



KEVIN KAMENETZ
County Executive

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

January 16, 2018

Christopher D. Mudd, Esq.
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, MD 21204

RE: **MOTION FOR RECONSIDERATION** –
Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0111-SPHXA
Property: 2950 Garrett Road

Dear Mr. Mudd:

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

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

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(2950 Garrett Road) *
7th Election District *
3rd Council District *
Stephen Mark & Helen Norman Elmore *
Legal Owners *
Star Bright Farm, LLC *
Lessee *
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0111-SPHXA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

By letter dated January 5, 2018, Petitioners sought clarification concerning one of the conditions included in the Order dated December 13, 2017. The correspondence will be treated as a motion for reconsideration under Rule 4K of the Zoning Commissioner's Rules of Procedure.

The condition at issue prohibited wedding ceremonies or receptions at the site. Petitioners seek confirmation this restriction would not prevent them from holding "non-commercial weddings" on the property. In a letter dated January 10, 2018, Michael Pierce (who participated in the December 11, 2017 hearing) agreed this restriction should not prevent "non-commercial weddings" at the site.

I concur, and will amend Condition No. 4 accordingly. A wedding or reception on the property for a family member or close friend (without compensation) is properly characterized as an accessory use. This is especially the case here, where the subject property is a 127 acre farm with significant buffers between adjacent properties. In a recent unreported opinion which considered the application of Queen Anne's County's "special event" ordinance regulating weddings and other gatherings at farms and similar venues, the court acknowledged the regulation applied only to events held for compensation. The County's director of planning testified the

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Date 1-16-18

By DW

ordinance would not prohibit “family weddings or weddings of friends.” Salmon v. Evans, 2017 WL 747873 (Court of Special Appeals, 2-27-2017).

The second aspect of Petitioners’ motion is more problematic. Though they have no plans to do so at this time, Petitioners are concerned the restriction prohibiting weddings could preclude them from seeking such approval at a later date. The subject property is zoned R.C. 2, and though I have not exhaustively researched the point, I do not believe a commercial wedding or reception venue would be permitted in the zone by right or special exception. See B.C.Z.R. § 1A01.2. While not deciding the point, I believe Mr. Pierce is correct that a petition seeking such approval should properly “be denied as being contrary to the zoning.”

Petitioners’ primary concern is that a subsequent petition could be barred by the doctrine of *res judicata*. Though it is true Petitioners did not seek approval to have commercial weddings at the property, *res judicata* applies not only to claims pursued but also those that could have been included in the original petition. Powell v. Breslin, 430 Md. 52, 64 (2013) (res judicata bars relitigation of matters decided and which “could have been litigated in the first suit”). I am amenable to clarify the restriction to specifically allow Petitioners to revisit the issue at a later date, although I am not sure this would immunize them against a subsequent challenge based on *res judicata*.

But this issue could also arise in the future under other circumstances. The zoning of the property could change. The County Council could amend the RC use regulations to permit commercial events and receptions on rural properties. In these circumstances, Petitioners would of course be entitled to file a petition seeking approval to have such events on their property. *Res judicata* is not applicable when there is a change in the governing law. Gertz v. Anne Arundel Co., 339 Md. 261, 271-72 (1995).

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WHEREFORE, IT IS ORDERED this 16th day of **January, 2018**, by this Administrative Law Judge for Baltimore County that the motion for reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED that Condition No. 4, on page 6 of the December 13, 2017 order in the captioned case be and is hereby stricken in its entirety, and in its place insert the following:

4. Petitioners shall be entitled to have wedding ceremonies and/or receptions on the property provided the participants shall be related to Petitioners by blood or marriage or close, longstanding friendship. Any such weddings shall be "non-commercial"; i.e., Petitioners shall not receive compensation of any sort in connection with hosting such events. No commercial weddings or receptions shall be held at the subject property, although Petitioners may at a later date, through a public hearing process, seek to amend or strike this prohibition, and such request shall not be barred by *res judicata* and/or collateral estoppel.

IT IS FURTHER ORDERED that all other terms and conditions of the December 13, 2017 order shall continue in full force and effect.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 1-16-18

By dlw

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(2950 Garrett Road) *
7th Election District *
3rd Council District *
Stephen Mark & Helen Norman Elmore *
Legal Owners *
Star Bright Farm, LLC *
Lessee *
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0111-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Stephen Mark and Helen Norman Elmore, legal owners, and Star Bright Farm, LLC, lessee ("Petitioners").

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to confirm that various activities conducted on the subject property, including public field visits, pick-your-own produce, field-to-table picnics/suppers, and harvest and seasonal-related programs, are permitted as accessory uses to the principal farm, farm market, and agricultural training and trade school uses; (2) under Section 500.7 of the B.C.Z.R. or in the alternative a variance from Section 409.8.A.1 of the B.C.Z.R., to permit an off-street parking area in a field without screening or landscaping; (3) under Section 500.7 of the B.C.Z.R. or in the alternative a variance from Section 409.8.A.2 of the B.C.Z.R., to permit an off-street parking area in a field without a durable and dustless surface; (4) under Section 500.7 of the B.C.Z.R. or in the alternative a variance from Section 409.8.A.6 of the B.C.Z.R., to permit an off-street parking area in a field without striping; and (5) to confirm there is a sufficient parking area for the proposed farm market and agricultural training and trade school uses.

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In addition, a Petition for Special Exception was filed as follows: (1) for a farm market; and (2) for an agricultural training and trade school.

Appearing at the public hearing in support of the requests was Peter Elmore and landscape architect David Martin. Christopher D. Mudd, Esq., represented the Petitioners. Mike Pierce attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP). That agency did not oppose the requests.

The subject property is approximately 127.04 acres in size and is zoned RC-2. The large rural property is improved with a dwelling constructed in 1853, a bank barn and several other outbuildings. The vast majority of the site is unimproved and several fields are used for planting crops including lavender, blueberries and vegetables. The property is subject to and governed by an easement held by the Maryland Agricultural Land Preservation Foundation (MALPF).

The Petitioners are not proposing any new structures or development at this time. Instead, the case for the most part involves an interpretation of the zoning regulations to determine if certain uses as proposed are permitted in an RC-2 zone. A special hearing is the appropriate mechanism to undertake this inquiry. *Antwerpen v. Balto. Co.*, 163 Md. App. 194, 209 (2005) ("A request for special hearing is, in legal effect, a request for a declaratory judgment").

As discussed at the hearing, the variance requests pertain to off-street parking. Petitioners propose parking on a field adjacent to an existing driveway. Petitioners contend that paving, striping and "improving" the parking area, arguably required under B.C.Z.R. §409, would be antithetical to the goals of the RC-2 zone. I concur, but rather than granting a variance to dispense

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with these requirements, I believe the special hearing is the proper procedure to address this issue. As such, the petition for variance will be dismissed without prejudice.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized 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.

In the RC-2 zone, both farm markets and schools for agricultural training are permitted by special exception. B.C.Z.R. §1A01.2.C.9 & C.24. But two special exception uses cannot be permitted on the same property. Even so, and as discussed at the hearing, I do not believe the types of educational seminars and workshops proposed by Petitioners would constitute the operation of a "school for agricultural training" as listed in B.C.Z.R. §1A01.2.C.24. Seminars and hands-on workshops of this type are often offered on farms and agricultural sites. I believe they are properly categorized as accessory or ancillary uses to the farm, which of course is permitted by right in the RC-2 zone. B.C.Z.R. §1A01.2.B.2. Mr. Martin, who was accepted as an expert, opined Petitioners satisfied B.C.Z.R. §502.1, and no testimony or evidence was offered to rebut this conclusion. As such the petition for special exception to approve a farm market will be granted.

Special Hearing

As noted above, the first aspect of the special hearing pertains to parking at the site. The site plan identifies an area for vehicle parking on a flat, grassy field adjacent to the bank barn,

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By sen

where many of the proposed farm activities would be held. Mr. Martin testified that at least 60 cars could be accommodated in this area which both he and Peter Elmore believed would be more than sufficient. It would be unthinkable to pave this area and in any event it would violate the MALPF easement on the property. *See* Ex. 5. The Regulations do not specify the number of spaces required for uses such as those proposed herein, and in that circumstance the ALJ is authorized to determine whether the parking shown on the plan would be sufficient. B.C.Z.R. §409.6.A. I am convinced by the testimony of Messrs. Martin and Elmore that the parking shown on the site plan would be more than sufficient for the intermittent types of uses proposed. As such this portion of the special hearing will be granted.

The other aspect of the petition for special hearing concerns the accessory and ancillary uses proposed, including public tours, pick-your-own produce and seasonal programs. Mr. Elmore described in some detail his vision for the farm, and stated he would like to offer farming workshops to teach people to cultivate and use crops. The bank barn would be used for a farmers market where Petitioners would sell the crops grown on site. Mr. Elmore explained the plan is to incorporate elements of permaculture, a concept which promotes holistic and sustainable agriculture that is in harmony with the surrounding area and natural ecosystems.

The subject property is zoned RC-2. The purpose of this zoning classification is to “foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County.” B.C.Z.R. §1A01.1.B. In addition, the Master Plan specifically encourages such activities in the RC-2 zone which will “foster a sustainable agricultural industry.” The plan also notes consumers desire “experiences related to agricultural production...such as wineries, pumpkin festivals, community supported agriculture and direct market business operations.” *See* Master Plan 2020, pp. 142-44. These are precisely the types of activities proposed by the

Petitioners herein, which I believe are especially appropriate for large RC-2 zoned tracts. As such this portion of the special hearing request will also be granted.

THEREFORE, IT IS ORDERED this 13th day of **December, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to confirm that various activities conducted on the subject property, including public field visits, pick-your-own produce, field-to-table picnics/suppers, educational seminars/workshops, and harvest and seasonal-related programs, are permitted as accessory uses to the principal farm use; (2) to permit an off-street parking area in a field without screening or landscaping; (3) to permit an off-street parking area in a field without a durable and dustless surface; (4) to permit an off-street parking area in a field without striping; and (5) to confirm there is a sufficient parking area for the proposed farm market and proposed accessory uses, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to operate a farm market on the subject property be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance under B.C.Z.R. §409.8.A be and is hereby DISMISSED WITHOUT PREJUDICE..

The relief granted herein shall be subject to 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 shall be subject to the conditions and restrictions set forth in the December 5, 2017 letter from the Maryland Department of Agriculture, a copy of which is attached hereto and incorporated herein. Any changes or modifications of these restrictions requires written

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Date

12/13/17

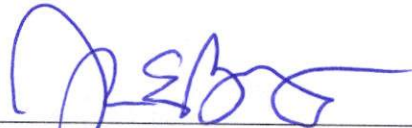
By

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permission from the Maryland Agricultural Land Preservation Foundation.

3. The farmer's market at the site shall operate between the hours of 10 a.m. and 5 p.m., and any special events at the property (including dinners, educational seminars, etc.) must conclude no later than 10 p.m.
4. No wedding ceremonies or receptions may be held at the site.

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 12/13/17

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 2950 Garrett Road, White Hall, MD 21161

which is presently zoned RC-2

Deed References: 10605/131

10 Digit Tax Account # 0 7 0 1 0 3 5 5 6 0

Property Owner(s) Printed Name(s) Stephen Mark Elmore and Helen Norman Elmore

(SELECT THE HEARING(S) BY MARKING ☒ 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

SEE ATTACHMENT NO. 1

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

SEE ATTACHMENT NO. 2

3. ☒ a **Variance** from Section(s)

SEE ATTACHMENT NO. 1

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:

Star Bright Farm, LLC

Name- Type or Print

Helen Norman Elmore

Signature

2950 Garrett Road, White Hall, MD

Mailing Address

21161

Zip Code

303-
(410) 8030

Telephone #

City

State

Email Address

Attorney for Petitioner:

Christopher D. Mudd, Esq.

Name- Type or Print

Christopher D. Mudd, Esq.

Signature

210 W. Pennsylvania Avenue, Ste. 500, Towson, MD

Mailing Address

21204

Zip Code

(410) 494-6200

Telephone #

cdmudd@venable.com

Email Address

Legal Owners (Petitioners):

Stephen Mark Elmore and Helen Norman Elmore

Name #1 - Type or Print

Stephen Mark Elmore

Signature #1

Name #2 - Type or Print

Helen Norman Elmore

Signature #2

2950 Garrett Road, White Hall, MD

Mailing Address

21161

Zip Code

303-
(410) 8030

Telephone #

City

State

Email Address

Representative to be contacted:

Christopher D. Mudd, Esq.

Name - Type or Print

Christopher D. Mudd, Esq.

Signature

210 W. Pennsylvania Avenue, Ste. 500, Towson, MD

Mailing Address

21204

Zip Code

(410) 494-6200

Telephone #

City

State

cdmudd@venable.com

Email Address

CASE NUMBER

2018-0111-SP1A

Filing Date

10/18/2017

Do Not Schedule Dates:

Reviewer

JNP

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date

12/13/17

By

Sen

**STEPHEN MARK ELMORE
HELEN NORMAN ELMORE**

2950 GARRETT ROAD

ATTACHMENT NO. 1

**TO PETITION FOR SPECIAL HEARING/VARIANCE AND SPECIAL
EXCEPTION**

1. Special Hearing under Section 500.7 of the B.C.Z.R. to confirm that various activities conducted on the subject property, including public field visits, pick-your-own produce, field-to-table picnics/suppers, and harvest and seasonal-related programs, are permitted as accessory uses to the principal farm, farm market, and agricultural training and trade school uses.
2. Special Hearing under Section 500.7 of the B.C.Z.R., or in the alternative a Variance from Section 409.8.A.1 of the B.C.Z.R., to permit an off-street parking area in a field without screening or landscaping.
3. Special Hearing under Section 500.7 of the B.C.Z.R., or in the alternative a Variance from Section 409.8.A.2 of the B.C.Z.R., to permit an off-street parking area in a field without a durable and dustless surface.
4. Special Hearing under Section 500.7 of the B.C.Z.R., or in the alternative a Variance from Section 409.8.A.6 of the B.C.Z.R., to permit an off-street parking area in a field without striping.
5. Special Hearing under Sections 500.7 and 409.6.A of the B.C.Z.R. to confirm there is a sufficient parking area for the proposed farm market and agricultural training and trade school uses.

**STEPHEN MARK ELMORE
HELEN NORMAN ELMORE**

2950 GARRETT ROAD

ATTACHMENT NO. 2

**TO PETITION FOR SPECIAL HEARING/VARIANCE AND SPECIAL
EXCEPTION**

1. Special Exception for a farm market, pursuant to B.C.Z.R. Section 1A01.2.C.9.
2. Special Exception for an agricultural training and trade school, pursuant to B.C.Z.R. Section 1A01.2.C.24.

MARTIN

MARTIN
&
PHILLIPS

&

PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

ZONING DESCRIPTION

October 17, 2017

Star Bright Farm, LLC
2950 Garrett Road
Whitehall, MD 21161

Beginning for the description of a 127.04 acre tract identified as Parcel 0057, Tax Map 0013, at a point at the centerline intersections of Old York Road (S.R. 439) and Kirkwood Shop Road thence S 47° 59' 45" W, 25.22' feet more or less to a point of beginning at the northwestern most corner of the subject property thence:

- 1) to a curve to the right on Old York Road having a Radius of 1923.79' with a chord bearing of S62° 48' 26"E, and a chord length of 569.44' thence,
- 2) to a curve to the right on Old York Road having a Radius of 1237.17' with a chord bearing of S36° 44' 12"E and a chord length of 729.04' thence,
- 3) to a curve fillet at Garrett Road having a Radius of 25.00' with a chord bearing of S18° 18' 14"E and a chord length of 30.72' thence,
- 4) S56° 12' 32"W, 175.59' thence,
- 5) S55° 29' 17"W, 427.17', thence,
- 6) to a curve to the right on Garrett Road having a Radius of 473.00' with a chord bearing of S64° 58' 05"W and a chord length of 190.74' thence,
- 7) S78° 03' 01"W, 23.94', thence,
- 8) To a curve to the left on Garrett Road having a Radius of 650.60' with a chord bearing of S67° 23' 52"W and a chord length of 272.81' thence,
- 9) S55° 17' 43"W, 263.84', thence,
- 10) S51° 49' 05" W, 461.18', thence,
- 11) S42° 30' 16"W, 113.70', thence,
- 12) S 42° 30' 16"W, 90.34', thence,
- 13) S 49° 27' 50"W, 239.39', thence,
- 14) To a curve to the left on Garrett Road having a Radius of 890.40' with a chord bearing of S39° 46' 17" W and a length of 299.81 thence,
- 15) S 30° 04' 45"W, 231.28', thence,
- 16) To a curve to the left on Garrett Road having a Radius of 180.00' with a chord bearing of S03° 11' 40" E and a chord length of 197.51' thence,
- 17) S 36° 28' 05"E, 424.92', thence,
- 18) To a curve bearing right on Garrett Road having a Radius of 150.00' and a chord bearing of S43° 22' 56"W and a chord length of 175.67' thence,
- 19) S 35° 13' 11"W, 408.60', thence,
- 20) To a curve to the right on Garrett Road having a Radius of 695.87' with a chord bearing of S40° 26' 46"W, and a chord length of 161.88' thence,

TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8595
FAX: 410.321.1175

2018-0111-SPHX4

- 21) N 50° 27' 57"W, 1466.56', thence
- 22) N 27° 02' 25"E, 1377.80', thence,
- 23) N 00° 16' 04"W, 114.37', thence,
- 24) N 81° 34' 01"E, 629.34', thence,
- 25) N 41° 29' 31"E, 1811.01', back to the point of beginning

Containing 5,532,120 Square Feet or 127.049 Acres of Land more or less.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

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



2018-0111-SPHXA



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 5304965

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

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

Nov 21, 2017

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: # 2018-0111-SPHXA
2950 Garrett Road
NW/s Garrett Road at the corner of the SW/s of Old York Road
7th Election District - 3rd Councilmanic District
Legal Owner(s) Stephen Mark Elmore and Helen Norman Elmore
Contract Purchaser/Lessee: Star Bright Farm, LLC

Special Hearing 1. To confirm that various activities conducted on the subject property, including public field visits, pick-your-own produce, field-to-table picnics/suppers, and harvest and seasonal-related programs, are permitted as accessory uses to the principal farm, farm market, and agricultural training and trade school uses. 2. Under Section 500.7 of the BCZR or in the alternative a Variance from Section 409.8.A.1 of the BCZR; to permit an off-street parking area in a field without screening or landscaping. 3. Under section 500.7 of the BCZR or in the alternative a Variance from Section 409.8.A.2 of the BCZR; to permit an off-street parking area in a field without a durable and dustless surface. 4. Under Section 500.7 of the BCZR or in the alternative a Variance from Section 409.8.A.6 of the BCZR; to permit an off-street parking area in a field without striping. 5. To confirm there is a sufficient parking area for the proposed farm market and agricultural training and trade school uses. Special Exception for a farm market; for an agricultural training and trade school.

Hearing: Monday, December 11, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 11/666 November 21 5304965

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

2018-0111-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

Stephen Mark Elmore and Jelen Norman Elmore
Star Bright Farm, LLC

December 11, 2017

Date of Hearing/Closing: _____

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

Attn: 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: _____

2950 Garrett Road

November 21, 2017

The sign(s) were posted on _____

(Month, Day, Year)



Sincerely,


(Signature of Sign Poster)

November 21, 2017

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

5. The fifth part of the document provides a summary of the key points discussed. It reiterates the importance of accurate record-keeping and the need for strict adherence to the established procedures.

6. The final part of the document concludes with a statement of intent. It expresses the commitment of the organization to maintain the highest standards of financial integrity and to ensure that all transactions are properly recorded and audited.

ZONING NOTICE

CASE # **2018-0111-SPHXA**

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

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

DATE AND TIME: **Monday, December 11, 2017 at 10:00 a.m.**

REQUEST: *Special Hearing 1.* To confirm that various activities conducted on the subject property, including public field visits, pick-your-own produce, field-to-table picnics/ suppers, and harvest and seasonal-related programs, are permitted as accessory uses to the principal farm, farm market, and agricultural training and trade school uses. *2.* Under Section 500.7 of the BCZR or in the alternative a Variance from Section 409.8.A.1 of the BCZR; to permit an off-street parking area in a field without screening or landscaping. *3.*

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # **2018-0111-SPHXA** (Continued)

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

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

DATE AND TIME: **Monday, December 11, 2017 at 10:00 a.m.**

REQUEST: Under section 500.7 of the BCZR or in the alternative a Variance from Section 409.8.A.2 of the BCZR; to permit an off-street parking area in a field without a durable and dustless surface. *4.* Under Section 500.7 of the BCZR or in the alternative a Variance from Section 409.8.A.6 of the BCZR; to permit an off-street parking area in a field without striping. *5.* To confirm there is a sufficient parking area for the proposed farm market and agricultural training and trade school uses. Special Exception for a farm market; for an agricultural training and trade school.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



KEVIN KAMENETZ
November 8, 2017

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

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: 2018-0111-SPHXA

2950 Garrett Road

NW/s Garrett Road at the corner of the SW/s of Old York Road

7th Election District – 3rd Councilmanic District

Legal Owners: Stephen Mark Elmore and Helen Norman Elmore

Contract Purchaser/Lessee: Star Bright Farm, LLC

Special Hearing 1. To confirm that various activities conducted on the subject property, including public field visits, pick-your-own produce, field-to-table picnics/suppers, and harvest and seasonal-related programs, are permitted as accessory uses to the principal farm, farm market, and agricultural training and trade school uses. 2. Under Section 500.7 of the BCZR or in the alternative a Variance from Section 409.8.A.1 of the BCZR; to permit an off-street parking area in a field without screening or landscaping. 3. Under section 500.7 of the BCZR or in the alternative a Variance from Section 409.8.A.2 of the BCZR; to permit an off-street parking area in a field without a durable and dustless surface. 4. Under Section 500.7 of the BCZR or in the alternative a Variance from Section 409.8.A.6 of the BCZR; to permit an off-street parking area in a field without striping. 5. To confirm there is a sufficient parking area for the proposed farm market and agricultural training and trade school uses. Special Exception for a farm market; for an agricultural training and trade school.

Hearing: Monday, December 11, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Christopher Mudd, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Mr. & Mrs. Elmore, 2950 Garrett Road, White Hall 21161

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 21, 2017.
(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

Zoning Review Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 21, 2017 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6200

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: 2018-0111-SPHXA

2950 Garrett Road

NW/s Garrett Road at the corner of the SW/s. of Old York Road

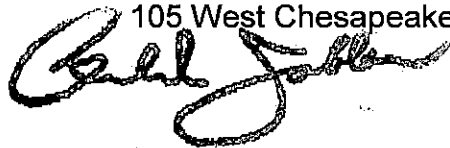
7th Election District – 3rd Councilmanic District

Legal Owners: Stephen Mark Elmore and Helen Norman Elmore

Contract Purchaser/Lessee: Star Bright Farm, LLC

Special Hearing 1. To confirm that various activities conducted on the subject property, including public field visits, pick-your-own produce, field-to-table picnics/suppers, and harvest and seasonal-related programs, are permitted as accessory uses to the principal farm, farm market, and agricultural training and trade school uses. 2. Under Section 500.7 of the BCZR or in the alternative a Variance from Section 409.8.A.1 of the BCZR; to permit an off-street parking area in a field without screening or landscaping. 3. Under section 500.7 of the BCZR or in the alternative a Variance from Section 409.8.A.2 of the BCZR; to permit an off-street parking area in a field without a durable and dustless surface. 4. Under Section 500.7 of the BCZR or in the alternative a Variance from Section 409.8.A.6 of the BCZR; to permit an off-street parking area in a field without striping. 5. To confirm there is a sufficient parking area for the proposed farm market and agricultural training and trade school uses. Special Exception for a farm market; for an agricultural training and trade school.

Hearing: Monday, December 11, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
2950 Garrett Road; NW/S Garrett Road @	*	OF ADMINISTRATIVE
Corner of SW/S of Old York Road		
7 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Stephen M & Helen N Elmore		
Contract Purchaser(s): Star Bright Farm LLC	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2018-111-SPHXA

* * * * *

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

OCT 24 2017

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 24th day of October, 2017, a copy of the foregoing Entry of Appearance was mailed to Christopher Mudd, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 twenty (20) 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: 2018-0111-SPHXA

Property Address: 2950 Garrett Road

Property Description: NW/5 of GARRETT Road opposite Kirkwood
Stop Road @ corner of SW/5 of Old York Road

Legal Owners (Petitioners): Stephen Mark Elmore and Helen Norman Elmore

Contract Purchaser/Lessee: Star Bright Farm, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukasevich

Company/Firm (if applicable): Venable LLP

Address: 210 W. Pennsylvania Ave.

Ste. 500
Towson, MD 21204

Telephone Number: (410) 494-6200

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

W2 160502

Date: 10/17/2017

PAID RECEIPT

BUSINESS ACTUAL TIME CRD
10/19/2017 10/17/2017 11:28:23 3
REG #503 WALKIN CAM
>>RECEIPT # 749821 10/17/2017 DELN
Dept: 5 528 ZONING VERIFICATION
CR NO. 160502

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				1,200.00

Total: 1,200.00

Rec From: Venable, LLC

For: SPHXA-2950 Garrett Road
2012-0111-SPHXA (Elmore)

CASHIER'S
VALIDATION

DISTRIBUTION

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



KEVIN KAMENETZ
County Executive

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

December 6, 2017

Stephen Mark Elmore
Helen Norman Elmore
2950 Garrett Road
White Hall, MD 21161

RE: Case Number: 2018-0111 SPHXA, Address: 2950 Garrett Road

Dear Mr. & Ms. Elmore:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 18, 2017. 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
Star Bright Farm LLC, 2950 Garrett Road, White Hall MD 21161
Christopher D Mudd, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 10/23/17

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

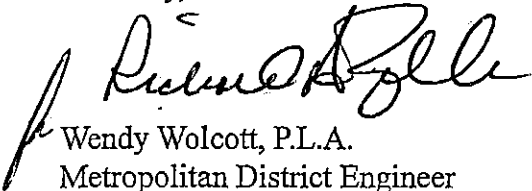
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No.

*2018-0111-SPHKA
Special Exception, Special Hearing, Variance
StarBright Farm, LLC
2950 Garrett Road.*

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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

12-11-17

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-111

DATE: 11/22/2017



INFORMATION:

Property Address: 2950 Garrett Road
Petitioner: Mark Stephen Elmore, Helen Norman Elmore
Zoning: RC 2
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the petition for a special hearing, special exception and variance as identified on the attachments submitted in support of the petition.

A site visit was conducted on October 11, 2017.

The property is subject to a Maryland Agricultural Land Preservation Foundation (MALPF) easement and the request is currently under review by MALPF staff. State approval is contingent upon County Zoning approval.

Certain aspects of the requested zoning relief relating to the farm-related events and the farm market were brought to the Baltimore County Agricultural Land Preservation Advisory Board (BALPAB) on October 11, 2017. The BALPAB recommended the approval for the request. The BALPAB found that the requested events which were to include workshops, field to table dinners, and seasonal harvests and festivals fell within the appropriateness standards for the Advisory Board consideration. These standards include:

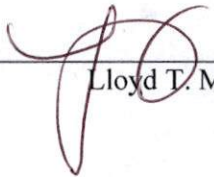
- The proposed use is a farm or forest related use - Agric. § 2-513(b); COMAR 15.15.07;
- The proposed use "conflicts with the overall purpose of the easement to preserve the farm for agricultural use and as open-space land" - COMAR 15.15.07; and
- The proposed use has an historical relationship to farming - COMAR 15.15.07.17.G(3)(c); or
- The proposed use is a home occupation

The Department of Planning has no objection to granting the petitioned zoning relief with the understanding that the proposal remains under the purview of MALPF.

Date: 11/22/2017
Subject: ZAC #18-111
Page 2

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

Prepared by:

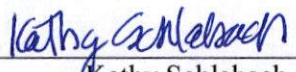


Lloyd T. Moxley

AVA/KS/LTM/ka

c: Kaylee Justice
Christopher D. Mudd, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

Division Chief:



Kathy Schlabach

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: October 30, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0111-SPHXA
Address 2950 Garrett Road
(Mark & Elmore Property)

Zoning Advisory Committee Meeting of **October 30, 2017**.

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

1. Ground Water Management must review any building permits filed – for a proposed farm building, if it would involve well and septic issues, etc.

Reviewer: Dan Esser Date: 10/23/17

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: November 1, 2017

FROM: *VCD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 30, 2017
Item No. 2018-0108-A, 0110-SPHA, 0111-SPHXA and 0112-SPH

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

* * * * *

VKD: efc
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 11/22/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-111

INFORMATION:

Property Address: 2950 Garrett Road
Petitioner: Mark Stephen Elmore, Helen Norman Elmore
Zoning: RC 2
Requested Action: Special Hearing, Special Exception, Variance

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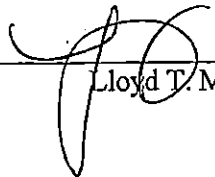
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- The proposed use "conflicts with the overall purpose of the easement to preserve the farm for agricultural use and as open-space land" - COMAR 15.15.07; and
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Date: 11/22/2017
Subject: ZAC #18-111
Page 2

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

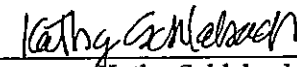
Prepared by:



Lloyd T. Moxley

AVA/KS/LTM/ka

Division Chief:



Kathy Schlabach

c: Kaylee Justice
Christopher D. Mudd, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: October 30, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0111-SPHXA
Address 2950 Garrett Road
(Mark & Elmore Property)

Zoning Advisory Committee Meeting of **October 30, 2017**.

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

1. Ground Water Management must review any building permits filed – for a proposed farm building, if it would involve well and septic issues, etc.

Reviewer: Dan Esser Date: 10/23/17

12/11

10 AM

Case No.: 2018-0111-SPHXA - 2950 Danette Rd.

Exhibit Sheet

Petitioner/Developer

Protestant

D2
2-16-18

Sen

12/13/17

No. 1	Site plan	
No. 2	Photos	
No. 3	3A-3K Photos	
No. 4	Letters of Support	
No. 5	Md. Dept. Agriculture Letter Dec. 5, 2017	
No. 6	DOP ZAC Comment 11/22/2017	
No. 7	CV David Martin	
No. 8	8A-8Q Photos	
No. 9	My Neighborhood Aerial	
No. 10		
No. 11		
No. 12		

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11/1</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>no comment</u>
<u>10/30</u>	DEPS (if not received, date e-mail sent _____)	<u>comment</u>
_____	FIRE DEPARTMENT	_____
<u>11/28</u>	PLANNING (if not received, date e-mail sent _____)	<u>comment</u>
<u>10/23</u>	STATE HIGHWAY ADMINISTRATION	<u>no objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>11/21/17</u>	
SIGN POSTING	Date: <u>11/21/17</u> by <u>SSG Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

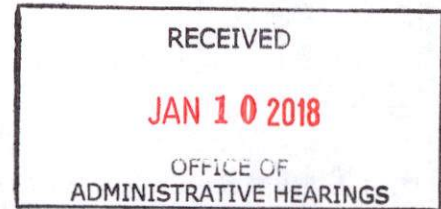
Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 07 Account Number - 0701035560							
Owner Information										
Owner Name:		ELMORE STEPHEN MARK ELMORE HELEN NORMAN			Use: Principal Residence:		AGRICULTURAL YES			
Mailing Address:		2950 GARRETT RD WHITE HALL MD 21161			Deed Reference:		/10605/ 00131			
Location & Structure Information										
Premises Address:		2950 GARRETT RD 0-0000			Legal Description:		127.049 AC NS GARRETT RD NW COR OLD YORK RD			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:
0013	0016	0057		0000				2017		
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1853		3,491 SF		1074 SF		127.0400 AC		05		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
2	YES	STANDARD UNIT		STONE	2 full					
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2017		07/01/2017		07/01/2018		
Land:		110,900		110,900						
Improvements		309,200		419,400						
Total:		420,100		530,300		456,833		493,567		
Preferential Land:		29,900						29,900		
Transfer Information										
Seller: NACINCIK JOHN S				Date: 06/22/1994			Price: \$680,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /10605/ 00131			Deed2:			
Seller: ALMONY LIDA F AG USE 83-84				Date: 02/06/1981			Price: \$350,000			
Type: ARMS LENGTH IMPROVED				Deed1: /06258/ 00241			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018				
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								

JB 12-11-17

January 10, 2018

The Honorable John E Beverungen (via hand-delivery)
Office of Administrative Hearings
105 E Chesapeake Ave
Towson, MD 21201



Re: Case No: 2018-0111-SPHXA
Address 3950 Garrett Road
Legal Owners/Petitioners: Stephen Mark Elmore and Helen Norman Elmore
Lessee/Petitioner: Start Bright Farm, LLC

Dear Judge Beverungen,

I am in receipt of your Opinion and Order dated December 13, 2017 and correspondence from Mr. Christopher Mudd, Esq., counsel to petitioner, in which he requests certain clarifications to the conditions included in your order.

Naturally, nothing in this order, nor in the Baltimore County Zoning Regulations should be construed as preventing the owner from holding a "non-commercial wedding" on the property, for example, his own. However, it must be noted that my interest in this matter was prompted by reports from neighbors and my own online research which shows that the property has been used for the past 3 years for at least a dozen wedding receptions, all appearing to be very much "commercial". I am satisfied that Mr. Elmore's testimony was that "commercial weddings are not a part of the business plan".

Also, I don't believe that a future petition to use this property for actual "commercial weddings" would risk *res judicata*, since that was not the request in the above-captioned case. Nevertheless a clarification of this in the Order is appropriate. Such a new petition would, rather, most likely be denied as being contrary to the zoning.

I support the issuance of a corrected Order.

Very truly yours,

A handwritten signature in cursive script that reads "Michael A. Pierce".

Michael Pierce

cc: Christopher Mudd (via e-mail cdmudd@venable.com)

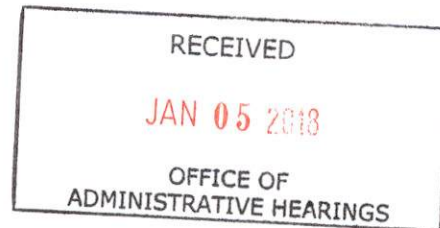
Christopher D. Mudd
Counsel

t 410.494.6365
f 410.821.0147
cdmudd@venable.com

January 5, 2018

VIA HAND-DELIVERY

The Honorable John E. Beverungen
Office of Administrative Hearings
105 W. Chesapeake Avenue
Towson, Maryland 21204



Re: Case No.: 2018-0111-SPHXA
Address: 2950 Garrett Road
Legal Owners/Petitioners: Stephen Mark Elmore and Helen Norman Elmore
Lessee/Petitioner: Star Bright Farm, LLC

Dear Judge Beverungen:

I am in receipt of your Opinion and Order dated December 13, 2017 issued in the above-captioned case. My client is pleased to have received approval for the Special Exception to operate a farm market and related uses on the property located at 2950 Garrett Road (the "Property").

The purpose of this correspondence is to clarify one of the conditions Your Honor issued in the Opinion and Order. Specifically, you wrote that "[n]o wedding ceremonies or receptions may be held at the site." See Dec. 13, 2017 Op. and Order, p. 6. Presumably, this condition was imposed in response to the inquiries of Mr. Mike Pierce with respect to weddings, and the subsequent testimony of Mr. Peter Elmore, who briefly explained that commercial weddings are not a part of the Petitioners' business plan that was described during the hearing.

I now write to clarify and confirm two aspects related to the condition. First, we seek to confirm that the condition is not intended to prohibit the Petitioners from holding non-commercial weddings on the Property (i.e., weddings not-for-profit and not part of any business). We would not want this condition to be construed as prohibiting a wedding that has absolutely no relationship to the farm market and accessory businesses being operated on the Property (e.g., if Peter Elmore wanted to have his own wedding there, he should be able to do so). This would be no different than any property owner who may host a private party on their own property, which is unrelated to any business that may or may not be conducted on the property.

Second, we seek to confirm that, in the event that the Petitioners elect at a later date to seek subsequent approval for the ability to host commercial weddings on the Property, as part of its

The Honorable John E. Beverungen
January 5, 2018
Page 2

business operation, the condition would not preclude them from doing so. Your Honor is very much aware of the principals of *res judicata* that have, from time-to-time, been determined to be applicable in the land use realm in Baltimore County, and while the Petitioners do not intend to hold weddings as part of the current business operations described during the hearing, we would not want the condition to forever prohibit them from seeking to do so in the future. Should commercial weddings present themselves as a feasible opportunity for their business model on the Property via special exception (or otherwise), the Petitioners may desire to later seek to include such a use. Of course, in such event, another public hearing may be appropriate, in order to evaluate the use. Nonetheless, at this time we specifically seek to confirm that your condition will not forever preclude the Petitioners from seeking future approval for commercial weddings on the Property.

Though this correspondence is not intended to be a formal motion for reconsideration, I understand that Your Honor may treat it as such for the purposes of issuing a response to the issues presented above. Regardless, we respectfully request that Your Honor clarify and/or confirm that the condition requiring that “[n]o wedding ceremonies or receptions may be held at the site,” (1) does not prohibit the Petitioners from holding non-commercial, not-for-profit weddings on the Property; and (2) would not preclude Petitioners from pursuing approval for the ability to host commercial, for-profit weddings on the Property at a later time as a matter of *res judicata*. If Your Honor is so inclined, the condition could be amended to read: “No commercial (for-profit) wedding ceremonies or receptions may be held on the property, and if the Petitioner ever intends to hold commercial (for-profit) wedding ceremonies or receptions on the property, it must first file a petition for the appropriate relief to amend this condition.”

Thank you for your continued time and consideration, and please let me know if you have any questions or require any additional information.

Very truly yours,



Christopher D. Mudd

cc: Mr. Michael Pierce (*via e-mail*)

CDM:ant

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CASE NUMBER 2018-111-SPHX4
DATE 12-11-17

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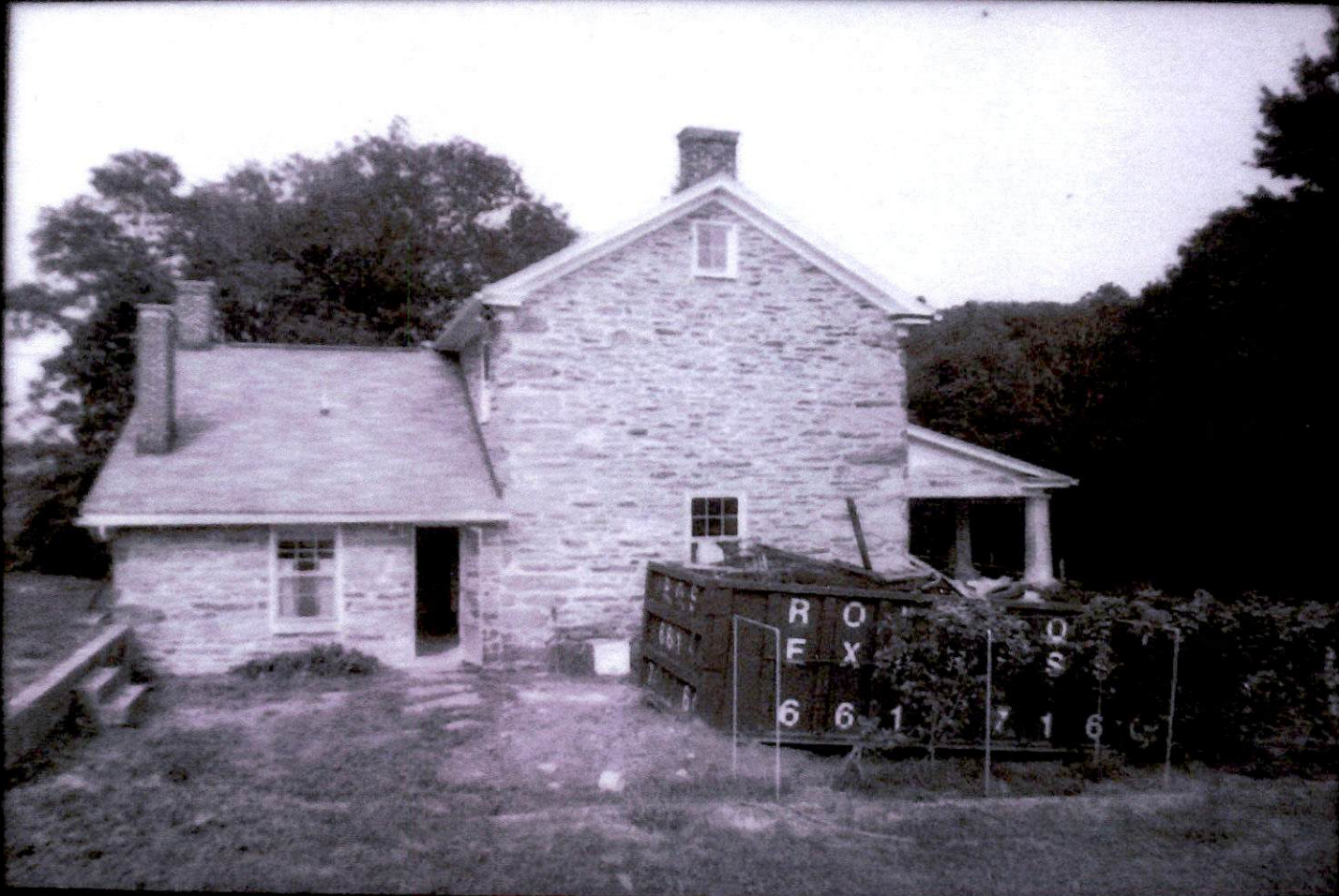
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CASE NUMBER _____
DATE 12-11-2017

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PETITIONER'S

EXHIBIT NO.

2



























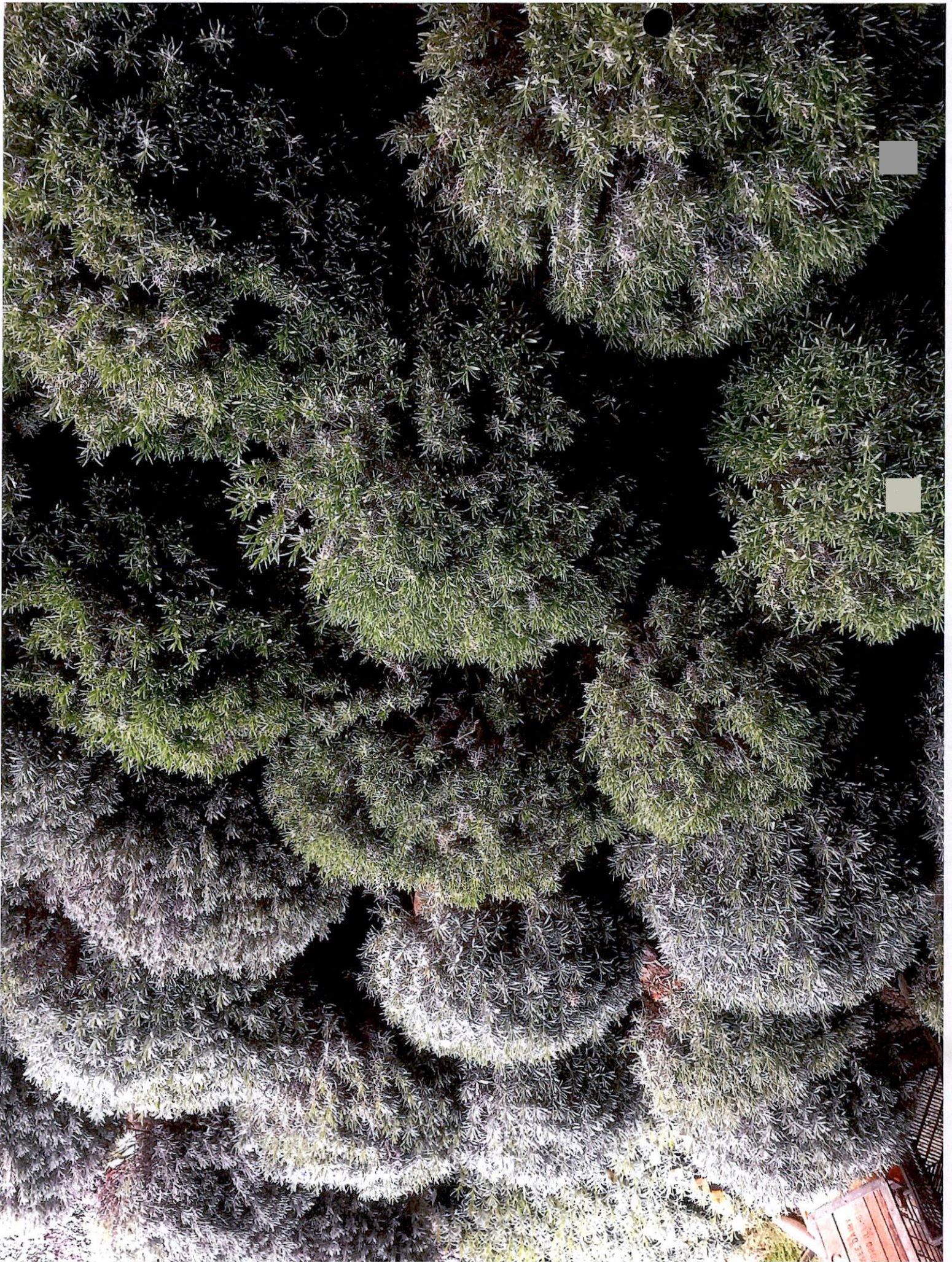






















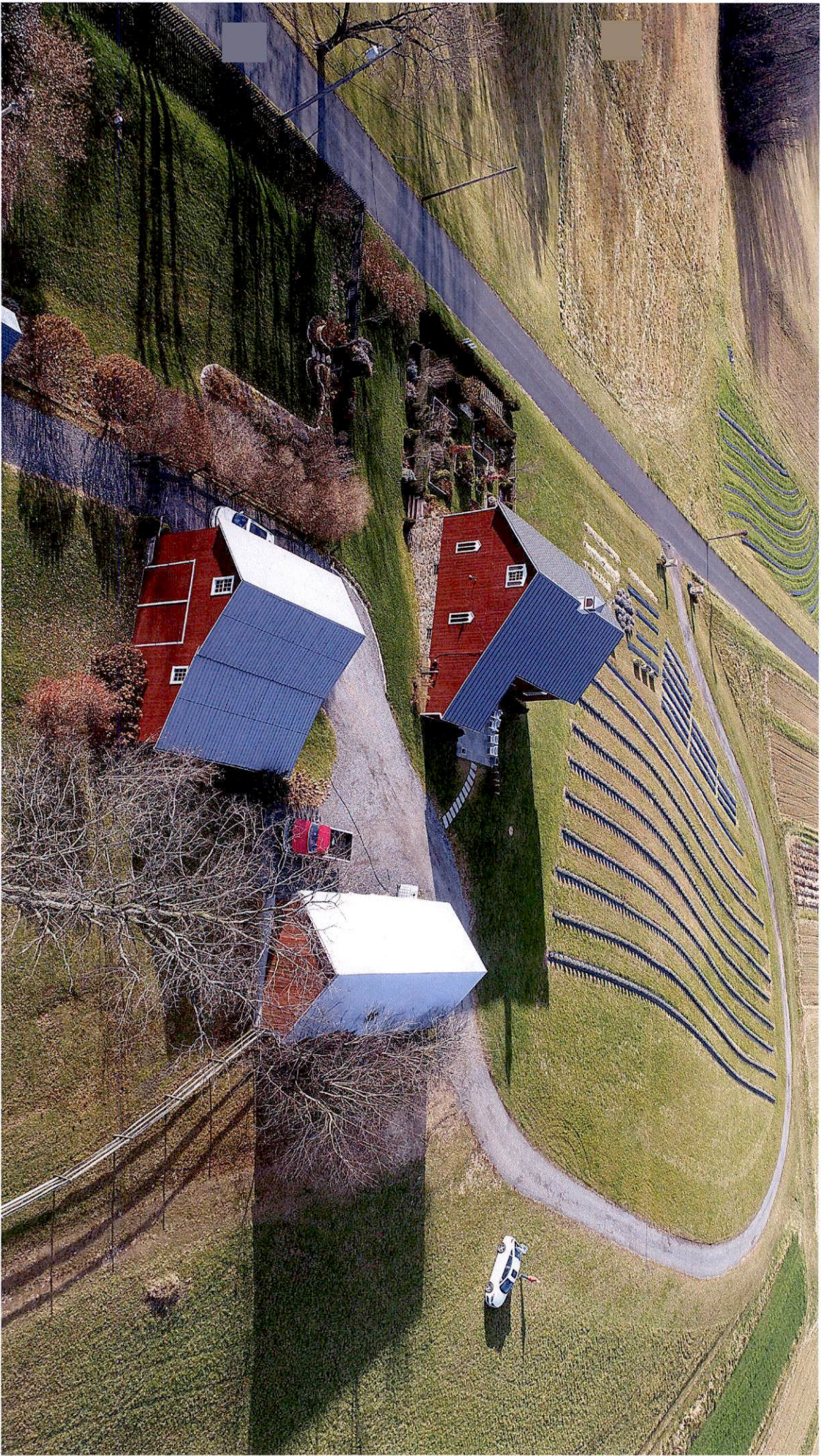




















CLEAR MEADOW FARM

3114 Troyer Road
White Hall, MD 21161

Dec. 1, 2017

To Whom It May Concern,

As a neighbor who frequently drives by Star Bright Farm, we have enjoyed watching the transformation of the lavender and blueberry fields that were put in this year.

As a member of the community that includes Star Bright Farm, we wholeheartedly support Star Bright's efforts to host onsite Farm Market and look forward to attending events at the farm and in the barn that promote the sale of their products (i.e. farm to table dinners, ag related workshops, harvest festivals).

The Rose Family

PETITIONER' S

EXHIBIT NO. 4



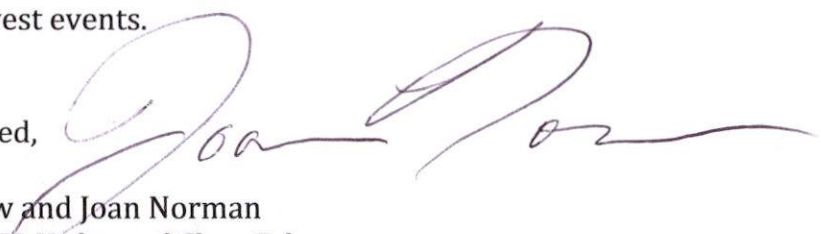
19718 Kirkwood Shop Road
White Hall, Maryland 21161

Dear Zoning Board,

We are neighbors of Star Bright Farm. It is encouraging to see the lavender and blueberry fields planted this year and the promise of the harvests to come.

As a member of the White Hall community and close neighbor of Star Bright Farm, we support the efforts of Star Bright Farm to host onsite farm market. We hope to attend events at the farm and in the barn that encourage and promote the sale of their products such as farm to table dinners, agriculture related workshops and harvest events.

Signed,


Drew and Joan Norman
19178 Kirkwood Shop Rd
White Hall, MD 21161

Legacy Farm

2434 Garrett Road

White Hall Md. 21161

Legacyfarm@comcast.net

11/28/17

Re: Letter of support

To whom it may concern,

We are neighbors of Star Bright Farm and absolutely love what Mark and Helen Elmore have done with their farm and enjoy seeing the transformation every time we drive by. We currently live on our farm which has been in the Stafford family since 1939 and know how important it is to support the local farms (for their survival) so that we can all enjoy the beauty of the open areas.

With that said, we would look forward to Star Bright's efforts to have a farmers Market and events on their farm that would promote the sale of their products such as farm to table dinners, local gatherings and ag workshops.

Please feel to contact us if you have any questions,

Sincerely,

John & Cindy Stafford

443-491-3627

Legacy Farm

2434 Garrett Road

White Hall Md. 21161

Legacyfarm@comcast.net

11/28/17

Re: Letter of support

To whom it may concern,

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Sincerely,

John & Cindy Stafford

443-491-3627



CLEAR MEADOW FARM

3114 Troyer Road
White Hall, MD 21161

Dec. 1, 2017

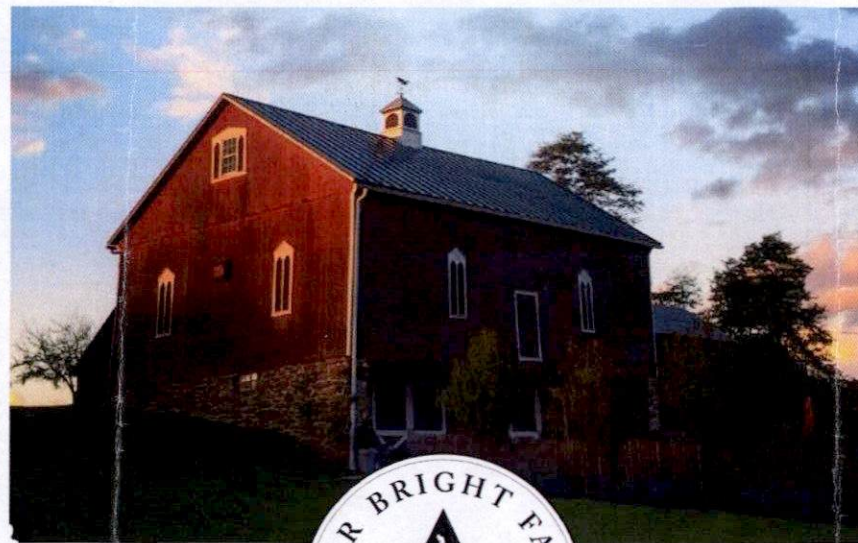
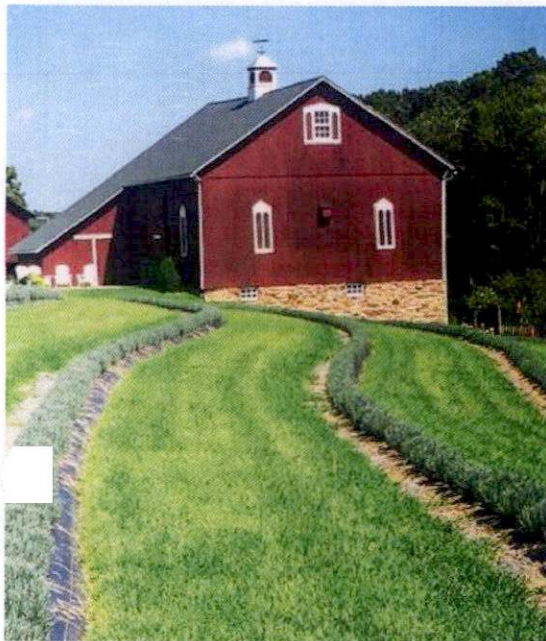
To Whom It May Concern,

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As a member of the community that includes Star Bright Farm, we wholeheartedly support Star Bright's efforts to host onsite Farm Market and look forward to attending events at the farm and in the barn that promote the sale of their products (i.e. farm to table dinners, ag related workshops, harvest festivals).

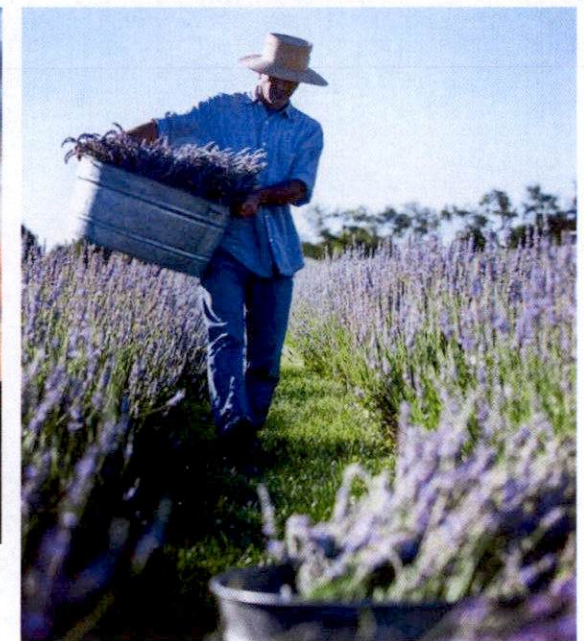
A handwritten signature in black ink that reads 'David + Nancy Rose'. The signature is written in a cursive, flowing style.

David and Nancy Rose



2950 Garrett Rd

White Hall, MD



We seek your support for Star Bright Farm's efforts to host an onsite Farm Market in the barn and for events at the farm (like farm-to-table dinners, Agriculture related workshops, harvest festivals and seasonal celebrations) that promote the sale of Star Bright's Value Added Lavender and Blueberry products, as well as products from other local Value added producers and crafters.

DAVID L. ROSE 4452 NORRISVILLE RD WHITE HALL MD 21161 david@clearmeadowfarm.com
Name Address email

NANCY S. ROSE 4452 NORRISVILLE RD WHITE HALL, MD 21161 nancy@clearmeadowfarm.com
Name Address email

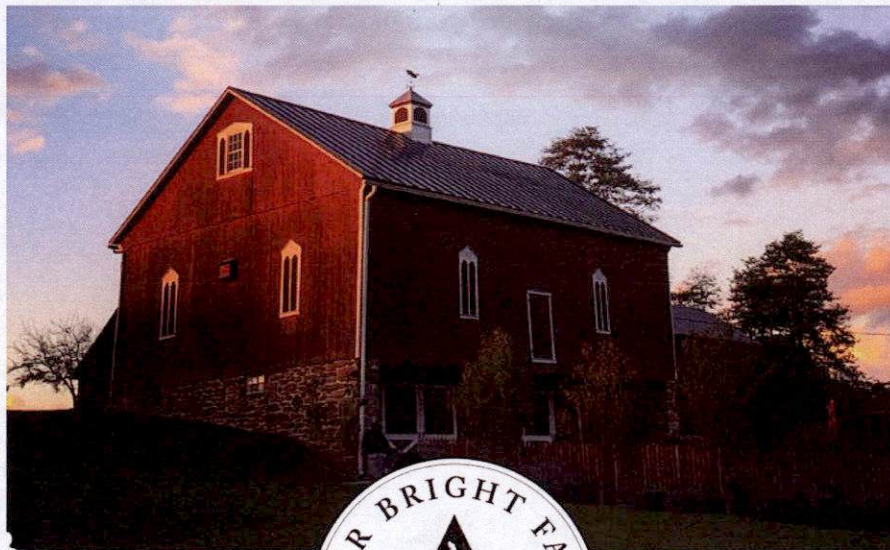
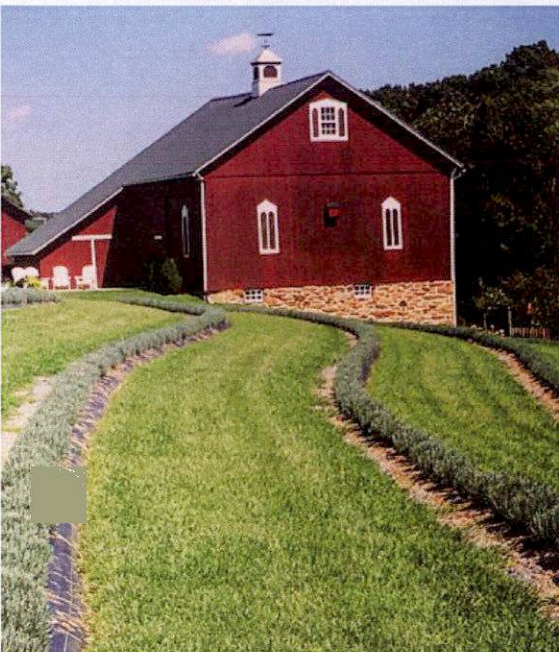
ZACHARY D. ROSE 3114 TROYER RD White Hall, Md. 21161 zach@clearmeadowfarm.com
Name Address email

starbright-farm.com

helen@starbright-farm.com; mark@starbright-farm.com



starbrightfarm



2950 Garrett Rd



White Hall, MD



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Leah Hueter

8 Malloes dell Rd Baltimore MD

lhewittphotography@gmail.com

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Mary Ann

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maria64@hotmail.com

Name

Address

email

Gail Goring

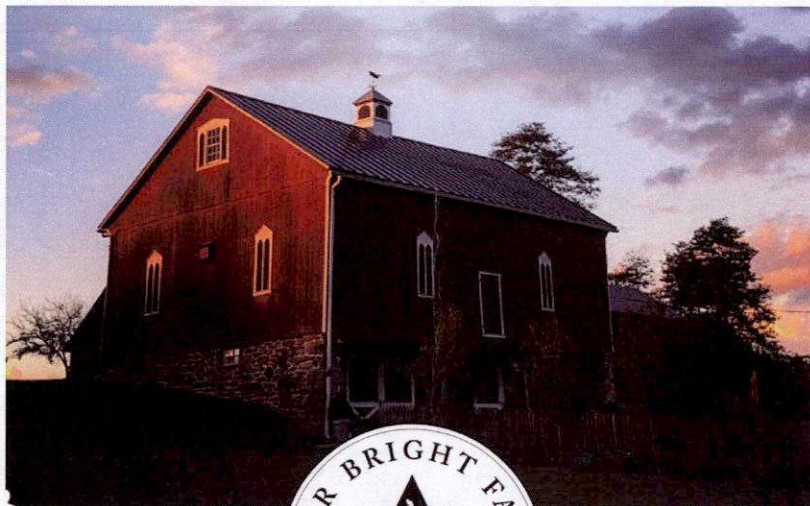
1300 Upper Glencoe Rd. Sparks

gcg531@gmail.com

Name

Address

email



2950 Garrett Rd

White Hall, MD



We seek your support for Star Bright Farm's efforts to host an onsite Farm Market in the barn and for events at the farm (like farm-to-table dinners, cycling benefits, Agriculture related workshops, harvest festivals) that promote the sale of their Value Added Lavender and Blueberry products and help us preserve the legacy of the majestic fields and barns that make Maryland cycling so incredibly beautiful.

Name	Address	email
Anne McAvey	1718 Corbett Rd. Monkton MD 21111	amcavay@saintjamesacademy.org
Name	Address	email
TOM MCNAMARA	2335 BENSON MILL RD SPARKS, MD 21152	tomm@gorgesco.com
Name	Address	email
Meg von Paris	1608 Jeffers Road	mvonparis@comcast.net

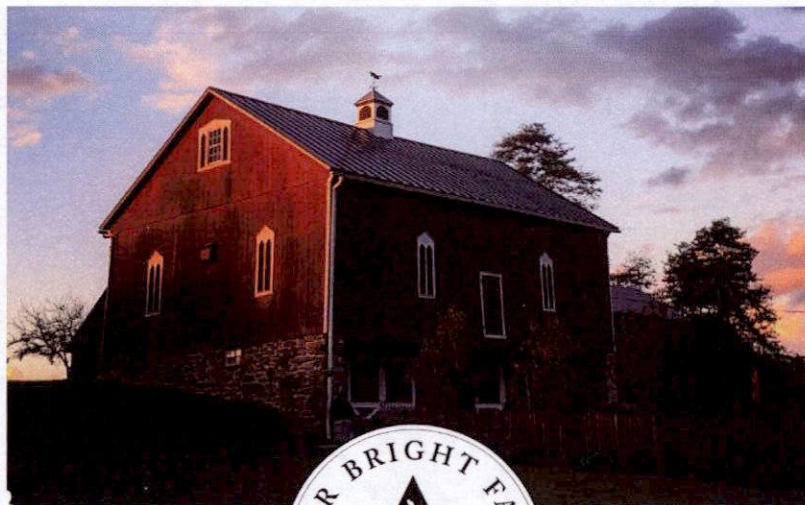
starbright-farm.com

helen@starbright-farm.com; mark@starbright-farm.com

 [starbrightfarm](https://www.instagram.com/starbrightfarm)

11115
Zamiatinae Oporocera DM not known. Is Hedra 8171
pachym. snuf

62115
Zamiatinae Oporocera DM, Zygote 81
LITHOZOA 22225
Acanthozoa 1101



2950 Garrett Rd

White Hall, MD



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Meredith von Paris 1608 Jeffers Road, admin@joaniehynes.com
 Name Address TOWSON, MD 21204 email

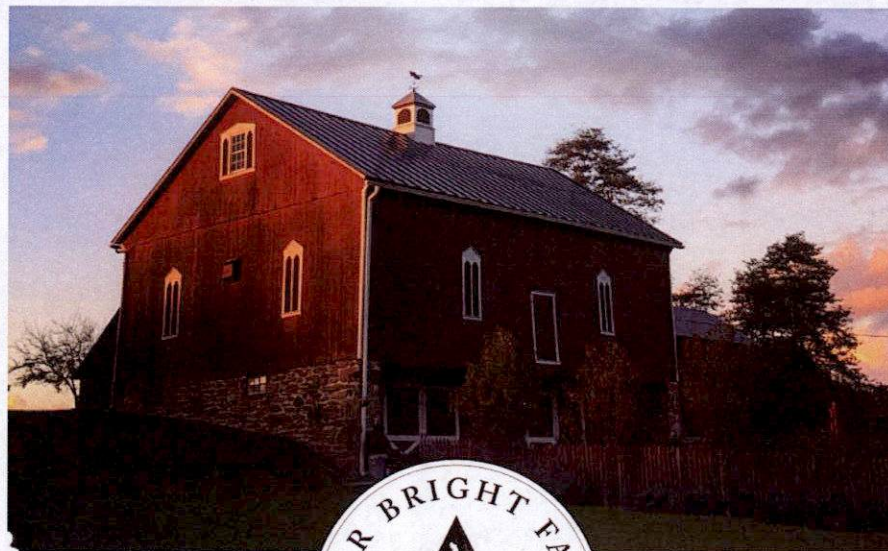
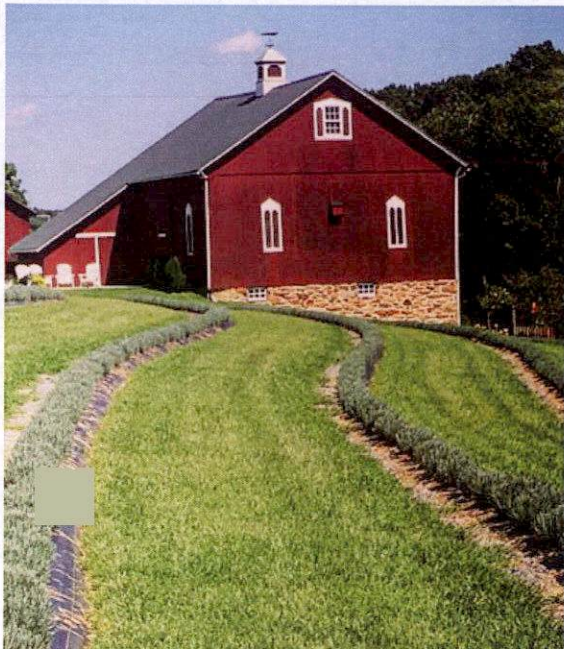
Stephanie Muszick 1805 Billy Canton Cte gence@frankyklein.com
 Name Address PERSHORE, MD 21136 email

Name Address email

starbright-farm.com

helen@starbright-farm.com; mark@starbright-farm.com





2950 Garrett Rd

White Hall, MD



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email

Steven St. Angelo

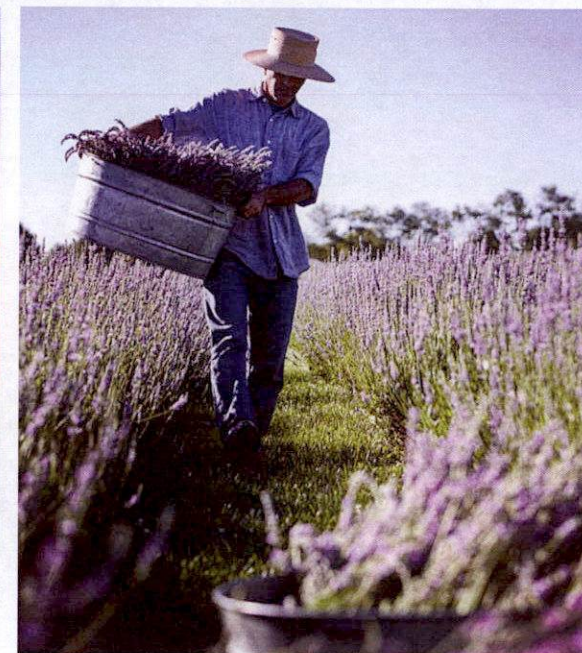
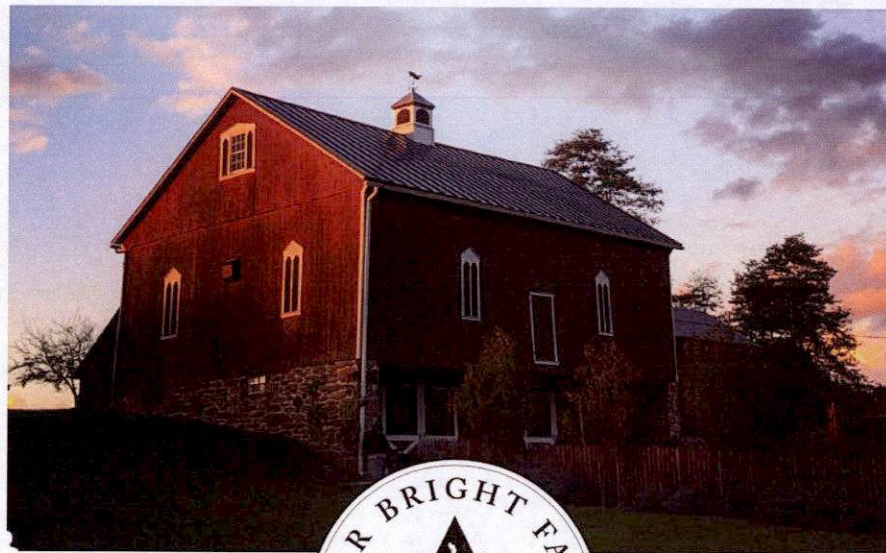
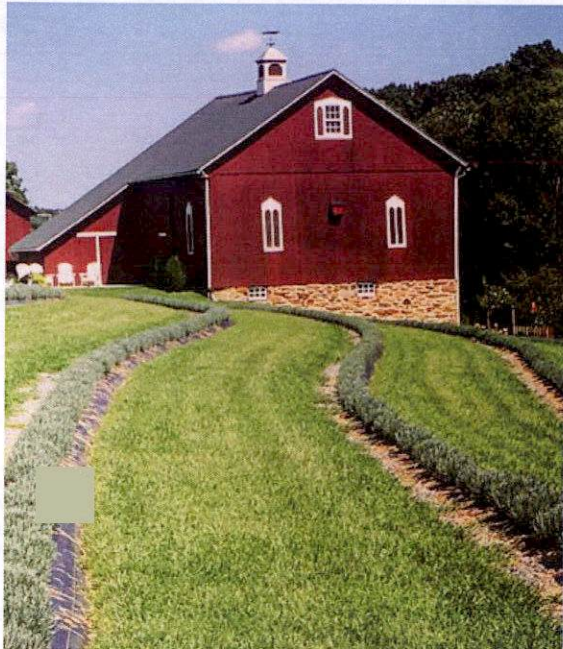
Name

1210 John St. Baltimore 21217

Address

ssstang14@yahoo.com

email



2950 Garrett Rd

White Hall, MD



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Rebecca Goldman

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Mary Mashburn

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mgmaryland@gmail.com

Name

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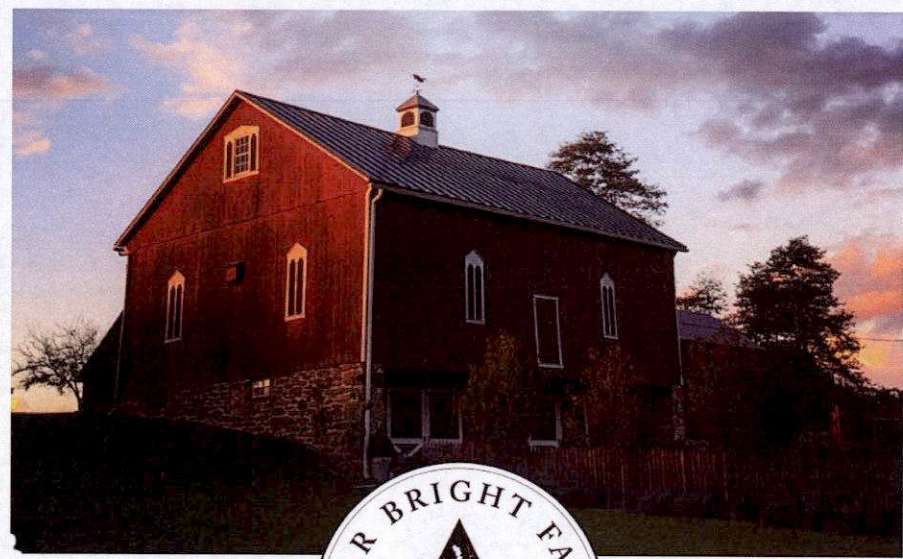
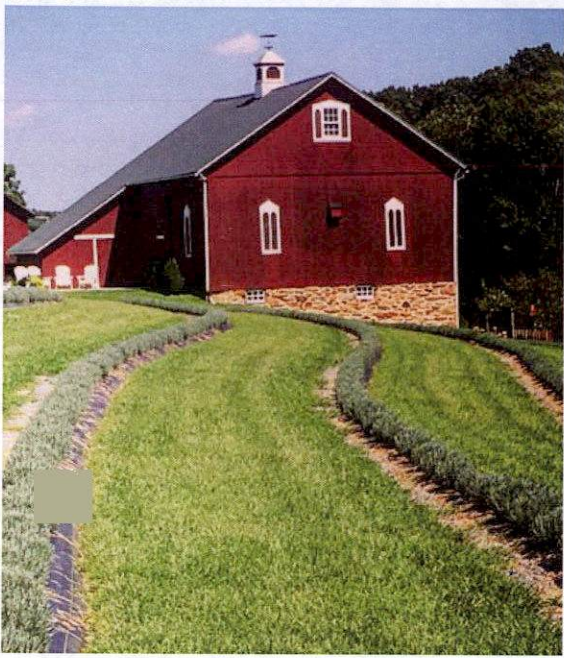
email

starbright-farm.com

helen@starbright-farm.com; mark@starbright-farm.com



starbrightfarm



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Name

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Summer Robinson 2407 Fleet St. summer92@gmail.com

Name

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Joseph Longabardi 2705 Garrett Rd jlongo527@comcast.net

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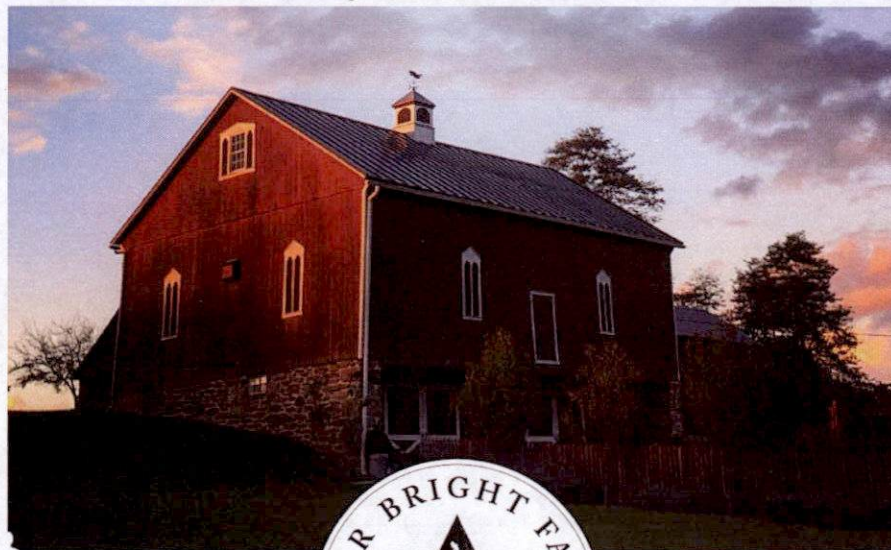
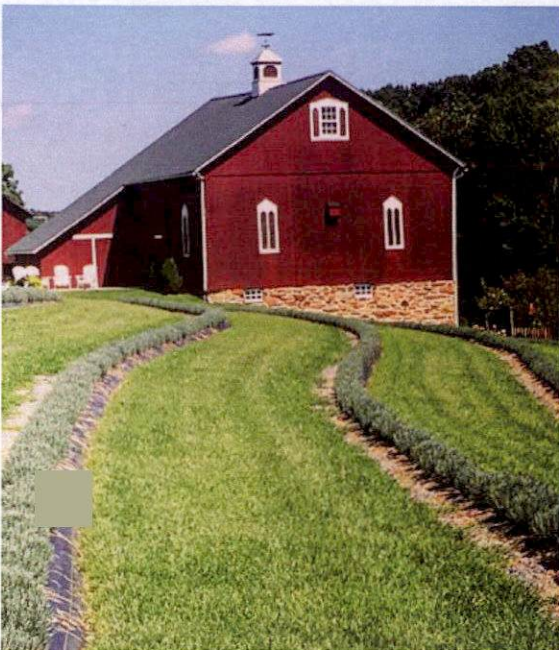
email

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helen@starbright-farm.com; mark@starbright-farm.com



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Annette R. Fries

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Name

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Timmi Wolff

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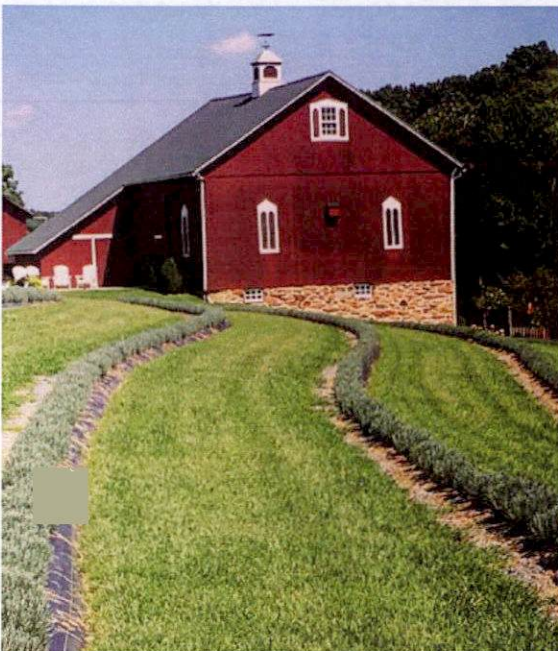
email compml.com

starbright-farm.com

helen@starbright-farm.com; mark@starbright-farm.com



starbrightfarm



2950 Garrett Rd

White Hall, MD



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Terrie Walter

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Name

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email

Margaret Bryant

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margaret.p.bryant@gmail.com

Name

Address

email

Linda Galvin

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lgalvin@verizon.net

Name

Address

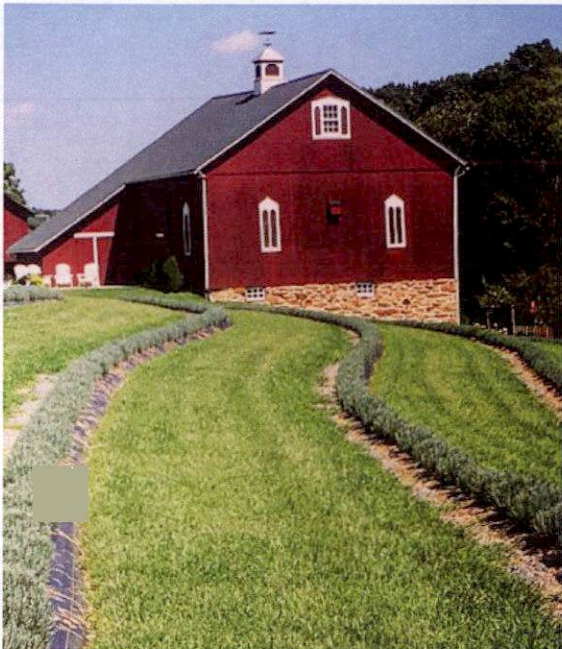
email

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helen@starbright-farm.com; mark@starbright-farm.com



starbrightfarm



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Maere Kane ~~2950~~ Kane.maere@gmail.com

Name

Address

email

Liz Beeson elizabethannebeeson@gmail.com

Name

Address

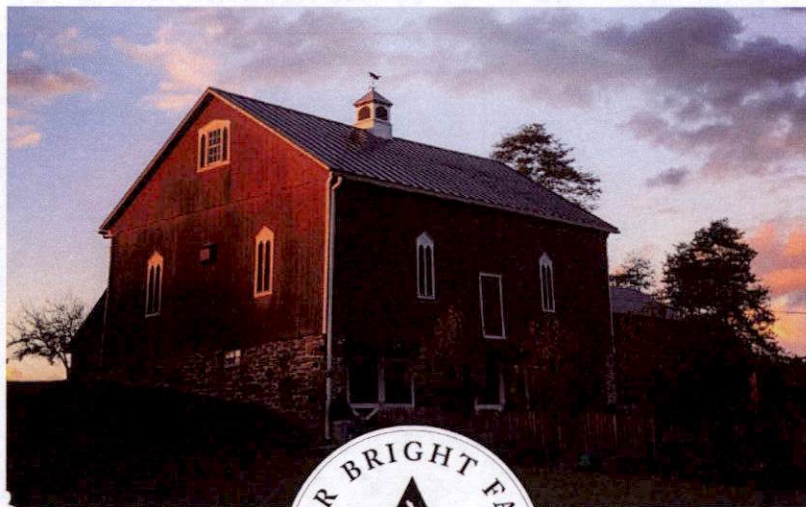
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Bari Rosenstein 2907 Fleet St rosensteinb4@gmail.com

Name

Address

email



2950 Garrett Rd

White Hall, MD



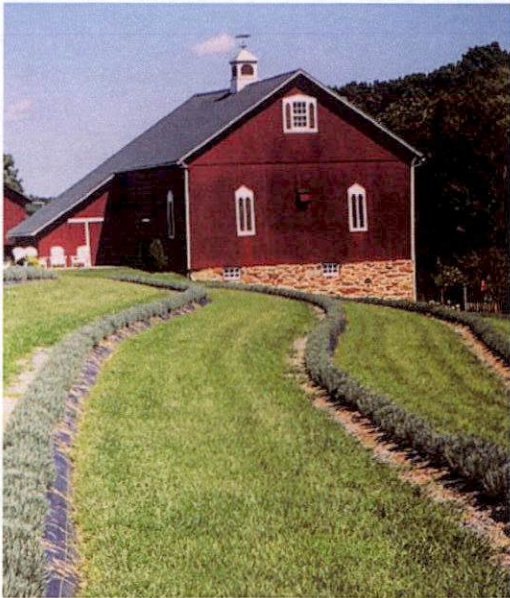
We seek your support for Star Bright Farm's efforts to host an onsite Farm Market in the barn and for events at the farm (like farm-to-table dinners, cycling benefits, Agriculture related workshops, harvest festivals) that promote the sale of their Value Added Lavender and Blueberry products and help us preserve the legacy of the majestic fields and barns that make Maryland cycling so incredibly beautiful.

Fife HARRIS	15005 Falls Rd	
Name	Address	email
Marie Magnello	14 Brookstone	mmagnello@gmail.com
Name	Address	email
Phil Hane	2934 Summer Hill Dr	
Name	Address	email

starbright-farm.com

helen@starbright-farm.com; mark@starbright-farm.com

 [starbrightfarm](https://www.instagram.com/starbrightfarm)



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White Hall, MD



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Michael Mallinoff 11230 Glen Arm Rd, 21057 mdmullinoff@gmail

Name

Address

email

Nelly Molano 1622 Denise Dr Apt E Forest Hill 21050 nellnp@yahoo

Name

Address

email

Carol Huff 1241 Circle DR 21128 passiontoobake@gmail

Name

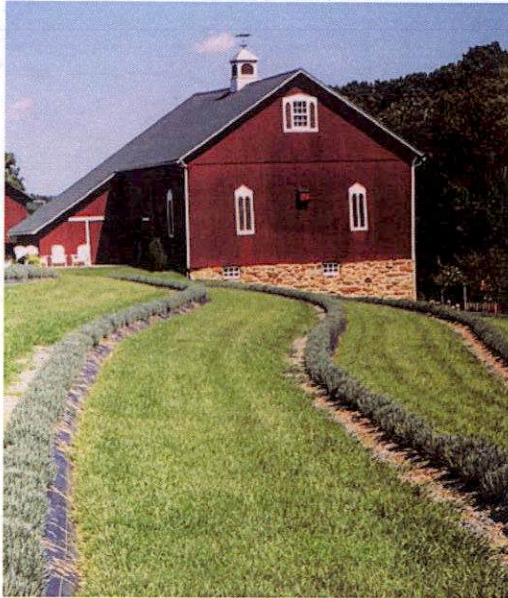
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starbright-farm.com

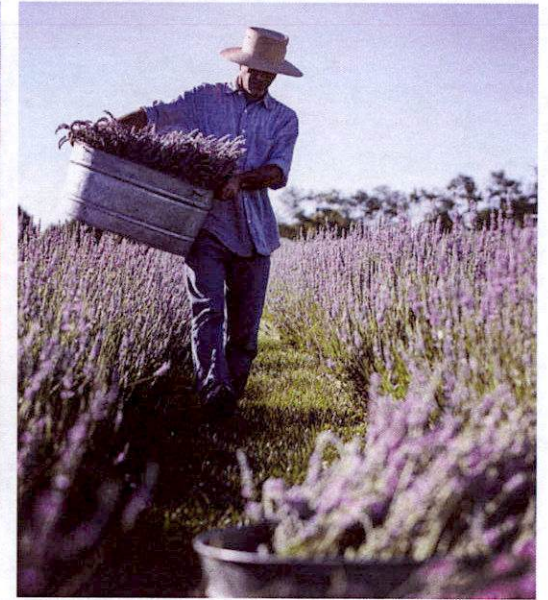
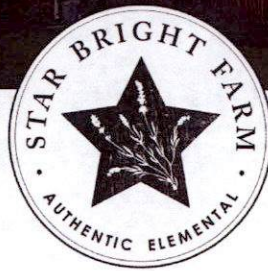
helen@starbright-farm.com; mark@starbright-farm.com

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Name: Heidi Boan Address: 1107 Saddle Creek Ct, Sparks email: emailheidiboan@gmail.com

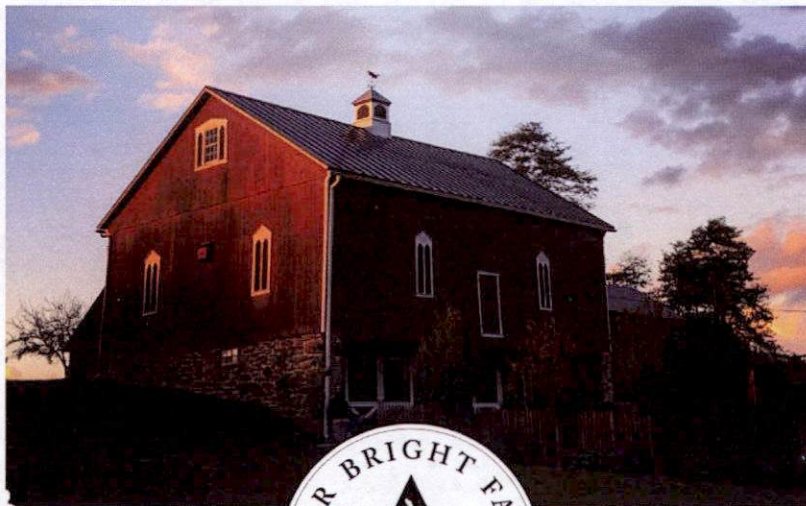
Name: Maria Leasca Address: 2310 South Rd Baltimore MD 21209 email: mleasca@yahoo.com

Name: Steven Erlemeier Address: ~~19 Victoria Ct MD 21136~~
14 Augustus Walky Ct MD 21136 email: serlemeier@leonardpaper.com

starbright-farm.com

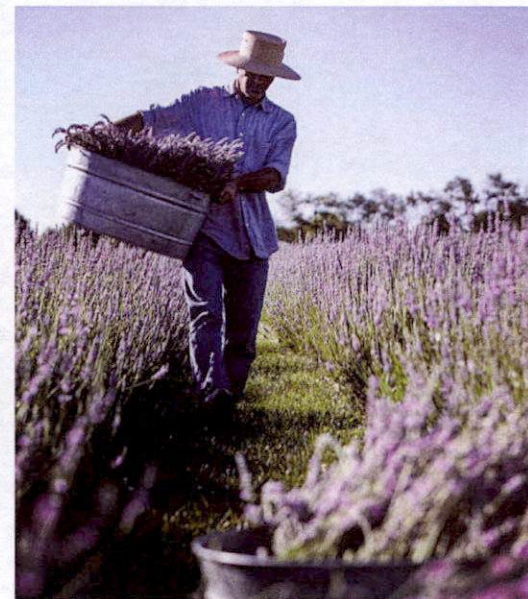
helen@starbright-farm.com; mark@starbright-farm.com

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Charlotte Easter 14210 Cuba Rd. Cockeysville bearchar@live.com

Name

Address

email

Marc Lefkowitz 1016 Bolander Rd Towson 21204 Marc@VeloCinoCoffee.com

Name

Address

email

Kelly Fox 651 Monarch Dr. York, PA markandkellyfox@comcast.net

Name

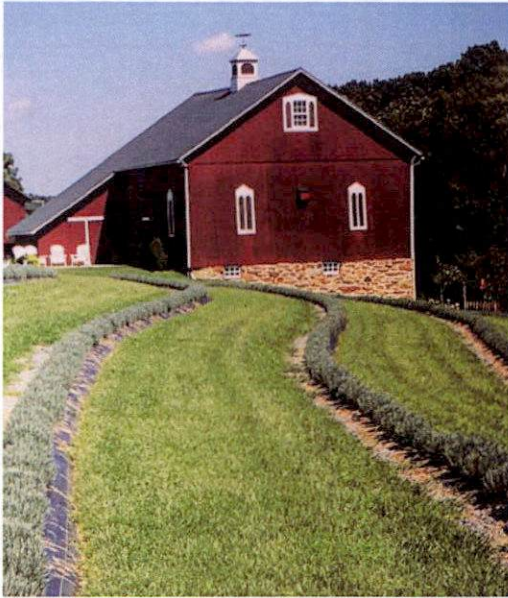
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email

starbright-farm.com

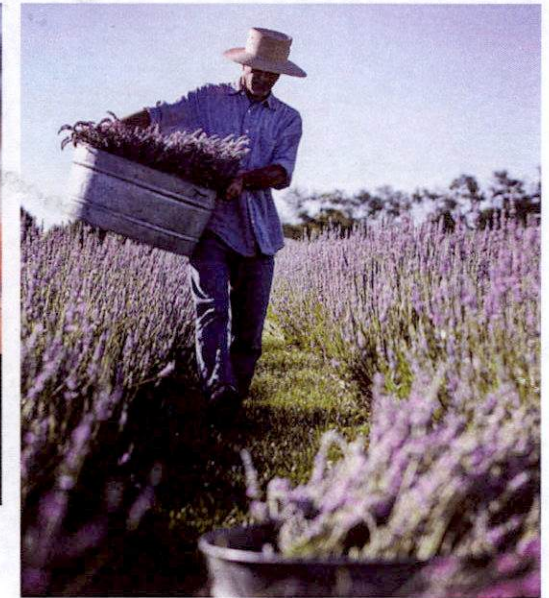
helen@starbright-farm.com; mark@starbright-farm.com

 [starbrightfarm](https://www.instagram.com/starbrightfarm)



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Hand of Charm

33 Bellvue Ct Pikesville 21136

Name

Address

email

[Signature]

14631 Old Hanover Rd Reston VA 20190

Name

Address

email

[Signature]

202 Abbey Hill Ct Timonium 21093

Name

Address

email

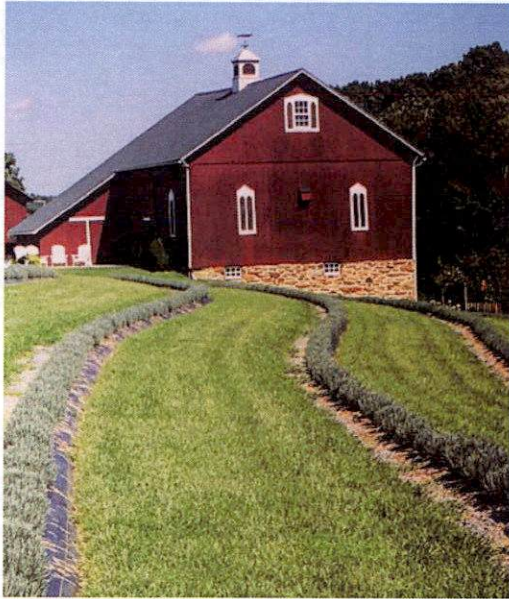
bcompton27@gmail.com

starbright-farm.com

helen@starbright-farm.com; mark@starbright-farm.com

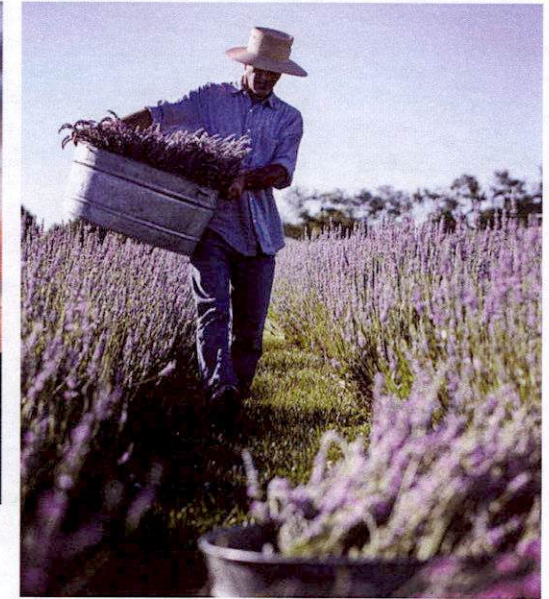


starbrightfarm



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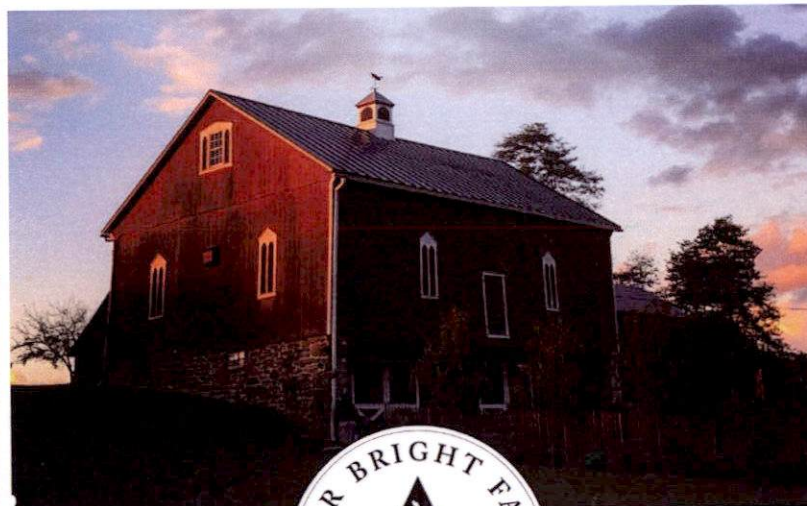
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<u>Lori Gottlieb</u>	<u>8 Stream Ct, Owings Mills</u>	<u>lorinegdesigns@me.com</u>
Name	Address	email
<u>JODY WESTERLUND</u>	<u>4323 MT ZION Rd 21155</u>	<u>OAKHILLCONSULTINGLLC@GMAIL.COM</u>
Name	Address	email
<u>Tam Nguyen</u>	<u>1016 Roland Ave Rd</u>	<u>tamnguyen525@yahoo.com</u>
Name	Address	email

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helen@starbright-farm.com; mark@starbright-farm.com

 [starbrightfarm](https://www.instagram.com/starbrightfarm)



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Martin Perschler	843 Park Ave Balto 21201	1mdbiker@gmail
Name	Address	email

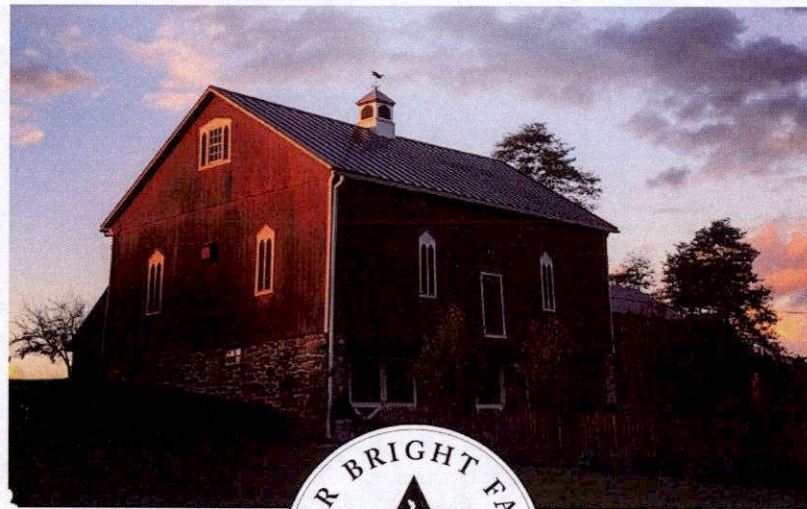
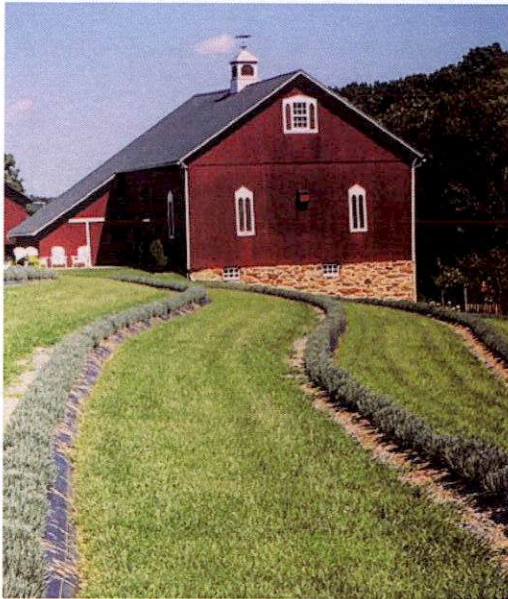
Stacey McHugh	16213 Yeoh Rd 21152	tripmommie@gmail.com
Name	Address	email

Linda Hill	15406 Dover Rd, Upperco 21155	
Name	Address	email

starbright-farm.com

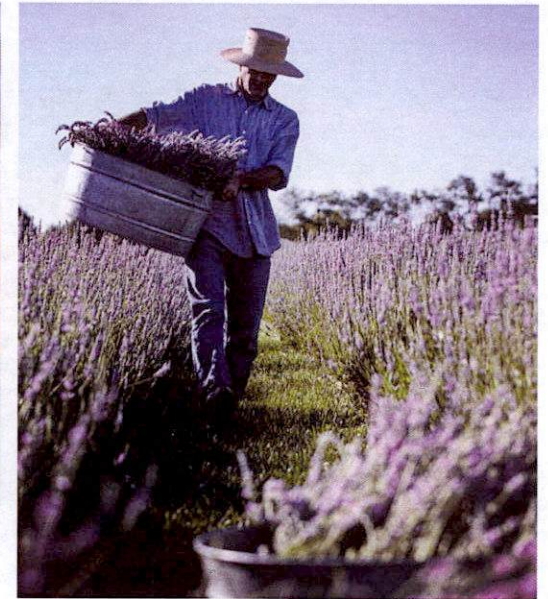
helen@starbright-farm.com; mark@starbright-farm.com

 [starbrightfarm](https://www.instagram.com/starbrightfarm)



2950 Garrett Rd

White Hall, MD



We seek your support for Star Bright Farm's efforts to host an onsite Farm Market in the barn and for events at the farm (like farm-to-table dinners, cycling benefits, Agriculture related workshops, harvest festivals) that promote the sale of their Value Added Lavender and Blueberry products and help us preserve the legacy of the majestic fields and barns that make Maryland cycling so incredibly beautiful.

Sarah Oeste

6713 Monroe Ave, Sykesville, MD 21784

sarah.oeste7@gmail.com

Name

Address

email

Good luck! Great idea!

Susan Glenn

4708 Tweedbrook Balto, MD 21239

susanglenn@glenwright.com

Name

Address

email

Susanne Morsberger

87 DUNKIRK Rd 21212

Smorsbor@msn.com

Name

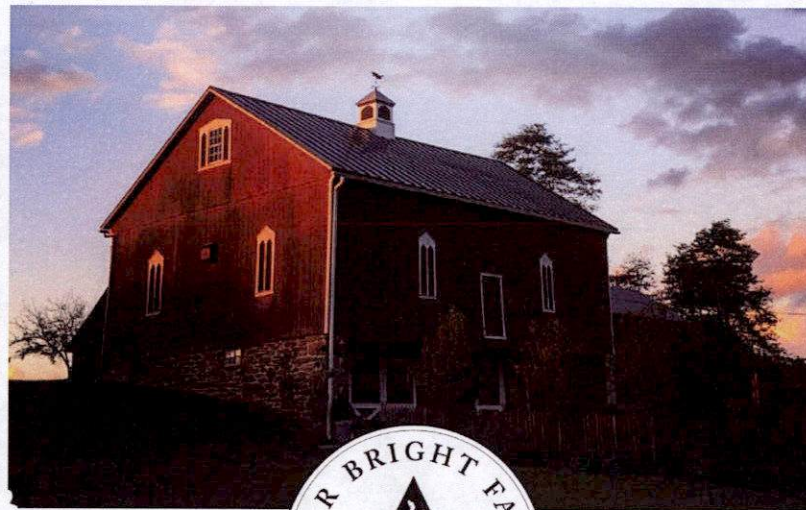
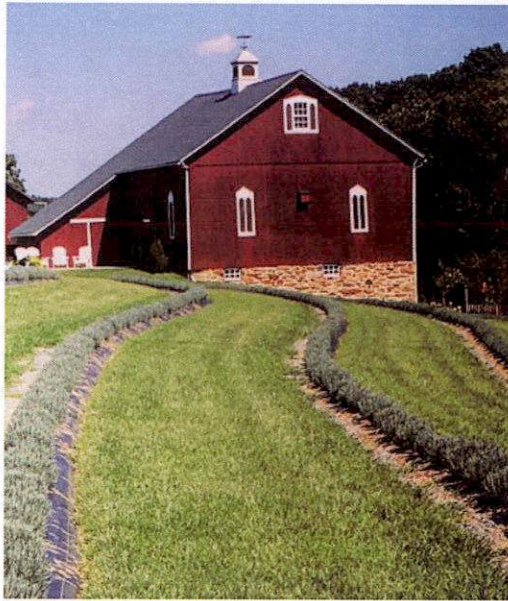
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email

starbright-farm.com

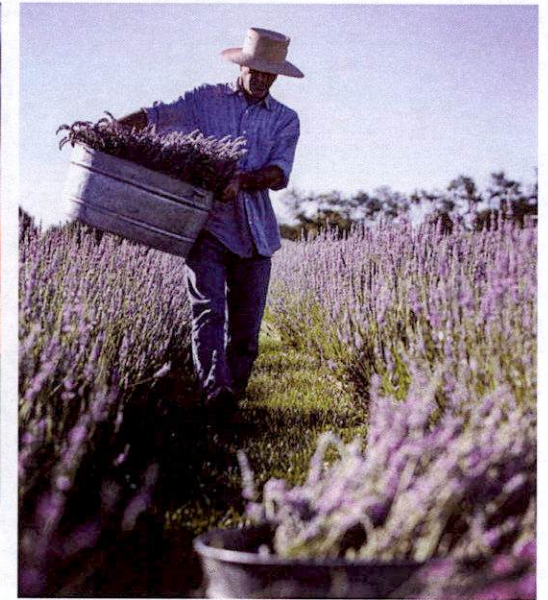
helen@starbright-farm.com; mark@starbright-farm.com

 starbrightfarm



2950 Garrett Rd

White Hall, MD



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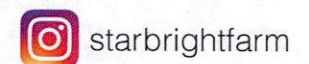
PAUL MARTIN 87 DUNKIRK RD 21212 pmartin09@gmail
Name Address email

Matt Muirhead 14115 EUBA RD Mattmuirhead@gmail.com
Name Address email

Jose Pava 9 Long Bow Ct. 21030 j.pava@mail.com
Name Address email

starbright-farm.com

helen@starbright-farm.com; mark@starbright-farm.com



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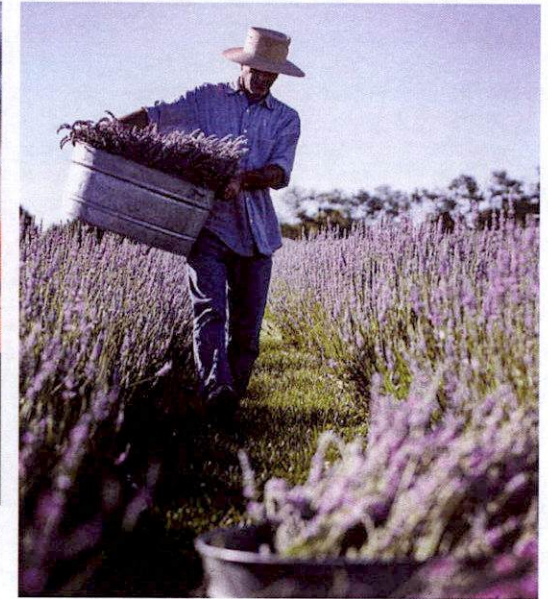
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Mr. Taylor @ 1500



2950 Garrett Rd

White Hall, MD



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Mananre Martino

Name

Pikerville, MD

Address

mananre@gaganatm.com

email

Maggie Cahill

Name

1106 S. East Ave

Address

mcohill11294@gmail.com

email

Ryan Lamonica

Name

Address

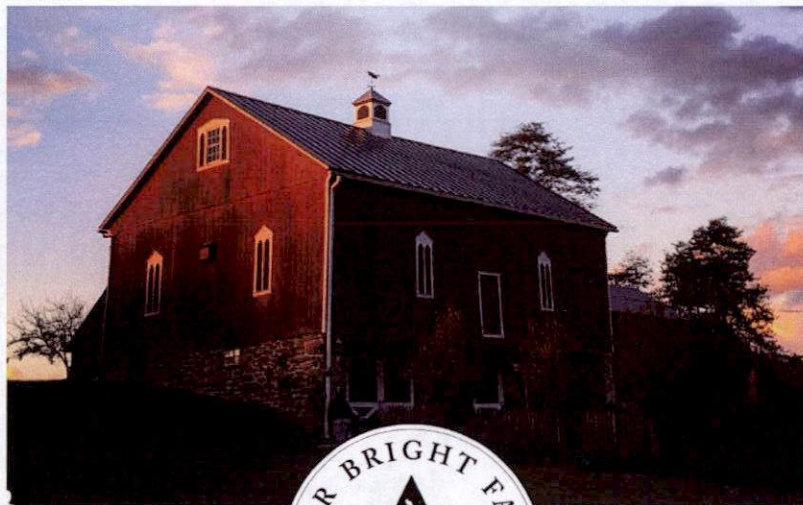
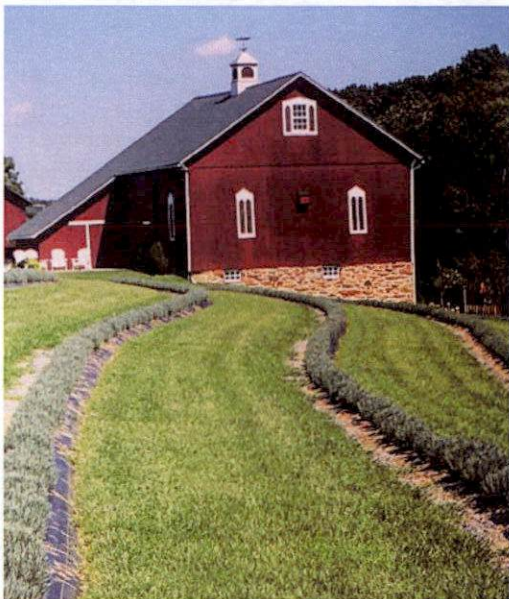
ryan@gaganatm.com

email

starbright-farm.com

helen@starbright-farm.com; mark@starbright-farm.com

 [starbrightfarm](https://www.instagram.com/starbrightfarm)



2950 Garrett Rd

White Hall, MD



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Richard Smith 2036 Greenspring Valley Rd Stensons MD 21153 richard@richardsmith.com

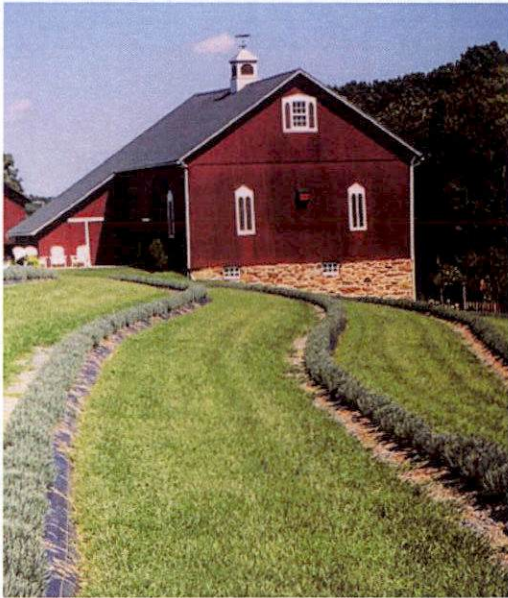
KAREN PHILLIPS K Phillips@productstv

John Worth 3217 Leverton Ave johnkarlworth@gmail.com

starbright-farm.com

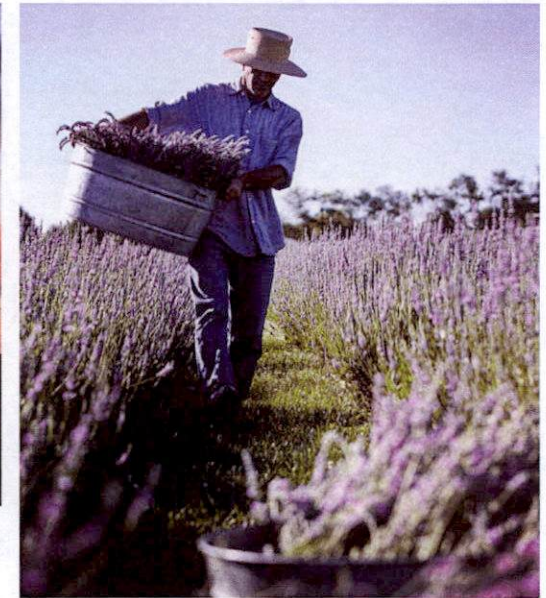
helen@starbright-farm.com; mark@starbright-farm.com

 starbrightfarm



2950 Garrett Rd

White Hall, MD



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Clark Topping

Name

Belt Air, MD

Address

clark@awebspub.com

email

Bill Billings

Name

Baltimore MD

Address

billingsbill1@gmail.com

email

Kevin Murphy

Name

Baltimore MD

Address

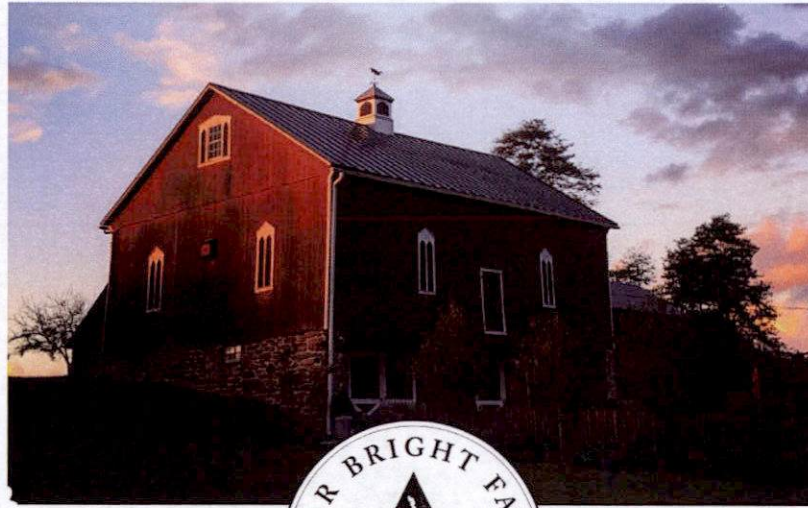
kmurphs4@comcast.net

email

starbright-farm.com

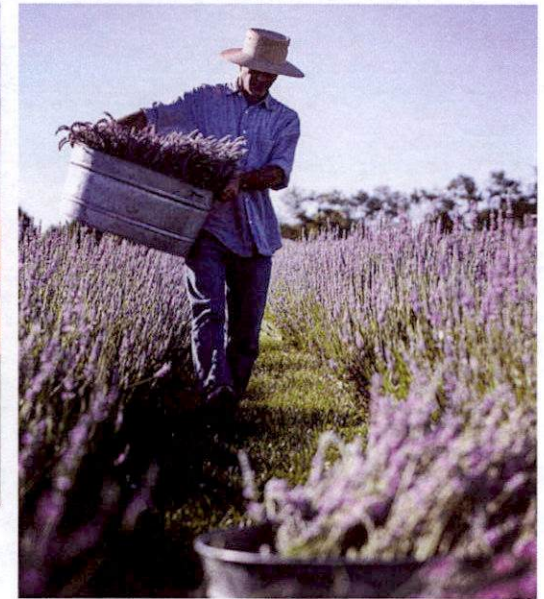
helen@starbright-farm.com; mark@starbright-farm.com

 [starbrightfarm](https://www.instagram.com/starbrightfarm)



2950 Garrett Rd

White Hall, MD



We seek your support for Star Bright Farm's efforts to host an onsite Farm Market in the barn and for events at the farm (like farm-to-table dinners, cycling benefits, Agriculture related workshops, harvest festivals) that promote the sale of their Value Added Lavender and Blueberry products and help us preserve the legacy of the majestic fields and barns that make Maryland cycling so incredibly beautiful.

Leonard Rosenthal

510 Quarry View Ct Reisterstown MD 21136

lennyrosenthal@me.com

Name

Address

email

Kristen Wiseman

Monkton, MD

Kwiseman@producers.tv

Name

Address

email

Stuart Reinhoff

Dover Rd

stuart.reinhoff@cushwake.com

Name

Address

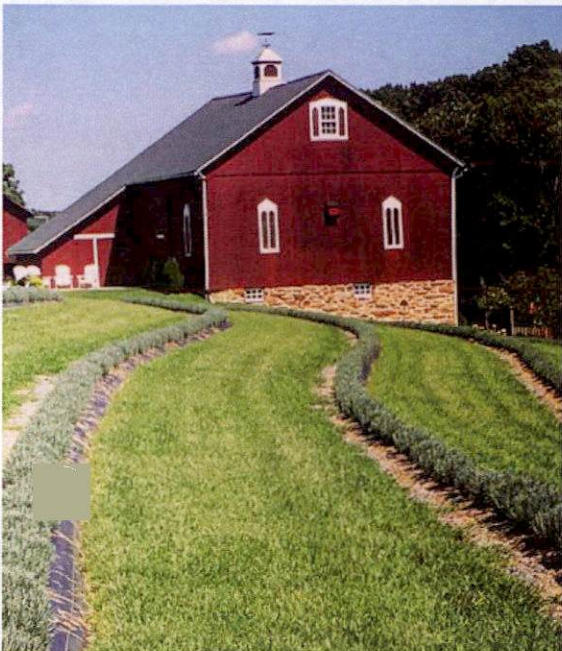
email

starbright-farm.com

helen@starbright-farm.com; mark@starbright-farm.com



starbrightfarm



2950 Garrett Rd

White Hall, MD



We seek your support for Star Bright Farm's efforts to host an onsite Farm Market in the barn and for events at the farm (like farm-to-table dinners, Agriculture related workshops, harvest festivals and seasonal celebrations) that promote the sale of Star Bright's Value Added Lavender and Blueberry products, as well as products from other local Value added producers and crafters.

KATIE LANDGREBE	1721 BOLTON ST 21217	KATIELAND1@me.com
Name	Address	email

Colin Marshall	3 Ascot Ct 21013	Colin@diamondbackbeer.com
Name	Address	email

Name	Address	email
------	---------	-------

starbright-farm.com

helen@starbright-farm.com; mark@starbright-farm.com



starbrightfarm



Maryland Department of Agriculture

Office of the Secretary

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Joseph Bartenfelder, Secretary
James P. Eichhorst, Deputy Secretary

Maryland Agricultural
Land Preservation Foundation

The Wayne A. Cawley, Jr. Building
50 Harry S. Truman Parkway
Annapolis, Maryland 21401
www.mda.maryland.gov

Agriculture | Maryland's Leading Industry

410.841.5860 Baltimore/Washington
410.841.5730 Fax
800.492.5590 Toll Free

December 5, 2017

Star Bright Farm
Mark, Helen, and Peter Elmore
2950 Garrett Road
White Hall, MD 21161

Re: MALPF #03-95-04: Requested uses and events

Dear Elmore family,

Thank you for working with the Foundation over these last few years to determine how best to expand and grow your agricultural operation on your property while complying with the Foundation's policies and regulations. I have received your request to conduct events and operate a farm stand on your farm, along with Baltimore County's recommendation of the request. The description of your intended uses of your farm provides an overview of where your operation stands currently, and how you plan to grow into the future.

Per the Foundation's Guidelines for Requested Uses of Land in the MALPF Program (Guidelines), the Foundation's Board of Trustees has delegated administrative approval authority to the county's agricultural board and the Foundation's staff regarding certain uses, subject to the requirements listed in the Guidelines. Your request to operate farm markets/road side stands as well as up to 16 farm related events, are two of the categories that MALPF Staff is able to approve.

Based on 1) the information you have provided about the proposed uses/events and the farm market; 2) the approval of the proposed uses/events and the farm market by the county's agricultural advisory board; and 3) all but one of the conditions listed in the Foundation's Guidelines being satisfied, you are hereby granted conditional Foundation approval for the following requested activities/events. The information you and Mr. Lippincott provided stated that you have not yet received Baltimore County approval to conduct either the Farm Market or the individual events. Once you have received the County permit for these actions, please provide me a copy of the County's approval. At that time, the approval for your requested activities/events shall be finalized.

These activities/events will be conducted either outside or in existing structures. No new construction of additional buildings was requested, nor approved, to conduct these activities/events. The following are the activities and events conditionally approved by this letter:

PETITIONER'S

EXHIBIT NO. 5

1. Onsite Farm Market, including seasonal markets. The majority of products sold must be grown on site; the remainder must be regionally produced. The Foundation places no limitation on the number of days you may operate your Farm Market.
2. Workshops and Field-to-Table Dinners. The workshops described all can be related to some aspect of your agricultural operation. The same applies to the Field-to-Table Dinners, including aspects that highlight which types of foods are currently being harvested on your farm and in the region. These events combined are limited to 16 per year at the MALPF Staff approval level. If you plan to hold greater than 16 per year, you must re-submit a request and obtain Board of Trustee approval.

The access and parking area associated with these activities/events will use the access and parking areas shown on the map provided. While there is no designated parking area shown on the map, the entrance to your facilities are shown, with a small paved/gravel area for parking. If you need additional parking area, you are allowed up to 1 acre, and can request up to 2 acres if you can demonstrate the need for a larger area. The parking area must be pervious, unless otherwise required by law. If you will be required to have handicapped access for parking, any required impervious surface shall not exceed 5,000 square feet.

These uses/events that you have requested either promote/support the larger agricultural operation on the farm, and/or include educational aspects that impart knowledge about agricultural operations as a whole, and on your farm specifically. All of the permitted uses have common requirements and criteria that must be complied with, which includes the structures associated with the events and activities as well as the parking areas:

- All applicable State, Federal and County requirements associated with the uses/events.
- County planning and zoning regulations.
- Must not interfere with other agricultural or silvicultural operations.
- Must not limit future agricultural or silvicultural production.
- Easement owner must have an ownership interest in the operation.
- Parking area must be pervious (parking facilities for the handicapped shall be provided as required by law).
- Accessory sales area must not exceed 600 square feet and in no case shall be greater than the area used for the sale of agricultural and forestry items (at this time you have not requested, nor been approved, for any accessory sale area).

If any of these activities/events have a significant change in scope or size, please submit a letter to inform the Foundation and request prior written approval from the Foundation. In addition, if you plan to hold any larger events, such as seasonal harvest festivals, or any other type of event that may require greater acreage for parking, you must submit a request prior to finalizing and promoting any such event. Please note

that any events will also require specific Baltimore County permits, so plan accordingly to obtain all necessary approvals.

Please sign below acknowledging your agreement to the conditions of the approval detailed above, and return this letter. If you have any questions, please feel free to call me at 410-841-5719 or e-mail michelle.cable@maryland.gov. We wish you good luck on the continued success of the totality of the Star Bright Farm operation, and the opportunity you are providing to the community as a whole to learn and appreciate more about the agricultural industry here in Maryland.

Sincerely,



Michelle Cable
Administrator

cc: Wally Lippincott, Jr., Baltimore County Program Administrator

Your signature below indicates your agreement with the conditions in this letter:

By: _____
Stephen Mark Elmore (date)

By: _____
Helen Norman Elmore (date)

By: _____
Peter Elmore (date)

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 11/22/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-111

INFORMATION:

Property Address: 2950 Garrett Road
Petitioner: Mark Stephen Elmore, Helen Norman Elmore
Zoning: RC 2
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the petition for a special hearing, special exception and variance as identified on the attachments submitted in support of the petition.

A site visit was conducted on October 11, 2017.

The property is subject to a Maryland Agricultural Land Preservation Foundation (MALPF) easement and the request is currently under review by MALPF staff. State approval is contingent upon County Zoning approval.

Certain aspects of the requested zoning relief relating to the farm-related events and the farm market were brought to the Baltimore County Agricultural Land Preservation Advisory Board (BALPAB) on October 11, 2017. The BALPAB recommended the approval for the request. The BALPAB found that the requested events which were to include workshops, field to table dinners, and seasonal harvests and festivals fell within the appropriateness standards for the Advisory Board consideration. These standards include:

- The proposed use is a farm or forest related use - Agric. § 2-513(b); COMAR 15.15.07;
- The proposed use "conflicts with the overall purpose of the easement to preserve the farm for agricultural use and as open-space land" - COMAR 15.15.07; and
- The proposed use has an historical relationship to farming - COMAR 15.15.07.17.G(3)(c); or
- The proposed use is a home occupation

The Department of Planning has no objection to granting the petitioned zoning relief with the understanding that the proposal remains under the purview of MALPF.

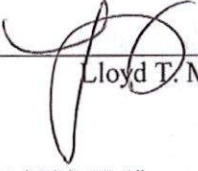
PETITIONER'S

EXHIBIT NO. 6

Date: 11/22/2017
Subject: ZAC #18-111
Page 2

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

Prepared by:

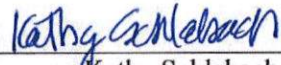


Lloyd T. Moxley

AVA/KS/LTM/ka

c: Kaylee Justice
Christopher D. Mudd, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

Division Chief:



Kathy Schlabach

MARTIN

MARTIN
&
PHILLIPS

PHILLIPS

&

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

CURRICULA VITAE

DAVID L. MARTIN, L.A.

**Martin & Phillips Design Associates, Inc., Principal
Director of Land Planning / Landscape Architecture**

Professional Registration: Landscape Architect
Maryland - No. 776
Pennsylvania - No. 573-E

Education:

The Pennsylvania State University
Bachelor of Science Landscape Architecture - 1971

Professional Affiliations:

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

Professional practice includes 36 years of land planning, landscape architecture, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has been practicing in the Greater Baltimore Metropolitan region since 1987 and has been qualified as an expert in land planning, site planning, and zoning cases in Anne Arundel County, Baltimore County, Howard County, Harford County, Cecil County, Bel Air, Aberdeen, Havre de Grace, Perryville, Port Deposit and Federal District Court of Baltimore.

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

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

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

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

TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8591
FAX: 410.321.1175

PETITIONER' S

EXHIBIT NO. 7



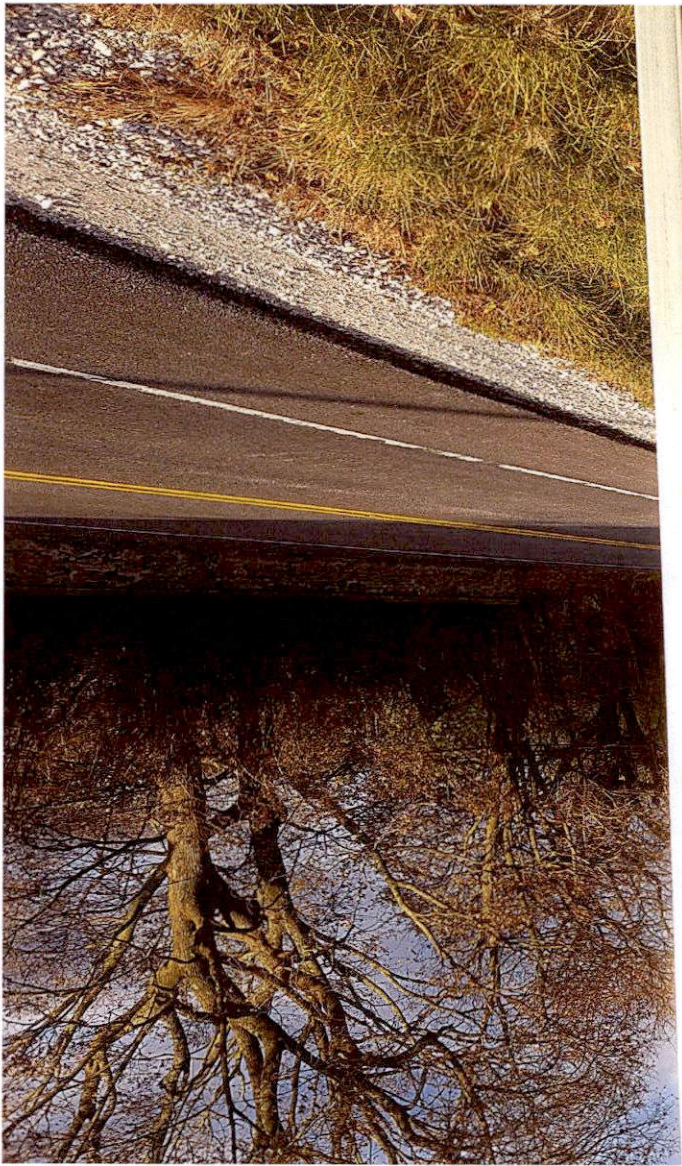
PETITIONER'S

EXHIBIT NO. 8

PETITIONER'S EXHIBIT AQ

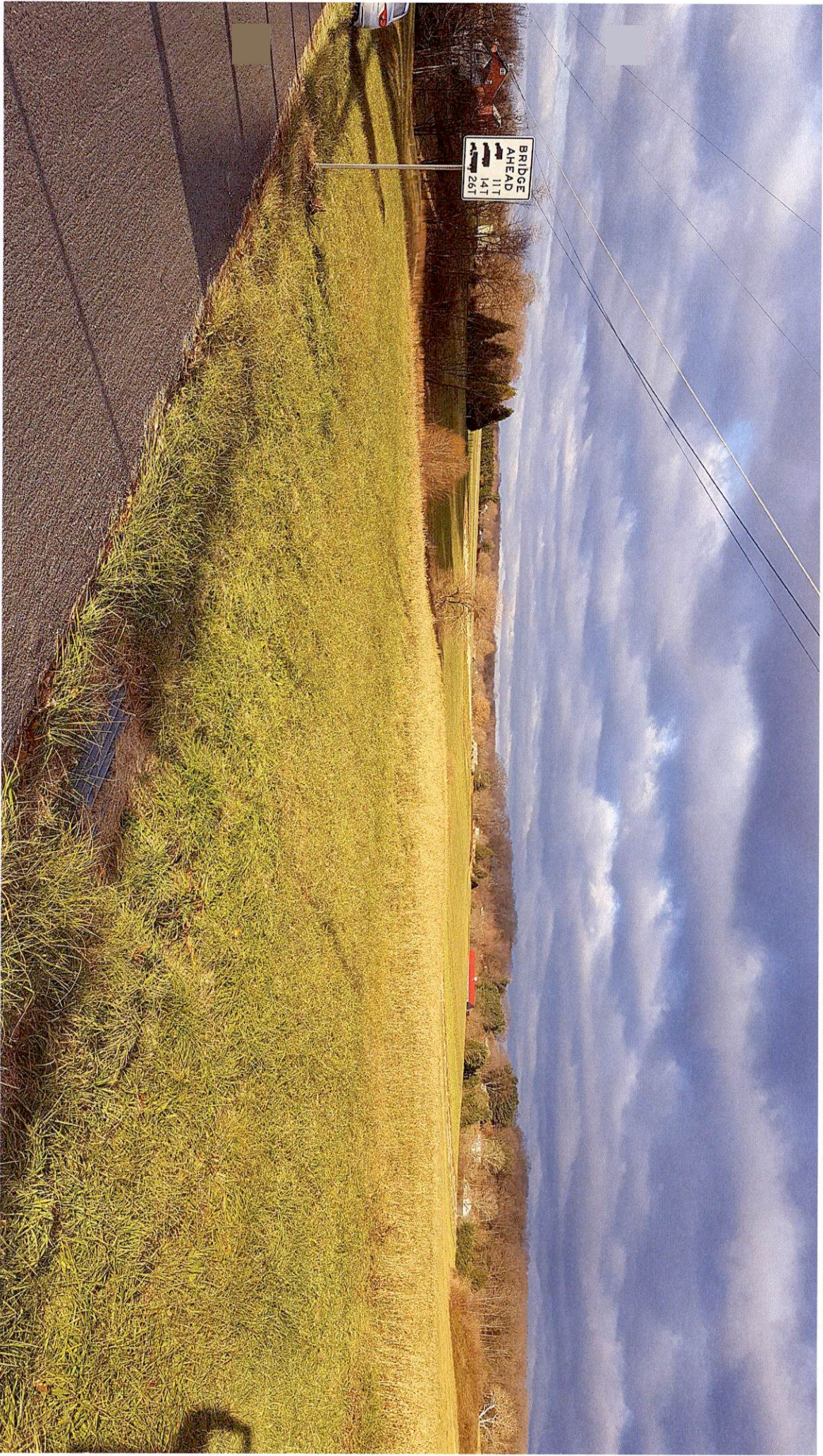






















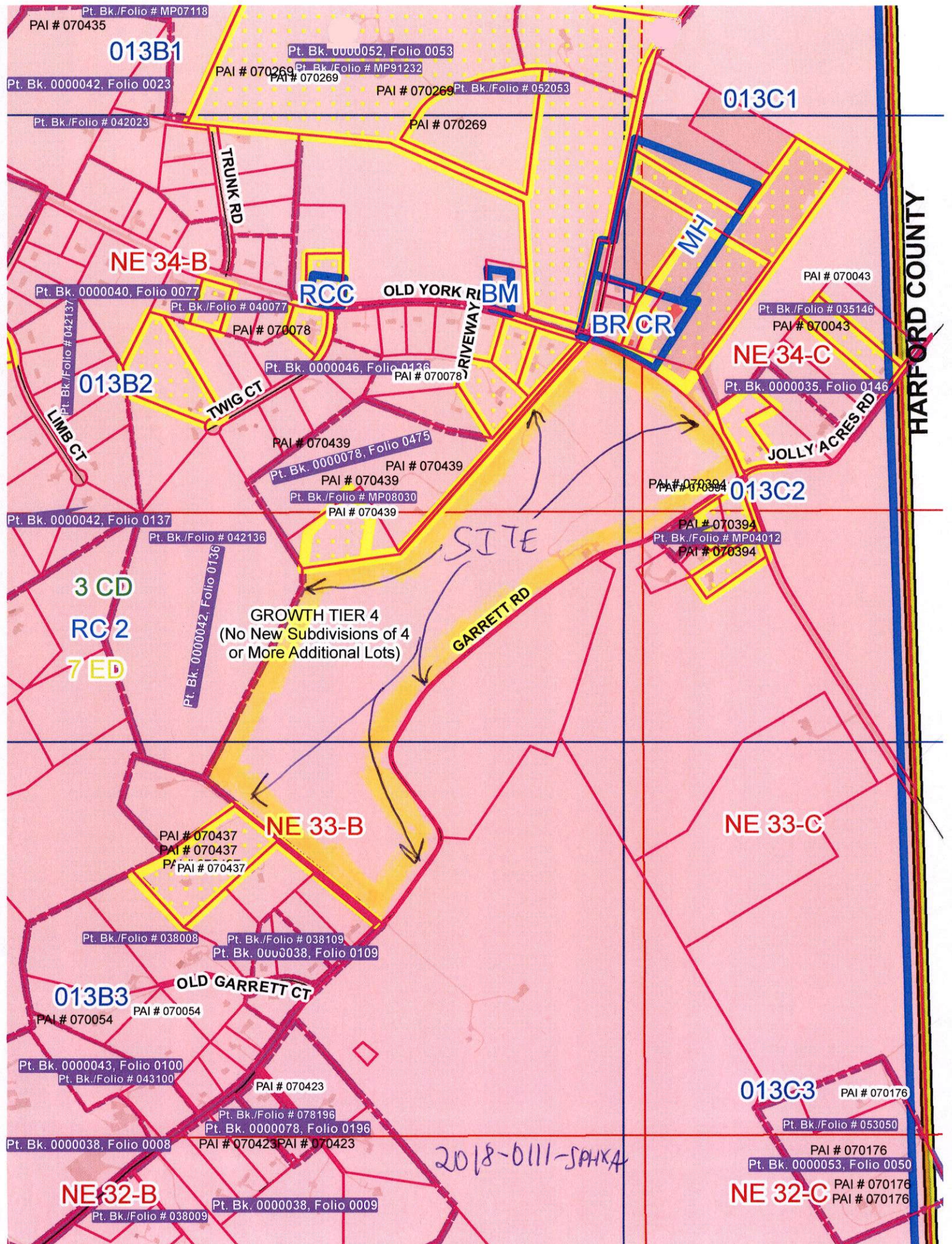












HARFORD COUNTY

2018-0111-SPHKA



Maryland Department of Agriculture

Office of the Secretary

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Joseph Bartenfelder, Secretary
James P. Eichhorst, Deputy Secretary

Maryland Agricultural
Land Preservation Foundation

The Wayne A. Cawley, Jr. Building
50 Harry S. Truman Parkway
Annapolis, Maryland 21401
www.mda.maryland.gov

Agriculture | Maryland's Leading Industry

410.841.5860 Baltimore/Washington
410.841.5730 Fax
800.492.5590 Toll Free

December 5, 2017

Star Bright Farm
Mark, Helen, and Peter Elmore
2950 Garrett Road
White Hall, MD 21161

Re: MALPF #03-95-04: Requested uses and events

Dear Elmore family,

Thank you for working with the Foundation over these last few years to determine how best to expand and grow your agricultural operation on your property while complying with the Foundation's policies and regulations. I have received your request to conduct events and operate a farm stand on your farm, along with Baltimore County's recommendation of the request. The description of your intended uses of your farm provides an overview of where your operation stands currently, and how you plan to grow into the future.

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ORDER RECEIVED FOR FILING

Date

12/13/17

By

sen

PETITIONER'S

EXHIBIT NO.

5

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- All applicable State, Federal and County requirements associated with the uses/events.
- County planning and zoning regulations.
- Must not interfere with other agricultural or silvicultural operations.
- Must not limit future agricultural or silvicultural production.
- Easement owner must have an ownership interest in the operation.
- Parking area must be pervious (parking facilities for the handicapped shall be provided as required by law).
- Accessory sales area must not exceed 600 square feet and in no case shall be greater than the area used for the sale of agricultural and forestry items (at this time you have not requested, nor been approved, for any accessory sale area).

If any of these activities/events have a significant change in scope or size, please submit a letter to inform the Foundation and request prior written approval from the Foundation. In addition, if you plan to hold any larger events, such as seasonal harvest festivals, or any other type of event that may require greater acreage for parking, you must submit a request prior to finalizing and promoting any such event. Please note

ORDER RECEIVED FOR FILING

Date 12/13/17

By Sen

that any events will also require specific Baltimore County permits, so plan accordingly to obtain all necessary approvals.

Please sign below acknowledging your agreement to the conditions of the approval detailed above, and return this letter. If you have any questions, please feel free to call me at 410-841-5719 or e-mail michelle.cable@maryland.gov. We wish you good luck on the continued success of the totality of the Star Bright Farm operation, and the opportunity you are providing to the community as a whole to learn and appreciate more about the agricultural industry here in Maryland.

Sincerely,



Michelle Cable
Administrator

cc: Wally Lippincott, Jr., Baltimore County Program Administrator

Your signature below indicates your agreement with the conditions in this letter:

By: _____
Stephen Mark Elmore (date)

By: _____
Helen Norman Elmore (date)

By: _____
Peter Elmore (date)

ORDER RECEIVED FOR FILING

Date 12/13/17

By sen

Baltimore County - My Neighborhood



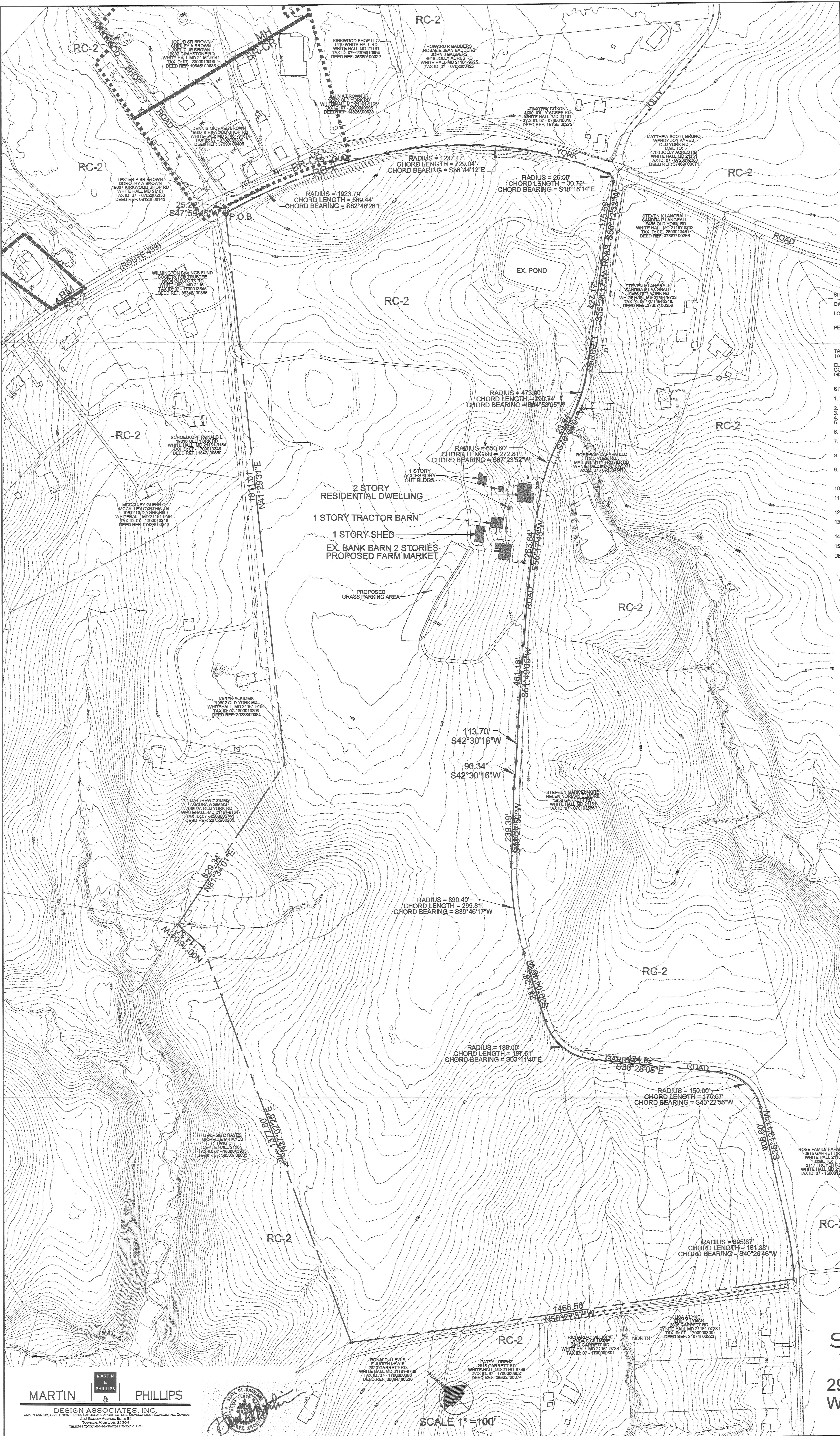
December 4, 2017

- Legend
- Zoning
 - Property
 - County Boundary

0 0.075 Miles
1 inch = 752 feet

PETITIONER' S

EXHIBIT NO. 9



SITE DATA:
OWNER: STEPHEN MARK ELMORE
HELEN NORMAN ELMORE
LOT ADDRESS: 2950 GARRETT ROAD
WHITEHALL, MD 21161
PHONE:
PETITIONER: STAR BRIGHT FARMS, LLC
2950 GARRETT ROAD
WHITEHALL, MD 21161
PHONE:
TAX ACCOUNT ID: 07-0701035560
TAX MAP: 0013, GRID 0016, PARCEL 0057
ELECTION DISTRICT: 07
COUNCILMANIC DISTRICT: 03
GIS TLEZONING: 01B2, 01B3, 01C2

SITE INFORMATION:
1. TOTAL PROPERTY AREA: 127.04 ACRES (5,532,120 S.F.)
2. ZONING: RC-2
3. AREA OF SPECIAL EXCEPTION: 127.04 ACRES (5,532,120 S.F.) ZONED RC-2
4. EXISTING USE: FARM
5. PROPOSED USE: FARM & FARM MARKET & AGRICULTURAL SCHOOL
6. ZONING HISTORY: NONE
7. THERE ARE NO OUTSTANDING ZONING VIOLATIONS FOR THIS PROPERTY
8. OLD YORK ROAD (S.R. 439) IS A PUBLIC ROAD AND IS A BALTIMORE COUNTY SCENIC ROUTE PER THE BALTIMORE COUNTY MASTER PLAN 2020.
9. THERE IS A 100 YEAR FLOODPLAIN ON OR IMMEDIATELY ADJACENT TO THIS PROPERTY BY VIRTUE OF ONE OR MORE 30 ACRE DRAINAGE AREAS.
10. THE PROPERTY IS NOT LOCATED WITHIN A BALTIMORE COUNTY HISTORIC DISTRICT AND THERE ARE NO STRUCTURES ON THE SITE LISTED ON THE BALTIMORE COUNTY FINAL LANDMARKS LIST.
11. THE PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
12. THE PROPERTY IS SERVED BY PRIVATE WELL AND SEPTIC AND IS NOT SERVED BY PUBLIC UTILITIES
13. AMENITY OPEN SPACE: N/A; FLOOR AREA RATIO (FAR): N/A
14. PARKING REQUIREMENTS: TO BE DETERMINED AT THE HEARING FARM MARKET:
15. THIS SITE IS NOT WITHIN A FAILED BASIC SERVICES MAPS AREA.
16. ALL SIGNAGE WILL COMPLY WITH SECTION 450 OF THE B.C.Z.R.
DEVELOPMENT HISTORY & NOTES:
NONE
NO NEW PROPOSED BUILDINGS OR SITE WORK IS PROPOSED

KEY TO SYMBOLOGY
PROPERTY BOUNDARY
EX. BLDGS.
EX. PAVEMENT
EX. CONTOURS
BR-CR
RC-2

ROSE FAMILY FARM LLC
2915 GARRETT RD
WHITEHALL, MD 21161
3117 TROYER RD
WHITEHALL, MD 21161
TAX ID: 07-1600012038

RC-2

CASE #
PLAT TO ACCOMPANY
REQUEST FOR ZONING RELIEF
STAR BRIGHT FARMS, LLC
2950 GARRETT ROAD
WHITEHALL, MD 21161
ELECTION DISTRICT 07
COUNCILMANIC DISTRICT 03

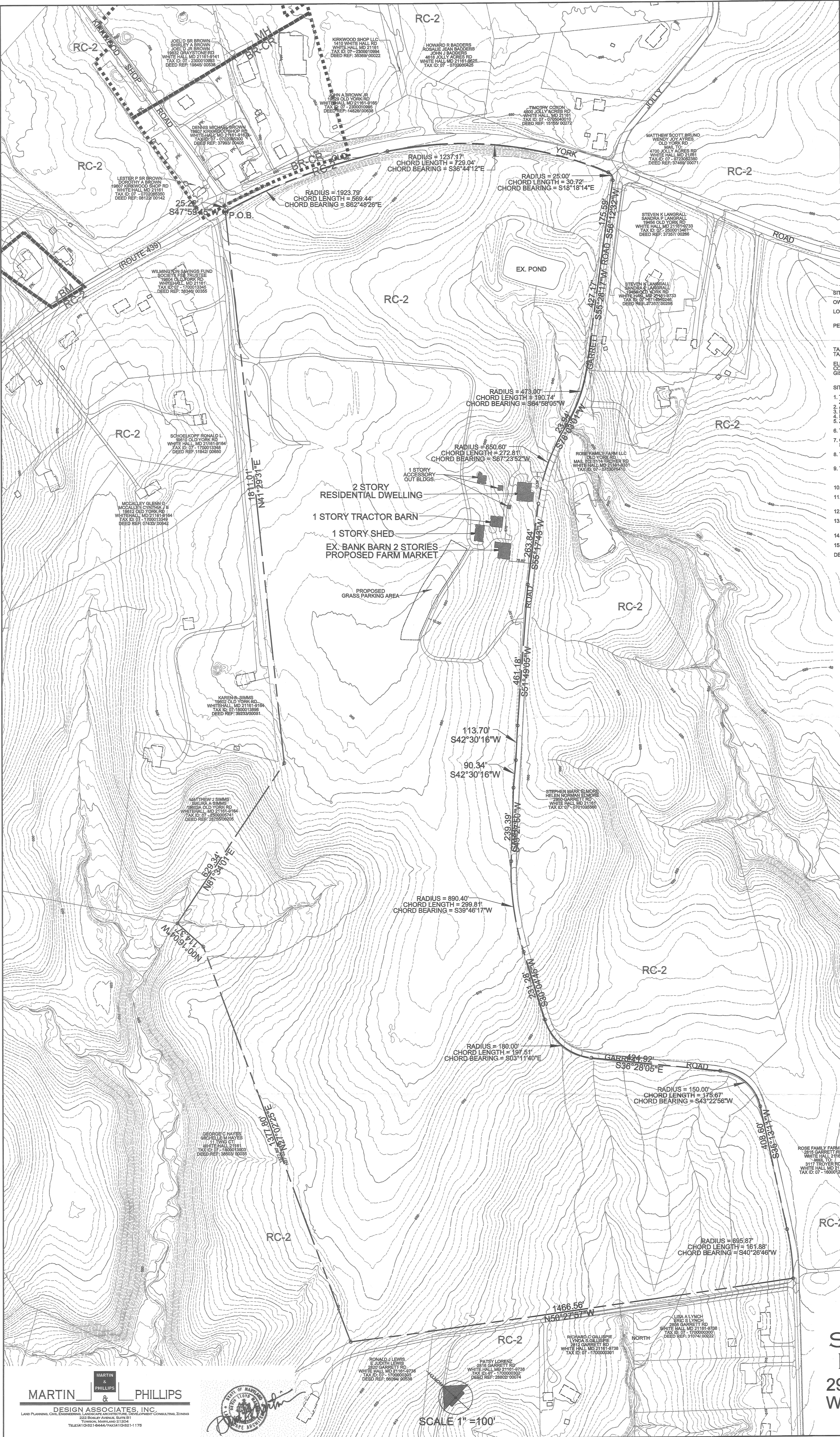
MARTIN & PHILLIPS
DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL, ENVIRONMENTAL, LANDSCAPE ARCHITECTURE, SURVEYING, CONSULTING, ZONING
222 BOWEN AVENUE, SUITE B1
TOWSON, MARYLAND 21204
TELEPHONE: 410-321-8444/FAX: 410-321-1178



SCALE 1" = 100'

DATE: 10/12/2017
P.N. 16-1287

2018-0111-SPHXA



SITE DATA:
OWNER: STEPHEN MARK ELMORE
HELEN NORMAN ELMORE
LOT ADDRESS: 2950 GARRETT ROAD
WHITEHALL, MD 21161
PHONE:
PETITIONER: STAR BRIGHT FARMS, LLC
2950 GARRETT ROAD
WHITEHALL, MD 21161
PHONE:
TAX ACCOUNT ID: 07-0701035550
TAX MAP: 0013, GRID 0016, PARCEL 0057
ELECTION DISTRICT: 07
COUNCILMANIC DISTRICT: 03
GIS TILIZONING: 013B2, 013B3, 013C2

SITE INFORMATION:
1. TOTAL PROPERTY AREA: 127.04 ACRES (5,532,120 S.F.)
2. ZONING: RC-2
3. AREA OF SPECIAL EXCEPTION: 127.04 ACRES (5,532,120 S.F.) ZONED RC-2
4. EXISTING USE: FARM
5. PROPOSED USE: FARM & FARM MARKET & AGRICULTURAL SCHOOL
6. ZONING HISTORY: NONE
7. THERE ARE NO OUTSTANDING ZONING VIOLATIONS FOR THIS PROPERTY
8. THERE IS A 100 YEAR FLOODPLAIN ON OR IMMEDIATELY ADJACENT TO THIS PROPERTY BY VIRTUE OF ONE OR MORE 30 ACRE DRAINAGE AREAS.
9. THE PROPERTY IS NOT LOCATED WITHIN A BALTIMORE COUNTY HISTORIC DISTRICT AND THERE ARE NO STRUCTURES ON THE SITE LISTED ON THE BALTIMORE COUNTY FINAL LANDMARKS LIST.
10. THE PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
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DEVELOPMENT HISTORY & NOTES:
NONE
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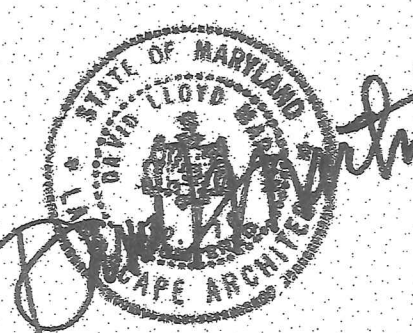
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**2950 GARRETT ROAD
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222 BOWLEY AVENUE, SUITE B1
TOWSON, MARYLAND 21204
TEL: 410-392-1844 / FAX: 410-392-1175



SCALE 1" = 100'

DATE: 10/16/2017
P. 16/127

2018-0111-SPHXA
PET. 1