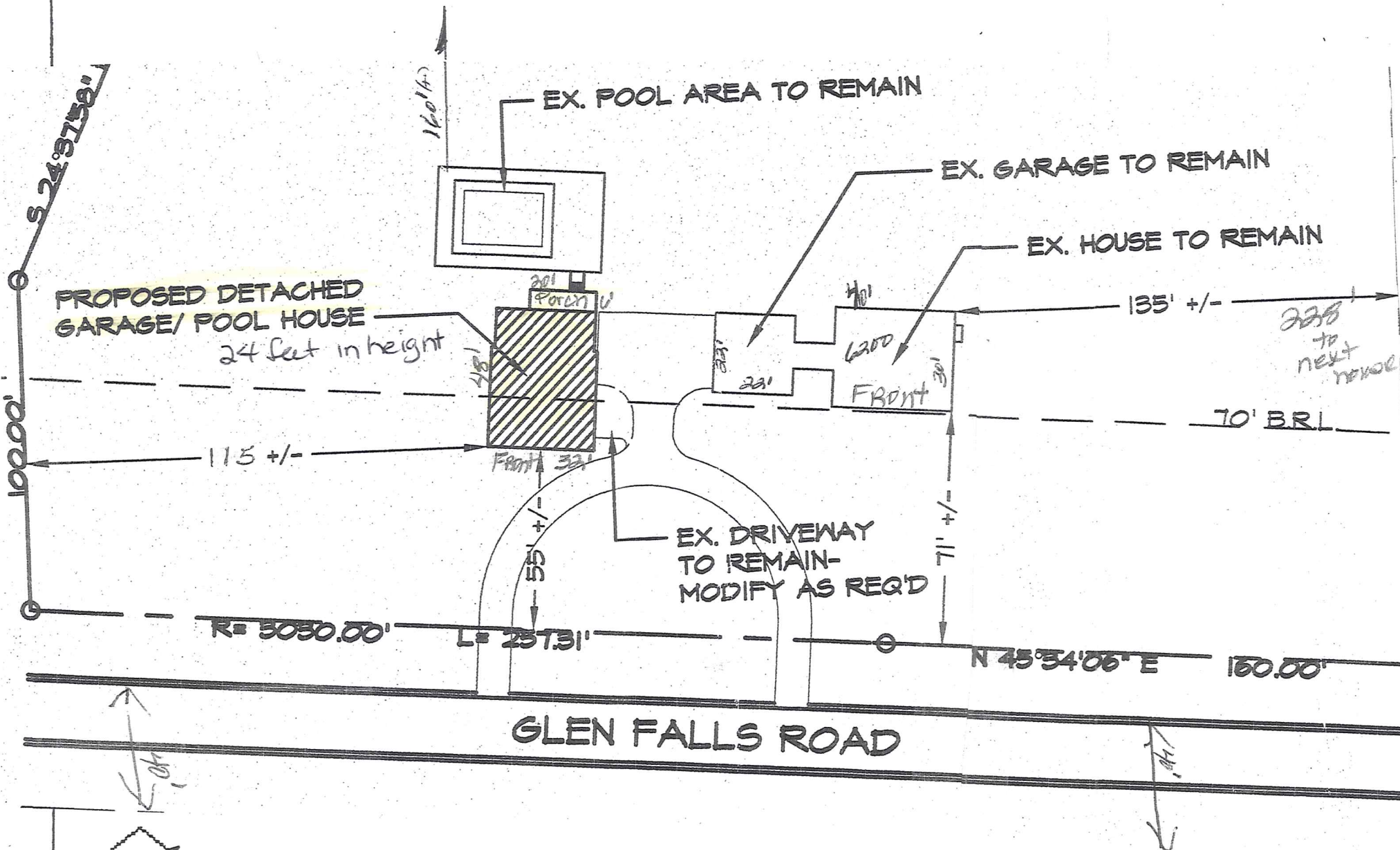
MSA 5511396 5374 5237-011 63-144

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

ADDRESS 6200 Glen Falls Rd OWNER(S) NAME(S) Richard M. Folio

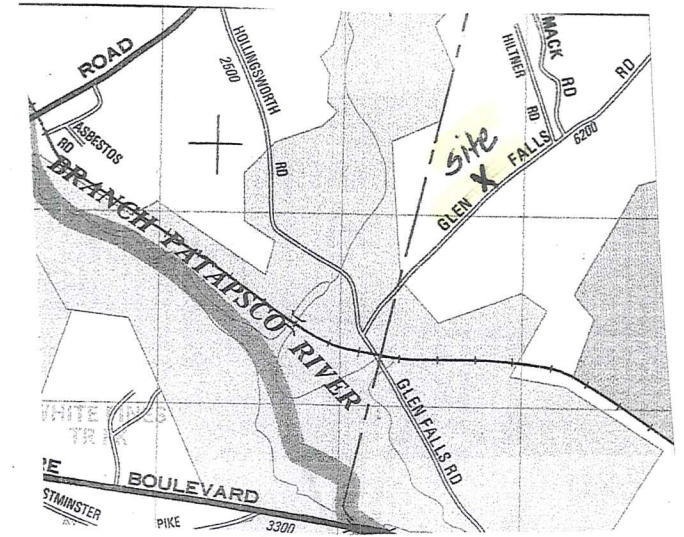
SUBDIVISION NAME Plummer Property LOT # 1 BLOCK # 7 SECTION # _____

PLAT BOOK # 0063 FOLIO # 0144 10 DIGIT TAX # 22 000 1 02 02 DEED REF. # 343891 00497



PLAN DRAWN BY Bart Truitt DATE 2/24/14 SCALE: 1 INCH = 40' FEET

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# NW19-L/039A2

SITE ZONED LCB

ELECTION DISTRICT 4

COUNCIL DISTRICT 3

LOT AREA ACREAGE 3 acres

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE ✓

SEWER IS:

PUBLIC _____ PRIVATE ✓

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PETITIONER'S

EXHIBIT NO. 1

2014-0185-A