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NOV 23 2015

KEVIN KAMENETZ
County Executive

BALTIMORE COUNTY
BOARD OF APPEALS
LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 23, 2015

G. Macy Nelson, Esq.
401 Washington Avenue
Suite 803
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS**
Case Nos. 2015-0288-A
Location: 16332, 16334 & 16342 Matthews Road

Dear Mr. Nelson:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 19, 2015. 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,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Judith Edgar, 16370 Matthews Road, Monkton, Maryland 21111
Geoffrey Schultz, 10 Gerard Avenue, Timonium, Maryland 21093

JTB 9-9-15

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(16332, 16334 & 16342 Matthews Rd.)		
8 th Election District	*	OF ADMINISTRATIVE
3 rd Council District		
Sarah J. Dew, Julia M. Dew &	*	HEARINGS FOR
Bailey A. Dew		
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2015-0288-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Sarah J. Dew, Julia M. Dew and Bailey A. Dew, legal owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1A09.7.B.5.b(1)(a), (b) and (c) to permit a dwelling to be constructed 20 ft. for #16342, 80 ft. for #16332 and 63 ft. for #16334 from an adjacent property that is either: (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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, and (C) land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement, in lieu of the minimum required 300 ft. A site plan was marked as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the request was Sally and Julie Dew. Geoffrey Schultz, a licensed surveyor, assisted the Petitioners. Judith Edgar, a neighbor, attended and opposed the request. Ms. Edgar objected to a dwelling being constructed within 50 ft. of her property boundary. She believed the proposed dwelling was "way too close" to her farm and horse pastures, and she was concerned as well with the loss of privacy.

The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the request, although the DOP suggested that the minimum setback be increased to 50 feet, and that landscaping be provided along the boundary with the Edgar property.

The subject property is approximately 30.744 acres and is zoned RC 8. The Petitioners (who are sisters) inherited the land from their father and would like to construct three (3) single family dwellings (SFD) on the property, but require variance relief to do so. The need for variance relief was generated by the 300 ft. setback requirement contained in the RC-8 zoning regulations. Were this an "ordinary" variance case I believe Petitioners would be entitled to relief, for the reasons noted below. But, the RC-8 zone (which is seldom encountered) and accompanying regulations contain additional requirements that have not been satisfied at this juncture.

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).

Petitioners can satisfy this test. The property is of irregular dimensions and shape, and is therefore unique. The unique and irregular shape of the property complicates the task of siting a dwelling in compliance with the setbacks, and Mr. Schultz presented a map which indicated that the available building envelope (if the 300 ft. setback was observed) would be extremely limited. If the B.C.Z.R. were strictly interpreted Petitioners would experience a practical difficulty, given they would be unable to construct the proposed single family dwellings. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief

without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County agency opposition.

But as noted above, there are additional requirements associated with a zoning request in the RC-8 zone. The regulations require the Director of the DOP to certify in writing that the request for variance will be consistent with the spirit and intent of the regulations, and certain materials must be provided to the DOP to support such a finding. B.C.Z.R. § 1A09.4.A. In this case the file contains a ZAC comment from the DOP indicating that staff conducted a site visit, but the comment does not contain the necessary findings discussed in the above-cited regulation.

Two other issues merit consideration. First, it is not altogether clear that a 300 ft. "setback" is applicable in this case. The regulations indicate that a dwelling in the RC-8 zone shall be setback 300 ft. from an adjacent property only under certain circumstances "[a]s determined by the Director of Environmental Protection and Sustainability" ("DEPS"). B.C.Z.R. § 1A09.7.B.5.b. In this case, the file does not contain either a ZAC comment from DEPS or the finding/determination required by the aforementioned regulation.

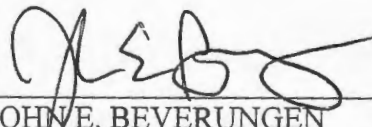
The other issue concerns the density for the proposed subdivision. The state tax records indicate the property contains 29.557 acres, which would entitle Petitioners to 2 lots per B.C.Z.R. § 1A09.7.B.1. But the site plan, which indicates it is based upon a "boundary survey prepared by Gerhold, Cross and Etzel," Ex. 1, note 29, lists the "net area" as 30.427 acres (after deducting 0.317 acres from the gross figure for highway widening). While state tax records can contain errors, the Petitioners did not provide a copy of any survey definitively stating the acreage of the parcel. The imprecise wording of the regulations further confuses the issue, in that they provide that "10 to 30" acres yields 2 lots, while "30 to 50 acres" yields 3 lots. Assuming Petitioners are correct and the parcel here is 30.427 acres, it is unclear whether 2 or 3 lots would be allowed. The

regulations should have, but did not, provide for 2 lots with "10 to 30" acres and 3 lots with "31 to 50" acres, as was done in the case of parcels with "51 acres or more" in the next portion of the regulation. Without the answers to these questions I do not believe the Petition can be granted, although if Petitioners are able to provide additional information responsive to the above inquiries (in connection with a motion for reconsideration) I will reevaluate the request.

THEREFORE, IT IS ORDERED, this 16th day of September, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §§1A09.7.B.5.b(1)(a), (b) and (c) to permit a dwelling to be constructed 20 ft. for #16342, 80 ft. for #16332 and 63 ft. for #16334 from an adjacent property that is either: (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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, and (C) land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement, in lieu of the minimum required 300 ft., be and is hereby DENIED.

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

JEB: sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County



PETITION FOR ZONING HEARING(S)

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

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

Address 16332, 16334, & 16342 MATTHEWS ROAD which is presently zoned RC-8

Deed References: 10880 / 216 10 Digit Tax Account # 2200005929

Property Owner(s) Printed Name(s) SARAH J. FARLEY, JULIA M. DEW, & BAILEY A. DEW

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. **X** a **Variance** from Section(s)

SEE PAGE 3 OF 3

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

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE PAGE 2 OF 3

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

GEORGE C. SCHULTZ
Name - Type or Print

[Signature]
Signature

10 Gerard Ave Timonium Md 21093
Mailing Address City State

410 252 4444
Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 9-16-15
By Den

CASE NUMBER 2015-0288-A Filing Date 6/10/15 Do Not Schedule Dates: _____ Reviewer G.H

Petition for Zoning Hearing
16332, 16334, & 16342 Matthews Road
Proposed Minor Subdivision
Resubdivision of Lot 3 – Estate of John Dew

Legal Owners' Affirmation

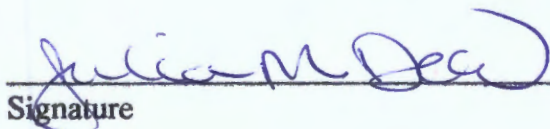
We do so solemnly declare and affirm, under the penalties of perjury, that we are the legal owners of the property which is the subject of this petition:

Sarah J. Farley (nee Dew)
16350 Matthews Road
Monkton, MD 21111



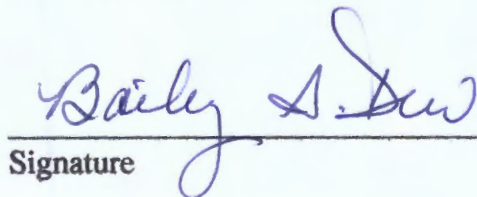
Signature

Julia M. Dew
14206 Dove Creek Way #201
Sparks, MD 21111



Signature

Bailey A. Dew
1339 Corbett Road
Monkton, MD 21111



Signature

Petition for Zoning Hearing
16332, 16334, & 16342 Matthews Road
Proposed Minor Subdivision
Resubdivision of Lot 3 – Estate of John Dew

Page 3 of 3

Zoning Request

Requesting a Variance from Section(s) 1A09.7.B.5.b.(1)(a),(b), and (c) to permit a dwelling to be constructed 20 feet for #16342, 80 feet for #16332, and 63 feet for #16334 from an adjacent property that is either:

- 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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program; or
- c) Land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement,

in lieu of the minimum required 300 feet.



PETITION FOR ZONING HEARING(S)

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

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

Address 16332, 16334, & 16342 MATTHEWS ROAD which is presently zoned RC-8
Deed References: 10880 / 216 10 Digit Tax Account # 2200005929
Property Owner(s) Printed Name(s) SARAH J. FARLEY, JULIA M. DEW, & BAILEY A. DEW

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

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3. X a **Variance** from Section(s)

SEE PAGE 3 OF 3

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TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE PAGE 2 OF 3

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 9-16-15
BY ADN

Geoffrey C. Schulte

10 Good Ave Timonium

21093, 410 252 4444

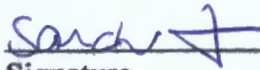
CASE NUMBER 2015-0288-0 Filing Date 6/10/15 Do Not Schedule Dates: _____ Reviewer GH

Petition for Zoning Hearing
16332, 16334, & 16342 Matthews Road
Proposed Minor Subdivision
Resubdivision of Lot 3 – Estate of John Dew

Legal Owners' Affirmation

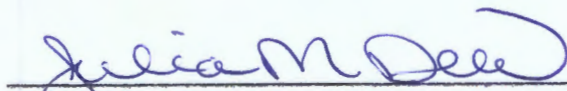
We do so solemnly declare and affirm, under the penalties of perjury, that we are the legal owners of the property which is the subject of this petition:

Sarah J. Farley (nee Dew)
16350 Matthews Road
Monkton, MD 21111




Signature

Julia M. Dew
14206 Dove Creek Way #201
Sparks, MD 21111



Signature

Bailey A. Dew
1339 Corbett Road
Monkton, MD 21111



Signature

Petition for Zoning Hearing
16332, 16334, & 16342 Matthews Road
Proposed Minor Subdivision
Resubdivision of Lot 3 – Estate of John Dew

Page 3 of 3

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Requesting a Variance from Section(s) 1A09.7.B.5.b.(1)(a), (b), and (c) to permit a dwelling to be constructed 20 feet for #16342, 80 feet for #16332, and 63 feet for #16334 from an adjacent property that is either:

- 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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program; or
- c) Land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement,

in lieu of the minimum required 300 feet.

Zoning Description
16332, 16334, & 16342 Matthews Road
Proposed Lots
8th Election District
3rd Councilmanic District
Baltimore County, MD



Beginning at a point on the North Side of Matthews Road, at a distance of 1060 feet east more or less from the center of Corbett Road, thence running:

1. N 23° 32' 36" W 603.50 feet,
2. N 38° 10' 20" W 750.00 feet,
3. S 31° 49' 40" W 230.36 feet,
4. N 58° 10' 20" W 488.68 feet,
5. N 53° 20' 35" E 647.29 feet,
6. N 86° 58' 53" E 736.01 feet,
7. S 03° 19' 23" W 375.05 feet,
8. S 21° 06' 21" E 50.77 feet,
9. N 51° 37' 42" E 122.22 feet,
10. S 19° 51' 12" E 329.33 feet,
11. N 70° 11' 40" E 170.60 feet,
12. S 48° 01' 06" E 710.14 feet,
13. S 41° 10' 19" W 463.07 feet,
14. S 70° 40' 19" W 50.00 feet,
15. N 06° 54' 29" W 642.15 feet,
16. S 54° 06' 15" W 283.06 feet,
17. S 18° 11' 40" W 79.06 feet,
18. S 03° 41' 08" E 498.00 feet,
19. S 73° 10' 19" W 216.53 feet, and
20. S 58° 30' 34" W 55.23 feet to the point of beginning.

Containing 30.427 acres of land as recorded in Deed Liber 10880 Folio 216

SHOWN AS LOTS 1, 2, & 3 ON ZONING HEARING PLAN

2015-0288-A

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

No. **127351**
 Date: **6/10/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 6/12/2015 6/10/2015 14:20:42 9
 W504 WALKIN SHIL SWH
 RECEIPT # 667511 6/10/2015 GR 1
 5 528 ZONING VERIFICATION
 NO. 127351
 Recpt Tot \$225.00
 \$225.00 CK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					225.00

Total: 225.00

Rec From: Sally Farley
 For: Case # 2015 0288-A
Lot (1) (2) (3)

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

**CASHIER'S
 VALIDATION**

IN RE: PETITION FOR VARIANCE
(16332, 16334 & 16342 Matthews Rd.)
8th Election District
3rd Council District
Sarah J. Dew, Julia M. Dew &
Bailey A. Dew
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2015-0288-A**

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is Petitioners' Motion for Reconsideration. By Order dated September 16, 2015, the requested variance relief was denied. With their motion, Petitioners have attached a red-lined site plan which rearranges the proposed building lots such that each would observe a 100 ft. minimum building setback in lieu of the 20 ft., 63 ft. and 80 ft. as sought in the original petition.

Petitioners have also included with their motion a revised Zoning Advisory Committee (ZAC) comment from the Department of Planning (DOP). This comment (dated October 14, 2015) provides the requisite findings and recommendations as required by the RC 8 regulations. In light of this new and additional information, the motion will be granted, subject to the condition noted below. A motion for reconsideration is properly granted upon showing that "some new or different factual situation exists that justifies a different conclusion." Calvert County v. Howlin Realty, Inc., 364 Md. 301, 325 (2001). I believe Petitioners satisfy this standard based upon the amendments to the Plan and the revised findings of the DOP.

THEREFORE, IT IS ORDERED, this 23rd day of October, 2015, by the Administrative Law Judge for Baltimore County, that Petitioners' Motion for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Amended Petition for Variance to permit three (3)

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Date 10/23/15

By Sen



single family dwellings on the subject property constructed no less than 100 feet from an adjacent property (under the circumstances described in B.C.Z.R. §1A09.7.B.5.b.(1)(a-c)), in lieu of the required 300 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners must comply with the revised ZAC comment of the DOP, a copy of which is attached hereto.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB: sln

ORDER RECEIVED FOR FILING

Date 10/23/15
By sln

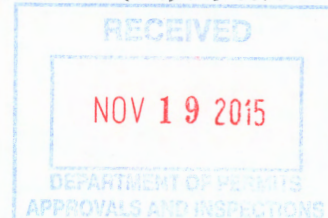
11/19/15
JO KL

LAW OFFICE OF
G. MACY NELSON, LLC

G. MACY NELSON
DAVID S. LYNCH

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com

TELEPHONE: (410) 296-8166
FACSIMILE: (410) 825-0670



November 19, 2015

Hand-Delivered

Arnold Jablon, Director
Department of Permits, Approvals
and Inspections
County Office Building
111 W. Chesapeake Ave., Suite 105
Towson, Maryland, 21204

Hon. John Beverungen
The Office of Administrative Hearings
Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland, 21204

Re: Petition for Variance
Property: 16332, 16334 & 16342 Matthews Road
8th Election District
3rd Council District
Sara J. Dew, Julia M. Dew & Bailey A. Dew, Petitioners
Case No.: 2015-0288-A

Dear Director Jablon and Judge Beverungen:

I represent Stephen Edgar and Judith Edgar, 16370 Matthews Road, Monkton, Maryland 21111, who were protestants in the above-captioned case. My clients appeal the Administrative Law Judge's decision dated October 23, 2015 to grant the Petition for a Variance. I have attached a copy of the Opinion as Exhibit A.

I have attached a check made payable to Baltimore County, Maryland, in the amount of \$265.00 in costs.

Very truly yours,

G. Macy Nelson

GMN:ldr

Enclosures

cc: Sara J. Dew
Julia M. Dew
Bailey A. Dew

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John E. Beverungen
Administrative Law Judge

DATE: October 14, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 16332, 16334 & 16342 Matthews Road

INFORMATION:

Case Number: 15-288
Petitioner: Sarah J. Farley, Julia M. Dew and Bailey A. Dew
Zoning: RC 8
Requested Action: Reconsideration of Variance Request

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has completed a finding as required by BCZR 1A09.4.A and in response to the Opinion and Order by the Office of Administrative Hearings in Case No. 2015-0288-A.

The petitioner has requested variances for 3 proposed single family dwellings for #16342, #16332 and #16334 Matthews Road. A revised site plan was received on October 8, 2015, which included revisions to the previously requested variance. Original recommendations made by the Department of Planning included the condition that the building envelope for #16342 be a minimum of 50' removed from the adjacent property lines in common with the Edgar property, #16370 Matthews Road. The current variance request is to permit a minimum 100 ft. setback for all three of the proposed dwellings in lieu of the required 300 ft. setback from cultivated fields or pastures. The previous variance request was for setback variances as close as 20', 80' and 63'.

The property is located in a RC 8 (Environmental Enhancement) zone. The zone requires 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" (BCZR 1A09.4.A.) 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 and archeological resources..."

RC 8 (BCZR 1A09.4A) requires elevations and drawing submittals to assure the proposed structure complies with the Comprehensive Manual of Development Policies (CMDP) (BCC Sections 32-4-223 and 32-4-224) The applicable CMDP standard for this situation is number 6 found on Page 178. This guideline states, "Design new structures to complement the site and surrounding community. This can be

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Date 10/23/15
By Sen

accomplished through the repetition of scale, proportion, mass, material and/or details of the existing buildings on the site or in the community.”

A site visit was conducted on July 2, 2015. The property is located primarily in a rural area. The revised layout of the proposed dwellings is consistent with the clustering of housing evident in the surrounding neighborhood, providing larger natural areas at the front and rear of the tract, and protecting views from Matthews Road. Thus, the proposed layout meets the goals of an Environmental Enhancement Zone (RC8) by concentrating the dwellings in a selected area of the tract.

The Department of Planning finds the proposed setback of 100' in lieu of the previously proposed setbacks of 20', 63', and 80', to be a sufficient distance from the neighboring properties, provided that a heavy vegetative screen is installed along the property lines of the proposed dwellings at #16332 and #16342 Matthews Road in common with those of the adjoining tracts in order to screen the view of the proposed development from the neighboring properties while complimenting the character of the surrounding area.

Should the Administrative Law Judge grant the variance request, the Department of Planning requests the following conditions be made part of the order to support its finding:

1. Review and approval of architectural elevations by the Department of Planning prior to approval of any building permit to ensure the proposed dwellings are compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area. Ensure that exterior of all buildings use the same finish materials and architectural details on all front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged. Design all accessory structures at a scale appropriate to the dwelling using the with the same architectural theme as the principal building on the site, and providing consistency in materials, colors, roof pitch, and style.
2. Orientation of the front of the proposed dwellings towards the panhandle drive.
3. Review and approval of a landscape plan by the Baltimore County Landscape Architect depicting the screening of the dwellings at #16332 and #16342 Matthews Road from adjacent properties.

For further information concerning the matters stated here in, please contact Kaylee Justice at 410-887-3480.

Division Chief: _____
AVA/KS

Kathy Schlabach

C: Kaylee Justice
Jean Tansey, RLA, PAI

ORDER RECEIVED FOR FILING

Date _____

10/23/15

By _____

sen

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

6/17/15

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

C

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

FIRE DEPARTMENT

7/21/15

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

no obj / with comment

6/23/15

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

~~PRIOR-ZONING (Case No. _____)~~

NEWSPAPER ADVERTISEMENT Date: 8/20/15

SIGN POSTING Date: 8/17/15 by Altmeppen

PEOPLE'S COUNSEL APPEARANCE Yes No

PEOPLE'S COUNSEL COMMENT LETTER Yes No

Comments, if any: _____

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 2200005929			
Owner Information					
Owner Name:	DEW BAILEY A/JULIA M DEW SARAH J		Use:	AGRICULTURAL NO	
Mailing Address:	C/O BAILEY DEW 1339 CORBETT RD MONKTON MD 21111		Deed Reference:	/10880/ 00216	
Location & Structure Information					
Premises Address:		16350 MATTHEWS RD 0-0000		Legal Description:	29.557 AC NWS MATTHEWS RD 1200 FT NE OF CORBETT RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0028	0005	0027		0000	2014 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	
			29.5600 AC	05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage 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:		3,800	3,800		
Improvements		500	500		
Total:		4,300	4,300	4,300	4,300
Preferential Land:		3,800			3,800
Transfer Information					
Seller: DEW JOHN		Date: 12/23/1994		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /10880/ 00216		Deed2:	
Seller: DEW JOHN		Date: 12/13/1990		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /08671/ 00783		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:	AGRICULTURAL TRANSFER TAX				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: **08** Account Number: **2200005929**



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


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

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

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KEVIN KAMENETZ
County Executive

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

July 14, 2015

NEW NOTICE OF ZONING HEARING

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

CASE NUMBER: 2015-0288-A

16332, 16334 & 16342 Matthews Road

N/s Matthews Road, NE 1,120 ft. to the centerline of Corbett Road

8th Election District – 3rd Councilmanic District

Legal Owners: Sarah Farley, Julia Dew, Bailey Dew

Variance to permit a dwelling to be constructed 20 feet for #16342, 80 ft. for #16332 and 63 feet for 16334 from an adjacent property that is either: (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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, or (C) Land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement in lieu of the minimum required 300 feet.

Hearing: Wednesday, September 9, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Julia Dew, 14206 Dove Creek Way, #201, Sparks 21111
Geoff Schultz, 10 Gerard Avenue, Timonium 21093

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 20, 2015.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 14, 2015 Issue - Jeffersonian

Please forward billing to:

Julie Dew
14206 Dove Creek Way
Sparks, MD 21111

410-375-1662

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: 2015-0288-A

16332, 16334 & 16342 Matthews Road
N/s Matthews Road, NE 1,120 ft. to the centerline of Corbett Road
8th Election District – 3rd Councilmanic District
Legal Owners: Sarah Farley, Julia Dew, Bailey Dew

Variance to permit a dwelling to be constructed 20 feet for #16342, 80 ft. for #16332 and 63 feet for 16334 from an adjacent property that is either: (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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, or (C) Land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement in lieu of the minimum required 300 feet.

Hearing: Monday, August 3, 2015 at 11:00 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.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2015-088-A
Property Address: 16332 MATHEWS AVE
Property Description: 30.427 Acres North Side of Matthews Road 1060' east of Corbett Road
Legal Owners (Petitioners): JULIA M. Dew, et al
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: JULIA M. Dew
Company/Firm (if applicable): N/A
Address: 14206 Dove Creek Way # 201
SPARKS, MD 21111
Telephone Number: 410-375-1662



02203

Pt. Bk. 0000055, Folio 0005

Lot # 2

2000009544

Lot # 5

1900008547

Pt. Bk./Folio # 05500 PAI # 080357

1241

1900011518

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

PAI # 080357

1237

PAI # 080357

Pt. Bk./Folio # 050004

PAI # 080357

RC 7

1900008542

Lot # 3

1900008545

Pt. Bk. 0000050, Folio 0004

1900008546

Lot # 4

Lot # 2

Pt. Bk./Folio # 034131

1600004771

Lot # 9

Pt. Bk. 0000034, Folio 0131

Pt. Bk./Folio # MP96070

GROWTH TIER 4
(Grand Fathered Preliminary
Plan Area)

2200005929

PAI # 080607

NW 26-A

RC 8

8 ED

PAI # 080607

PAI # 080607
PAI # 080607

3 CD

02801

2200006450

Pt. Bk./Folio # MP91439

16350

2200019873

MATTHEWS RD

2300005577
Lot # 3

2300005576
Lot # 2

2200011926

Lot # 1
16328

16304

2014-0255-A

16310

Lot # 2

2200011925

16326

16351

16302 PAI # 080698

2300005675

MATTHEWS RD

16351

0803025670

Pt. Bk./Folio # 071076 PAI # 080698

PAI # 080698

Pt. Bk. 0000071, Folio 0076

16325

Lot # 5

2300005679

16327

0804065590

Pt. Bk. 0000039, Folio 0090

1700007607

PAI # 080220

16323

Lot # 6

PAI # 080633

Pt. Bk./Folio # 039090A

1244

Pt. Bk./Folio # 067128 PAI # 080221

PAI # 080633

Lot # 2

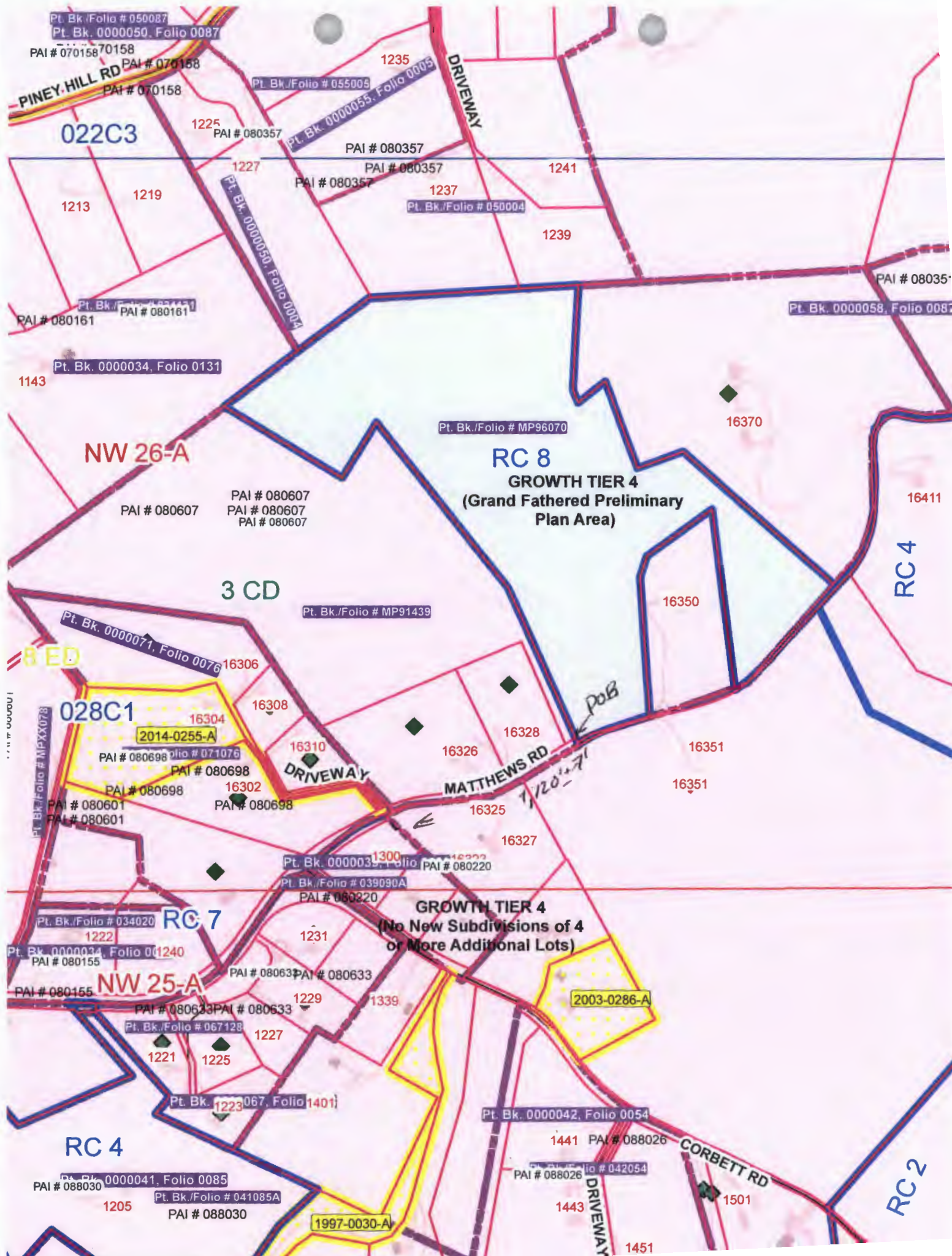
NW 25-A

PAI # 080633 2200024517

Pt. Bk. 0000060, Folio 0128

Lot # 3

2200025122



Pt. Bk./Folio # 050087
Pt. Bk. 0000050, Folio 0087

PAI # 070158
PAI # 070158
PAI # 070158

1235

Pt. Bk./Folio # 055005
Pt. Bk. 0000055, Folio 0005

DRIVEWAY

022C3

1225
PAI # 080357

PAI # 080357

PAI # 080357
PAI # 080357

1241

1237

Pt. Bk./Folio # 050004

1239

PAI # 080357

Pt. Bk. 0000058, Folio 0087

Pt. Bk./Folio # 080161
PAI # 080161

Pt. Bk. 0000034, Folio 0131

1143

Pt. Bk./Folio # MP96070

16370

NW 26-A

RC 8
GROWTH TIER 4
(Grand Fathered Preliminary
Plan Area)

16411

PAI # 080607
PAI # 080607
PAI # 080607

3 CD

Pt. Bk./Folio # MP91439

16350

RC 4

028C1

2014-0255-A

PAI # 080698
PAI # 071076

PAI # 080698
PAI # 080698

PAI # 080601
PAI # 080601

PAI # 080698

DRIVEWAY

MATTHEWS RD

PoB

16351

16351

16325

16327

Pt. Bk. 0000035, Folio 01300
PAI # 080220

Pt. Bk./Folio # 039090A
PAI # 080220

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

RC 7

Pt. Bk./Folio # 034020

1222

Pt. Bk. 0000034, Folio 01240
PAI # 080155

1231

PAI # 080633
PAI # 080633

NW 25-A

PAI # 080155

PAI # 080633
PAI # 080633

1229

1339

Pt. Bk./Folio # 067128

1227

1221

1225

Pt. Bk. 0223067, Folio 1401

RC 4

Pt. Bk. 0000041, Folio 0085
PAI # 088030

1205

Pt. Bk./Folio # 041085A
PAI # 088030

1997-0030-A

Pt. Bk. 0000042, Folio 0054

1441
PAI # 088026

PAI # 088026
Folio # 042054

1443

DRIVEWAY

CORBETT RD

1501

RC 2

1451



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 21, 2016

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204

G. Macy Nelson, Esquire
Law Offices of G. Macy Nelson, LLC
401 Washington Avenue, Suite 803
Towson, Maryland 21204

RE: In the Matter of: *Sarah J. Dew, Julia M. Dew and Bailey M. Dew – Legal Owners*
Case No.: 15-288-A

Dear Counsel:

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

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,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Julia M. Dew
Sarah J. Farley
Bailey A. Dew
Geoffrey C. Schultz/Polaris Land Consultants
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

Stephen and Judith Edgar
Robert and Laura Wilke
Brice G. Dowell
Deane Schwatka
Frank and Regina Duff
Bonita Busta

IN THE MATTER OF
SARAH J. DEW, JULIA M DEW, AND
BAILEY M. DEW - LEGAL OWNERS
PETITION FOR VARIANCE ON THE PROPERTY
LOCATED AT 16332, 16334 AND 16342
MATTHEWS ROAD
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 15-288-A

* * * * *

ORDER OF DISMISSAL

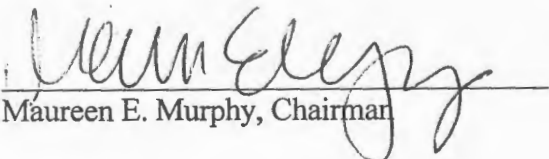
This matter comes to the Board of Appeals by way of an appeal filed by G. Macy Nelson, Esquire from a decision of the Administrative Law Judge dated September 16, 2015 in which the requested Petition for Variance was denied and from an Order on Motion for Reconsideration dated October 23, 2015 wherein the Motion for Reconsideration was granted and the Amended Petition for Variance was granted.

WHEREAS, the Board is in receipt of a Withdrawal of Petition for Variance –Without Prejudice, filed April 19, 2016 by Howard L. Alderman, Jr., Esquire, Counsel for Petitioners, Sarah J. Dew, Julia, M. Dew, and Bailey A. Dew, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioners requests that the Petition for Variance filed in this matter be withdrawn as of April 19, 2016 without prejudice.

IT IS THEREFORE ORDERED this 21st day of April, 2016 by the Board of Appeals of Baltimore County that the Petition for Variance filed in Case No. 15-288-A be and the same is hereby **DISMISSED without prejudice**, thereby rendering the September 16, 2015 and October 23, 2015 decisions of the Administrative Law Judge **null and void** in this matter.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman

BEFORE THE COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY

RECEIVED

APR 19 2016

BALTIMORE COUNTY
BOARD OF APPEALS

IN RE: **PETITION FOR VARIANCE**
(16332, 16334 & 16342 Matthews Road)
8th Election District
3rd Councilmanic District

Case No.: **2015-0288-A**

Sarah J. Dew, Julia M. Dew & Bailey A. Dew,

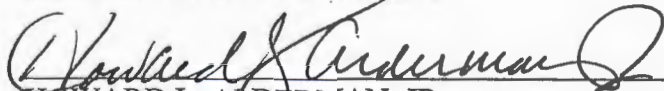
Petitioners/Owners

WITHDRAWAL OF PETITION FOR VARIANCE – WITHOUT PREJUDICE

Case No. 2015-0288-A

Sarah J. Dew, Julia M. Dew & Bailey A. Dew (“Petitioners”), Owners of the above-referenced property, in accordance with *Code of Baltimore County Regulations, Rules of Practice and Procedure of the Baltimore County Board of Appeals*, Rule 3.b.2., hereby withdraw their Petition for Variance in Case No. 2015-0288-A. As this withdrawal has been filed before a hearing on the appeal of the variance has been finally scheduled, the withdrawal of the Petition for Variance and the relief requested therein is **without prejudice**.

RESPECTFULLY SUBMITTED



HOWARD L. ALDERMAN, JR.

Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600
410-296-2801 (Fax)
Attorneys for Petitioners

CERTIFICATE OF SERVICE

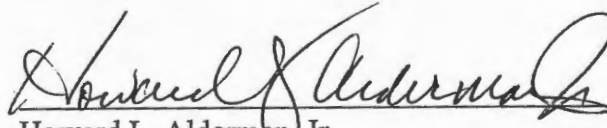
I HEREBY CERTIFY that on this 19th day of April, 2016, a copy of the foregoing

Withdrawal of Petition for Variance Without Prejudice and proposed Order were mailed, postage prepaid, First Class United States Mail to:

Peter Max Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

and

G. Macy Nelson, Esquire
David S. Lynch, Esquire
401 Washington Avenue, Suite 803
Towson, MD 21204



Howard L. Alderman, Jr.



LEVIN & GANN, P.A.
ATTORNEYS AT LAW

Howard L. Alderman, Jr., Esquire | Principal
D: 410.321.4640 | halderman@levingann.com

April 19, 2016

RECEIVED

APR 19 2016

BALTIMORE COUNTY
BOARD OF APPEALS

VIA HAND DELIVERY

Krysundra "Sunny" Cannington, Administrator
County Board of Appeals for Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

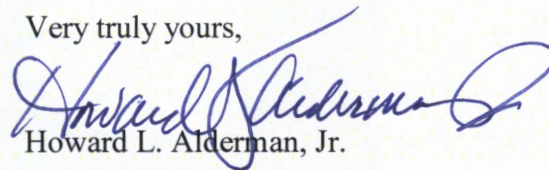
RE: Petition for Variance/Case No. 2015-0288-A
Sara J. Dew, *et al*, Petitioners
Hearing Date: May 3, 2016
Withdrawal of Petition Without Prejudice

Dear Ms. Cannington:

On behalf of my clients, Petitioner in and owners of the property which is the subject of the above-referenced case, I enclose a Withdrawal of Petition for Variance. A proposed order is also enclosed for the Board's consideration. Given that this withdrawal is filed more than ten (10) days before the scheduled hearing, it is being withdrawn without prejudice.

Thank you for your cooperation in this matter and please do not hesitate to contact me with any questions that you or the Board may have.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk

c: G. Macy Nelson, Esquire
People's Counsel for Baltimore County

BEFORE THE COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY

RECEIVED

APR 19 2016

BALTIMORE COUNTY
BOARD OF APPEALS

IN RE: **PETITION FOR VARIANCE**
(16332, 16334 & 16342 Matthews Road)
8th Election District
3rd Councilmanic District

Case No.: 2015-0288-A

Sarah J. Dew, Julia M. Dew & Bailey A. Dew,

Petitioners/Owners

WITHDRAWAL OF PETITION FOR VARIANCE – WITHOUT PREJUDICE

Case No. 2015-0288-A

Sarah J. Dew, Julia M. Dew & Bailey A. Dew (“Petitioners”), Owners of the above-referenced property, in accordance with *Code of Baltimore County Regulations, Rules of Practice and Procedure of the Baltimore County Board of Appeals*, Rule 3.b.2., hereby withdraw their Petition for Variance in Case No. 2015-0288-A. As this withdrawal has been filed before a hearing on the appeal of the variance has been finally scheduled, the withdrawal of the Petition for Variance and the relief requested therein is **without prejudice**.

RESPECTFULLY SUBMITTED



HOWARD L. ALDERMAN, JR.

Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600
410-296-2801 (Fax)
Attorneys for Petitioners

CERTIFICATE OF SERVICE

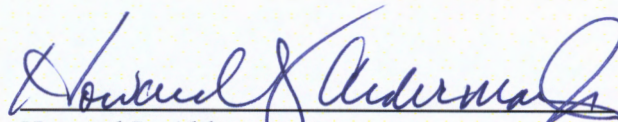
I HEREBY CERTIFY that on this 19th day of April, 2016, a copy of the foregoing

Withdrawal of Petition for Variance Without Prejudice and proposed Order were mailed, postage prepaid, First Class United States Mail to:

Peter Max Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

and

G. Macy Nelson, Esquire
David S. Lynch, Esquire
401 Washington Avenue, Suite 803
Towson, MD 21204



Howard L. Alderman, Jr.

**BEFORE THE COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY**

IN RE: **PETITION FOR VARIANCE**
(16332, 16334 & 16342 Matthews Road)
8th Election District
3rd Councilmanic District

Case No.: **2015-0288-A**

Sarah J. Dew, Julia M. Dew & Bailey A. Dew,

Petitioners/Owners

ORDER

The Board, having received a Withdrawal of Petition for Variance and relief stated therein in the above-captioned case, and the Withdrawal having been filed before a final hearing on the appeal of the relief granted in the Petition, in accordance with *Code of Baltimore County Regulations, Rules of Practice and Procedure of the Baltimore County Board of Appeals, Rule 3.b.2.*

it is this _____ day of _____, 2016, ORDERED,

That the Petition for Variance in Case No. 2015-0288-A is hereby WITHDRAWN WITHOUT PREJUDICE.

BOARD OF APPEALS FOR
BALTIMORE COUNTY

RE: PETITION FOR VARIANCE	*	BEFORE THE BOARD
16332, 16334 & 16342 Matthews Rd; N/S of		
Matthews Rd, NE 1,120' to c/line of Corbett Rd*		OF APPEALS
8 th Election & 3 rd Councilmanic Districts		
Legal Owner(s): Sarah Farley (Dew), Julia &	*	FOR
Bailey Dew		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2015-288-A
* * * * *		

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People’s Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People’s Counsel on all correspondence sent and all documentation filed in the case.

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

RECEIVED
APR 13 2016
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of April, 2016 a copy of the foregoing Entry of Appearance was mailed to G. Macy Nelson, Esquire, 401 Washington Avenue, Towson, Maryland 21204 and Howard Alderman, Esquire, Levin & Gann, P.A., 502 Washington Avenue, Suite 800, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People’s Counsel for Baltimore County



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 7, 2016

NOTICE OF REASSIGNMENT

IN THE MATTER OF: Sarah J. Dew, Julia M. Dew & Bailey A. Dew
15-288-A 16332, 16334 & 16342 Matthews Road
8th Election District; 3rd Councilmanic District

Re: Petition for Variance relief from the BCZR §1A09.7.B.5.b(1)(a), (b) and (c) to permit a dwelling to be constructed 20 ft. for #16342, 80 ft. for #16332 and 63 ft. for #16334 from an adjacent property that is either:

- (A) cultivated or used for pasture, or received preferential agricultural assessment at any time over the past five years,
- (B) land that is suitable for agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, and
- (C) land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement, in lieu of the minimum required 300 ft.

9/16/15 Opinion and Order of Administrative Law Judge wherein the Petition for Variance was DENIED.

10/23/15 Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Petitioners' Motion for Reconsideration was GRANTED; and it was ordered that the Amended Petition for Variance to permit three (3) single family dwellings on the subject property constructed no less than 100 feet from an adjacent property be GRANTED, subject to the Petitioners' compliance with revised ZAC comment of the Department of Planning dated October 14, 2015.

ASSIGNED FOR: TUESDAY, MAY 3, 2016, 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: See attached Distribution List

c:	Counsel for Petitioners Petitioners	: Howard L. Alderman, Jr., Esquire : Sarah J. Farley, Julia M. Dew, Bailey A. Dew
	Counsel for Protestants/Appellants Protestants/Appellants	: G. Macy Nelson, Esquire : Stephen and Judith Edgar

Geoffrey C. Schultz/Polaris Land Consultants
Robert and Laura Wilke
Brice G. Dowell
Deane Schwatka
Frank and Regina Duff
Bonita Busta

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

Krysundra Cannington

From: G. Macy Nelson <gmacynelson@gmacynelson.com>
Sent: Friday, March 04, 2016 10:04 AM
To: Krysundra Cannington; Howard Alderman
Subject: RE: 15-288-A Dew, et al. March 9, 2016

Hi,

Sorry for the slow reply. Our first choice is May 5 and our second choice is May 3. Given Howard's comments about the schedule, it looks like we can agree on May 3.

-Macy Nelson

G. Macy Nelson
401 Washington Avenue, Suite 803
Towson, Maryland 21204
410-296-8166, ex. 290
Fax 410-825-0670
Mobile 443-326-8749
Email gmacynelson@gmacynelson.com
www.gmacynelson.com

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Tuesday, March 01, 2016 10:45 AM
To: G. Macy Nelson; Howard Alderman
Subject: RE: 15-288-A Dew, et al. March 9, 2016

Thank you.

From: G. Macy Nelson [mailto:gmacynelson@gmacynelson.com]
Sent: Tuesday, March 01, 2016 10:26 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>; Howard Alderman <halderman@levingann.com>
Subject: RE: 15-288-A Dew, et al. March 9, 2016

Hi,

I just returned from a trip out of town. I will try to respond by end of day.

-Macy Nelson

G. Macy Nelson
401 Washington Avenue, Suite 803
Towson, Maryland 21204
410-296-8166, ex. 290
Fax 410-825-0670
Mobile 443-326-8749
Email gmacynelson@gmacynelson.com
www.gmacynelson.com

From: Krysundra Cannington [<mailto:kcannington@baltimorecountymd.gov>]
Sent: Tuesday, March 01, 2016 10:24 AM
To: Howard Alderman; G. Macy Nelson
Subject: RE: 15-288-A Dew, et al. March 9, 2016

Counsel,

This email is to follow up on case number 15-288-A, the matter of Dew, et al. Pursuant to my previous email and letter, the following dates have been offered for rescheduling: April 27, April 28, May 3, and May 5, 2016.

Please advise as soon as possible regarding your availability.

Thank you.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

From: Howard Alderman [<mailto:halderman@levingann.com>]
Sent: Tuesday, February 23, 2016 9:47 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>; Nelson, G. Macy <gmacynelson@gmacynelson.com>
Subject: RE: 15-288-A Dew, et al. March 9, 2016

Sunny,

Thanks; I'll send this to my clients and engineer this morning to confirm availability.

Howard

~~~~~  
Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA  
Nottingham Centre, 8<sup>th</sup> Floor  
502 Washington Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
410-456-8501 (cell)  
Email: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
Website: [www.LevinGann.com](http://www.LevinGann.com)



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

**From:** Krysundra Cannington [<mailto:kcannington@baltimorecountymd.gov>]  
**Sent:** Tuesday, February 23, 2016 9:42 AM



To: Howard Alderman <[halderman@evingann.com](mailto:halderman@evingann.com)>; Nelson, G. Macy <[gmacynelson@gmacynelson.com](mailto:gmacynelson@gmacynelson.com)>  
Subject: 15-288-A Dew, et al. March 9, 2016

Good morning Counsel,

Attached please find a letter and notice of postponement that are going out in today's mail. Please be advised the attached letter offers dates for rescheduling this matter.

Please contact me as soon as possible regarding your availability.

Thank you.

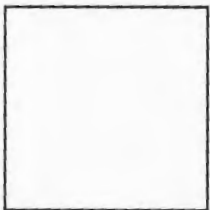
Sunny

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

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[www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)

## Krysundra Cannington

---

**From:** Howard Alderman <halderman@levingann.com>  
**Sent:** Tuesday, March 01, 2016 1:42 PM  
**To:** Krysundra Cannington; Nelson, G. Macy  
**Subject:** RE: 15-288-A Dew, et al. March 9, 2016

Sunny,

I've now heard from my three clients and developed the "calendar matrix". Unfortunately, availability is very limited due to work schedules.

The preferred date is May 3<sup>rd</sup>.

Two of the three of my clients could make April 27<sup>th</sup>. Obviously, I prefer that all clients attend the hearing and testify if desired/necessary.

Howard

~~~~~  
Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Tuesday, March 1, 2016 10:24 AM
To: Howard Alderman <halderman@levingann.com>; Nelson, G. Macy <gmacynelson@gmacynelson.com>
Subject: RE: 15-288-A Dew, et al. March 9, 2016

Counsel,

This email is to follow up on case number 15-288-A, the matter of Dew, et al. Pursuant to my previous email and letter, the following dates have been offered for rescheduling: April 27, April 28, May 3, and May 5, 2016.

Please advise as soon as possible regarding your availability.

Thank you.

Sunny

Krysundra "Sunny" Cannington

Administrator
Board of Appeals of Baltimore County
410-887-3180

From: Howard Alderman [<mailto:halderman@levingann.com>]
Sent: Tuesday, February 23, 2016 9:47 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>; Nelson, G. Macy <gmacynelson@gmacynelson.com>
Subject: RE: 15-288-A Dew, et al. March 9, 2016

Sunny,

Thanks; I'll send this to my clients and engineer this morning to confirm availability.

Howard

~~~~~  
Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA  
Nottingham Centre, 8<sup>th</sup> Floor  
502 Washington Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
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Email: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
Website: [www.LevinGann.com](http://www.LevinGann.com)



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

**From:** Krysundra Cannington [<mailto:kcannington@baltimorecountymd.gov>]  
**Sent:** Tuesday, February 23, 2016 9:42 AM  
**To:** Howard Alderman <[halderman@levingann.com](mailto:halderman@levingann.com)>; Nelson, G. Macy <[gmacynelson@gmacynelson.com](mailto:gmacynelson@gmacynelson.com)>  
**Subject:** 15-288-A Dew, et al. March 9, 2016

Good morning Counsel,

Attached please find a letter and notice of postponement that are going out in today's mail. Please be advised the attached letter offers dates for rescheduling this matter.

Please contact me as soon as possible regarding your availability.

Thank you.

Sunny

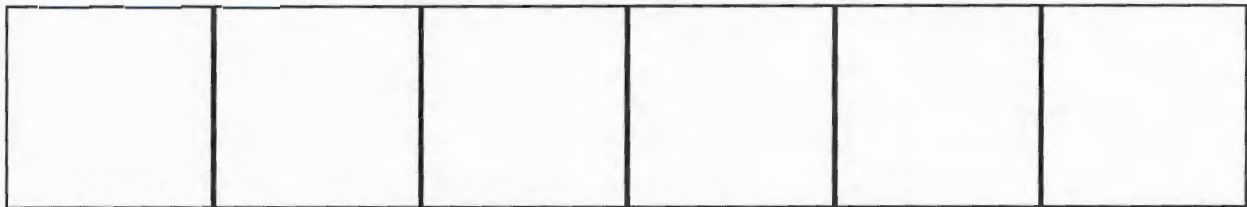
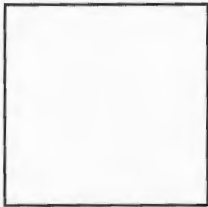
Krysundra "Sunny" Cannington  
Administrator  
Board of Appeals of Baltimore County

The Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204  
Phone: 410-887-3180  
Fax: 410-887-3182

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## Krysundra Cannington

---

**From:** Krysundra Cannington  
**Sent:** Tuesday, March 01, 2016 10:24 AM  
**To:** 'Howard Alderman'; Nelson, G. Macy  
**Subject:** RE: 15-288-A Dew, et al. March 9, 2016

Counsel,

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Please advise as soon as possible regarding your availability.

Thank you.

Sunny

Krysundra "Sunny" Cannington  
Administrator  
Board of Appeals of Baltimore County  
410-887-3180

**From:** Howard Alderman [mailto:halderman@levinggann.com]  
**Sent:** Tuesday, February 23, 2016 9:47 AM  
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>; Nelson, G. Macy <gmacynelson@gmacynelson.com>  
**Subject:** RE: 15-288-A Dew, et al. March 9, 2016

Sunny,

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Howard

~~~~~  
Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
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Sent: Tuesday, February 23, 2016 9:42 AM
To: Howard Alderman <halderman@levingann.com>; Nelson, G. Macy <gmacynelson@gmacynelson.com>
Subject: 15-288-A Dew, et al. March 9, 2016

Good morning Counsel,

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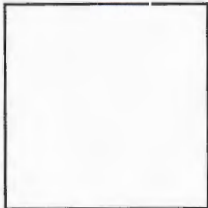
Sunny

Krysundra "Sunny" Cannington
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Phone: 410-887-3180
Fax: 410-887-3182

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LEVIN & GANN, P.A.
ATTORNEYS AT LAW

Howard L. Alderman, Jr., Esquire | Principal
D: 410.321.4640 | halderman@levingann.com

February 22, 2016

RECEIVED
FEB 24 2016

BALTIMORE COUNTY
BOARD OF APPEALS

VIA REGULAR MAIL & EMAIL MESSAGE ATTACHMENT

Krysundra "Sunny" Cannington, Administrator
County Board of Appeals for Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: Petition for Variance/Case No. 2015-0288-A
Sara J. Dew, *et al*, Petitioners
Hearing Date: March 9, 2016
Response to Request for Postponement

Dear Ms. Cannington:

I am in receipt of a copy of G. Macy Nelson's letter to you requesting a postponement of the above-referenced case. Since this matter has been scheduled for some time, I assume Mr. Nelson was aware of this hearing when he agreed to the other (out-of-County) hearings he references in support of his request for postponement. All of us, with busy practices in more than one political jurisdiction, face these issues all of the time.

I have reviewed Mr. Nelson's request with my clients, the Petitioners in this case. Recognizing that any practitioner can find himself or herself in the same situation, I have recommended to my clients that the request for postponement not be opposed. My clients have accepted that recommendation and offer no opposition to the requested postponement.

For purposes of rescheduling this case, I need to advise the Board and opposing counsel that I will be unavailable for any hearings from Thursday, March 31, 2016 through and including Tuesday, April 12, 2016. I plan to be back in the office on Wednesday, April 13th.

Thank you for your cooperation in this matter and please do not hesitate to contact me with any questions that you or the Board may have.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

c: G. Macy Nelson, Esquire
People's Counsel for Baltimore County

Krysundra Cannington

From: Krysundra Cannington
Sent: Tuesday, February 23, 2016 9:42 AM
To: Howard Alderman (halderman@leavingann.com); Nelson, G. Macy
Subject: 15-288-A Dew, et al. March 9, 2016
Attachments: Letter to Counsel re postponement with dates.pdf; Notice of Postponement.pdf

Good morning Counsel,

Attached please find a letter and notice of postponement that are going out in today's mail. Please be advised the attached letter offers dates for rescheduling this matter.

Please contact me as soon as possible regarding your availability.

Thank you.

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

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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 23, 2016

NOTICE OF POSTPONEMENT

IN THE MATTER OF: Sarah J. Dew, Julia M. Dew & Bailey A. Dew
15-288-A 16332, 16334 & 16342 Matthews Road
8th Election District; 3rd Councilmanic District

Re: Petition for Variance relief from the BCZR §1A09.7.B.5.b(1)(a), (b) and (c) to permit a dwelling to be constructed 20 ft. for #16342, 80 ft. for #16332 and 63 ft. for #16334 from an adjacent property that is either:
(A) cultivated or used for pasture, or received preferential agricultural assessment at any time over the past five years,
(B) land that is suitable for agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, and
(C) land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement, in lieu of the minimum required 300 ft.

9/16/15 Opinion and Order of Administrative Law Judge wherein the Petition for Variance was DENIED.

10/23/15 Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Petitioners' Motion for Reconsideration was GRANTED; and it was ordered that the Amended Petition for Variance to permit three (3) single family dwellings on the subject property constructed no less than 100 feet from an adjacent property be GRANTED, subject to the Petitioners' compliance with revised ZAC comment of the Department of Planning dated October 14, 2015.

This matter was assigned for Wednesday, March 9, 2016 and has been postponed. It will be rescheduled to a later date.

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 Petitioners Petitioners	: Howard L. Alderman, Jr., Esquire : Sarah J. Farley, Julia M. Dew, Bailey A. Dew
	Counsel for Protestants/Appellants Protestants/Appellants	: G. Macy Nelson, Esquire : Stephen and Judith Edgar

Geoffrey C. Schultz/Polaris Land Consultants
Robert and Laura Wilke
Brice G. Dowell
Deane Schwatka
Frank and Regina Duff
Bonita Busta

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



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 23, 2016

G. Macy Nelson, Esquire
401 Washington Avenue, Suite 803
Towson, MD 21204

RE: *In the Matter of: Sara Dew, et al - Petitioners*
Case No. 15-288-A

Dear Counsel:

We are in receipt of your request for postponement dated February 18, 2016. This letter is to advise you that your request for postponement of the hearing scheduled for Wednesday, March 9, 2016 has been granted. A Notice of Postponement is enclosed.

In order to schedule a hearing before the Board of Appeals, without conflict; I am providing dates currently available on the docket. The Board sits on Tuesday, Wednesday and Thursday of each week. The following dates are presently open for assignment:

Wednesday, April 27, 2016 at 10:00;
Thursday, April 28, 2016 at 10:00;
Tuesday, May 3, 2016 at 10:00; and
Thursday, May 5, 2016 at 10:00

Please contact this office upon receipt of this letter to confirm availability. The Notice of Assignment will be issued to all parties at the time an agreeable date is established.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Sunny Cannington
Krysundra "Sunny" Cannington
Administrator

Enclosure

cc: Howard L. Alderman, Jr., Esquire



LEVIN & GANN, P.A.
ATTORNEYS AT LAW

Howard L. Alderman, Jr., Esquire | Principal
D: 410.321.4600 | halderman@levingann.com
COPY

February 22, 2016

VIA REGULAR MAIL & EMAIL MESSAGE ATTACHMENT

Krysundra "Sunny" Cannington, Administrator
County Board of Appeals for Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: Petition for Variance/Case No. 2015-0288-A
Sara J. Dew, *et al*, Petitioners
Hearing Date: March 9, 2016
Response to Request for Postponement

Dear Ms. Cannington:

I am in receipt of a copy of G. Macy Nelson's letter to you requesting a postponement of the above-referenced case. Since this matter has been scheduled for some time, I assume Mr. Nelson was aware of this hearing when he agreed to the other (out-of-County) hearings he references in support of his request for postponement. All of us, with busy practices in more than one political jurisdiction, face these issues all of the time.

I have reviewed Mr. Nelson's request with my clients, the Petitioners in this case. Recognizing that any practitioner can find himself or herself in the same situation, I have recommended to my clients that the request for postponement not be opposed. My clients have accepted that recommendation and offer no opposition to the requested postponement.

For purposes of rescheduling this case, I need to advise the Board and opposing counsel that I will be unavailable for any hearings from Thursday, March 31, 2016 though and including Tuesday, April 12, 2016. I plan to be back in the office on Wednesday, April 13th.

Thank you for your cooperation in this matter and please do not hesitate to contact me with any questions that you or the Board may have.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

c: G. Macy Nelson, Esquire
People's Counsel for Baltimore County

Krysundra Cannington

From: Howard Alderman <halderman@levingann.com>
Sent: Monday, February 22, 2016 9:02 AM
To: Krysundra Cannington
Cc: Peoples Counsel; gmacynelson@gmacynelson.com; Bailey Dew; Julie Dew; Sally Farley; Geoff Schultz (gschultz@polarisl.com)
Subject: Case No. 2015-0288-A Dew et al
Attachments: Petition for Variance 2015-0288-A.pdf

Sunny,

Attached is the Petitioners' response to Mr. Nelson's Request for Postponement of Case No. 2015-0288-A. Please call me should you need additional information.

Howard

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
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Email: halderman@LevinGann.com
Website: www.LevinGann.com



Provide Feedback at <http://tinyurl.com/HLA-AVVO>



LEVIN & GANN, P.A.
Problem Solvers, Passionate Advocates.

**Recognized as One
Of Maryland's
Super Lawyers**



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Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

NOTE: If a file in Adobe/PDF format is attached to this message and you do not have the software to open it, you may download and install the software at no cost from the following: <http://www.adobe.com/products/acrobat/readstep2.html>

LAW OFFICE OF
G. MACY NELSON, LLC

G. MACY NELSON
DAVID S. LYNCH

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com

TELEPHONE: (410) 296-8166
FACSIMILE: (410) 825-0670

February 18, 2016

mail: appealsboard@baltimorecountymd.gov

Krysundra "Sunny" Cannington, Administrator
Board of Appeals for Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Variance
Property: 16332, 16334 & 16342 Matthews Road
8th Election District
3rd Council District
Sara J. Dew, Julia M. Dew & Bailey A. Dew, Petitioners
Case No.: 2015-0288-A

Dear Ms. Cannington:

The above-captioned case is scheduled for a hearing on Wednesday, March 9, 2016 at 10:00 a.m. I am writing to request a brief postponement of that hearing date because I have several conflicts. The first conflict is a protracted special exception case in Charles County (Special Exception Docket No. 1340 – Waldorf Station). In Charles County, the Board of Appeals meets the second and fourth Tuesday of each month between 7:00 and 10:30 p.m. The Board has scheduled a hearing for Tuesday, March 8. I will be trying that case between 7:00 and 10:30 p.m. I typically get home after midnight. That case by itself would require me to seek a postponement of the Dew case.

The second conflict is a with a protracted special exception case in Prince George's County (Special Exception No. 4733 – Clinton). My closing memorandum is due on March 9, 2016.

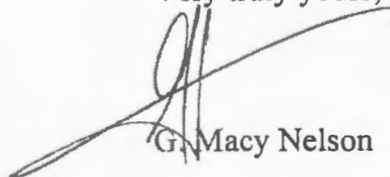
My schedule is further complicated by the fact that I have a case before the Prince George's County Planning Board on Thursday, March 10 at 9:00 a.m. and by the fact that I will be out of town for a few days during the week of February 22, 2016.

Krysundra "Sunny" Cannington, Administrator
Board of Appeals for Baltimore County
February 18, 2016
Page 2

For all of these reasons, I respectfully request a brief postponement of the Dew case.

I have discussed my request with Howard Alderman, Esquire, who represents the applicant. It is my understanding that Mr. Alderman's client has not yet given him instructions regarding my request.

Very truly yours,



G. Macy Nelson

GMN:ldr

cc: Howard L. Alderman, Jr., Esquire

Krysundra Cannington

From: Linda DellaRose <linda@gmacynelson.com>
Sent: Thursday, February 18, 2016 4:16 PM
To: Appeals Board
Cc: halderman@levingann.com
Subject: Case No. 2015-0288-A
Attachments: Board of Appeals 2.18.16.pdf

See attached.

Linda DellaRose
Legal Assistant to
Law Office of G. Macy Nelson, LLC
401 Washington Avenue
Suite 803
Towson, Maryland 21204
(410) 296-8166 ext. 107
Fax (410) 825-0670
Email: linda@gmacynelson.com
www.gmacynelson.com

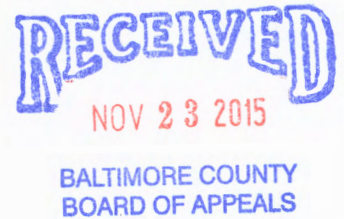


KEVIN KAMENETZ
County Executive

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

November 23, 2015

G. Macy Nelson, Esq.
401 Washington Avenue
Suite 803
Towson, Maryland 21204



RE: APPEAL TO BOARD OF APPEALS
Case Nos. 2015-0288-A
Location: 16332, 16334 & 16342 Matthews Road

Dear Mr. Nelson:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 19, 2015. 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".
LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Judith Edgar, 16370 Matthews Road, Monkton, Maryland 21111
Geoffrey Schultz, 10 Gerard Avenue, Timonium, Maryland 21093



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

November 30, 2015

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Sarah J. Dew, Julia M. Dew & Bailey A. Dew
15-288-A 16332, 16334 & 16342 Matthews Road
8th Election District; 3rd Councilmanic District

Re: Petition for Variance relief from the BCZR §1A09.7.B.5.b(1)(a), (b) and (c) to permit a dwelling to be constructed 20 ft. for #16342, 80 ft. for #16332 and 63 ft. for #16334 from an adjacent property that is either:

- (A) cultivated or used for pasture, or received preferential agricultural assessment at any time over the past five years,
- (B) land that is suitable for agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, and
- (C) land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement, in lieu of the minimum required 300 ft.

9/16/15 Opinion and Order of Administrative Law Judge wherein the Petition for Variance was DENIED.

10/23/15 Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Petitioners' Motion for Reconsideration was GRANTED; and it was ordered that the Amended Petition for Variance to permit three (3) single family dwellings on the subject property constructed no less than 100 feet from an adjacent property be GRANTED, subject to the Petitioners' compliance with revised ZAC comment of the Department of Planning dated October 14, 2015.

ASSIGNED FOR: WEDNESDAY, MARCH 9, 2016, 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: See attached Distribution List

Case No.: 2015-0288-A

Exhibit Sheet

Sen
9-16-15
10-23-15

Petitioner/Developer

Protestant

No. 1	Site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITION FOR ZONING HEARING(S)

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

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

Address 16332, 16334, & 16342 MATTHEWS ROAD which is presently zoned RC-8

Deed References: 10880 / 216 10 Digit Tax Account # 2200005929

Property Owner(s) Printed Name(s) SARAH J. FARLEY, JULIA M. DEW, & BAILEY A. DEW

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

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

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. **X** a Variance from Section(s)

SEE PAGE 3 OF 3

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

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE PAGE 2 OF 3

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

GEORGETY SCHULTZ

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
9-16-15
Date BY

CASE NUMBER 2015-0288-1A Filing Date 6/10/15 Do Not Schedule Dates: _____ Reviewer G. W

Petition for Zoning Hearing
16332, 16334, & 16342 Matthews Road
Proposed Minor Subdivision
Resubdivision of Lot 3 – Estate of John Dew

Legal Owners' Affirmation

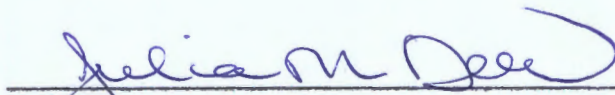
We do so solemnly declare and affirm, under the penalties of perjury, that we are the legal owners of the property which is the subject of this petition:

Sarah J. Farley (nee Dew)
16350 Matthews Road
Monkton, MD 21111



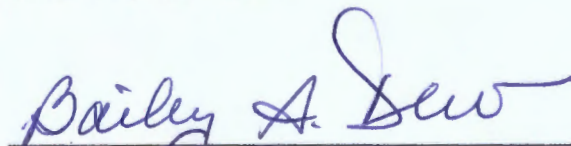
Signature

Julia M. Dew
14206 Dove Creek Way #201
Sparks, MD 21111



Signature

Bailey A. Dew
1339 Corbett Road
Monkton, MD 21111



Signature

Petition for Zoning Hearing
16332, 16334, & 16342 Matthews Road
Proposed Minor Subdivision
Resubdivision of Lot 3 – Estate of John Dew

Zoning Request

Requesting a Variance from Section(s) 1A09.7.B.5.b.(1)(a), (b), and (c) to permit a dwelling to be constructed 20 feet for #16342, 80 feet for #16332, and 63 feet for #16334 from an adjacent property that is either:

- 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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program; or
- c) Land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement,

in lieu of the minimum required 300 feet.

Zoning Description
16332, 16334, & 16342 Matthews Road
Proposed Lots
8th Election District
3rd Councilmanic District
Baltimore County, MD



Beginning at a point on the North Side of Matthews Road, at a distance of 1060 feet east more or less from the center of Corbett Road, thence running:

1. N 23° 32' 36" W 603.50 feet,
2. N 38° 10' 20" W 750.00 feet,
3. S 31° 49' 40" W 230.36 feet,
4. N 58° 10' 20" W 488.68 feet,
5. N 53° 20' 35" E 647.29 feet,
6. N 86° 58' 53" E 736.01 feet,
7. S 03° 19' 23" W 375.05 feet,
8. S 21° 06' 21" E 50.77 feet,
9. N 51° 37' 42" E 122.22 feet,
10. S 19° 51' 12" E 329.33 feet,
11. N 70° 11' 40" E 170.60 feet,
12. S 48° 01' 06" E 710.14 feet,
13. S 41° 10' 19" W 463.07 feet,
14. S 70° 40' 19" W 50.00 feet,
15. N 06° 54' 29" W 642.15 feet,
16. S 54° 06' 15" W 283.06 feet,
17. S 18° 11' 40" W 79.06 feet,
18. S 03° 41' 08" E 498.00 feet,
19. S 73° 10' 19" W 216.53 feet, and
20. S 58° 30' 34" W 55.23 feet to the point of beginning.

Containing 30.427 acres of land as recorded in Deed Liber 10880 Folio 216

SHOWN AS LOTS 1, 2, + 3 ON ZONING HEARING PLAN

2015-0288-A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: John E. Beverungen
Administrative Law Judge

DATE: October 14, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 16332, 16334 & 16342 Matthews Road

RECEIVED

OCT 15 2015

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Case Number: 15-288

Petitioner: Sarah J. Farley, Julia M. Dew and Bailey A. Dew

Zoning: RC 8

Requested Action: Reconsideration of Variance Request

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has completed a finding as required by BCZR 1A09.4.A and in response to the Opinion and Order by the Office of Administrative Hearings in Case No. 2015-0288-A.

The petitioner has requested variances for 3 proposed single family dwellings for #16342, #16332 and #16334 Matthews Road. A revised site plan was received on October 8, 2015, which included revisions to the previously requested variance. Original recommendations made by the Department of Planning included the condition that the building envelope for #16342 be a minimum of 50' removed from the adjacent property lines in common with the Edgar property, #16370 Matthews Road. The current variance request is to permit a minimum 100 ft. setback for all three of the proposed dwellings in lieu of the required 300 ft. setback from cultivated fields or pastures. The previous variance request was for setback variances as close as 20', 80' and 63'.

The property is located in a RC 8 (Environmental Enhancement) zone. The zone requires 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" (BCZR 1A09.4.A.) 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 and archeological resources..."

RC 8 (BCZR 1A09.4A) requires elevations and drawing submittals to assure the proposed structure complies with the Comprehensive Manual of Development Policies (CMDP) (BCC Sections 32-4-223 and 32-4-224) The applicable CMDP standard for this situation is 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.”

A site visit was conducted on July 2, 2015. The property is located primarily in a rural area. The revised layout of the proposed dwellings is consistent with the clustering of housing evident in the surrounding neighborhood, providing larger natural areas at the front and rear of the tract, and protecting views from Matthews Road. Thus, the proposed layout meets the goals of an Environmental Enhancement Zone (RC8) by concentrating the dwellings in a selected area of the tract.

The Department of Planning finds the proposed setback of 100' in lieu of the previously proposed setbacks of 20', 63', and 80', to be a sufficient distance from the neighboring properties, provided that a heavy vegetative screen is installed along the property lines of the proposed dwellings at #16332 and #16342 Matthews Road in common with those of the adjoining tracts in order to screen the view of the proposed development from the neighboring properties while complimenting the character of the surrounding area.

Should the Administrative Law Judge grant the variance request, the Department of Planning requests the following conditions be made part of the order to support its finding:

1. Review and approval of architectural elevations by the Department of Planning prior to approval of any building permit to ensure the proposed dwellings are compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area. Ensure that exterior of all buildings use the same finish materials and architectural details on all front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged. Design all accessory structures at a scale appropriate to the dwelling using the with the same architectural theme as the principal building on the site, and providing consistency in materials, colors, roof pitch, and style.
2. Orientation of the front of the proposed dwellings towards the panhandle drive.
3. Review and approval of a landscape plan by the Baltimore County Landscape Architect depicting the screening of the dwellings at #16332 and #16342 Matthews Road from adjacent properties.

For further information concerning the matters stated here in, please contact Kaylee Justice at 410-887-3480.

Division Chief:
AVA/KS

Kathy Schlabach

C: Kaylee Justice
Jean Tansey, RLA, PAI



KEVIN KAMENETZ
County Executive

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

September 3, 2015

Sarah J Farley
16350 Matthews Road
Monkton MD 21111

Julia M Dew
14206 Dove Creek Way #201
Sparks MD 21111

Bailey A Dew
1339 Corbett Road
Monkton MD 21111

RE: Case Number: 2015-0288 A, Address: 16332, 16334 & 16342 Matthews Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 10, 2015. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Geoffrey Schultz, 10 Gerard Avenue, Timonium MD 21093



TO KL
OK
not started
yet?

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

July 14, 2015

Mr. Arnold Jablon, Director
Baltimore County PAI
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Dew Property
Zoning Case No. 2015-288-A

Dear Mr. Jablon,

Due to a conflict with our client's schedule, we are hereby requesting the rescheduling of the hearing date for the above-referenced zoning hearing. It is our understanding that the hearing date would be changed from August 3, 2015 to sometime in september.

Thankyou for your attention to this matter.

Sincerely,



Geoffrey C. Schultz, Member

9/9
1:30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: July 21, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED
JUL 24 2015

SUBJECT: 16332, 16334, & 16342 Matthews Road **OFFICE OF ADMINISTRATIVE HEARINGS**

INFORMATION:

Item Number: 15-288
Petitioner: Sarah J. Farley, Julia M. Dew and Bailey A. Dew
Zoning: RC 8
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for the Variance to permit a dwelling to be as close as 20', 80' and 63' for #16342, #16332 and #16334 Matthews Road respectively in lieu of the minimum required 300'.

Upon review of the submitted materials and site visit on July 2, 2015 the Department has no objection to the grant of the petitioned relief with the following conditions:

- The proposed building envelope for #16342 be a minimum of 50' removed from the adjacent property lines in common with the Edgar property, #16370 Matthews Road.
- Provide a minimum 25' wide undisturbed buffer of evergreen and deciduous trees and shrubs along the common Edgar property line beginning at the southeasterly corner of the proposed septic area and running N. 70 Deg. 11' 40" E, 170.60' line to its end.

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

Division Chief: Katry Schlabach
AVA/KS
C: Wallace S. Lippincott, Jr.
Jeanette Tansey



State Highway Administration

Maryland Department of Transportation

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Pete K. Rahn, Secretary
Douglas H. Simmons, Acting Administrator

Date: 6/23/15

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

RE: Baltimore County
Item No 2015-0288-A
Variance
Bailey A. Dew, Julia M. Dew
Sarah J. Dew
16332, 16334 & 16342
Matthew's 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. 2015-0288-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 22, 2015
Item No. 2015-0288

DATE: June 17, 2015

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

A Landscape Plan will be required as part of the minor subdivision review.

* * * * *

DAK:CEN
cc:file



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Pete K. Rahn, Secretary
Douglas H. Simmons, Acting Administrator

Date: June 15, 2015

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

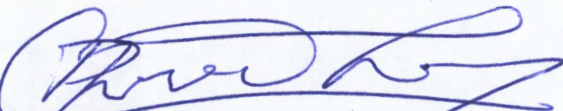
RE: Baltimore County
Item No 2015-0288-A
SARAH J. FARLEY, JULIAM.
DEW
BAILEY A. DEW.
16332, 16334, 16342
MATTHEWS ROAD.

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. 2015-0288-A

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,


David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ



KEVIN KAMENETZ
County Executive

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

July 14, 2015

NEW NOTICE OF ZONING HEARING

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

CASE NUMBER: 2015-0288-A

16332, 16334 & 16342 Matthews Road

N/s Matthews Road, NE 1,120 ft. to the centerline of Corbett Road

8th Election District – 3rd Councilmanic District

Legal Owners: Sarah Farley, Julia Dew, Bailey Dew

Variance to permit a dwelling to be constructed 20 feet for #16342, 80 ft. for #16332 and 63 feet for 16334 from an adjacent property that is either: (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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, or (C) Land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement in lieu of the minimum required 300 feet.

Hearing: Wednesday, September 9, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Julia Dew, 14206 Dove Creek Way, #201, Sparks 21111
Geoff Schultz, 10 Gerard Avenue, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 20, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

June 23, 2015

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: 2015-0288-A

16332, 16334 & 16342 Matthews Road
N/s Matthews Road, NE 1, 120 ft. to the centerline of Corbett Road
8th Election District – 3rd Councilmanic District
Legal Owners: Sarah Farley, Julia Dew, Bailey Dew

Variance to permit a dwelling to be constructed 20 feet for #16342, 80 ft. for #16332 and 63 feet for 16334 from an adjacent property that is either: (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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, or (C) Land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement in lieu of the minimum required 300 feet.

Hearing: Monday, August 3, 2015 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Julia Dew, 14206 Dove Creek Way, #201, Sparks 21111
Geoff Schultz, 10 Gerard Avenue, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 14, 2015.**
- (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.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3501418

Sold To:

Julie Dew - CU00456372
14206 Dove Creek Way
Sparks Glencoe, MD 21152-8868

Bill To:

Julie Dew - CU00456372
14206 Dove Creek Way
Sparks Glencoe, MD 21152-8868

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Aug 20, 2015

The Baltimore Sun Media Group

By S. Wilkins

Legal Advertising

NOTICE OF ZONING HEARING

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

Case: # 2015-0288-A
16332, 16334 & 16342 Matthews Road
N/s Matthews Road, NE 1, 120 ft. to the centerline of Corbett Road
8th Election District - 3rd Councilmanic District
Legal Owner(s) Sarah Farley, Julia Dew, Bailey Dew

Variance to permit a dwelling to be constructed 20 feet for #16342, 80 ft. for 16332 and 63 feet for 16334 from an adjacent property that is either: (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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, or (C) Land that is suitable agricultural production, excluding forestry, and is subject to an agricultural or conservation easement in lieu of the minimum required 300 feet.

Hearing: Wednesday, September 9, 2015 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3891.

8/217 August 20 3501418



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3421193

Sold To:

Julie Dew - CU00456372
14206 Dove Creek Way
Sparks Glencoe, MD 21152-8868

Bill To:

Julie Dew - CU00456372
14206 Dove Creek Way
Sparks Glencoe, MD 21152-8868

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jul 14, 2015

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

NOTICE OF ZONING HEARING

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

Case: # 2015-0288-A
16332, 16334 & 16342 Matthews Road
N/s Matthews Road, NE 1,120 ft. to the centerline of Corbett Road
8th Election District - 3rd Councilmanic District
Legal Owner(s) Sarah Farley, Julia Dew, Bailey Dew

Variance: to permit a dwelling to be constructed 20 feet for #16342, 80 ft. for #16332 and 63 feet for 16334 from an adjacent property that is either: (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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, or (C) Land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement in lieu of the minimum required 300 feet.

Hearing: Monday, August 3, 2015 at 11:00 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.

JT 7/694 July 14 3421193

CERTIFICATE OF POSTING

Date: 08/17/2015

RE: Project Name: Public Hearing
Case Number /PAJ Number: 2015-0288-A
Petitioner/Developer: Sarah Farley, Julia Dew, Bailey Dew
Date of Hearing/Closing: 09/09/2015

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 16332, 16334 & 16342 Matthews Rd.

The sign(s) were posted on 08/17/2015

(Month, Day, Year)




(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
 16332, 16334 & 16342 Matthews Rd; N/S of *
 Matthews Rd, NE 1,120' to c/line of Corbett Rd* OF ADMINSTRATIVE
 8th Election & 3rd Councilmanic Districts HEARINGS FOR
 Legal Owner(s): Sarah Farley (Dew), Julia & *
 Bailey Dew *
 Petitioner(s) * BALTIMORE COUNTY
 * 2015-288-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People’s Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People’s Counsel on all correspondence sent and all documentation filed in the case.

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

RECEIVED
JUN 22 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of June, 2015, a copy of the foregoing Entry of Appearance was mailed to Geoffrey Schultz, RPLS Polaris Land Consultants, LLC, 10 Gerard Avenue, Suite 101, Lutherville, Maryland 21093, Attorney for Petitioner(s).

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People’s Counsel for Baltimore County

*Letters in
Opposition*

RECEIVED

OCT 23 2015

16411 Matthews Rd,
Monkton, MD 21111
October 18, 2015

ungen

OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Law Judge
Office of Administrative Hearings,
105 West Chesapeake Avenue, Ste 101
Jefferson Building
Towson, MD 21204

RE: Petition for variance on Dew Property
Case No. 2015-0288-A
Property: 16322, 16334 & 16432 Matthews Rd

Dear Judge Beverungen,

We are writing to support your decision to deny the petition by the Dew sisters to obtain a setback variance for the construction of three houses on their property. Their proposal to build homes with setbacks of 20ft, 80ft and 62 ft is a clear contradiction to the guidelines that the county has stipulated for RC8 zoning. They are taking an unfair advantage of the more restrictive RC7 zoning of their abutting neighbors in an effort to spread out their proposed houses to gain privacy.

We live on a property of 17 acres that is contiguous to the Gunpowder Falls River and across the road from the Dew property. Our land has been placed into preservation because we agree with the Planning Departments goals to protect the rural resources of Baltimore County.

One of the sisters already owns a home that is on a parcel within the other Dew property. Perhaps another plan for two homes might be more feasible within the zoning guidelines. If the land cannot sustain three homes according to County Guide lines, so be it.

We hope that you will uphold your decision against any appeals that might be made.

Yours Sincerely,


Robert and Laura Wilke

**BRICE G. DOWELL
16351 Matthews Road
Monkton, Maryland 21111**

RECEIVED

OCT 20 2015

OFFICE OF ADMINISTRATIVE HEARINGS

October 20, 2015

Ms. Andrea Van Arsdale
Director of Planning, Baltimore County Department of Planning
105 W. Chesapeake Avenue, Suite 101
Jefferson Building
Towson, MD 21204

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

Mr. Vincent Gardina
Baltimore County Department of Environmental Protection and Sustainability
County Office Building
111 W. Chesapeake Avenue, Room 319
Towson, MD 21204

Re: **Petition for Variance/Dew Property**
Case No.: 2015-0288-A
Property: 16332, 16334 & 16342 Matthews Road

Dear Ms. Van Arsdale, Judge Beverungen and Mr. Gardina:

I understand that the Dew sisters, owners of the above-refered property, petitioned for a variance from the County Code which requires a set approval to an adjacent property cultivated or used for pasture. I was advised e and Judy place one house within 20 feet of the property line of our neighbor and Judy Edgar, place a second house 80 feet from the property line and feet from the property line.

My wife, Susan, and I own Highmount Farm, 62.5 ?
from the subject property.

s Matthews Road

Over the last 10 years Susan and I have rehabilitated our farm at great expense. We have diligently worked on the pastures and fenced in 20, give or take, acres on which I have spent countless hours and money cutting, amending and improving. The fencing cost alone was about \$20,000.00 with an additional \$20,000.00 going into a spring-fed watering system for livestock. I plan to build "run-in" sheds and a new barn to replace the stone barn built in 1823 by Eli Matthews which imploded on a clear August night several years ago.

Thirteen Black Angus heifers currently reside in our pastures. These cattle are owned by Roseda Farm based on nearby Carroll Road. They are valuable breeders. Their safekeeping was entrusted to us by Roseda's farm manager. We electrified the fences, at cost, for their protection. We pride ourselves in taking good care of these animals and look forward to a long relationship with Roseda Farm.

I recently learned that Judge Beverungen denied the petitioners' request for a variance but that they have requested a reconsideration of his decision. Susan and I want our voices heard on this issue and that is the purpose of this letter.

The RC-8 zoning requiring a 300 foot setback from farmland was likely adopted because of the inevitable conflicts which routinely surface between residential homeowners and large animal owners like us. We and the Edgars live on, care for and tend working farms. The Edgars have horses. We have cattle.

I've already experienced conflict with one of our neighbors on the west side of our property. Their children touch off fireworks periodically which spook the cattle. As I've tried to explain to them, it only takes one broken leg on a meticulously bred bovine to ruin one's day. If a cow is running scared it does not take time to closely observe groundhog holes of which there are many. These are 1,500 pound animals with bones like sticks.

The petitioners contend they need the variance because the building envelope is too limited. "Limited" does not mean "impossible." We are talking about 30 acres here. It would be difficult to believe three houses could not be appropriately sited on such a sizeable amount of acreage while respecting the 300 foot setback requirement.

The regulatory and legislative goals sought to be achieved by the County by its 300 foot setback are "limited development" compatible with the rural nature of the community which protects the environmental resources of that community. This necessarily means preserving the "unique character" of rural areas while protecting the environmental soundness of the land and forest. Consistent with the existing regulatory and legislative plan, structures must be in harmony with the site's conditions.

To permit houses to be built less than the mandated 300 feet from a property line

in a scenic setting such all the residents on Matthews Road currently enjoy would not advance these goals and, indeed, would be antithetical to them. It is difficult to conceive that anyone looking at a new house close to such a small scenic road could conclude the building site is in "harmony" with the existing conditions. The existing conditions are rural and farm-oriented. Agriculture and husbandry ooze from this ground and have ever since Eli and Tilitha Matthews farmed these acres in 1820.

If such new structures do not comply with the County-mandated 300 foot setback provision the scenic views and very nature of this rolling farmland would be irreparably damaged. Many now-forested areas would be destroyed. Streams would be endangered (two of which run through Highmount Farm and one of which serves as the source for our cattle's drinking water). This is not to mention the potentiality of the septic fields for the new non-setback-observant houses jeopardizing our ground and surface water, pastures and animals as well as our neighbors'.

The State made us fence in one of our streams specifically to *avoid* the potential environmental damage to the stream from the cows' feet tromping over and through it. The State cares about this farm which is under State conservancy with a deed of easement.

There is a further reason to deny the variance request. The to-be-built houses' occupants might have issues with the noise, odors, fumes, dust, farm machinery, manure storage and/or soil amendment practices which routinely occur in the farm environment. We have cut and baled hay and frequently have farm equipment running through the fields and trucks going to and from our place. We plan on having more large animals in the fields in the future as I continue to rehabilitate and fence another more expansive pasture.

People don't understand what it takes to run a farm. A lot goes into it whether the animals be horses or cattle. People tend to see and appreciate the beauty and solemnity of the grazing horses and cattle but to have them out there means the farmer has spent a lot of his/her time and money to create their existence and maintain their well being. This would all be jeopardized if residences are built so close to the road and farms.

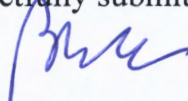
Susan and I feel the setback line of 300 feet is reasonable, was carefully and thoughtfully adopted by the County and should be respected by all. The petitioners will sell their property with or without the variance. Once the variance is granted no one can undue it and the things we now have we may no longer have.

To be frank, it seems to us the petitioners are no longer satisfied by the granting of their request for the creation of their three lots. They now want the County to ignore the very goals it sought to attain by adopting the 300 foot setback requirement. Added to this

afront, the petitioners present no compelling evidence, or indeed any hard evidence at all, to support their request other than that they want it. It is clear why they want it...to create more market value for their lots. If a potential buyer has the flexibility to make an end run around the 300 foot setback requirement he/she would have gained something in the bargain...added flexibility in building his/her house close to the property line, a result not intended, contemplated or sanctioned by the County when it adopted the setback requirement.

Susan and I are opposed to the petitioners' request for reconsideration of Judge Beverungen's decision. He got it right the first time.

Respectfully submitted,



BRICE G. DOWELL

BGD:lkt

P.O.Box 62
Butler, MD 21023

October 8, 2015

John E. Beverungen,
Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Jefferson Building
Towson, MD 21204

RECEIVED

OCT 13 2015

OFFICE OF ADMINISTRATIVE HEARINGS

RE: Petition for Variance on Dew Property
Case No. 2015-0288-A
Property: 16332, 16334, & 16342 Matthews Road

Dear Judge Beverungen:

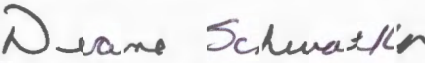
I am writing to express my opposition to the Dew Petition for Variance due to the health, safety, and general public welfare issues its approval would cause. It is not a good idea to place a dwelling 20 feet from a working horse farm. Please do not give your approval to anything less than the recommended 300-foot setback between Moondance Farm and the proposed Dew minor subdivision.

My father and I managed the thoroughbred horse operation for Orioles owner Peter Angelos for many years. We volunteered to help retired school principals Judy and Steve Edgar with occasional equine experiences they offered schoolchildren for free at Moondance Farm, their small family horse farm. The joy experienced by those kids was worth our time and effort.

Managing children and horses safely requires a great deal of supervision and careful implementation. Anything foreign or any unfamiliar movement creates hazards around horses. Regular backyard activities, such as the use of a grill, yard umbrella, trampoline, pool, barking dogs, or backyard noise can create significant safety problems. It is particularly worrisome that the Dew family wants to locate a house 20 feet from the Edgar's most-used pasture, very close to the barn where children and adults will be working around horses, turning out or bringing in horses from the fields, or mounting/dismounting horses.

As an experienced horsewoman, I am writing to make you aware of the safety issues that would result from granting this variance, and I am writing to register my opposition to this variance. Thank you for considering my viewpoint relative to this issue.

Sincerely yours,


Deane Schwatka

16328 Matthews Road
Monkton, MD 21111
October 3, 2015

JOB 9-9-15

Denial
9-16-15

John E. Beverungen
Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Jefferson Building
Towson, MD 21204

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OCT 09 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Reference: Petition for Variance on Dew Property
Case No. 2015-0288-A

Dear Judge Beverungen:

This letter intends to voice the continued concern of a Baltimore County resident to the zoning and use of the nearby land which is the subject of the referenced variance.

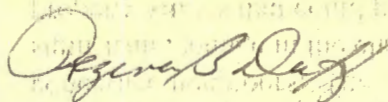
The existing RC-8 zoning was a compromise proposed in 2012 by then Councilman Huff between the owners and many immediate concerned neighbors, including ourselves. The owners had proposed changing the zoning to RC-5, which was greatly opposed by many concerned neighbors. The opposition to the original request was to address the potential significant change in the character of the neighborhood, on the quality of life, and on property values that could possibly result from the comparatively high density housing permitted under RC-5 zoning. Ultimately the County Council Review Process changed the zoning of the parcel of land from RC-7 to RC-8.

Clearly if the requirements of the RC-8 zoning are adhered to, the character of the neighborhood and the associated quality of life and property values are likely to remain as they are today. However, we are absolutely opposed to any variance to that zoning that would disrupt the rural character of surrounding properties and dwellings, or that are located less than a prudent distance from active farmland, or that increase the lot density above that expressly permitted by the RC-8 zoning.

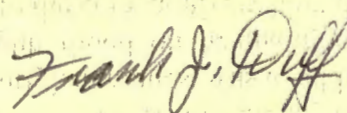
Accordingly, we seek your support in disallowing any variance request that would significantly change the character of the neighborhood, or would disregard the conservation initiatives already put in place by many of our neighbors.

We respectfully request that you consider this position when you make a recommendation concerning the subject, and all future variances related to this property.

Sincerely yours,



Regina B. Duff
Frank J. Duff



RECEIVED

OCT 02 2015

Bonita L. Busta
16420 Matthews Rd.
POB 289
Monkton, Md. 21111
September 30, 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Judge John E. Beverungen, Esq
Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue Suite 103
Jefferson Building
Towson, Md. 21204

Dear Judge Beverungen,

I am lending support **against** the variance petition on the Dew Property Case No. 2015-0288-A, Property: 16332, 16334, and 16342 Matthews Rd. Monkton, Md. 21111

The Dew sisters contend that the need for variance was generated by the 300 foot setback requirement because the building envelope was extremely limited. The Dews can't just claim a hardship; they have to prove it. Limited isn't the same as impossible. How can it be impossible to find three building sites on 30 acres of land? Furthermore, if it is so limited, this would constitute a conflict in land use: the zoning isn't appropriate for the topography of the land.

Building homes so close to the property line would not conform to the goal of "locating buildings in harmony with site conditions. In fact, the proposed site with a setback of 20 feet from the main pasture would require bulldozing a densely forested area and it would concomitantly destroy the scenic view. At least 30-5- trees would have to be bulldozed to build the house on that site. Moreover, the proposed house is located above an intermittent spring/stream that meanders through both the Edgars' property at 16370 Matthews Rd. and the Dew sisters' properties. The R.C.8 County code supports this argument.

Developing three homes 20, 63, and 80 feet from the property line creates problems and safety issues for the neighbors impacted by this variance. We are worried that regular backyard activities in a home so close to that main pasture may cause the Edgars' horses to spook and panic.

Thank you for considering this request.

Sincerely,



Bonita L. Busta

LAW OFFICE OF
G. MACY NELSON, LLC

G. MACY NELSON
DAVID S. LYNCH

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com

TELEPHONE: (410) 296-8166
FACSIMILE: (410) 825-0670

RECEIVED

November 19, 2015

NOV 19 2015

Hand-Delivered

OFFICE OF ADMINISTRATIVE HEARINGS

Arnold Jablon, Director
Department of Permits, Approvals
and Inspections
County Office Building
111 W. Chesapeake Ave., Suite 105
Towson, Maryland, 21204

Hon. John Beverungen
The Office of Administrative Hearings
Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland, 21204

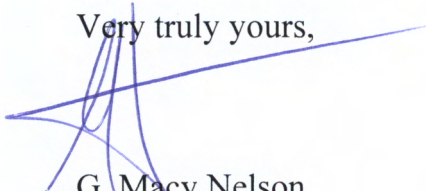
Re: Petition for Variance
Property: 16332, 16334 & 16342 Matthews Road
8th Election District
3rd Council District
Sara J. Dew, Julia M. Dew & Bailey A. Dew, Petitioners
Case No.: 2015-0288-A

Dear Director Jablon and Judge Beverungen:

I represent Stephen Edgar and Judith Edgar, 16370 Matthews Road, Monkton, Maryland 21111, who were protestants in the above-captioned case. My clients appeal the Administrative Law Judge's decision dated October 23, 2015 to grant the Petition for a Variance. I have attached a copy of the Opinion as Exhibit A.

I have attached a check made payable to Baltimore County, Maryland, in the amount of \$265.00 in costs.

Very truly yours,


G. Macy Nelson

GMN:ldr
Enclosures
cc: Sara J. Dew
Julia M. Dew
Bailey A. Dew

IN RE: PETITION FOR VARIANCE
(16332, 16334 & 16342 Matthews Rd.)
8th Election District
3rd Council District
Sarah J. Dew, Julia M. Dew &
Bailey A. Dew
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2015-0288-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is Petitioners' Motion for Reconsideration. By Order dated September 16, 2015, the requested variance relief was denied. With their motion, Petitioners have attached a red-lined site plan which rearranges the proposed building lots such that each would observe a 100 ft. minimum building setback in lieu of the 20 ft., 63 ft. and 80 ft. as sought in the original petition.

Petitioners have also included with their motion a revised Zoning Advisory Committee (ZAC) comment from the Department of Planning (DOP). This comment (dated October 14, 2015) provides the requisite findings and recommendations as required by the RC 8 regulations. In light of this new and additional information, the motion will be granted, subject to the condition noted below. A motion for reconsideration is properly granted upon showing that "some new or different factual situation exists that justifies a different conclusion." Calvert County v. Howlin Realty, Inc., 364 Md. 301, 325 (2001). I believe Petitioners satisfy this standard based upon the amendments to the Plan and the revised findings of the DOP.

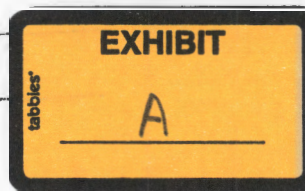
THEREFORE, IT IS ORDERED, this 23rd day of October, 2015, by the Administrative Law Judge for Baltimore County, that Petitioners' Motion for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Amended Petition for Variance, to permit three (3)

ORDER RECEIVED FOR FILING

Date 10/23/15

By Sen




single family dwellings on the subject property constructed no less than 100 feet from an adjacent property (under the circumstances described in B.C.Z.R. §1A09.7.B.5.b.(1)(a-c)), in lieu of the required 300 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners must comply with the revised ZAC comment of the DOP, a copy of which is attached hereto.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB: sln

ORDER RECEIVED FOR FILING

Date 10/23/15
By sln

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John E. Beverungen
Administrative Law Judge

DATE: October 14, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 16332, 16334 & 16342 Matthews Road

INFORMATION:

Case Number: 15-288

Petitioner: Sarah J. Farley, Julia M. Dew and Bailey A. Dew

Zoning: RC 8

Requested Action: Reconsideration of Variance Request

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has completed a finding as required by BCZR 1A09.4.A and in response to the Opinion and Order by the Office of Administrative Hearings in Case No. 2015-0288-A.

The petitioner has requested variances for 3 proposed single family dwellings for #16342, #16332 and #16334 Matthews Road. A revised site plan was received on October 8, 2015, which included revisions to the previously requested variance. Original recommendations made by the Department of Planning included the condition that the building envelope for #16342 be a minimum of 50' removed from the adjacent property lines in common with the Edgar property, #16370 Matthews Road. The current variance request is to permit a minimum 100 ft. setback for all three of the proposed dwellings in lieu of the required 300 ft. setback from cultivated fields or pastures. The previous variance request was for setback variances as close as 20', 80' and 63'.

The property is located in a RC 8 (Environmental Enhancement) zone. The zone requires 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" (BCZR 1A09.4.A.) 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 and archeological resources..."

RC 8 (BCZR 1A09.4A) requires elevations and drawing submittals to assure the proposed structure complies with the Comprehensive Manual of Development Policies (CMDP) (BCC Sections 32-4-223 and 32-4-224) The applicable CMDP standard for this situation is number 6 found on Page 178. This guideline states, "Design new structures to complement the site and surrounding community. This can be

ORDER RECEIVED FOR FILING
Date 10/23/15
By Sen

accomplished through the repetition of scale, proportion, mass, material and/or details of the existing buildings on the site or in the community.”

A site visit was conducted on July 2, 2015. The property is located primarily in a rural area. The revised layout of the proposed dwellings is consistent with the clustering of housing evident in the surrounding neighborhood, providing larger natural areas at the front and rear of the tract, and protecting views from Matthews Road. Thus, the proposed layout meets the goals of an Environmental Enhancement Zone (RC8) by concentrating the dwellings in a selected area of the tract.

The Department of Planning finds the proposed setback of 100’ in lieu of the previously proposed setbacks of 20’, 63’, and 80’, to be a sufficient distance from the neighboring properties, provided that a heavy vegetative screen is installed along the property lines of the proposed dwellings at #16332 and #16342 Matthews Road in common with those of the adjoining tracts in order to screen the view of the proposed development from the neighboring properties while complimenting the character of the surrounding area.

Should the Administrative Law Judge grant the variance request, the Department of Planning requests the following conditions be made part of the order to support its finding:

1. Review and approval of architectural elevations by the Department of Planning prior to approval of any building permit to ensure the proposed dwellings are compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area. Ensure that exterior of all buildings use the same finish materials and architectural details on all front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged. Design all accessory structures at a scale appropriate to the dwelling using the with the same architectural theme as the principal building on the site, and providing consistency in materials, colors, roof pitch, and style.
2. Orientation of the front of the proposed dwellings towards the panhandle drive.
3. Review and approval of a landscape plan by the Baltimore County Landscape Architect depicting the screening of the dwellings at #16332 and #16342 Matthews Road from adjacent properties.

For further information concerning the matters stated here in, please contact Kaylee Justice at 410-887-3480.

Division Chief:
AVA/KS

Kathy Schlabach

C: Kaylee Justice
Jean Tansey, RLA, PAI

ORDER RECEIVED FOR FILING

Date

10/23/15

By

sen



KEVIN KAMENETZ
County Executive

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

October 23, 2015

Geoffrey Schultz
10 Gerard Avenue, Suite 101
Timonium, Maryland 21093

MOTION FOR RECONSIDERATION


RE: Petition for Variance
Case No. 2015-0288-A
Property: 16332, 16334 & 16342 Matthews Road

Dear Mr. Schultz:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

C: Judith Edgar, 16370 Matthews Road, Monkton, Maryland 21111
Deane Schwatka, P.O. Box 62, Butler, Maryland 21023
Frank & Regina Duff, 16328 Matthews Road, Monkton, Maryland 21111
Bonita L. Busta, 16420 Matthews Road, P.O. Box 289, Monkton, MD 21111

IN RE: PETITION FOR VARIANCE
(16332, 16334 & 16342 Matthews Rd.)
8th Election District
3rd Council District
Sarah J. Dew, Julia M. Dew &
Bailey A. Dew
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2015-0288-A**

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is Petitioners' Motion for Reconsideration. By Order dated September 16, 2015, the requested variance relief was denied. With their motion, Petitioners have attached a red-lined site plan which rearranges the proposed building lots such that each would observe a 100 ft. minimum building setback in lieu of the 20 ft., 63 ft. and 80 ft. as sought in the original petition.

Petitioners have also included with their motion a revised Zoning Advisory Committee (ZAC) comment from the Department of Planning (DOP). This comment (dated October 14, 2015) provides the requisite findings and recommendations as required by the RC 8 regulations. In light of this new and additional information, the motion will be granted, subject to the condition noted below. A motion for reconsideration is properly granted upon showing that "some new or different factual situation exists that justifies a different conclusion." Calvert County v. Howlin Realty, Inc., 364 Md. 301, 325 (2001). I believe Petitioners satisfy this standard based upon the amendments to the Plan and the revised findings of the DOP.

THEREFORE, IT IS ORDERED, this 23rd day of October, 2015, by the Administrative Law Judge for Baltimore County, that Petitioners' Motion for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Amended Petition for Variance to Permit three (3)

ORDER RECEIVED FOR FILING
Date 10/23/15
By Sen

single family dwellings on the subject property constructed no less than 100 feet from an adjacent property (under the circumstances described in B.C.Z.R. §1A09.7.B.5.b.(1)(a-c)), in lieu of the required 300 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners must comply with the revised ZAC comment of the DOP, a copy of which is attached hereto.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB: sln

ORDER RECEIVED FOR FILING

Date 10/23/15
By sln

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John E. Beverungen
Administrative Law Judge

DATE: October 14, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 16332, 16334 & 16342 Matthews Road

INFORMATION:

Case Number: 15-288

Petitioner: Sarah J. Farley, Julia M. Dew and Bailey A. Dew

Zoning: RC 8

Requested Action: Reconsideration of Variance Request

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has completed a finding as required by BCZR 1A09.4.A and in response to the Opinion and Order by the Office of Administrative Hearings in Case No. 2015-0288-A.

The petitioner has requested variances for 3 proposed single family dwellings for #16342, #16332 and #16334 Matthews Road. A revised site plan was received on October 8, 2015, which included revisions to the previously requested variance. Original recommendations made by the Department of Planning included the condition that the building envelope for #16342 be a minimum of 50' removed from the adjacent property lines in common with the Edgar property, #16370 Matthews Road. The current variance request is to permit a minimum 100 ft. setback for all three of the proposed dwellings in lieu of the required 300 ft. setback from cultivated fields or pastures. The previous variance request was for setback variances as close as 20', 80' and 63'.

The property is located in a RC 8 (Environmental Enhancement) zone. The zone requires 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" (BCZR 1A09.4.A.) 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 and archeological resources..."

RC 8 (BCZR 1A09.4A) requires elevations and drawing submittals to assure the proposed structure complies with the Comprehensive Manual of Development Policies (CMDP) (BCC Sections 32-4-223 and 32-4-224) The applicable CMDP standard for this situation is number 6 found on Page 178. This guideline states, "Design new structures to complement the site and surrounding community. This can be

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Date

10/23/15

By

sen

accomplished through the repetition of scale, proportion, mass, material and/or details of the existing buildings on the site or in the community.”

A site visit was conducted on July 2, 2015. The property is located primarily in a rural area. The revised layout of the proposed dwellings is consistent with the clustering of housing evident in the surrounding neighborhood, providing larger natural areas at the front and rear of the tract, and protecting views from Matthews Road. Thus, the proposed layout meets the goals of an Environmental Enhancement Zone (RC8) by concentrating the dwellings in a selected area of the tract.

The Department of Planning finds the proposed setback of 100' in lieu of the previously proposed setbacks of 20', 63', and 80', to be a sufficient distance from the neighboring properties, provided that a heavy vegetative screen is installed along the property lines of the proposed dwellings at #16332 and #16342 Matthews Road in common with those of the adjoining tracts in order to screen the view of the proposed development from the neighboring properties while complimenting the character of the surrounding area.

Should the Administrative Law Judge grant the variance request, the Department of Planning requests the following conditions be made part of the order to support its finding:

1. Review and approval of architectural elevations by the Department of Planning prior to approval of any building permit to ensure the proposed dwellings are compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area. Ensure that exterior of all buildings use the same finish materials and architectural details on all front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged. Design all accessory structures at a scale appropriate to the dwelling using the with the same architectural theme as the principal building on the site, and providing consistency in materials, colors, roof pitch, and style.
2. Orientation of the front of the proposed dwellings towards the panhandle drive.
3. Review and approval of a landscape plan by the Baltimore County Landscape Architect depicting the screening of the dwellings at #16332 and #16342 Matthews Road from adjacent properties.

For further information concerning the matters stated here in, please contact Kaylee Justice at 410-887-3480.

Division Chief:
AVA/KS

Kathy Schlabach

C: Kaylee Justice
Jean Tansey, RLA, PAI

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Date 10/23/15
By sen



KEVIN KAMENETZ
County Executive

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

September 16, 2015

Geoffrey Schultz
10 Gerard Avenue
Timonium, Maryland 21093

RE: Petition for Variance
Case No. 2015-0288-A
Property: 16332, 16334 & 16342 Matthews Road

Dear Mr. Schultz:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", written over the printed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

C: Judith Edgar, 16370 Matthews Road, Monkton, Maryland 21111

IN RE: PETITION FOR VARIANCE
(16332, 16334 & 16342 Matthews Rd.)
8th Election District
3rd Council District
Sarah J. Dew, Julia M. Dew &
Bailey A. Dew
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2015-0288-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Sarah J. Dew, Julia M. Dew and Bailey A. Dew, legal owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1A09.7.B.5.b(1)(a), (b) and (c) to permit a dwelling to be constructed 20 ft. for #16342, 80 ft. for #16332 and 63 ft. for #16334 from an adjacent property that is either: (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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, and (C) land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement, in lieu of the minimum required 300 ft. A site plan was marked as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the request was Sally and Julie Dew. Geoffrey Schultz, a licensed surveyor, assisted the Petitioners. Judith Edgar, a neighbor, attended and opposed the request. Ms. Edgar objected to a dwelling being constructed within 50 ft. of her property boundary. She believed the proposed dwelling was "way too close" to her farm and horse pastures, and she was concerned as well with the loss of privacy.

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By Den

The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the request, although the DOP suggested that the minimum setback be increased to 50 feet, and that landscaping be provided along the boundary with the Edgar property.

The subject property is approximately 30.744 acres and is zoned RC 8. The Petitioners (who are sisters) inherited the land from their father and would like to construct three (3) single family dwellings (SFD) on the property, but require variance relief to do so. The need for variance relief was generated by the 300 ft. setback requirement contained in the RC-8 zoning regulations. Were this an "ordinary" variance case I believe Petitioners would be entitled to relief, for the reasons noted below. But, the RC-8 zone (which is seldom encountered) and accompanying regulations contain additional requirements that have not been satisfied at this juncture.

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).

Petitioners can satisfy this test. The property is of irregular dimensions and shape, and is therefore unique. The unique and irregular shape of the property complicates the task of siting a dwelling in compliance with the setbacks, and Mr. Schultz presented a map which indicated that the available building envelope (if the 300 ft. setback was observed) would be extremely limited. If the B.C.Z.R. were strictly interpreted Petitioners would experience a practical difficulty, given they would be unable to construct the proposed single family dwellings. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief

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By sln

without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County agency opposition.

But as noted above, there are additional requirements associated with a zoning request in the RC-8 zone. The regulations require the Director of the DOP to certify in writing that the request for variance will be consistent with the spirit and intent of the regulations, and certain materials must be provided to the DOP to support such a finding. B.C.Z.R. § 1A09.4.A. In this case the file contains a ZAC comment from the DOP indicating that staff conducted a site visit, but the comment does not contain the necessary findings discussed in the above-cited regulation.

Two other issues merit consideration. First, it is not altogether clear that a 300 ft. "setback" is applicable in this case. The regulations indicate that a dwelling in the RC-8 zone shall be setback 300 ft. from an adjacent property only under certain circumstances "[a]s determined by the Director of Environmental Protection and Sustainability" ("DEPS"). B.C.Z.R. § 1A09.7.B.5.b. In this case, the file does not contain either a ZAC comment from DEPS or the finding/determination required by the aforementioned regulation.

The other issue concerns the density for the proposed subdivision. The state tax records indicate the property contains 29.557 acres, which would entitle Petitioners to 2 lots per B.C.Z.R. § 1A09.7.B.1. But the site plan, which indicates it is based upon a "boundary survey prepared by Gerhold, Cross and Etzel," Ex. 1, note 29, lists the "net area" as 30.427 acres (after deducting 0.317 acres from the gross figure for highway widening). While state tax records can contain errors, the Petitioners did not provide a copy of any survey definitively stating the acreage of the parcel. The imprecise wording of the regulations further confuses the issue, in that they provide that "10 to 30" acres yields 2 lots, while "30 to 50 acres" yields 3 lots. Assuming Petitioners are correct and the parcel here is 30.427 acres, it is unclear whether 2 or 3 lots would be allowed. The

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By Den

regulations should have, but did not, provide for 2 lots with "10 to 30" acres and 3 lots with "31 to 50" acres, as was done in the case of parcels with "51 acres or more" in the next portion of the regulation. Without the answers to these questions I do not believe the Petition can be granted, although if Petitioners are able to provide additional information responsive to the above inquiries (in connection with a motion for reconsideration) I will reevaluate the request.

THEREFORE, IT IS ORDERED, this 16th day of September, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §§1A09.7.B.5.b(1)(a), (b) and (c) to permit a dwelling to be constructed 20 ft. for #16342, 80 ft. for #16332 and 63 ft. for #16334 from an adjacent property that is either: (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 agricultural production, excluding forestry, that is not in production as part of a federal or state conservation program, and (C) land that is suitable for agricultural production, excluding forestry, and is subject to an agricultural or conservation easement, in lieu of the minimum required 300 ft., be and is hereby DENIED.

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

JEB: sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

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Date 9-16-15

By sln



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

Mr. John E. Beverungen
Administrative Law Judge
for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue
Suite 103
Towson, MD 21204

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OCT 15 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Re: **Motion for Reconsideration**
Petition for Variance
16322, 16334, & 16342 Matthews Road
Case No. 2015-0288-A

Dear Mr. Beverungen,

On behalf of myself and my clients, Sarah J. Dew, Julia M. Dew, and Bailey A. Dew, we are hereby requesting a reconsideration of the decision rendered in the above-referenced zoning case, based on the following information to be introduced for clarification purposes.

Firstly, after reviewing the zoning plan and minor subdivision plan, and also after considering concerns voiced by adjacent property owners, my clients have agreed to rearrange the lots and the proposed driveway to increase the minimum building setback to 100 feet for all three lots as shown on the attached red-lined plan. My clients are in agreement to revise the variance request to 100 feet for each lot in-lieu-of the lesser setbacks originally requested.

Secondly, to clarify, the zoning plat as filed is based on a field-run boundary survey performed by Gerhold, Cross, and Etzel, Ltd. for my clients in the year 2000. We have attached a letter of certification by Mr. Scott A. Lindgren, a Professional Land Surveyor and Principal with the firm. The 30.406 Ac. area of RC-8 was computed by my firm by importing the computed boundary into the zoning map, which are both referred to the Maryland Coordinate System, resulting in an accurate measure of the zoning areas.

Thirdly, with regards to the applicability of the required 300 foot building setback, and the required confirmation by the Department of Environmental Protection and Sustainability ("DEPS"), we have contacted Mr. David Lykins, Deputy Director of DEPS, who informed us that the Agricultural Component of his Department has since been transferred to the Office of Planning, and that it is now their responsibility to make that determination. We have attached correspondence from Mr. Wally Lippencott of the Planning Office which confirms his office's support of the plan. For any additional information, especially with regards to the 300 foot setback requirement, please contact their office directly as instructed by their staff.

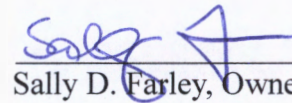
Finally, I would like to reaffirm that in addition to the zoning relief requested, the project is also subject to approval of all County Agencies through the Minor Subdivision Process and the lots will also be reviewed through the building permit process.

Thank you for your consideration in this matter.

Very Truly Yours,



Geoffrey C. Schultz, Member



Sally D. Farley, Owner

cc: Judith Edgar w/ enc.
Julia M. Dew w/ enc.
Sarah J. Dew w/enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John E. Beverungen
Administrative Law Judge

DATE: October 14, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 16332, 16334 & 16342 Matthews Road

INFORMATION:

Case Number: 15-288

Petitioner: Sarah J. Farley, Julia M. Dew and Bailey A. Dew

Zoning: RC 8

Requested Action: Reconsideration of Variance Request

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has completed a finding as required by BCZR 1A09.4.A and in response to the Opinion and Order by the Office of Administrative Hearings in Case No. 2015-0288-A.

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A site visit was conducted on July 2, 2015. The property is located primarily in a rural area. The revised layout of the proposed dwellings is consistent with the clustering of housing evident in the surrounding neighborhood, providing larger natural areas at the front and rear of the tract, and protecting views from Matthews Road. Thus, the proposed layout meets the goals of an Environmental Enhancement Zone (RC8) by concentrating the dwellings in a selected area of the tract.

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2. Orientation of the front of the proposed dwellings towards the panhandle drive.
3. Review and approval of a landscape plan by the Baltimore County Landscape Architect depicting the screening of the dwellings at #16332 and #16342 Matthews Road from adjacent properties.

For further information concerning the matters stated here in, please contact Kaylee Justice at 410-887-3480.

Division Chief:
AVA/KS

Kathy Schlabach

C: Kaylee Justice
Jean Tansey, RLA, PAI



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

Mr. John E. Beverungen
Administrative Law Judge for
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue
Suite 103, The Jefferson Building
Towson, MD 21204

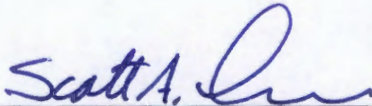
RE: Petition for Variance
Case No. 2015-0288-A
16332, 16334, & 16342 Mathews Road
Tax Map 28 – Grid 5 – Parcel 27

Dear Mr. Beverungen,

I hereby certify that Gerhold, Cross, and Etzel, Ltd. performed a field-run boundary survey on the above-referenced "Dew Property" in 2000, and determined the gross area of the parcel to be 30.744 acres.

Very Truly Yours,





Scott A. Lindgren, Principal
MD Professional Land Surveyor 21081

License expires/renews 2/26/17

GENERAL NOTES:

1. ALL LOTS SHOWN HEREON TO BE SERVED BY PRIVATE WELL AND SEPTIC SYSTEMS.
2. SOIL TYPES TAKEN FROM USDA NATURAL RESOURCES CONSERVATION SERVICE WEB SOIL SURVEY.
3. ADI 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
4. ADI 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
5. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
6. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
7. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
8. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
9. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
10. EXISTING SITE USE IS VACANT AND AGRICULTURAL. PROPOSED USE IS THREE SINGLE FAMILY.
11. MAXIMUM BUILDING HEIGHT PERMITTED FOR PRINCIPAL STRUCTURES IN RC ZONES IS 35 FEET.
12. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.
13. THIS SITE IS NOT IN ANY FAULTED BASIC SERVICES OR MORATORIUM AREAS.
14. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HAZARDOUS MATERIALS ON THIS SITE.
15. PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE 17. ALL DRIVEWAYS ARE TO BE PAVED WITH A DURABLE AND DISTRESS SURFACE.
16. ELEVATIONS SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSION POINTS, FENCES AND PROTECTIONS INTO PARCELS MAY BE CONSTRUCTED OUTSIDE ZONING REGULATIONS.
17. THE SHADOW LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY DISOBEDIENCE. ANY BUILDING LOCATED IN AN RC ZONE MAY BE SUBJECT TO RECOMMENDATIONS OR DISCRETIONARY ACTION FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO MOSE, GOORS, FUMES, DUST, FERTILIZER, SOIL MANAGEMENT, STORAGE OF MANURE, AND THE POSITION OF PARKING OR OTHERS. ALL OPERATIONS TO BE A PUBLIC OR PRIVATE NUISANCE. IF THE OPERATION COMPLIES WITH THESE REGULATIONS, AND ALL FEDERAL, STATE, OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS, PERMIT ASSESSMENTS SHALL GRANT TO ADJACENT BALTIMORE COUNTY PROPERTY. A RIGHT OF ENTRY FOR THE PURPOSE OF INSPECTION AND/OR MONITORING SITE VISITS, SAID INSPECTION AND/OR MONITORING VISITS SHALL ONLY BE CONDUCTED DURING NORMAL BALTIMORE COUNTY WORKING HOURS (8:00AM TO 4:00PM MONDAY THROUGH FRIDAY).
18. MAXIMUM BUILDING HEIGHT PERMITTED FOR PRINCIPAL STRUCTURES IN RC-8 ZONING IS 35 FEET.
19. THE PROPERTY OWNERS SHALL HOLD FREE AND UNLIT BALTIMORE COUNTY GOVERNMENT FROM ANY AND ALL DAMAGES CONSERVATION EASEMENT, AND DRAINAGE AND UTILITY EASEMENT AREAS TO THE FOREST BUFFER EASEMENT. THE PROPOSED PARALLEL DRIVE MUST MEET THE MINIMUM BALTIMORE COUNTY STANDARDS FOR PAVING TYPE, WIDTH, AND 25. THE PARALLEL DRIVE WILL CONFORM WITH STANDARD PLATE R-2.
20. THE PARALLEL DRIVE SHALL BE PAVED WITH ONE YEAR OF THE EXPIRANCE OF THE FIRST OCCUPANCY PERMIT AND PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST. A TERM IS 20,000 SQUARE FEET. THE PARALLEL DRIVE HAS BEEN VERIFIED FROM A SURVEY, SURVEY PREPARED BY GERRARD, GROSS AND ETZEL.
21. SITE LOCATED IN GROWTH TIER 4 BUT IS IN A GRADUATED PRELIMINARY PLAN AREA.

MIXED ZONING LOT AREA TABLE

LOT	TOTAL AREA	RC-7 AREA	RC-8 AREA
LOT 1	7.433 AC	0.100 AC	7.333 AC
LOT 2	6.455 AC	0.089 AC	6.366 AC
LOT 3	16.539 AC	0.098 AC	16.441 AC
HMA 1	0.124 AC	0.026 AC	0.098 AC
HMA 2	0.193 AC	0.015 AC	0.178 AC
TOTAL	30.744 AC	0.338 AC	30.406 AC

PROPERTY COORDINATES

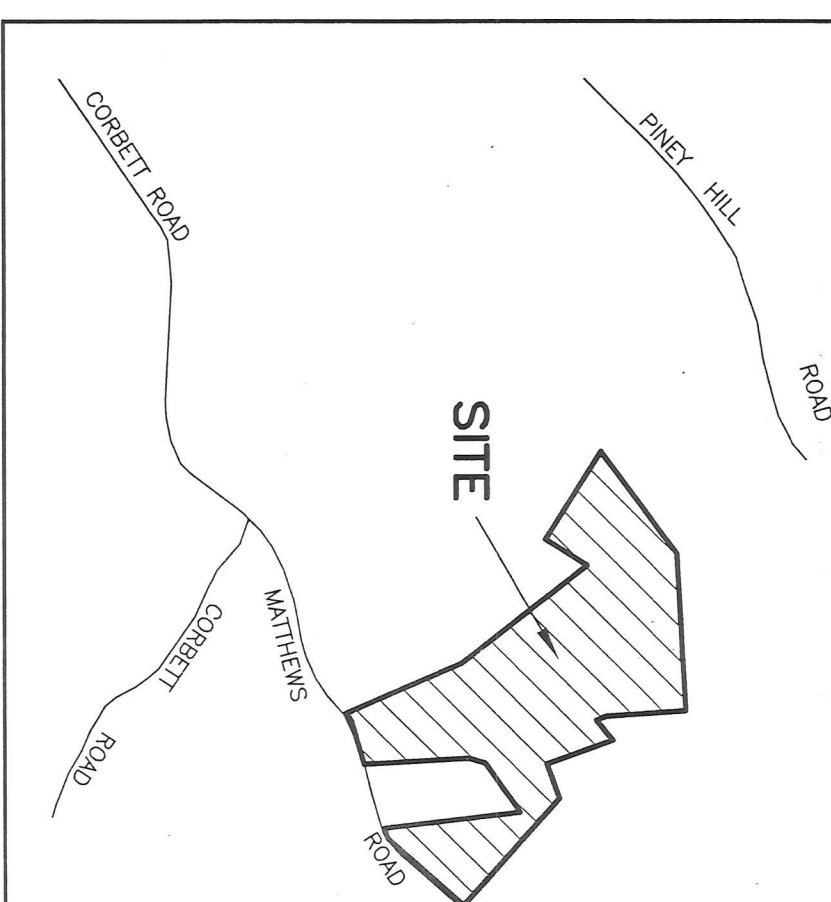
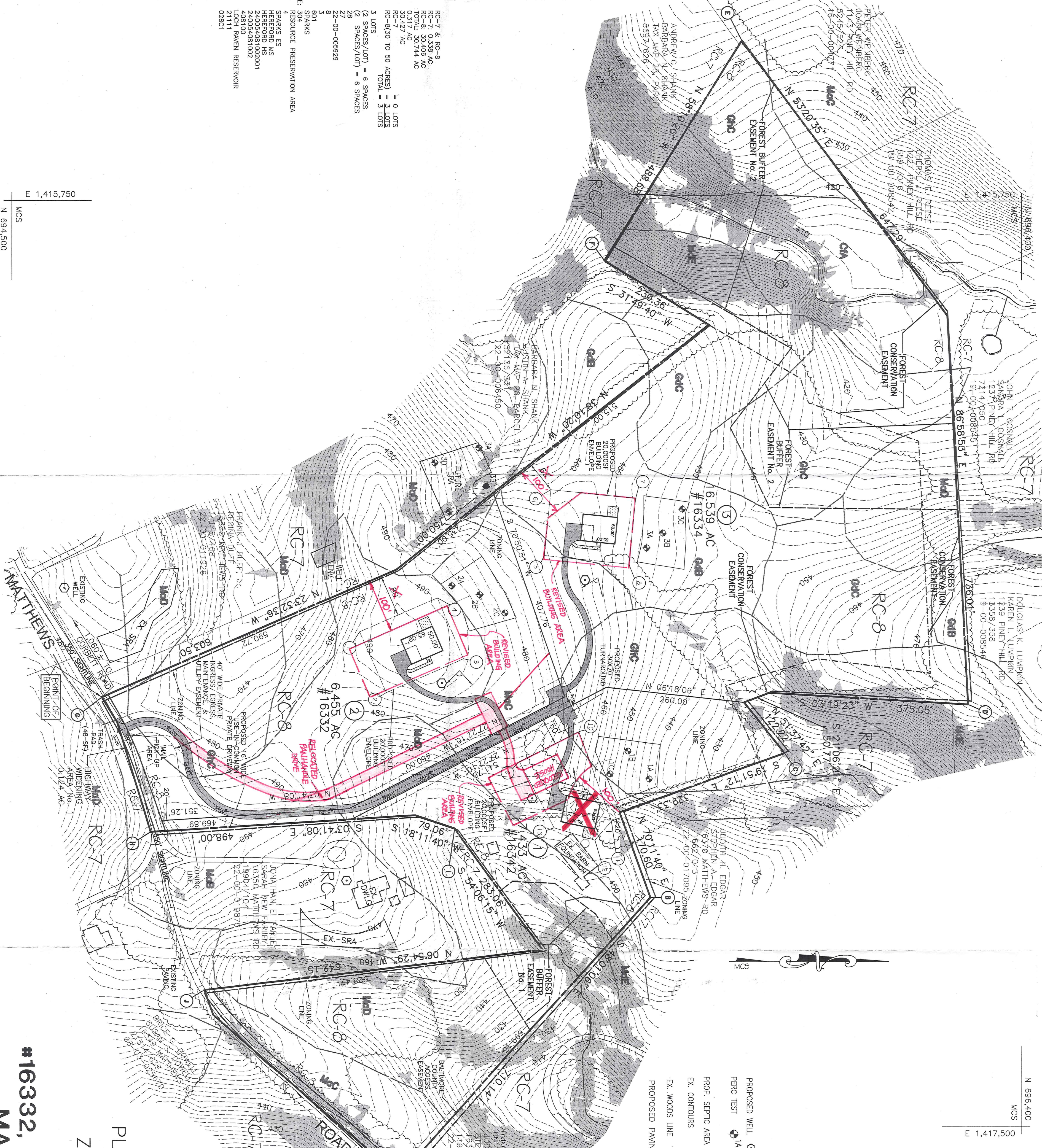
Point	Nothing	Nothing	Nothing
A	695226.707	1417594.422	1416565.042
B	695701.715	1417068.533	1416679.636
C	695953.667	1416794.180	1416615.725
D	696299.582	1416701.817	1416501.131
E	695974.376	1415447.555	1416421.206
F	695616.659	1415982.758	1416296.866
G	694689.500	1416888.827	1416313.290
H	692761.035	1416943.181	1416376.630
I	693531.112	1416935.935	1416810.425
J	694861.591	1417242.593	1416752.959

BUILDING ENVELOPE COORDINATES

Point	Nothing	Nothing	Nothing
1	695153.875	1416565.042	
2	695203.806	1416679.636	
3	695350.487	1416615.725	
4	695300.566	1416501.131	
5	695503.091	1416421.206	
6	695515.923	1416296.866	
7	695675.078	1416313.290	
8	695662.246	1416437.630	
9	695456.522	1416810.425	
10	695567.929	1416752.959	
11	695628.519	1416922.312	
12	695997.827	1416935.935	
13	695920.884	1416934.753	

SITE DATA

1. EXISTING ZONING: RC-7 & RC-8
2. GROSS AREA: 30,406 AC
3. HIGHWAY WIDENING AREA: 0.174 AC
4. NET AREA: 30,427 AC
5. NO. OF LOTS ALLOWED: RC-7 = 50 ACROSS, RC-8 = 50 ACROSS
6. NO. OF LOTS PROPOSED: 3 LOTS
7. PARKING REQUIRED: (2 SPACES/LOT) = 6 SPACES
8. TAXING: 27
9. TAXING: 27
10. PARCEL: 22-00-007095
11. TAX ACCOUNT NUMBER: 601
12. CONJUGAL DISTRICT: 3RD
13. CONJUGAL DISTRICT: 3RD
14. TRANSPORTATION ANALYSIS ZONE: SPARKS
15. REGIONAL PLANNING DISTRICT CODE: 17
16. LAND MANAGEMENT AREA: RESOURCE PRESERVATION AREA
17. GROWTH TIER: 4
18. GROWTH TIER: 4
19. MIDDLE SCHOOL DISTRICT: HERFORD HS
20. MIDDLE SCHOOL DISTRICT: HERFORD HS
21. HIGH SCHOOL DISTRICT: 2400-008100201
22. CENSUS BLOCK GROUP: 16330 MATTHEWS RD
23. CENSUS BLOCK GROUP: 16330 MATTHEWS RD
24. CENSUS TRACT: 408100
25. WATERFRESH NAME: JOHN RAVEN RESERVOIR
26. WATERFRESH NAME: JOHN RAVEN RESERVOIR
27. GIS FILE NUMBER (200 SCALE): 02851



LEGEND

- PROPOSED WELL
- PERO TEST
- PROP. SEPTIC AREA
- EX. CONTIGUOUS
- EX. WOODS LINE
- PROPOSED PAVING
- 25% SLOPES OR GREATER
- PROP. HOUSE SITE w/ HOUSE DIRECTION
- STREAM
- FOREST BUFFER EASEMENT
- FOREST CONSERVATION EASEMENT
- ZONING LINE

REDLINED*
PLAT TO ACCOMPANY PETITIONS FOR ZONING VARIANCES DEW PROPERTY
#16332, #16334, AND #16342 MATTHEWS ROAD

Polaris
 LAND CONSULTANTS

10 GERRARD AVENUE
 TIMONUM, MD 21093
 PHONE: (410) 252-4444
 FAX: (410) 252-4493
 WWW.POLARISLLC.COM

STATE OF MARYLAND
 DEPARTMENT OF GENERAL SERVICES
 GEORGE W. COOPER, JR., COMPTROLLER GENERAL

6/9/2015
 DATE
 MARYLAND REG. NO. 21154 / 2017
 LICENSE EXPIRATION

3RD CONJUGAL DISTRICT
 BALTIMORE COUNTY, MARYLAND
 DATE: 06-04-15
 SCALE: 1" = 100'

OWNER:
 BAILEY A. DEW, JULIA M. DEW
 SARAH J. DEW
 1339 CORBETT ROAD
 MONKTON, MD 21111
 410-585-5725
 10880/216
 22-00-005929

* REDLINED 10/15/15
 To Accompany
 Motion For
 RECONSIDERATION.

SHEET 1 OF 1
 DRAWN BY: CGC
 CHECKED BY: GC5
 JOB NO.: 12-063

1. ALL LOTS SHOWN HEREIN TO BE SERVED BY PRIVATE WELL AND SEPTIC SYSTEMS.
2. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS ON THE SITE.
3. A.B.T.'S: 3 X 12.4 = 37' REQUIRED FOR MINOR SUBDIVISIONS.
4. LOTS ARE FOR SALE AND TO BE SUBDIVIDED INTO 10 ACRES.
5. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD SINCE NOVEMBER 15, 1994 AND IS NOT LOCATED IN ANY OF THE ZONING DISTRICTS.
6. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. EXISTING SITE USE IS VACANT AND AGRICULTURAL. PROPOSED USE IS THREE SINGLE FAMILY DWELLINGS.
8. EXISTING SITE USE IS VACANT AND AGRICULTURAL. PROPOSED USE IS THREE SINGLE FAMILY DWELLINGS.
9. MAXIMUM BUILDING HEIGHT PERMITTED FOR PRINCIPAL STRUCTURES IN RC ZONES IS 35 FEET.
10. PREVENT CREATING ANY UNDESIRABLE DRAINAGE PATTERNS OR PERMANENT TO CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY BE DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES WOULD BE THE FULL RESPONSIBILITY OF THE APPLICANT.
11. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HAZARDOUS MATERIALS ON THIS SITE.
12. THIS PROPERTY IS NOT HISTORIC, AND IS NOT LOCATED WITHIN A HISTORIC DISTRICT.
13. ALL DRIVEWAYS ARE TO BE PAVED WITH A DURABLE AND DUSTLESS SURFACE.
14. PRIVATE DRIVEWAY ENTRANCES SHALL BE LOCATED WITHIN A STANDARD DETAIL PLATE ENVELOPE, BUT MUST COMPLY WITH SECTION 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
15. ACCESSORY STRUCTURES, FENCES AND PROTECTIONS FROM ROAD WITHOUT CURB AND GUTTER.
16. ALL DRIVEWAYS ARE TO BE PAVED WITH A DURABLE AND DUSTLESS SURFACE.
17. ACCESSORY STRUCTURES, FENCES AND PROTECTIONS FROM ROAD WITHOUT CURB AND GUTTER.
18. THE ENVELOPE, BUT MUST COMPLY WITH SECTION 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
19. OBSTRUCTIONS.
20. OBSTRUCTIONS.
21. OBSTRUCTIONS.
22. OBSTRUCTIONS.
23. OBSTRUCTIONS.
24. OBSTRUCTIONS.
25. OBSTRUCTIONS.
26. OBSTRUCTIONS.
27. OBSTRUCTIONS.
28. OBSTRUCTIONS.
29. OBSTRUCTIONS.
30. OBSTRUCTIONS.

MIXED ZONING LOT AREA TABLE

LOT	TOTAL AREA	RC-7 AREA	RC-8 AREA
LOT 1	7.433 AC	0.100 AC	7.333 AC
LOT 2	6.455 AC	0.099 AC	6.356 AC
LOT 3	16.539 AC	0.098 AC	16.441 AC
HWM 1	0.124 AC	0.028 AC	0.096 AC
HWM 2	0.193 AC	0.015 AC	0.178 AC
TOTAL	30.744 AC	0.338 AC	30.406 AC

PROPERTY COORDINATES

Point	Northing	Eastng
A	695226.707	1417594.422
B	695270.715	1417594.422
C	695295.362	1416792.180
D	696229.582	1416701.817
E	695874.376	1415447.555
F	695616.559	1415682.758
G	694669.500	1416688.927
H	694761.035	1416943.181
I	695333.112	1416935.855
J	694861.591	1417242.353

BUILDING ENVELOPE COORDINATES

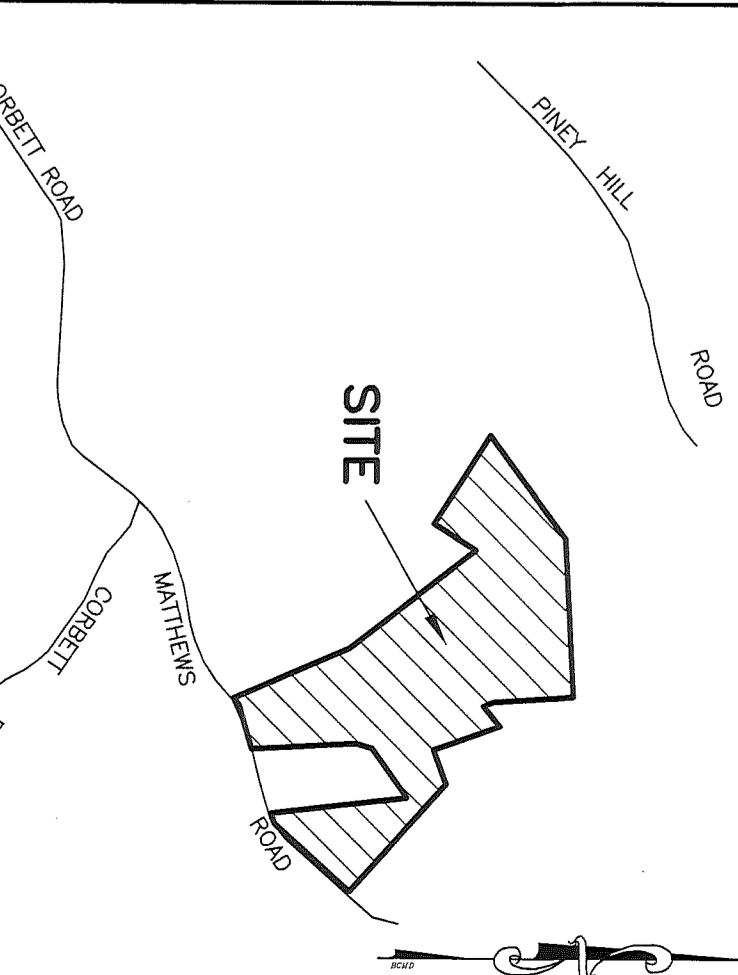
Point	Northing	Eastng
1	695153.875	1416585.042
2	695203.806	1416719.836
3	695203.806	1416719.836
4	695203.806	1416719.836
5	695203.806	1416719.836
6	695203.806	1416719.836
7	695203.806	1416719.836
8	695203.806	1416719.836
9	695203.806	1416719.836
10	695203.806	1416719.836
11	695203.806	1416719.836
12	695203.806	1416719.836
13	695203.806	1416719.836

PROPERTY COORDINATES

Point	Northing	Eastng
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7	695203.806	1416719.836
8	695203.806	1416719.836
9	695203.806	1416719.836
10	695203.806	1416719.836
11	695203.806	1416719.836
12	695203.806	1416719.836
13	695203.806	1416719.836

SITE DATA

1. EXISTING ZONING: RC-7 & RC-8
2. GROSS AREA: 30.744 AC
3. HIGHWAY WIDENING AREA: 0.317 AC
4. NO. OF LOTS ALLOWED: 3 LOTS
5. NO. OF LOTS PROPOSED: 3 LOTS
6. NO. OF LOTS PROPOSED: 3 LOTS
7. PARKING REQUIRED: 6 SPACES
8. TAX MAP: 22-00-005929
9. TAX MAP: 22-00-005929
10. TAX MAP: 22-00-005929
11. TAX MAP: 22-00-005929
12. TAX MAP: 22-00-005929
13. TAX MAP: 22-00-005929
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29. TAX MAP: 22-00-005929
30. TAX MAP: 22-00-005929



- VICINITY MAP**
SCALE: 1"=100'
- LEGEND**
- PROPOSED WELL
 - PERC TEST
 - PROP. SEPTIC AREA
 - EX. CONTOURS
 - EX. WOODS LINE
 - PROPOSED PAVING
 - 25% SLOPES OR GREATER
 - PROP. HOUSE SITE w/ HOUSE DIRECTION
 - STREAM
 - FOREST BUFFER EASEMENT
 - FOREST CONSERVATION EASEMENT
 - ZONING LINE

PLAT TO ACCOMPANY PETITIONS FOR ZONING VARIANCES DEW PROPERTY

#16332, #16334, AND #16342 MATTHEWS ROAD

3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
DATE: 06-04-15

OWNER:
BAILEY A. DEW, JULIA M. DEW
SARAH J. DEW
1339 CORBETT ROAD
MONKTON, MD 21111
410-585-5725
10880/216
22-00-005929

Polaris LAND CONSULTANTS

10 GERRARD AVENUE
SUITE 101
THONONK, MD 21093
PHONE: (410) 252-4443
FAX: (410) 252-4443
WWW.POLARIS.LC.COM

LAND SURVEYING - SUBDIVISION DESIGN - COMMERCIAL SITE DESIGN - LAND USE & PLANNING

6/9/2015
DATE

GEOFFREY C. SCHULTZ
MARYLAND REG. NO. 21154
LICENSE EXPIRATION: 1/2017

PETITIONER'S

EXHIBIT NO. _____

SHEET 1 OF 1

DRAWN BY: CRC

CHECKED BY: GCS

JOB NO.: 12-063

APPEAL

Petition for Variance
(16332, 16334 & 16342 Mathews Road)
8th Election District – 3rd Councilmanic District
Legal Owners: Sarah J. Dew, Julia M. Dew and Bailey A. Dew

Case No. 2015-0288-A

NOV 23 2015

MATTHEWS COUNTY
BOARD OF APPEALS

Petition for Variance Hearing (June 10, 2015)

Zoning Description of Property

Notice of Zoning Hearing (July 14, 2015 for September 9, 2015 hearing)
(June 23, 2015 for August 3, 2015 hearing date- postponed)

Certificate of Publication (August 20, 2015)
(July 14, 2015)

Certificate of Posting (August 17, 2015) John H. Altmeyer

Entry of Appearance by People's Counsel – June 22, 2015

Petitioner(s) Sign-in Sheet – One
Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -
1. Site Plan

Protestants' Exhibits –
None

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (DENIED – September 16, 2015)

Motion for Reconsideration Request by Geoffrey C. Schultz on October 15, 2015

Order on Motion for Reconsideration- (GRANTED- October 23, 2015)

Notice of Appeal –G. Macy Nelson, Esq. on November 19, 2015