

MEMORANDUM

DATE: February 8, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0107-XA- Appeal Period Expired

The appeal period for the above-referenced case expired on February 5, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File
Office of Administrative Hearings

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

(21305 Heathcote Road)

7th Election District

3rd Council District

Carol Elizabeth & Carey Lue Carton

Legal Owners

Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
*
* **Case No. 2016-0107-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 21305 Heathcote Road. The Petitions were filed on behalf of Carol and Carey Carton, legal owners of the subject property ("Petitioners"). The petition for special exception seeks approval for a Class 7 or Class 8 Brewery, including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events such as beer tasting or public gatherings associated with the brewery. The Petition for Variance seeks relief per Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping; (2) to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface; (3) to permit a parking area not to be striped in lieu of the striping requirement; and (4) to allow a two-way access driveway to have a width of 10 ft. in lieu of the required 20 ft. A site plan depicting the proposed improvements was marked and accepted into evidence as Petitioners' Exhibit No. 1.

Appearing at the hearing in support of the petitions was Carol and Carey Carton. Bruce E. Doak, a licensed surveyor from Bruce E. Doak Consulting, LLC, assisted the Petitioners. The

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Date 1-6-16

By Sen

Petition was advertised and posted as required by the B.C.Z.R. No protestants or interested citizens attended the hearing. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). None of the agencies opposed the requests, and their comments (except as discussed herein) will be included as conditions in the Order below.

The subject property is approximately 24 acres and is zoned RC 2. The property is improved with a single-family dwelling, and the Petitioners reside at the property with their children. Petitioners cultivate hops at the site, and explained they would like to operate a farm brewery on the premises. The Petitioners have at other locations grown and sold hops since 2006, and have grown hops at the subject property since 2013.

Petitioners explained at length the process for cultivating hops and brewing beer, and provided a detailed description of the brewery operation, including proposed hours of operation and projected number of barrels produced per year. Petitioners estimate that in the first year of operation they would produce less than 1,000 barrels, and that within a five year period output would increase to approximately 3,000 barrels. The Petitioners would operate the brewery by themselves without employees in the first year, but they anticipate hiring perhaps 2-4 additional employees over the next five years. Petitioners' Ex. 6. Petitioners also explained they will grow on site no less than 51% of the hops required for the several varieties of beer they plan to sell, and a note to that effect was added to the site plan per the DOP's request.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz

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2 Date 1-6-16
By SEN

standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Doak opined the use would not be detrimental to the surrounding community, and would otherwise comply with B.C.Z.R. §502.1. In addition, Petitioners presented letters of support from each of their neighbors in this sparsely populated, rural area. Petitioners' Exs. 4 & 5. As such, the petition for special exception will be granted.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The large property is irregularly shaped and there is a significant topographical change throughout the site. As such the property is unique. If the B.C.Z.R. were strictly interpreted Petitioners would suffer a practical difficulty, in that they would be unable to operate the proposed brewery. 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.

ZAC COMMENTS

In addition to several other conditions which are included in the Order below, both the DOP and the Bureau of DPR indicated that off-street parking at the site should comply with

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By sln

BCZR §409, which would entail, among other things, a paved surface with striped parking spots, etc. Having reviewed the site plan, photos and hearing the Petitioners describe the nature of the proposed enterprise, I do not believe that such requirements should be imposed at this juncture. The proposed farm brewery is of modest size, and as Petitioners explained, customers and those attending special events can park on a gravel/stone area adjacent to the cultivated fields, as is frequently done at agricultural events and festivals. Should Petitioners' nascent business become successful, they will likely have to revisit this issue, but I do not believe that such a requirement is warranted at this time.

The only other outstanding issue concerns the promotional events which may be held at the property. Under state law, the holder of a Class 8 (farm brewery) license may on a yearly basis have twelve (12) promotional events; each such event is limited to three (3) days in duration. Md. Ann. Code Art. 2B, §2-209. The DOP expressed concern with regard to such promotional events, especially since this is the first "farm brewery" proposed in Baltimore County. As such, that agency does not have any experience or a template upon which to base its recommendations, and suggests that a cautious approach be taken, whereby the Petitioners must obtain separate approval from the County for any events in excess of six (twelve being the maximum permitted under state law). I concur with the DOP's suggestion, and a condition to that effect is included below. The DOP also mentioned in its comment the possibility of the Petitioners obtaining a "beer festival license" under Art. 2B §8-802 of the Annotated Code. After reviewing that provision, it does not appear as if such a license could be issued for the subject premises since the law prohibits the event at a location which holds an "alcoholic beverages license." Art. 2B, §8-802(f)(2).

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 6th day of January, 2016, that the Petition for Special Exception under the B.C.Z.R. for a Class

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4 Date 1-6-16
By Den

8 Brewery, including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events such as beer tasting or public gatherings associated with the brewery, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping; (2) to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface; (3) to permit a parking area not to be striped in lieu of the striping requirement; and (4) to allow a two-way access driveway to have a width of 10 ft. in lieu of the required 20 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition
2. Petitioners must provide landscaping (other than parking area landscaping and screening, for which variance relief was granted) and/or lighting for the site as determined in the sole discretion of the Baltimore County Landscape Architect.
3. Petitioners must comply with the ZAC comment of the DEPS, a copy of which is attached hereto.
4. Prior to issuance of permits Petitioners must obtain from the Fire Marshal's Office approval of the existing 10 ft. wide access driveway. Petitioners must also provide 10 ft. wide pull-over areas along the existing driveway, as discussed in the ZAC comment dated November 4, 2015 from the Bureau of DPR.
5. No illuminated signage shall be permitted in connection with the proposed farm brewery.
6. Lighting at the site shall be in operation from dusk until no later than 7 p.m. (for the consumption of beer and sales and service of food) or from dusk until no later than 11 p.m. (in the case of a brewery temporary promotional event).

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Date 1-26-16

5 By den

7. Petitioners shall obtain from the Office of the Comptroller a permit for each of the "special brewery promotional events" held at the subject property. Petitioners shall at least 15 days before any promotional event provide to the DOP and the Office of Zoning a copy of the permit application required by the Office of the Comptroller.
8. During the first calendar year of the brewery's operation, Petitioners shall be entitled to hold six (6) "special brewery promotional events" (each of which shall be limited in duration to two (2) consecutive days, from 10 a.m. to 10 p.m.). The DOP shall be permitted to approve up to six (6) additional promotional events during the first calendar year of the brewery's operation. Such approval(s) shall not be unreasonably withheld provided Petitioners demonstrate to the satisfaction of the DOP that the initial six (6) promotional events were conducted in a safe and responsible fashion, and that no zoning or County Code violations exist with respect to the subject property.
9. The restrictions regarding the number of promotional events as set forth in the foregoing paragraph shall apply only during the first calendar year of the brewery's operation. Thereafter, assuming there exist no zoning and/or County Code violations with respect to the subject property and/or the operation of the farm brewery, and upon consultation with the DOP and the Office of Zoning, Petitioners shall be entitled to obtain a "spirit and intent" letter from the County indicating the brewery may thereafter hold each calendar year the number of promotional events permitted under state law, and that such a determination is within the "spirit and intent" of this Order granting special exception relief.

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

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Date 1-6-16

6 By sln



KEVIN KAMENETZ
County Executive

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

January 6, 2016

Carol & Carey Carton
21305 Heathcote Road
Freeland, Maryland 21053

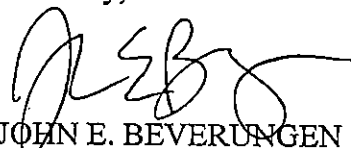
RE: Petition for Special Exception and Variance
Property: 21305 Heathcote Road
Case No. 2016-0107-XA

Dear Petitioners:

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

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

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053

BALTIMORE COUNTY, MARYLAND

12/30
RECEIVED

Inter-Office Correspondence

NOV 12 2015

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: November 12, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0107-XA
Address 21305 Heathcote Road
(Carton Property)

Zoning Advisory Committee Meeting of November 2, 2015.

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

Ground Water Management will need to review any future building permits for this proposed brewery.

Reviewer: Dan Esser Date: 11/5/15

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Date 1-6-16

By sen



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 21305 HEATHCOTE ROAD which is presently zoned RC2
 Deed References: SM 32679/6 10 Digit Tax Account # 0701059290
 Property Owner(s) Printed Name(s) CAROL ELISABETH CARTON & CAREY CUE CARTON

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

SEE ATTACHED SHEET

3. X a Variance from Section(s)

SEE ATTACHED SHEET

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

TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

CAROL ELISABETH CARTON CAREY CUE CARTON

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:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-007-XA

Filing Date 10/29/2015

Do Not Schedule Dates:

Reviewer W

ORDER RECEIVED FOR FILING

Date

1-6-16

By

sen

Special Exception Requested:

Class 7 Brewery or a Class 8 Brewery, including accessory retail and wholesale distribution of beer produced on the premises: Temporary promotional events, such as beer tasting or public gatherings associated with the brewery.

Variances Requested:

1. To permit a parking area with no screening or landscaping in lieu of the required screening and landscaping per Section 409.8.A.1 BCZR
2. To permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface per Section 409.8.A.2 BCZR
3. To permit a parking area not to be striped in lieu of the striping requirement per Section 409.8.A.6 BCZR
4. To allow a two way access driveway to have a width of 10 feet in lieu of the required 20 feet per Section 409.4A BCZR

2016-0107-XA

Bruce E. Doak Consulting, LLC

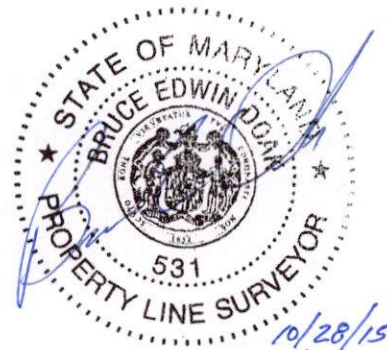
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

Zoning Description
24.086 Acre Parcel of Land
East Side of Heathcote Road & Southeast of Freeland Road
7th Election District, 3rd Councilmanic District
Baltimore County, Maryland

Beginning for the same at a point in Heathcote Road at a point 990 feet+- southwest of the centerline of Freeland Road, thence leaving Heathcote Road and running on the outlines of the subject property 1) North 63 degrees 35 minutes 25 seconds East 238.82 feet 2) North 79 1/2 degrees East 256.57 feet, 3) South 10 1/4 degrees East 1664.02 feet, 4) South 76 1/2 degrees West 704 .00 feet, 5) North 00 degrees 12 minutes 40 seconds East 196.51 feet, 6) North 11 degrees 13 minutes 05 seconds East 386.10 feet, 7) North 24 degrees 55 minutes 40 seconds West 100.00 feet, 8) North 05 degrees 39 minutes 26 seconds West 395.10 feet, 9) North 47 degrees 05 minutes 31 seconds West 19.65 feet, 10) South 57 degrees 10 minutes 14 seconds West 134.69 feet, 11) South 83 degrees 26 minutes 58 seconds West 265.38 feet and 12) Northeasterly 760 feet along Heathcoate Road to the point of beginning.

Containing 24.806 acres of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 14

Bill No. 64-15

Mr. Wade Kach, Councilman

By the County Council, September 8, 2015

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Micro-brewery (Class 7) and Farm Brewery (Class 8)

FOR the purpose of permitting a micro-brewery (Class 7) or a farm brewery (Class 8) in certain R.C. Zones of the County, by special exception; amending the definition of brewery and defining a farm brewery; permitting temporary promotional events in certain cases; and generally relating to a micro-brewery or farm brewery.

BY repealing and re-enacting, with amendments
Section 101.1, the Definition of "Brewery"

adding

Section 101.1, the Definition of "Brewery, Class 8" and
Sections 1A01.2.C.30.j., 1A03.3.B.23., 1A04.2.B.24., 1A07.3.B.15.d., 1A08.3.B.15., and
1A09.3.B.10.
Baltimore County Zoning Regulations

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike out indicates matter stricken from bill.
Underlining indicates amendments to bill.

2016-0107-xA

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

1 Section 101.1. Word usage; definitions.

2 BREWERY – An establishment with a valid alcoholic beverage manufacturer's license Class
3 5, 6, [or] 7 OR 8 issued in accordance with the Annotated Code of Maryland, Article 2B,
4 Section 2-206, 2-207, [or] 2-208 OR 2-209.

5 BREWERY, CLASS 8 – A BREWERY LOCATED ON A MINIMUM OF 10 ACRES
6 WITH A CLASS 8 (FARM BREWERY) LICENSE, WHICH SELLS AND DELIVERS
7 MALT BEVERAGE MANUFACTURED IN A FACILITY ON THE LICENSED FARM
8 WITH AN INGREDIENT FROM A MARYLAND AGRICULTURAL PRODUCT
9 GROWN THEREON, AND PRODUCES NO MORE THAN 15,000 BARRELS OF MALT
10 BEVERAGE PER YEAR.

11 Section 1A01 R.C.2 (Agricultural Zone)

12 1A01.2 Use Regulations.

13 C. Use permitted by special exception. The following uses, only, may be permitted by special
14 exception in any R.C.2 Zone, provided that in each case the hearing authority empowered to hear the
15 petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity;

1 and, in the case of any use permitted under Item 29, further provided that the hearing authority finds
2 that the use would support the primary agricultural use in its vicinity and would not itself be situated
3 on land more appropriately used for primary agricultural uses:

4 30. The following "agricultural-support" uses as principal commercial uses:

5 J. ~~MICRO-BREWERY OR FARM BREWERY AS DEFINED AND~~
6 ~~LICENSED BY THE COMPTROLLER~~ BREWERY, CLASS 7 OR CLASS 8, INCLUDING
7 ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE
8 PREMISES. TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR
9 PUBLIC GATHERINGS ASSOCIATED WITH THE ~~MICRO-BREWERY OR FARM BREWERY~~
10 BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW
11 JUDGE OR BOARD OF APPEALS ON APPEAL.

12 §1A03.3. R.C. 4 (Watershed Protection) Zone

13 1A03.3. Use Regulations.

14 B. Uses permitted by special exception. The following uses, only, are permitted by special
15 exception in R.C. 4 Zones:

16 23. ~~MICRO-BREWERY OR FARM BREWERY AS DEFINED AND LICENSED~~
17 ~~BY THE COMPTROLLER~~ BREWERY, CLASS 7 OR CLASS 8, INCLUDING ACCESSORY
18 RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES.
19 TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR PUBLIC
20 GATHERINGS ASSOCIATED WITH THE ~~MICRO-BREWERY OR FARM BREWERY~~

1 BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW
2 JUDGE OR BOARD OF APPEALS ON APPEAL.

3 §1A04. R.C. 5 (Rural-Residential) Zone

4 1A04.2. Use Regulations

5 B. Uses permitted by special exception. The following uses, only, are permitted by
6 special exception in R.C. 5 Zones:

7 24. ~~MICRO-BREWERY OR FARM BREWERY AS DEFINED AND~~
8 ~~LICENSED BY THE COMPTROLLER~~ BREWERY, CLASS 7 OR CLASS 8, INCLUDING
9 ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE
10 PREMISES. TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR
11 PUBLIC GATHERINGS ASSOCIATED WITH THE ~~MICRO-BREWERY OR FARM BREWERY~~
12 BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW
13 JUDGE OR BOARD OF APPEALS ON APPEAL.

14 §1A07. R.C. 6 (Rural Conservation and Residential) Zone

15 1A07.3. Use Regulations.

16 B. Uses permitted by special exception. The following uses, only, are permitted by special
17 exception in an R.C. 6 Zone:

1 D. ~~MICRO-BREWERY OR FARM BREWERY AS DEFINED AND LICENSED~~
2 ~~BY THE COMPTROLLER~~ BREWERY, CLASS 7 OR CLASS 8, INCLUDING ACCESSORY
3 RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES.
4 TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR PUBLIC
5 GATHERINGS ASSOCIATED WITH THE ~~MICRO-BREWERY OR FARM BREWERY~~
6 BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW
7 JUDGE OR BOARD OF APPEALS ON APPEAL.

8 §1A08. R.C. 7 (Resource Conservation) Zone

9 1A08.3. Use Regulations.

10 B. Uses permitted by special exception. The following uses, only, are permitted by special
11 exception in an R.C. 7 Zone:

12 15. ~~MICRO-BREWERY OR FARM BREWERY AS DEFINED AND LICENSED~~
13 ~~BY THE COMPTROLLER~~ BREWERY, CLASS 7 OR CLASS 8, INCLUDING ACCESSORY
14 RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES.
15 TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR PUBLIC
16 GATHERINGS ASSOCIATED WITH THE ~~MICRO-BREWERY OR FARM BREWERY~~
17 BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW
18 JUDGE OR BOARD OF APPEALS ON APPEAL.

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

2 1A09.3. Use Regulations.

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

5 10. ~~MICRO-BREWERY OR FARM BREWERY AS DEFINED AND LICENSED~~
6 ~~BY THE COMPTROLLER~~ BREWERY, CLASS 7 OR CLASS 8, INCLUDING ACCESSORY
7 RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES.
8 TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR PUBLIC
9 GATHERINGS ASSOCIATED WITH THE ~~MICRO-BREWERY OR FARM BREWERY~~
10 BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW
11 JUDGE OR BOARD OF APPEALS ON APPEAL.

1 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-
2 five (45) days after its enactment.

b06415.wpd

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2016-0107-XA

Petitioner: CAROL ELIZABETH CARTON & CAREY CHE CARTON

Address or Location: 21305 HEATHCOTE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: CAREY CHE CARTON

Address: 21305 HEATHCOTE ROAD

FREEDMAN MO 21053

Telephone Number: 410-302-1415

Revised 2/20/98 - SCJ

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

December 11, 2015

Re:

Zoning Case No. 2016-0107-XA

Petitioner: Carol & Carey Carton

Date of Hearing: December 30, 2015

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

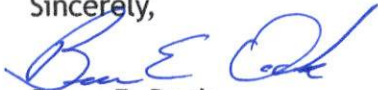
Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **21305 Heathcoate Road**.

The sign was posted on **December 09, 2015**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor



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 3799007

Sold To:

Carey Carton - CU00507680
21305 Heathcote Rd
Freeland, MD 21053-9602

Bill To:

Carey Carton - CU00507680
21305 Heathcote Rd
Freeland, MD 21053-9602

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

Dec 10, 2015

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: # 2014-0107-XA

21305 Heathcote Road
E/s Heathcote Road, southeast of centerline of Freeland Road
7th Election District - 3rd Councilmanic District
Legal Owner(s) Carol & Carey Carton

Special Exception: to Class 7 Brewery or a Class 8 Brewery, including accessory retail and wholesale distribution of beer produced on the premises: Temporary promotional events, such as beer tasting or public gatherings associated with the brewery.

Variance: 1. To permit a parking area with no screening or landscaping in lieu of the required screening and landscaping. 2. To permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface. 3. To permit a parking area not to be striped in lieu of the striping requirement. 4. To allow a two way access driveway to have a width of 10 ft. in lieu of the required 20 ft.

Hearing: Wednesday, December 30, 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) 887-3391.

12/088 Dec. 10

3799007

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

ZONING NOTICE

CASE NO. 2016-0107-XA

21305 Heathcote Road

**A PUBLIC HEARING WILL BE HELD
BY THE ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204**

DATE & TIME: Wednesday December 30, 2015 1:30 PM

REQUEST:

**SPECIAL EXCEPTION TO CLASS 7 BREWERY OR A CLASS 8 BREWERY,
INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF
BEER PRODUCED ON THE PREMISES: TEMPORARY PROMOTIONAL
EVENTS, SUCH AS BEER TASTING OR PUBLIC GATHERINGS
ASSOCIATED WITH THE BREWERY.**

**VARIANCE 1) TO PERMIT A PARKING AREA WITH NO SCREENING OR
LANDSCAPING IN LIEU OF THE REQUIRED SCREENING AND
LANDSCAPING. 2) TO PERMIT A PARKING AREA TO BE SURFACED WITH
STONE IN LIEU OF THE REQUIRED DURABLE AND DUSTLESS SURFACE
3) TO PERMIT A PARKING AREA NOT TO BE STRIPED IN LIEU OF THE
STRIPING REQUIREMENT 4) TO ALLOW A TWO WAY ACCESS DRIVEWAY
TO HAVE A WIDTH OF 10 FT. IN LIEU OF THE REQUIRED 20 FT.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-687-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE

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

No. **127343**

Date: **10/29/15**

PAID RECEIPT

BUSINESS ACTUAL TIME INN
10/29/2015 10/29/2015 09:28:23 2

REG NS02 WALKIN JENA JEE

>> RECEIPT # 945515 10/29/2015 6FLH

ITEM 5 520 ZEROING VERIFICATION

CA NO. 127343

Receipt Tot \$1,000.00

\$1,000.00 CR 2.00 CR

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0005		6150						1000.00

Total: **1000.00**

Rec From: **Black Locust Hops LLC**

For: **71305 Hawthorne Rd**
71053

2016-0107-XP

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

November 16, 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: 2016-0107-XA

21305 Heathcote Road
E/s Heathcote Road, southeast of centerline of Freeland Road
7th Election District – 3rd Councilmanic District
Legal Owners: Carol & Carey Carton

Special Exception to Class 7 Brewery or a Class 8 Brewery, including accessory retail and wholesale distribution of beer produced on the premises: Temporary promotional events, such as beer tasting or public gatherings associated with the brewery. **Variance** 1. To permit a parking area with no screening or landscaping in lieu of the required screening and landscaping. 2. To permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface. 3. To permit a parking area not to be striped in lieu of the striping requirement. 4. To allow a two way access driveway to have a width of 10 ft. in lieu of the required 20 ft.

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

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

Arnold Jablon
Director

AJ:kl

C: Carol & Carey Carton, 21305 Heathcote Road, Freeland 21053
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES:** (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 10, 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*

November 16, 2015

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Arnold Jablon
Director

AJ:kl

C: Carol & Carey Carton, 21305 Heathcote Road, Freeland 21053
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 10, 2015 Issue - Jeffersonian

Please forward billing to:
Carey Carton
21305 Heathcote Road
Freeland, MD 21053

410-302-1415

NOTICE OF ZONING HEARING

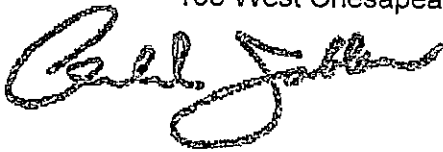
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Hearing: Wednesday, December 30, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
AND VARIANCE		
21305 Heathcote Road; E/S Heathcote Road,	*	OF ADMINISTRATIVE
990' SE of c/line Freeland Road		
7 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Carol & Carey Carton		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2016-107-XA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

NOV 02 2015

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of November, 2015, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 8

BILL NO. 51-93

A BILL

ENTITLED

AN ACT concerning

Agriculture

FOR the purpose of amending the Zoning Regulations in order to define terms relating to agricultural uses; placing limitations on the stabling and pasturing of animals; providing certain height exceptions; providing requirements for farms in D.R. and R.C. 5 zones; repealing provisions dealing with satellite farms and farmettes; permitting a winery or bottled water plant by Special Exception in certain zones; and generally relating to farm and commercial agriculture activities in Baltimore County.

BY repealing

Section 101 - Definitions, the definitions of "farm", as that definition appears twice, "farm, satellite" and "farmette" and Sections 1A02.2.A.4 and 1A04.2.A.4
Baltimore County Zoning Regulations, as amended

BY adding

Section 101 - Definitions, the definitions, alphabetically, of "Agriculture, Commercial" and "Farm" and Sections 100.6, 1A03.3.B.15 and 404.9 and 404.10
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Sections 1A01.2.B.2., 1A01.2.C.24., 1A02.2.A.3., 1A03.3.A.2., 1A04.2.A.3., 1A05.2.A.4 and 7., and 300.1.a.
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report, dated October 17, 1991, from the Planning Board concerning the subject legislation and held a public hearing thereon on March 10, 1992, now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 101 - Definitions, the definitions of "farm", as that definition appears twice, "farm, satellite" and "farmette", and Sections 1A02.2.A.4. and 1A04.2.A.4. of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed.

SECTION 2. AND BE IT FURTHER ENACTED, that Section 101 - Definitions, the definitions, alphabetically, of "Agriculture, Commercial" and "Farm" and Sections 100.6, 1A03.3.B.15 and 404.9 and 404.10 be and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 101 - Definitions

AGRICULTURE, COMMERCIAL: THE USE OF LAND, INCLUDING ANCILLARY STRUCTURES AND BUILDINGS, TO CULTIVATE PLANTS OR RAISE OR KEEP ANIMALS FOR INCOME, PROVIDED THAT THE LAND ALSO QUALIFIES FOR FARM OR AGRICULTURAL USE ASSESSMENT PURSUANT TO SECTION 8-209 OF THE TAX - PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED. COMMERCIAL AGRICULTURE INCLUDES THE PRODUCTION OF FIELD CROPS, DAIRYING, PASTURAGE AGRICULTURE, HORTICULTURE, FLORICULTURE, AQUACULTURE, APICULTURE, VITICULTURE, FORESTRY, ANIMAL AND POULTRY HUSBANDRY, HORSEBREEDING AND HORSETRAINING AND ALSO INCLUDES ANCILLARY ACTIVITIES SUCH AS PROCESSING, PACKING, STORING, FINANCING, MANAGING, MARKETING OR DISTRIBUTING PROVIDED THAT ANY SUCH ACTIVITY SHALL BE SECONDARY TO THE PRINCIPAL AGRICULTURAL OPERATIONS.

FARM: THREE ACRES OR MORE OF LAND AND ANY IMPROVEMENTS THEREON, USED PRIMARILY FOR COMMERCIAL AGRICULTURE, AS DEFINED IN THESE REGULATIONS, OR FOR RESIDENTIAL AND ASSOCIATED AGRICULTURAL USES. THE TERM DOES NOT INCLUDE THE FOLLOWING USES AS DEFINED IN THESE REGULATIONS: LIMITED ACREAGE WHOLESALE FLOWER FARMS, RIDING STABLES, LANDSCAPE SERVICE, FIREWOOD OPERATIONS AND HORTICULTURAL NURSERY BUSINESSES.

Section 100 - ZONES AND DISTRICTS: BOUNDARIES

100.6 - A TRACT OF LAND USED FOR THE ACCESSORY STABLING AND PASTURING OF ANIMALS AND WHICH IS NOT A COMMERCIAL AGRICULTURAL OPERATION IS SUBJECT TO THE FOLLOWING PROVISIONS:

LARGE - LIVESTOCK:

LIMITATION:

MINIMUM ACREAGE

HORSES, BURROS AND CATTLE

1 ANIMAL FOR EACH ACRE OF
GRAZING OR PASTURE LAND*

3

SMALL LIVESTOCK:

SHEEP, GOATS AND PIGS,
EXCEPT ASIAN POT BELLIED
PIG (SEE SECTION 400)
PONIES AND MINIATURE HORSES

2 ANIMALS FOR EACH ACRE OF
GRAZING OR PASTURE LAND*

3

FOWL OR POULTRY:

CHICKENS, DUCKS, TURKEY,
GEESE

NO NUMERICAL LIMIT PROVIDED
A NUISANCE IS NOT CREATED OR
ALLOWED TO EXIST ON THE
PROPERTY

1

*SUCKLING AND WEANLINGS UNDER 12 MONTHS OF AGE WILL NOT BE COUNTED.

SECTION 1A03 - R.C. 4 ZONES

SECTION 1A03.3.B. USES PERMITTED BY SPECIAL EXCEPTION.

15. WINERY AS AN AGRICULTURAL SUPPORT USE, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF WINE PRODUCED ON-PREMISES. TEMPORARY PROMOTIONAL EVENTS, SUCH AS WINE TASTING OR PUBLIC GATHERINGS ASSOCIATED WITH THE WINERY, ARE PERMITTED, WITHIN ANY LIMITS SET BY THE SPECIAL EXCEPTION.

SECTION 404 - FARM AND AGRICULTURAL OPERATIONS

404.9 FARMS LOCATED IN R.C. 5 AND D.R. ZONES ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:

A. INTERNAL PERMANENT ROADWAYS WHICH PROVIDE ACCESS TO AND FROM FARM STRUCTURES SHALL BE LOCATED AT LEAST 25 FEET FROM ANY PROPERTY LINE OTHER THAN A STREET RIGHT-OF-WAY LINE;

B. ENVIRONMENTALLY CONTROLLED STRUCTURES SUCH AS GREENHOUSES, POTTING SHEDS, AND ACCESSORY AGRICULTURAL STRUCTURES SHALL BE LOCATED AT LEAST 50 FEET FROM ANY NEIGHBORING PROPERTY LINE, INCLUDING ANY RIGHT-OF-WAY LINE;

404.10 ALL ZONING VIOLATION CASES CONCERNING COMMERCIAL AGRICULTURAL OPERATIONS SHALL BE FORWARDED TO THE BALTIMORE COUNTY AGRICULTURAL LAND PRESERVATION ADVISORY BOARD FOR REVIEW. THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT SHALL ALLOW THE BOARD A MAXIMUM OF 30 DAYS, BEFORE TAKING ACTION, TO COMMENT ON AN ALLEGED VIOLATION.

SECTION 3. AND BE IT FURTHER ENACTED, that Sections 1A01.2.B.2., 1A01.2.C.24., 1A02.2.A.3., 1A03.3.A.2., 1A04.2.A.3., 1A05.2.A.4 and 7., and 300.1.a. of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Section 1A01-R.C. 2. (Agricultural) Zones

1A01.2.B. Uses Permitted as of Right.

2. Farms [, satellite farms, farmettes] and limited-acreage wholesale flower farms (see Section 404)

1A01.2.C. Uses Permitted by Special Exception.

24. The following "agricultural-support" uses AS PRINCIPAL COMMERCIAL

USES:

- a. Farm-machinery sales, storage, or service; blacksmithing
- b. Feed or grain mills or driers
- c. Fertilizer sales or storage
- d. Sawmills
- e. Slaughter houses or manufacture, processing, or packing of fruit, vegetables, animal, or meat products, or by-products
- f. [Wine or] Spirits manufacture, including the manufacture of alcohol to be used in gasoline-alcohol mixtures, but excluding the production of these mixtures [(as a principal use)]

G. WINERY. INCLUDING AGGREGATE WINE AND SPIRITS DISTILLERY OF WINE PRODUCED ON-PREMISES. TEMPORARY COMMERCIAL SALES, ONLY AS ONE TASTINGS OR PUBLIC GATHERINGS ASSOCIATED WITH THE WINERY. ALL SUBJECT TO ANY LIMITS SET BY THE SPECIAL EXCEPTION.

H. BOTTLED WATER PLANT, IF THE SOURCE OF THE WATER IS LOCATED ON THE SAME SITE AS THE PLANT, AND PROVIDED THAT THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT MAKES A RECOMMENDATION THAT THE PROPOSED FACILITY WILL NOT ADVERSELY AFFECT THE QUALITY OR CAPACITY OF SURFACE WATER OR GROUND WATER.

Section 1A02-R.C. 3 Zones

1A02.2.A. Uses Permitted as of Right

3. Farms [,] or [,] limited-acreage wholesale flower farms [,satellite farms]

Section 1A03 - R.C. 4 Zones

1A03.3.A. Uses Permitted as of Right

2. Farms [,] AND limited-[,] acreage wholesale flower farms [, satellite farms, and farmettes] (SEE SECTION 404)

Section 1A04 - R.C. 5 Zone

1A04.2.A. Uses Permitted as of Right

3. Farms [,] AND limited-acreage wholesale flower farms [,satellite farms]

Section 1A05 - R.C. 20 and R.C. 50 Zones

1A05.2 - Table of Land Use Regulations

A. Natural Resources and Agricultural Uses	Zone	
	R.C. 20	R.C. 50
4. Agriculture and agricultural uses including farms [,satellite farms, farmettes,] and limited-acreage wholesale flower farms, produce stands, farmers' roadside stands, subject to the provisions of Section 38-23 of the Baltimore County Code.	P	P
7. Aquaculture, including the construction and maintenance of necessary equipment, buildings and growing areas for the hatching, cultivating, planting, feeding, raising and harvesting of finfish, shellfish and other aquatic plants and animals.	[SE] P	P

Section 300--Height Exceptions

300.1.a.--The height limitations of these regulations shall not apply to barns and silos, GRAIN ELEVATORS OR OTHER ACCESSORY AGRICULTURAL BUILDINGS, nor to church spires, belfries, cupolas, domes, radio or television aerials, drive-in theatre screens, observation, transmission or radio towers, or poles, flagstuffs, chimneys, parapet walls which extend not more than four feet above the limiting height, bulkheads, water tanks and towers, elevator shafts, penthouses and similar structures provided that any such structures shall not have a horizontal area greater than 25 per cent of the roof area of the building. A satellite

receiving dish is subject to the height limitations of the zone in which the dish is located. However, in residential zones, the height of an accessory satellite dish may not exceed 15 feet, unless it is located on the roof of a building.

Section 4. And be it further enacted, that this Act shall take effect forty-five days after its enactment.

READ AND PASSED this 17th day of May, 1993

BY ORDER

Thomas J. Peddicord, Jr.
Secretary

PRESENTED to the County Executive for his approval this 18th day of May, 1993.

Thomas J. Peddicord, Jr.
Secretary

APPROVED AND ENACTED:

5/16/93
William J. Peddicord

Roger B. Hayden
County Executive

I HEREBY CERTIFY THAT BILL NO. 51-93 IS TRUE AND CORRECT AND TOOK EFFECT ON July 10, 1993.

C. A. Ruppelberger, III
Chairman, County Council



KEVIN KAMENETZ
County Executive

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

December 23, 2015

Carol Elizabeth & Carey Che Carton
21305 Heathcote Road
Freeland MD 21053

RE: Case Number: 2016-0107 XA, Address: 21305 Heathcote 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 October 29, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bruce E Doak, Bruce E Doak Consulting LLC, 3801 Baker Schoolhouse Road
Freeland MD 21053

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: December 21, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

DEC 23 2015

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-107

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 21305 Heathcote Road
Petitioner: Carol Elizabeth Carton, Carey Che Carton
Zoning: RC 2
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for a for a special exception to use the property for a Class 7 Brewery or Class 8 Brewery and the petition for a variance to allow a parking area with no screening or landscaping, to be surfaced with stone and to not be striped in lieu of the required screening and landscaping in accordance with the Landscape Manual and other manuals, durable and dustless surface and striping requirement and to allow a two way movement access driveway to have a width of 10 feet in lieu of the required 20 feet.

A site visit was conducted on November 12, 2015. The Department confirmed through the Petitioner that hops (Maryland agricultural product) observed growing on the farm were for the purpose of the brewery operation.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Building permits must be obtained prior to the construction of any structures specific to the brewery operation. The petitioners shall submit architectural elevations to include a materials list to the Department for approval prior to the issuance of permits.
- Parking meeting the design requirements of BCZR § 409.8 shall be provided at 1 space for each employee on the largest shift combined with a minimum of 10 additional spaces to accommodate ancillary consumption of beer and sales and service of food.
- To ensure safety, the access road shall be improved and maintained to standards as determined by the Baltimore County Department of Public Works and the Office of the Fire Marshal. The petitioners shall confirm to the satisfaction of the Administrative Law Judge the rights of all parties having access to the drive and an easement for ingress and egress shall be recorded among the Land Records of Baltimore County. The parking area/access drive shall be maintained so that no sediment is allowed to run off onto adjacent properties or is tracked onto Heathcoat Road.
- A lighting plan shall be submitted to the Baltimore County Landscape Architect for approval prior to the issuance of any building permits. The lights shall be in operation from dusk until 1 hour after the close of the brewery for the consumption of beer and sales and service of food (7 p.m.) or the close of a brewery temporary promotional event (11 p.m.).

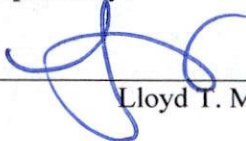
- Any signage visible from the public road shall be subject to BCZR § 450.4. "6. Identification" but shall not be internally illuminated nor externally illuminated beyond the close of the brewery for the consumption of beer and sales and service of food (7 p.m.) or the close of a brewery temporary promotional event (11 p.m.).
- The Petitioners shall document through the hearing process and by note on the plan the types and minimum amounts of agricultural product to be produced on the licensed farm.

To ensure that the brewery use will not be detrimental to the primary agricultural uses in the area and that the said use remains within the intent of the special exception the Department recommends that the Administrative Law Judge limit 1-day temporary promotional events to 6 per calendar year. Additional 1-day temporary promotional events per calendar year beyond 6 days, up to 12 days total, shall be subject to review by the Department of Planning. The Department recommends the following condition be included in the Order:

- The number of 1-day temporary promotional events allowed under the grant of the special exception shall be limited to 6 days per. Additional 1-day temporary promotional events beyond that, up to 12 days total per calendar year, shall be subject to review by the Department of Planning. A copy of the required Special Brewery Promotional Event Permit issued through the Maryland State Office of the Comptroller accompanied by a signed and dated detailed description of the event shall be submitted by the Petitioners to the Department of Planning and the Bureau of Zoning Review for and at least 7 days prior to each event. A Special Beer Festival license issued by Baltimore County pursuant to MD. Ann. Code Art. 2B§8-802 shall be considered a temporary promotional event.

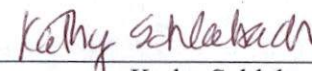
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Joseph Wiley
Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: December 21, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-107

DEC 23 2015

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 21305 Heathcote Road
Petitioner: Carol Elizabeth Carton, Carey Che Carton
Zoning: RC 2
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for a for a special exception to use the property for a Class 7 Brewery or Class 8 Brewery and the petition for a variance to allow a parking area with no screening or landscaping, to be surfaced with stone and to not be striped in lieu of the required screening and landscaping in accordance with the Landscape Manual and other manuals, durable and dustless surface and striping requirement and to allow a two way movement access driveway to have a width of 10 feet in lieu of the required 20 feet.

A site visit was conducted on November 12, 2015. The Department confirmed through the Petitioner that hops (Maryland agricultural product) observed growing on the farm were for the purpose of the brewery operation.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Building permits must be obtained prior to the construction of any structures specific to the brewery operation. The petitioners shall submit architectural elevations to include a materials list to the Department for approval prior to the issuance of permits.
- Parking meeting the design requirements of BCZR § 409.8 shall be provided at 1 space for each employee on the largest shift combined with a minimum of 10 additional spaces to accommodate ancillary consumption of beer and sales and service of food.
- To ensure safety, the access road shall be improved and maintained to standards as determined by the Baltimore County Department of Public Works and the Office of the Fire Marshal. The petitioners shall confirm to the satisfaction of the Administrative Law Judge the rights of all parties having access to the drive and an easement for ingress and egress shall be recorded among the Land Records of Baltimore County. The parking area/access drive shall be maintained so that no sediment is allowed to run off onto adjacent properties or is tracked onto Heathcoat Road.
- A lighting plan shall be submitted to the Baltimore County Landscape Architect for approval prior to the issuance of any building permits. The lights shall be in operation from dusk until 1 hour after the close of the brewery for the consumption of beer and sales and service of food (7 p.m.) or the close of a brewery temporary promotional event (11 p.m.).

- Any signage visible from the public road shall be subject to BCZR § 450.4. "6. Identification" but shall not be internally illuminated nor externally illuminated beyond the close of the brewery for the consumption of beer and sales and service of food (7 p.m.) or the close of a brewery temporary promotional event (11 p.m.).
- The Petitioners shall document through the hearing process and by note on the plan the types and minimum amounts of agricultural product to be produced on the licensed farm.

To ensure that the brewery use will not be detrimental to the primary agricultural uses in the area and that the said use remains within the intent of the special exception the Department recommends that the Administrative Law Judge limit 1-day temporary promotional events to 6 per calendar year. Additional 1-day temporary promotional events per calendar year beyond 6 days, up to 12 days total, shall be subject to review by the Department of Planning. The Department recommends the following condition be included in the Order:

- The number of 1-day temporary promotional events allowed under the grant of the special exception shall be limited to 6 days per. Additional 1-day temporary promotional events beyond that, up to 12 days total per calendar year, shall be subject to review by the Department of Planning. A copy of the required Special Brewery Promotional Event Permit issued through the Maryland State Office of the Comptroller accompanied by a signed and dated detailed description of the event shall be submitted by the Petitioners to the Department of Planning and the Bureau of Zoning Review for and at least 7 days prior to each event. A Special Beer Festival license issued by Baltimore County pursuant to MD. Ann. Code Art. 2B§8-802 shall be considered a temporary promotional event.

For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:

Division Chief:

Lloyd T. Moxley

Kathy Schlabach

AVA/KS/LTM/ka

c: Joseph Wiley

Jeanette M. S. Tansey, R.L.A., Permits and Development Management

Bruce E. Doak, Bruce E. Doak Consulting, LLC

Office of the Administrative Hearings

People's Counsel for Baltimore County

12/30

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

NOV 12 2015

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: November 12, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0107-XA
Address 21305 Heathcote Road
(Carton Property)

Zoning Advisory Committee Meeting of November 2, 2015.

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

Ground Water Management will need to review any future building permits for this proposed brewery.

Reviewer: Dan Esser

Date: 11/5/15

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 2, 2015
Item No. 2016-0107

DATE: November 4, 2015

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

Since this is a proposed commercial use, landscaping conforming to the Landscape Manual should be required.

Likewise, the parking area should be paved with a durable, dustless surface and the parking spaces should be striped so that an adequate number of adequately-sized spaces can be confirmed, and so that adequate aisle widths and maneuvering areas are provided.

Regarding the access drive, for environmental reasons, we do not object to the width of 10 feet under the conditions: that ten-foot-wide pull-over areas be provided along the driveway such that the next one can be seen from the one that is nearby; and that written approval from the Fire Marshall's Office is obtained.

Also, before approval of the building permit, the site must be submitted through the development process.

* * * * *

DAK
cc:file

ZAC-ITEM NO 16-0107-11022015.doc



Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 11/2/15

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

RE: Baltimore County
Item No. 2016-0107-XA.
Special Exception Variance
Carol Elizabeth & Carol Lee Carton
21305 Heathcote 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. 2016-0107-XA.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink that reads "Richard A. Zeller".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ



PETITIONER' S

EXHIBIT NO. 3
PHOTOS A - V









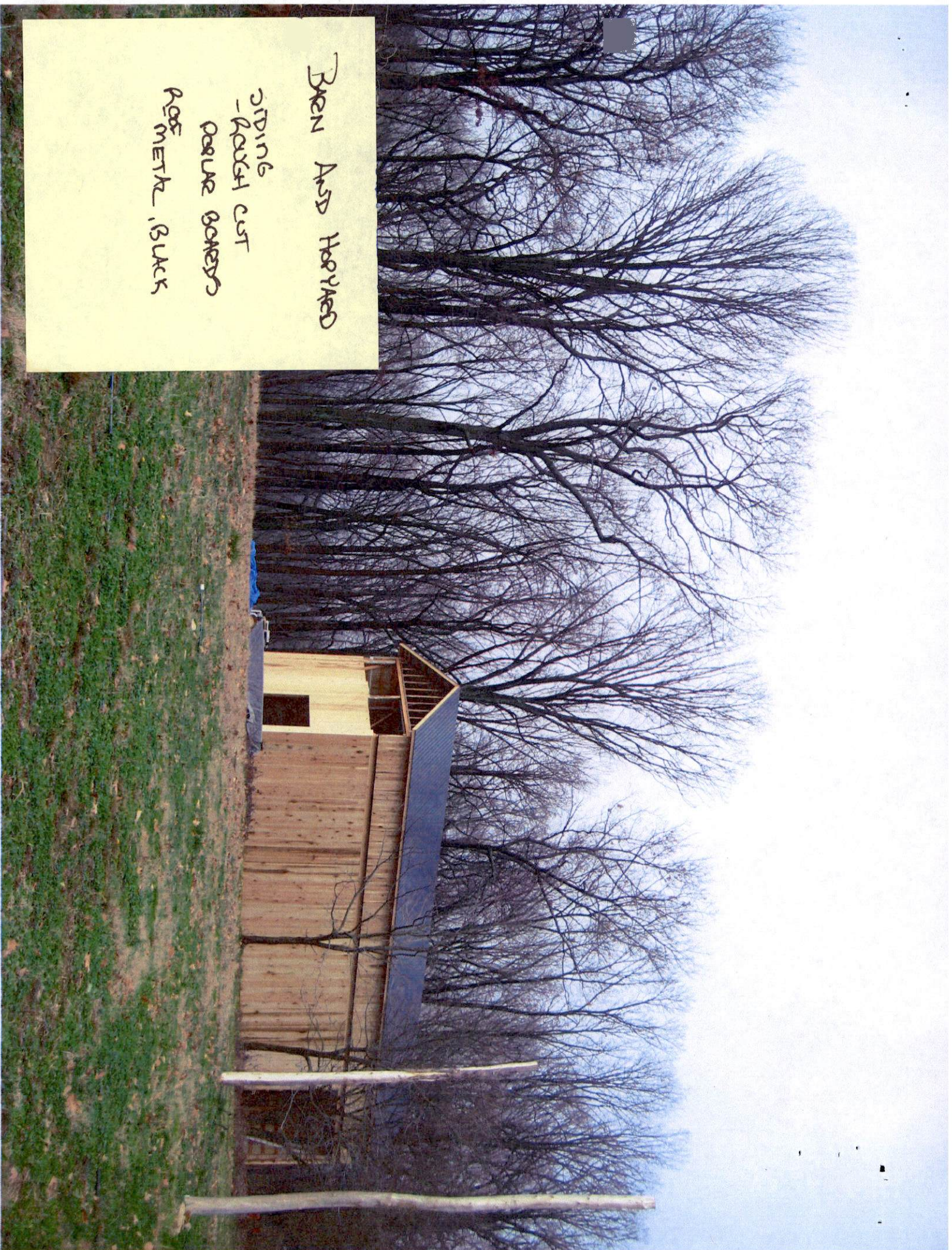








Ben And Howard
riding
-Rough cut
oak boards
R&S
METH, BUCK









ORCHARD.

APPLES

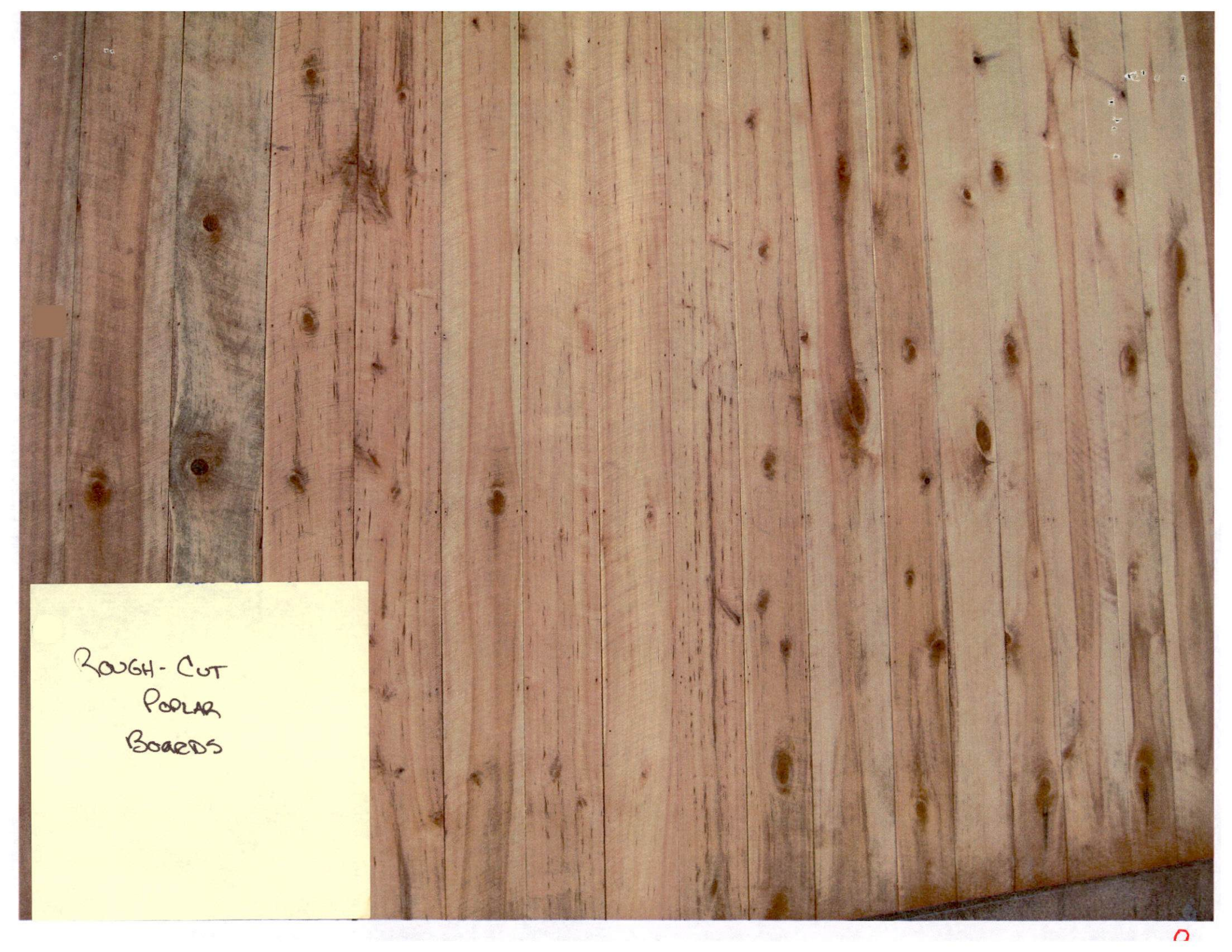
PEARS

CHERRIES

MULBERRIES

← WALNUTS





ROUGH-CUT
POPULAR
BOARDS

VIEW OF
NEIGHBOR'S HOUSE
FROM BARN



2020-1

VIEW OF BARN
FROM NEIGHBOR'S
DRIVEWAY /
HOUSE



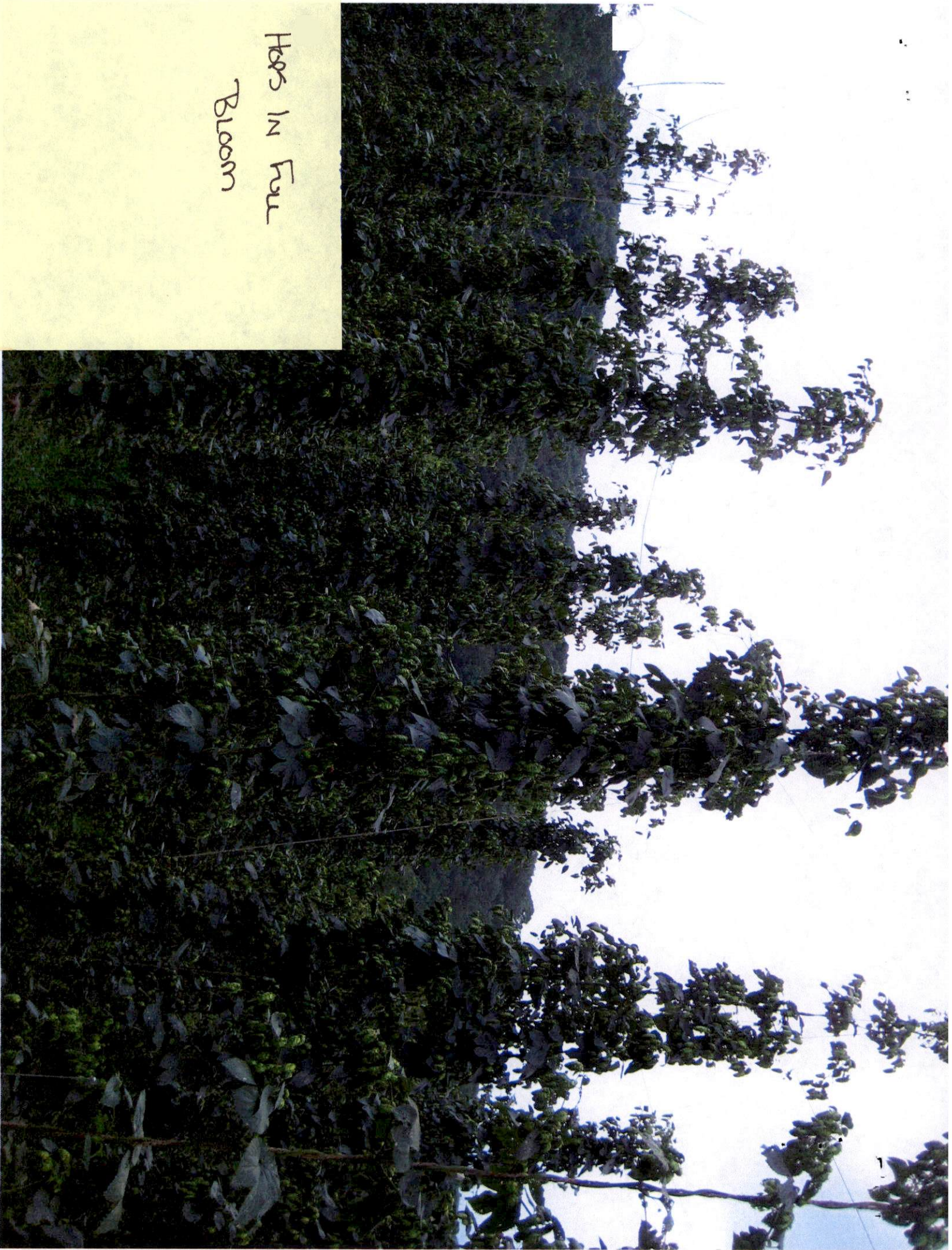
R

PERMANENT
18-FOOT-TALL
TREELIS





Hops in Full
Bloom





December 29, 2015

To whom it may concern:

We support approval by the zoning board of Che and Lisa Carton's request for zoning variances for brewery activities on their property. They are considerate neighbors, and based on the variances requested, we have no concerns of negative impact to our own property, nor do we have any objections to the changes. We support their endeavors to improve their own property and the local economy.

Sincerely,

Two handwritten signatures in purple ink. The first signature is 'Erich Steiger' and the second is 'Becca Scollan'.

Erich Steiger
Becca Scollan
21201 Heathcote Road
Freeland, MD 21053

Petitioners No. 4



HEATHCOTE COMMUNITY

A Community of the School of Living

21300 Heathcote Road
Freeland, Maryland 21053

(443) 491-3383
www.heathcote.org

December 29, 2015

Honorable John E. Beverungen
Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, Maryland 21401

RE: Special Exception & Variance Request 2016-0107-XA

Dear Mr. Beverungen:

We understand that our neighbors, Carey Che & Carol Elisabeth Carton, of 21305 Heathcote Road, Freeland, Maryland 21053, have requested a Special Exception to operate a Class 7 Brewery or a Class B Brewery on their property. The proposed uses include accessory retail and wholesale distribution of beer produced on the premises along with temporary promotional events such as beer tasting or public gatherings associated with the brewery.

We also understand that variances have been requested to:

1. Permit a parking area with no screening or landscaping in lieu of the required screening and landscaping;
2. Permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface;
3. Permit a parking area not to be striped in lieu of the striping requirement; and
4. Allow a two-way access driveway to have a width of 10 feet in lieu of the required 20 feet.

Heathcote Community and our parent organization, the School of Living, own 42 acres of land adjoining the Carton's property.

At a meeting this afternoon of our entire Board of Directors, we voted unanimously to support the Special Exception and Variance requests. We believe the proposed uses comply with the requirements set forth in BCZR §502.1, as follows:

- A. Pose no threat to the health, safety or general welfare of the eight members of our community;
- B. The amount of traffic generated by the special exception uses will not overburden the common road we share with the Cartons;
- C. We see no reason that the uses would create a hazard from fire, panic or other dangers;

Honorable John E. Beverungen
December 29, 2015
Page TWO

- D. The proposed uses occupy a small portion of the Carton's land so it would not tend to cause overcrowding;
- E. Since the site is agricultural and the proposed uses are nonresidential they will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. The proposed brewery would not be so tall as to interfere with adequate light and air for our Community members;
- G. We see the proposed uses as being entirely consistent with the intent of the Resource Conservation-2 zone and the relevant portions of the Baltimore County Master Plan; and
- H. Given that the site is not in forest and the Cartons intend to use Environmental Site Design measures, the proposed uses will not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains on this R.C.2 site.

Furthermore, we cannot see the site of the proposed uses so there's no need for screening or landscaping. Our homes are sufficiently far away that any dust created by the unpaved lot would not be a problem. The presence or absence of parking lot striping would not be an issue for us. Given the low traffic volume the 10-foot wide road plus existing pull-offs should not hinder two-way flow.

Should you have any questions I can be reached at Rklein@ceds.org or 410-654-3021.

Sincerely,



Richard D. Klein
On Behalf of the Heathcote Community
Board of Directors

Matthew and Valerie Hubbard

21421 Heathcote Road

Freeland, MD 21053

To Whom It May Concern at Baltimore County Zoning:

We understand that our neighbor is seeking a zoning type variance/approval to open a farm brewery operation on their property. Che and Lisa Carton have our support with this proposed land use variance/exemption as a family farm brewery. We moved to the area for its rural character and high ecological value. We believe the proposed land use ^{will} we help support the community character that is defined by working family farms and preserved tracts of land for wildlife. We support the project as it enable family farms to provide alternative (value added) incomes for the resources they produce.

Regards,

Matt Hubbard, PWS

Matt Hubbard 12-29-15

Valerie Hubbard

Valerie Hubbard 12-29-15

Property owners at 21421 Heathcote Rd.

PETITIONER'S

EXHIBIT NO. 5

PLEASE PRINT CLEARLY

CASE NAME CARTON
CASE NUMBER 2016-0107XA
DATE 12/30/15

PETITIONER'S SIGN-IN SHEET

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11/4</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>11/2</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
	FIRE DEPARTMENT	
<u>12/21</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>11/2</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>12/10/15</u>	
SIGN POSTING	Date: <u>12/9/15</u> by <u>Dook</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Annotated Code of Maryland

Article 1 to Article 9

Article 2b. Alcoholic Beverages (Refs & Annos)

Title 8. Local Licenses and License Provisions

Subtitle 8. Beer Festivals

MD Code, Art. 2B, § 8-802

§ 8-802. Baltimore County

Currentness

Special beer festival license

(a) The Baltimore County Board of License Commissioners may issue a special beer festival license.

Applicant a holder of existing license

(b) Notwithstanding any other provision to the contrary, an applicant for a special beer festival license shall be a holder of an existing retail alcoholic beverages license issued in the State, Class 5 brewery license, Class 7 micro-brewery license, or Class 8 farm brewery license issued in accordance with this article.

Products displayed and sold at special beer festival

(c) A special beer festival license entitles the holder to display and sell at retail beer for consumption on or off the licensed premises on the days and for the hours designated for the special beer festival in Baltimore County.

License fee

(d) The license fee is \$50.

Multiple licenses

(e) The provisions of this section may not prohibit the licensee from holding another alcoholic beverages license of a different class or nature.

Powers of Board

(f) The Baltimore County Board of License Commissioners:

(1) Except for the dates chosen for the Cumberland and Shenandoah Valley Wine Festival in Washington County, the

Maryland Wine Festival in Carroll County, and the Anne Arundel County Beer and Wine Festival, shall approve one weekend annually for the special beer festival;

(2) Shall approve a location in Baltimore County for the special beer festival which does not hold an alcoholic beverages license; and

(3) Shall ensure that the primary focus of the special beer festival is the promotion of Maryland beer.

Regulations

(g) The Baltimore County Board of License Commissioners shall adopt regulations for implementing this section.

Credits

Added by Acts 2002, c. 300, § 1, eff. June 1, 2002. Amended by Acts 2011, c. 302, § 1, eff. Oct. 1, 2011; Acts 2014, c. 596, § 1, eff. July 1, 2014.

MD Code, Art. 2B, § 8-802, MD CODE, Art. 2B, § 8-802
Current through the 2015 Regular Session of the General Assembly

End of Document

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state law requires licenses
comply w/ local zoning.
Art. 2B § 2-209(b)

2B § 8-802

2B § 2-106 non profit 501c beer festival permit.

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 BC and/or community opposition -*

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 31 day of December, 2015, that the Petition for Special Exception *pursuant to* under B.C.Z.R. §236.2 to allow a used motor vehicle outdoor sales area, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance *pursuant to the* per Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side building setback of 27 ft. in lieu of the required 30 ft., and, *if necessary*, a front building setback of ~~25~~ ²⁰ ft. in lieu of the required 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner ^s may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner ^s *are* hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner ^s would be required to return the subject property to its original condition.

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

2. The ~~5x~~ granted herein must be utilized within two (2) years of the date hereof.
3. Prior to issuance of permits ~~Is~~ must submit for approval

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

by BC landscape + lighting plans for the property.

4. All drive aisles + ~~per~~ off street parking spaces must be provided with a durable + dustless surface.

John E. Beverungen

From: Jeanette Tansey
Sent: Monday, December 28, 2015 2:17 PM
To: John E. Beverungen
Cc: Doak, Bruce (bdoak@bruceedoakconsulting.com)
Subject: Case #2016-0107

Hello John - I hope your Christmas was wonderful and relaxing.

The hearing on this site is coming up this Wednesday. To clarify my comment concerning landscaping on the above, the detail on the submitted plan was insufficient to be able to tell if a plan would be necessary, hence the "should be required." "May be required" is probably more accurate a statement and I would be happy to meet with the petitioners after your decision to determine what, if anything, is necessary.

Hope this is helpful and that 2016 treats you well!!

Jeanette M. S. Tansey, R.L.A.
Project Manager, Baltimore County
Permits, Approvals & Inspections
Development Plans Review
111 W. Chesapeake Ave., Room 119
Towson, MD 21204

410-887-3751
jtansey@baltimorecountymd.gov

Case No.:

2016-0107-XA

Exhibit Sheet

Petitioner/Developer

DW
2-8-16

Protestants

1-6-16
Dln

No. 1	Site plan	
No. 2	plan to accompany photos	
No. 3	Photos (A-V)	
No. 4	support letters from neighbors	
No. 5	letter from Mr + Mrs. Hubbard	
No. 6	Letter from Petitioners re: proposed brewery	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

To Whom It May Concern:

We, Carol Elisabeth Carton and Carey Che Carton, owners of Black Locust Hops, LLC request approval for a Class 8 Farm Brewery at our farm located at 21305 Heathcote Road in Freeland, Maryland, as an accessory to our principal business of growing hops. We would like to have a small tasting room for public consumption and sales of beer, in addition to distributing beer to local, retail outlets.

We have been growing hops for commercial sale in Baltimore County since 2006 and have had hops in the ground at our aforementioned address since 2013. Hops take three years to reach full maturity and full potential production weight (1-2 dry pounds per plant). Hops are a perennial plant; therefore, the rhizome (root structure) remains in the ground, unlike many other agricultural products, and takes years of dedication and cultivation to achieve a successful harvest, similar to vineyards growing grapes. The hop plants grow an average of 18 feet during the summer months up the permanent, 18- foot- tall trellis and are cut down to the ground for harvest in the late summer/ early fall. The full plants are brought into the harvest barn, a 22 by 80 foot structure containing our picking, sorting, drying, and packaging equipment, in addition to storage and office space. The hop cones are plucked from the plant by machine, sorted from their leaves by another machine, dried in dehumidified, forced- air dryers. After the hops are dry, they are transferred to a conditioning room for up to 12 hours, at which point, they are run through a hammer mill to grind them into smaller particles and pellet mill to extrude it into pellet form (ex: wood pellets, rabbit food, etc). The finished product is then nitrogen flushed and vacuum sealed in oxygen- barrier bags, ready for large- scale sale. We, currently, have approximately 5,000 plants under trellis, with plans to expand to a total of 8,000 plants, which is a harvest potential of 16,000 dry pounds.

The Class 8 Farm Brewery license calls for "one ingredient, mostly from an agricultural product grown on the licensed farm" (51% or more). Most of our recipes utilize hops from our farm, so we anticipate using far more than the required 51%. Our facility will be 5,000 square feet, 1,000 square feet of which will be a tasting room/ customer area. The other 4,000 square feet will house our brewing and fermentation vessels, packaging equipment, and product cold storage. As we grow to a larger size, we have the option of utilizing barn space for additional, secure product storage. We will have a 15- 20 space parking lot for normal, business operating hours. The parking space sizes will be in accordance with BCZR 409.8.

In our facility, we will be able to complete the entire brewing process from grain to glass. Our brewing process involves first crushing malted barley, then mashing (steeping) the crushed barley in hot water for one hour. The sugars are then leached out of the grain (malted barley) into the boil kettle where various hops and spices are added, depending on the recipe. After boiling, the entire volume is then chilled to room temperature and pumped into a fermentation vessel, where yeast is added to the "wort" (unfermented beer). The product will ferment and age for an average of two weeks, at which point it is ready for carbonation and packaging for consumption and distribution.

Our farm brewery plan is to start brewing four 3.5 BBL batches (108.5 gallons or 7 kegs) per week, with no employees. We will start our business with our doors open to the public on Fridays and Saturdays from 3pm to 6pm. We intend to have 5- 8 different beers available in our tasting room. We will sell 16- ounce pints for on- site consumption and 64- ounce growlers (glass vessels) for carry out. Off- site sales will consist of 1/2, 1/6 barrel kegs, and cases of 12- ounce bottles (4 six- packs).

PETITIONER' S

EXHIBIT NO. 6

Year 1 estimate-

Hours: Friday and Saturday 3pm- 6pm
On- site sales, per week: 400 pints (10% of production)
Off- site Sales, per week: 25 kegs (90% of production)
Employees: Carol and Carey Carton
Estimated total barrels, per year: 784 barrels

Year 3 estimate-

Hours: Friday and Saturday 3pm- 6pm
On- site sales, per week: 400 pints (5% of production)
Off- site Sales, per week: 53 kegs (95% of production)
Employees: Carol and Carey Carton, 2 additional employees
Estimated total barrels, per year: 1,456 barrels

Year 5 estimate-

Hours: Friday and Saturday 3pm- 6pm
On- site sales, per week: 400 pints (2.5% of production)
Off- site Sales, per week: 117 kegs (97.5% of production)
Employees: Carol and Carey Carton, 2 additional employees
Estimated total barrels, per year: 3,120 barrels

Our road has 6 households, including ours and is all residential and farm land. Our neighbors are in support of our endeavor, letters of support included.

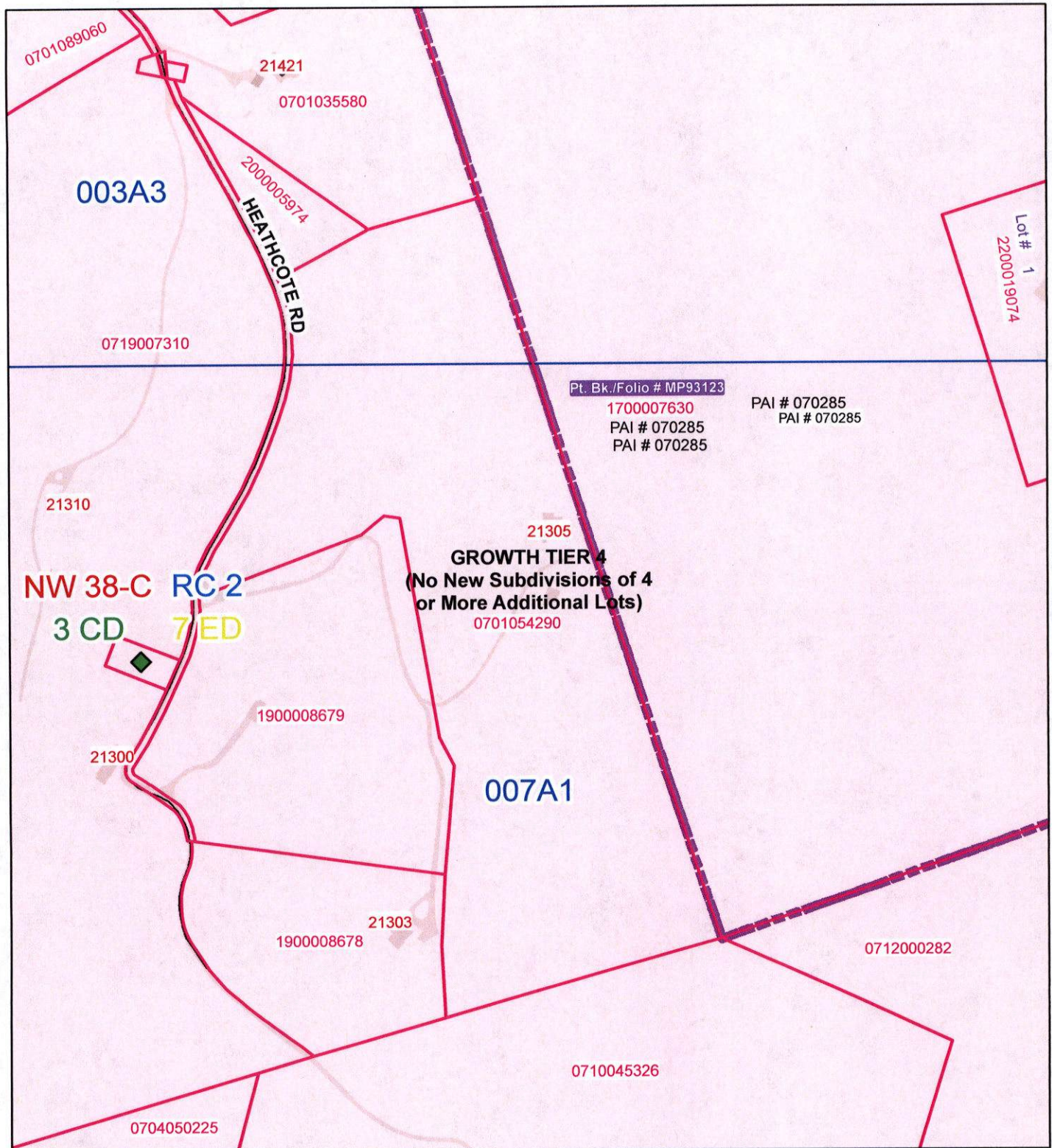
Due to our limited hours of operation, we plan to host events; we would like the state allowance of 12 events per year, maximum, as we do not feel that, coupled with our short hours, this greatly affects our community. Our events will be held on days that the brewery is already open, so the events will not increase the number of days we are open, just the number of hours we are open. Our field parking is more than 80 feet by 200 feet, which could park 75 cars, with 18 foot by 8.5 foot parking spaces and 20 foot aisles; with the addition of the brewery parking lot and some overflow parking, we could easily park 100 cars for an event.

If we can assist you with further information regarding our current business operation or our future brewery plans, please, contact us at 410-302-1415. Thank you, for your time and consideration.

Sincerely,

Carol Elisabeth and Carey Che Carton

21305 Heathcote Road 2016-0107-XA



Publication Date: 10/29/2015



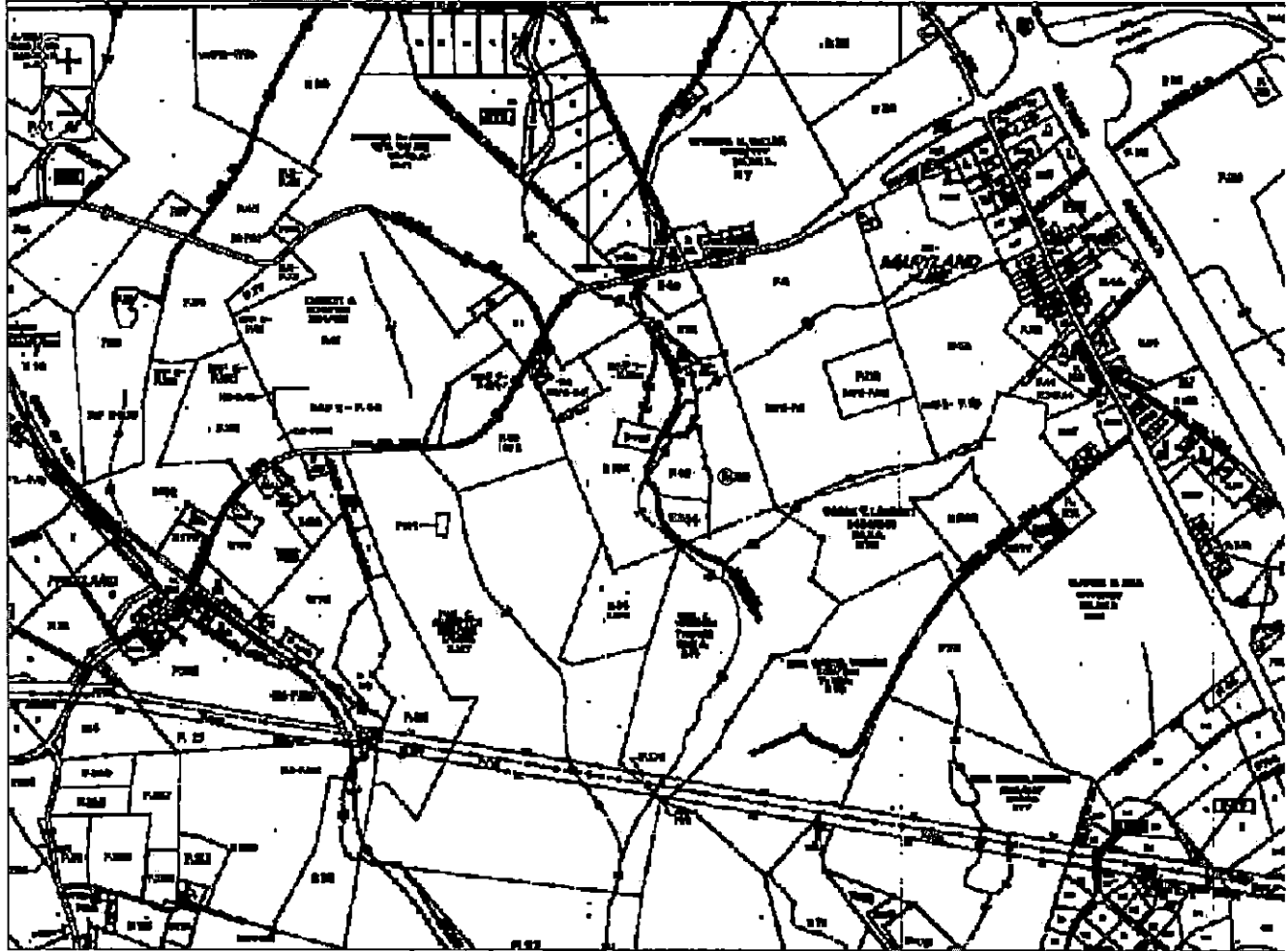
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 75 150 300 450 600 Feet

1 inch = 300 feet

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **07** Account Number: **0701054290**

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.

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>).

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 - 07 Account Number - 0701054290			
Owner Information					
Owner Name:	CARTON CAROL ELISABETH CARTON CAREY CHE		Use:	AGRICULTURAL YES	
Mailing Address:	21305 HEATHCOTE RD FREELAND MD 21053-		Deed Reference:	/32679/ 00006	
Location & Structure Information					
Premises Address:		21305 HEATHCOTE RD 0-0000		Legal Description:	24.086 AC 21305 HEATHCOTE RD ES 1000FT S FREELAND RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0007	0002	0240		0000	2014 2014
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1974	2,670 SF		24.0800 AC	05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	FRAME	3 full	
Value Information					
	Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	87,800	79,200			
Improvements	129,400	175,500			
Total:	217,200	254,700	242,200	254,700	
Preferential Land:	2,800			2,800	
Transfer Information					
Seller: ANACKER WILLIAM B		Date: 10/17/2012		Price: \$257,500	
Type: NON-ARMS LENGTH OTHER		Deed1: /32679/ 00006		Deed2:	
Seller: ANACKER WILLIAM B		Date: 03/12/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /30142/ 00046		Deed2:	
Seller: WILLIAMS CHARLES AG USE 83-84		Date: 01/24/1963		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /04100/ 00376		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					

GENERAL SITE INFORMATION

1. Ownership: Carol Elisabeth Carton & Carey Che' Carton
2. Addresses: 21305 Heathcote Road Freeland, MD 21053
3. Deed reference: SM 32679 / 6
4. Property area: 24.086 acres (per SM 32679 / 6)
5. Election District: 7th Councilmanic District: 3rd
6. Tax Map 7 Grid 02 Parcel 240 Tax Acc. # 07-01-054290
7. ADC Map Grid: 4008D8
8. Position Sheets: 150NW9, 150NW10, 151NW9 & 151NW10
9. GIS Tile Numbers: 003A3 & 007A1
10. Regional Planning District: Hereford / Maryland Line
Regional Planning Dist. Code: 301
11. Growth Tier: 4 Growth Tier Description: Preservation & Conservation Areas
12. Watershed Name: Loch Raven Reservoir
13. URDL Land Type: 1
14. School Districts: 7th District ES Hereford MS Hereford HS
15. Census Block: 240054070005007 Census Tract: 407000
16. The boundary shown hereon is from title deeds
17. The topography shown hereon is from GIS tiles 003A3 & 007A1

GROUND WATER MANAGEMENT

1. The existing dwelling shown hereon is served by a private septic system and a private well.
2. There are no underground fuel tanks on the subject property.

ENVIRONMENTAL IMPACT

Forest Conservation

1. Forest exists on the subject property.
2. No forest will be disturbed with the proposed use.

Forest Buffer

1. Wetlands exist on the subject property.
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3. The subject property is not located within a 100 year flood plain.
4. The subject property is not in the Chesapeake Bay Critical Area.

AGRICULTURE

A portion of the subject property are currently being used for agricultural purposes. The remaining property not used for residential use will continue to be used for agricultural purposes.

STORM WATER MANAGEMENT

1. Storm Water Management will be addressed during the building permit process (if needed).

OFFICE OF ZONING

Current Zoning RC 2

Zoning History

There have been no zoning hearings concerning the subject property.

R.C. 2 Setbacks for Residential Single Family Dwellings

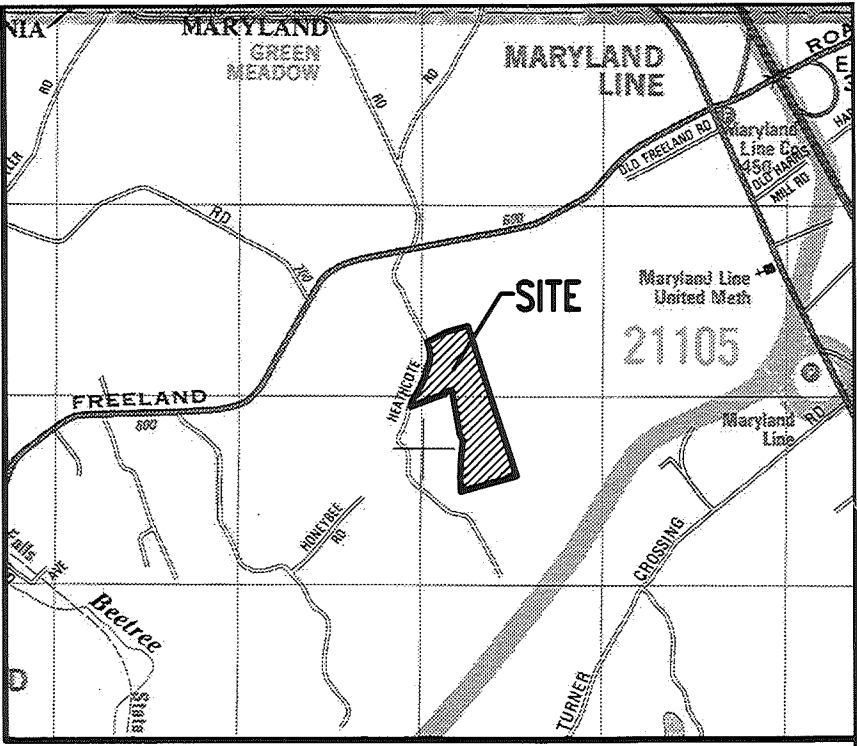
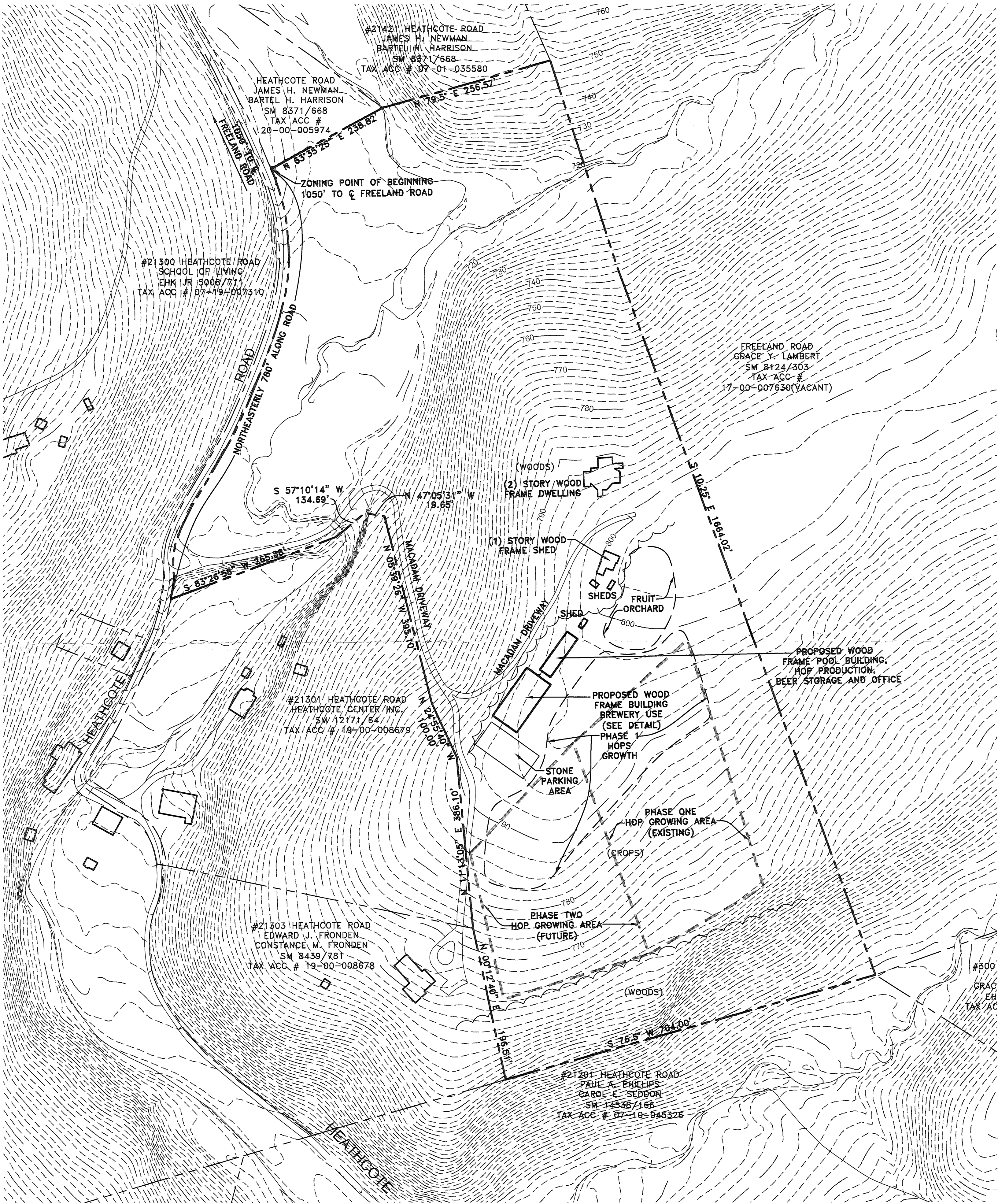
Front: 75 feet from the centerline of any street or road
Side / Rear: 35 feet from any lot line other than a street or road line

OFFICE OF PLANNING

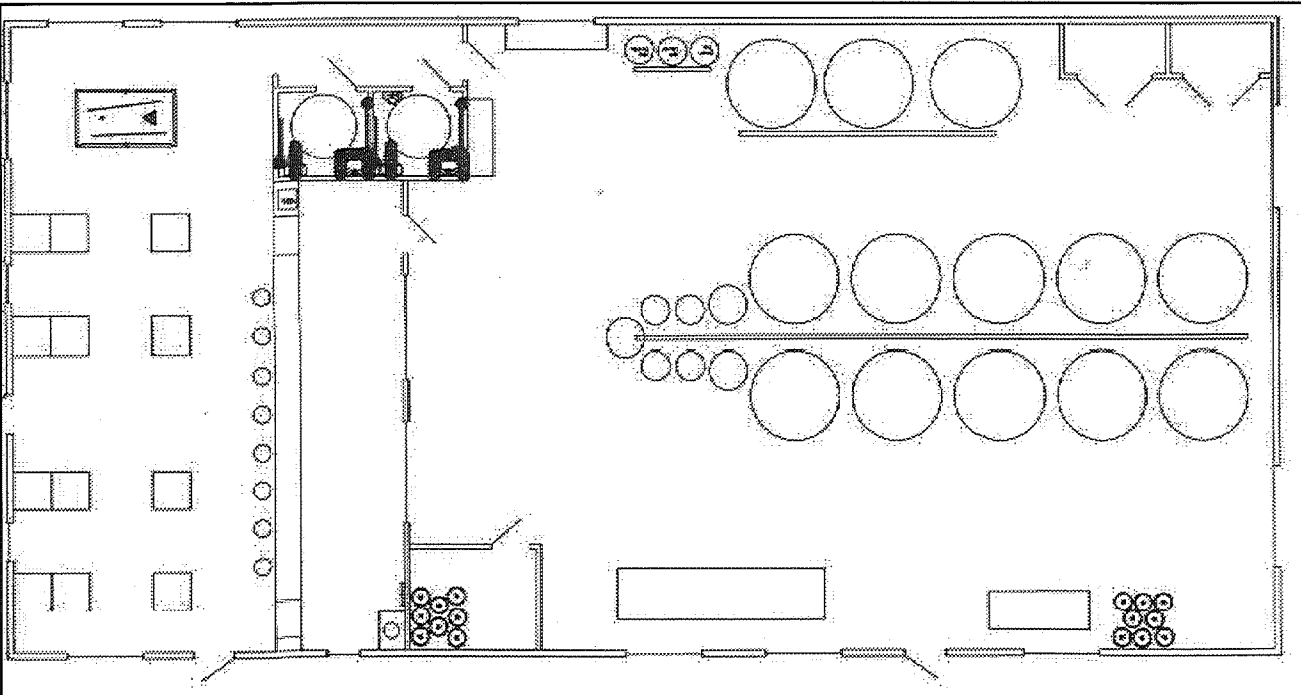
1. The subject property is not located in a National Register Historic District or on any other preservation list.
2. Heathcote Road is not designated as a Baltimore County scenic route.

INGREDIENT REQUIREMENT

The beer to be sold and delivered under the State of Maryland legislation and the Baltimore County code shall be manufactured with an ingredient from a Maryland agricultural product, including hops, grain, and fruit, produced on the licensed farm.



Vicinity Map — Scale: 1' = 2000'
ADC The Map People — Permitted Use # 20612205



BREWERY BUILDING DETAIL

PROPOSED DEVELOPMENT:

1. INCREASE THE AREA OF HOPS GROWTH.
2. CONSTRUCT BUILDINGS FOR THE BREWERY USE.
3. BREWERY TO MAKE MALT LIQUOR, PROVIDE RETAIL SALES AND TASTINGS.

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o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CAROL ELISABETH CARTON
CAREY CHE' CARTON PROPERTY
#21305 HEATHCOTE ROAD

BALTIMORE COUNTY, MARYLAND
7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 10/18/2015
Scale: 1"=100'
12/30/15

PETITIONER'S

EXHIBIT NO. 1

1. Ownership: Carol Elisabeth Carton & Carey Che' Carton
2. Addresses: 21305 Heathcote Road Freeiland, MD 21053
3. Deed reference: SM 32679 / 6
4. Property area: 24.086 acres (per SM 32679 / 6)
5. Election District: 7th Councilmanic District: 3rd
6. Tax Map 7: 4002 Parcel 2402 Tax Acc. # 07-01-054290
7. ADC Map Grid: 003BDE
8. Position Sheets: 150NW9, 150NW10, 151NW9 & 151NW10
9. GIS Title Numbers: 003A3 & 007A1
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Current Zoning RC 2

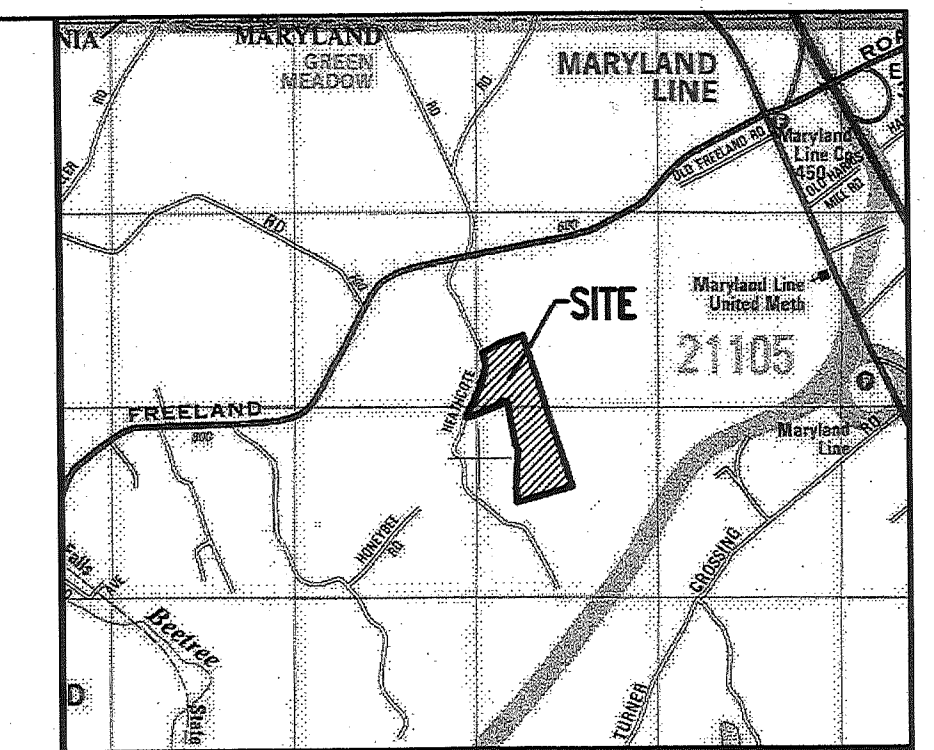
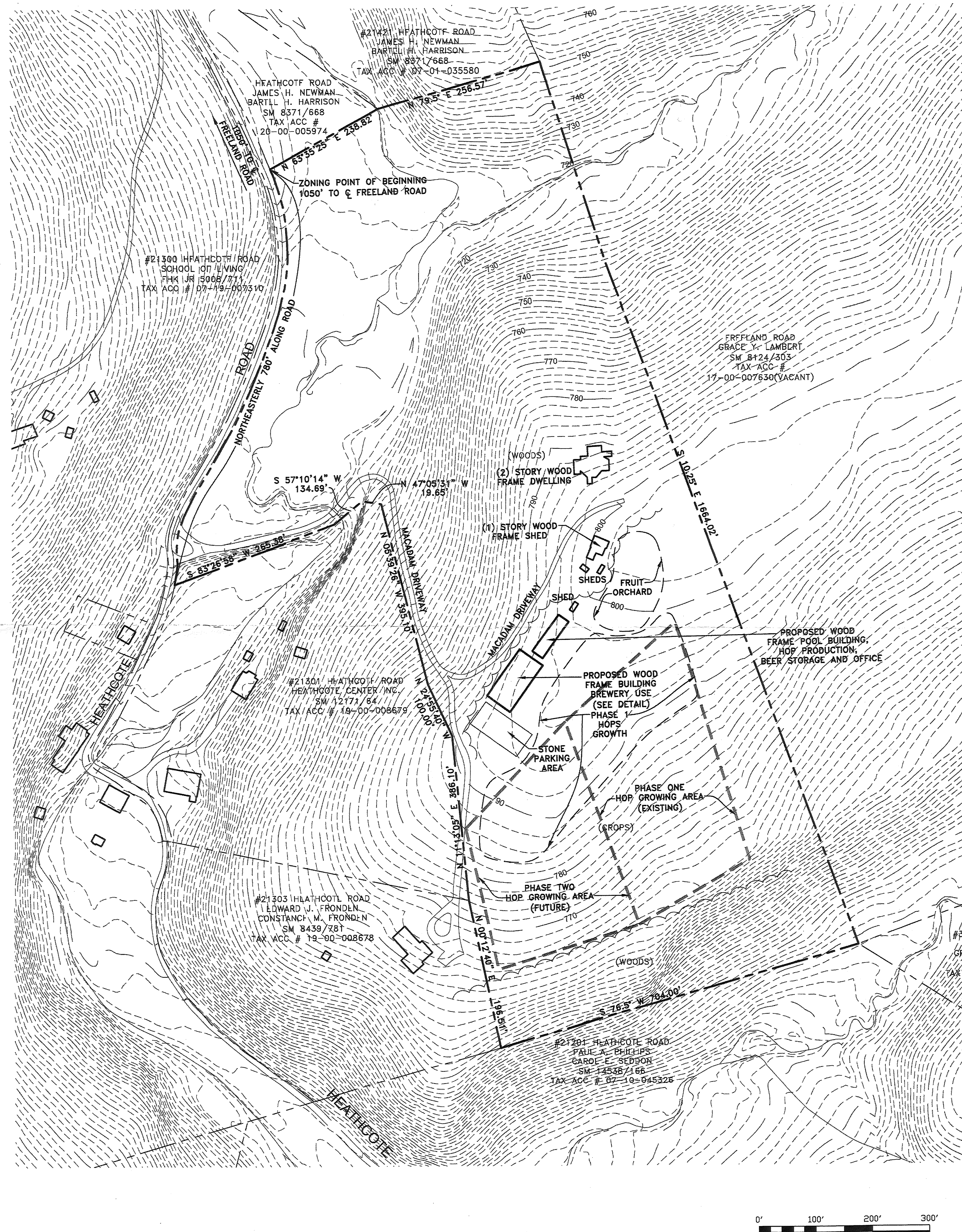
Zoning History

There have been no zoning hearings concerning the subject property.

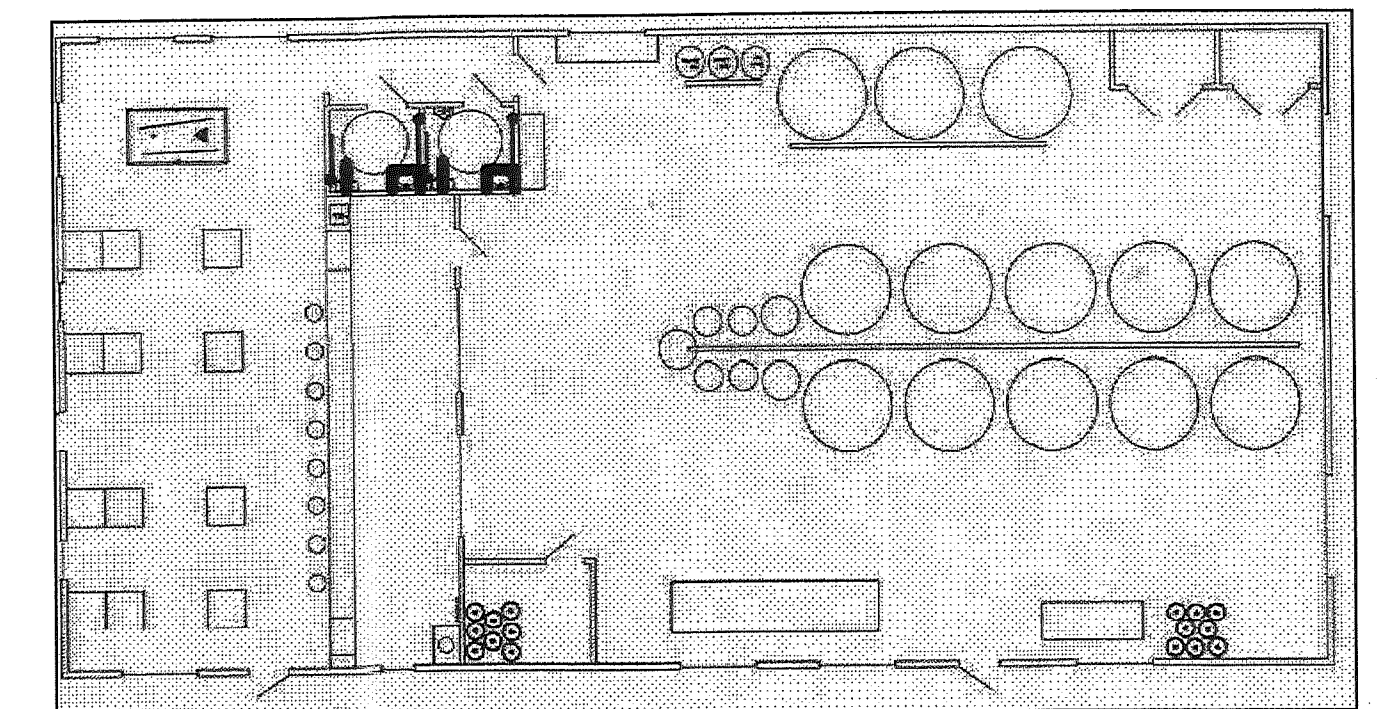
R.C. 2 Setbacks for Residential Single Family Dwellings

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ADC The Map People - Permitted Use # 20612205



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CAROL ELISABETH CARTON
CAREY CHE' CARTON PROPERTY
#21305 HEATHCOTE ROAD

BALTIMORE COUNTY, MARYLAND
7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 10/18/2015

Scale: 1"=100'



2016-0107-XA

GENERAL SITE INFORMATION

1. Ownership: Carol Elisabeth Carton & Carey Che' Carton
2. Addresses: 21305 Heathcote Road Freeland, MD 21053
3. Deed reference: SM 32679 / 6
4. Property area: 24.086 acres (per SM 32679 / 6)
5. Election District: 7th Councilmanic District: 3rd
6. Tax Map 7 Grid 02 Parcel 240 Tax Acc. # 07-01-054290
7. ADC Map Grid: 4008D3
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STORM WATER MANAGEMENT

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OFFICE OF ZONING

Current Zoning RC 2

Zoning History

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R.C. 2 Setbacks for Residential Single Family Dwellings

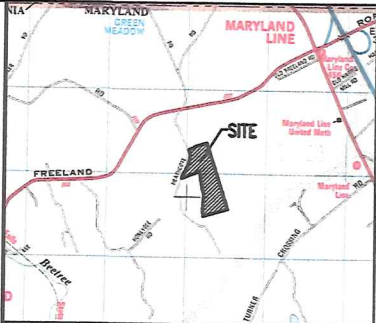
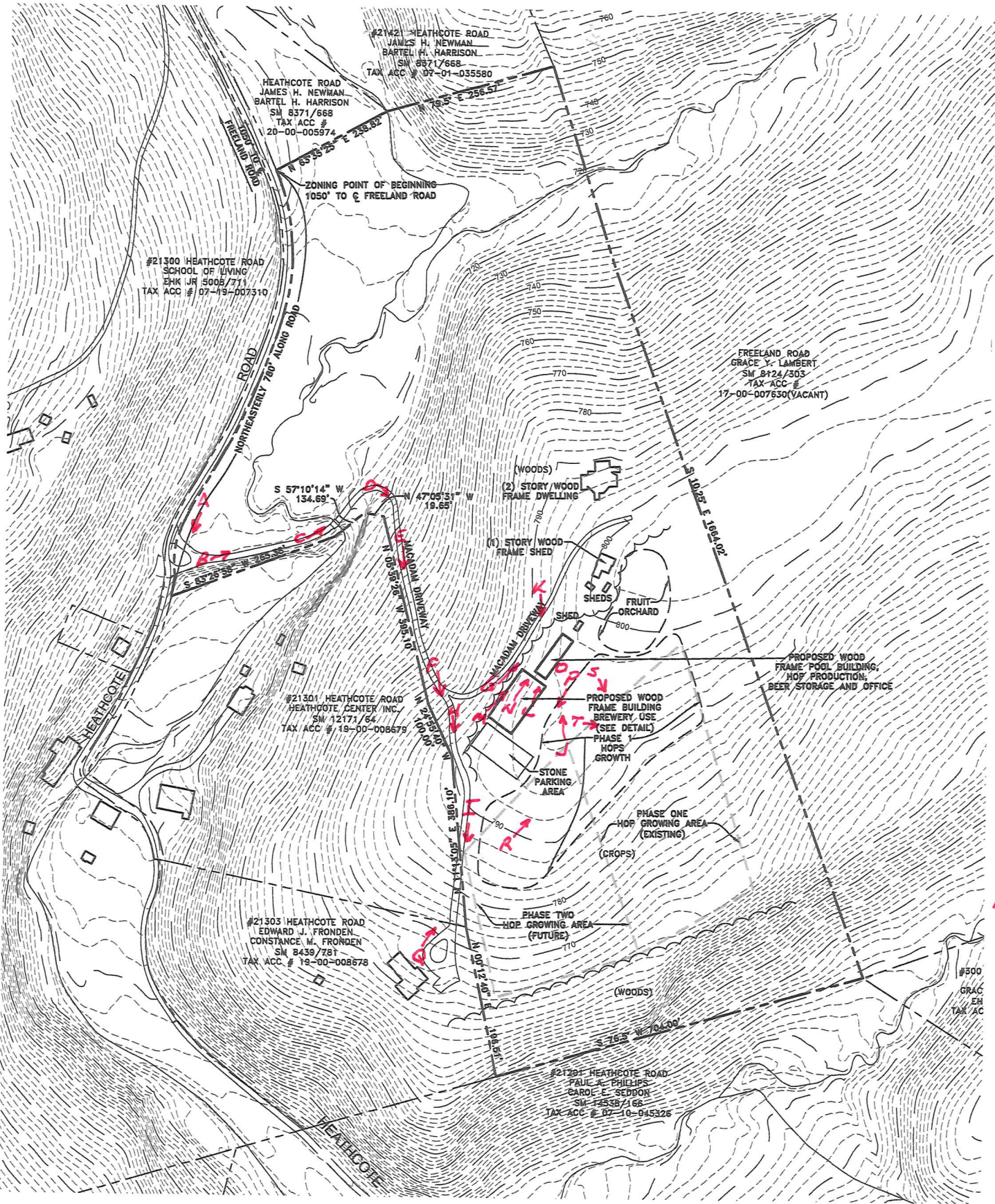
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OFFICE OF PLANNING

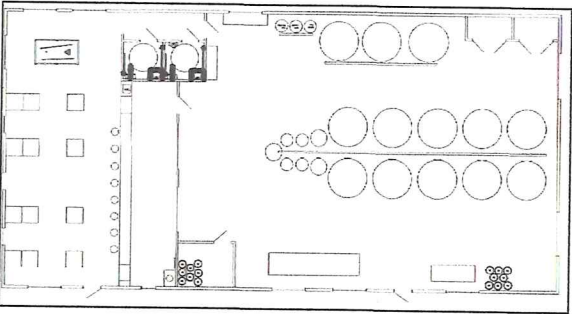
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PLAN TO ACCOMPANY PHOTOGRAPHS

Bruce E. Doak Consulting, LLC
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7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT
Date: 10/18/2015
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PETITIONER'S

EXHIBIT NO. 2

REVISION
12/30/15
ADDED INGREDIENT
REQUIREMENT NOTE



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Current Zoning RC 2

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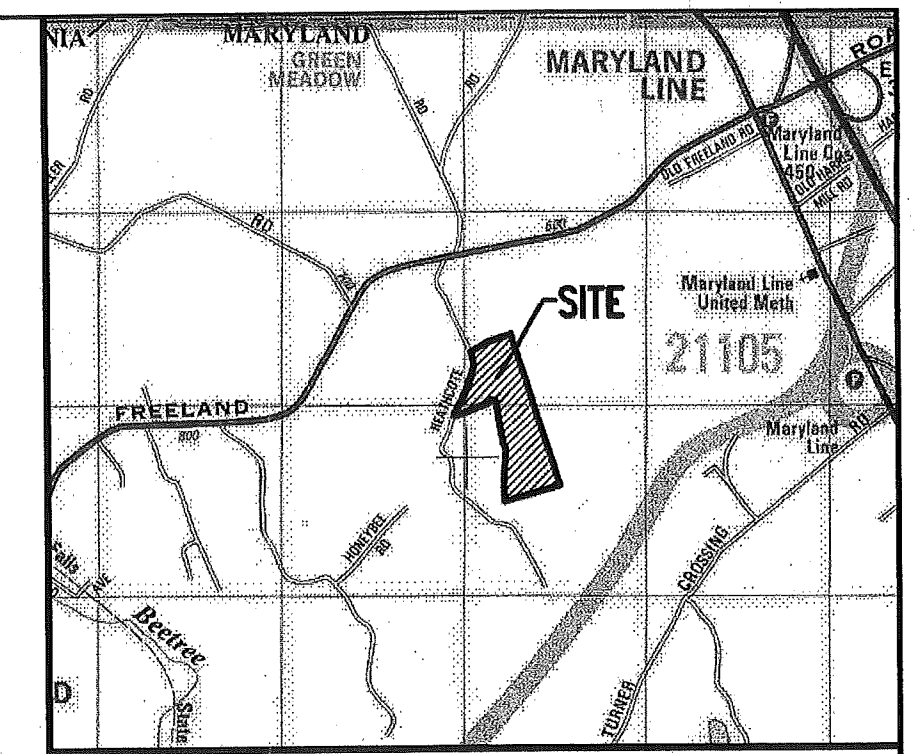
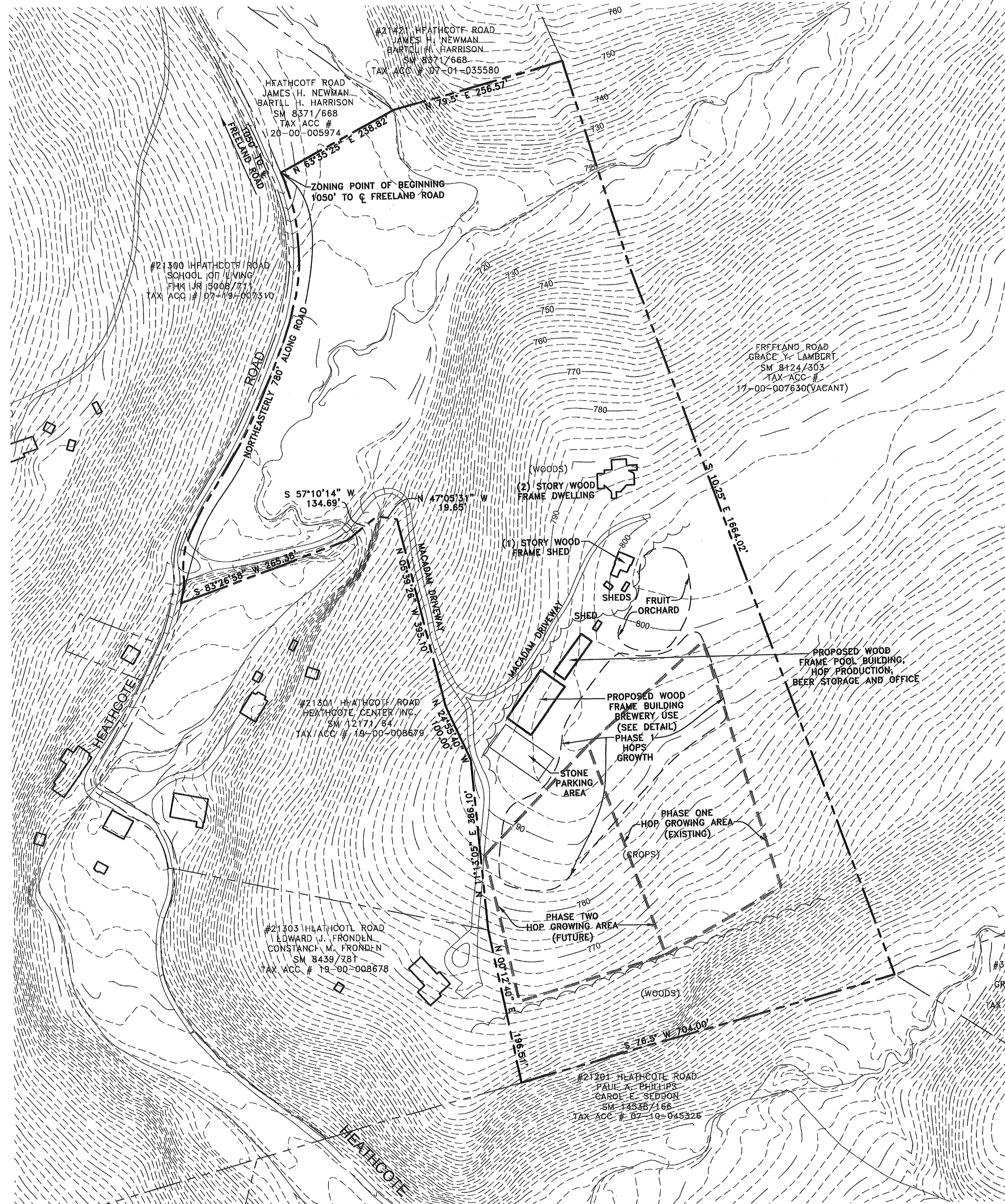
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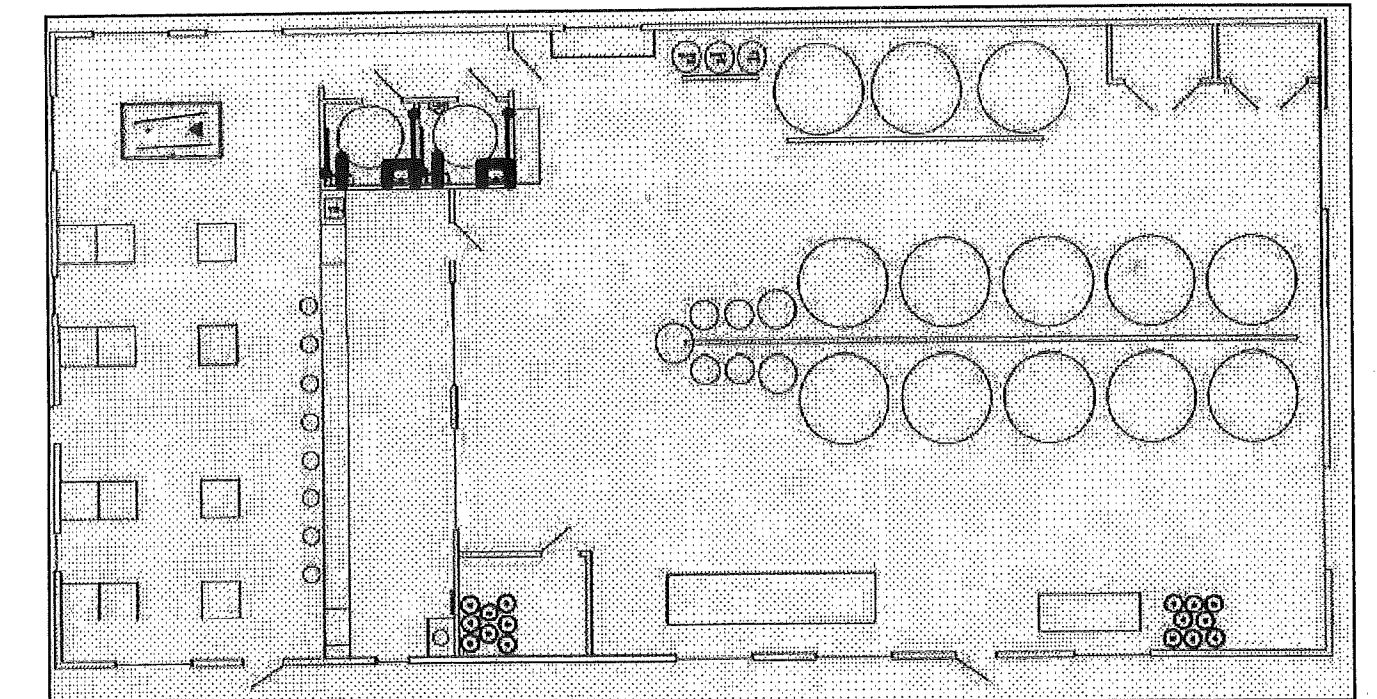
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REVISION

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