

MEMORANDUM

DATE: June 1, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0195-XA – Appeal Period Expired

The appeal period for the above-referenced case expired on May 30, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File
Office of Administrative Hearings

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(3100 Black Rock Road)
5th Election District
3rd Council District
Willowdale Farm Associates
Legal Owner
Farmacy Cultivated Craft, LLC
Lessee
Petitioners**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2018-0195-XA**

* * * * *

OPINION AND ORDER ON JOINT MOTION FOR RECONSIDERATION

Now pending is a Joint Motion for Reconsideration filed by the Petitioners and Protestant Valleys Planning Council (VPC) in the above-captioned case. By Order dated April 16, 2018, Petitioners were granted variance and special exception relief to operate a farm brewery at the subject property. During the course of the proceedings Petitioner met with the VPC to discuss certain conditions to be imposed upon the brewery operation. The parties reached an agreement as to those restrictions, and in their Motion for Reconsideration they request that the agreement be incorporated into the final order issued in the above case.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 30th day of **April, 2018**, that the Joint Motion for Reconsideration be and is hereby GRANTED, and the agreement attached hereto shall be incorporated into the April 16, 2018 final Order in the above-captioned matter.

IT IS FURTHER ORDERED that all other terms and conditions in the April 16, 2018 Order shall continue in full force and effect.

ORDER RECEIVED FOR FILING

Date 4-30-18

By PW

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 A-30-18

By kw

1. Capacity of Brewery. The Brewery shall limit the number of guests inside the Brewery building to 50 at any given time. An additional 50 guests may be permitted at any given time in the areas around the Brewery building including the gardens and special exception area shown on the Site Plan for the Brewery.

2. Hours of Operation/Reservations. The Brewery may only offer beer tasting/sampling Fridays and Saturdays from 12 p.m. to 8 p.m. and on Sundays from 12 p.m. to 6 p.m., but shall not be open for beer tasting/sampling Monday through Thursday. Beer tasting/sampling will be provided to guests who make a reservation, online or by telephone, in advance. Beer tasting/sampling will not be provided to walk-in customers unless the Brewery is under capacity at the time of the walk-in customer in which case the customer may participate in the beer tasting/sampling. Reservations shall always take precedence over walk-ins and if the Brewery is at capacity, the walk-in customers will be asked to leave. The Brewery may be open Monday through Sunday for sale/pick-up of beer, subject to the State law limitations for such Class 8 Farm Brewery license.

3. Wedding. The Brewery shall not host any weddings or other catered events other than a private event for a member of the family of the owners of Willowdale Farm or FCC.

4. Events. The Brewery does not plan on hosting but may host any of the multi-brewery activities or brewery promotional events permitted with a Class 8 license issued by the State of Maryland, subject to the limitations of this agreement and the State law limitations of such license (special permit required from Comptroller).

FCC may host education tours or other events at the Property that do not require the special permit from the Comptroller. By way of example, the Baltimore County Agricultural Center may schedule tours of the Property to include the agricultural and brewery operations at the farm. The capacity limits as provided in Section 1 shall apply.

5. Outdoor/Live Music. The Brewery shall not have live or amplified music outside the Brewery building. Guests outside the Brewery building may use small electronic devices to play music, such as cell phones, iPads or such other similar devices. The Brewery may occasionally have live music inside the Brewery building.

6. Expansion. The operations of the Brewery shall be limited to the existing barn building and the grounds surrounding it, as depicted in the Plan to Accompany the Petition for Special Hearing and Petition for Variance filed in the Zoning Case. The Brewery shall not utilize any other existing or newly constructed barn or other structure on the Property.

7. Signage. Willowdale Farm may replace the existing sign for the farm at Black Rock Road and may include on the new sign the name of the farm and the name of the Brewery, its hours of operation, and language to notify the public that tasting/sampling is available only "upon reservation." The sign shall not be internally illuminated or have flashing lights, but may be externally illuminated provided that the light is turned off after operating hours. The sign shall be no larger than 25 square feet and no higher than 6 feet. Alternatively, Willowdale Farm may

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Date 4-30-18

By [Signature]

also maintain the existing sign for the farm and add the name of the Brewery with the limitations as listed above.

8. Discharge of Water and Other Brewing and Cleaning Byproducts. The Brewery shall not discharge onto the Property any waste or other byproduct of the brewing operation or any byproduct from the cleaning of the brewery equipment except as permitted in a nutrient management plan approved by the Baltimore County Soil Conservation District. The Brewery shall otherwise comply with the requirements of State and local law and any requirements of the County's Soil Conservation District and Department of Environmental Protection and Sustainability.

9. State Law Licensing. **FCC and/or** the Brewery shall apply for and obtain Class 7 limited beer wholesaler's license and Class 8 Farm Brewery license. FCC and/or the Brewery has the right to apply for any additional licenses for the business and shall be subject to the requirements of any such additional licenses.

10. Expiration of Special Exception. If the Property is sold to any person who is not an immediate family member of Justin Harrison, Craig Bryant, Erin L. Harrison or Michael J. Harrison, or to any entity which is owned or operated in whole or in part by any person who is not an immediate family member of Justin Harrison, Craig Bryant, Erin L. Harrison or Michael J. Harrison, the Brewery or its successor or assign, as the case may be, agrees to file documentation with the County and take all other steps necessary in order to extinguish the special exception granted in the Special Exception Case.

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Date 4-30-18

By kw

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(3100 Black Rock Road)
5th Election District
3rd Council District
Willowdale Farm Associates
Legal Owner
Farmacy Cultivated Craft, LLC
Lessee
Petitioners**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2018-0195-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 3100 Black Rock Road. The Petitions were filed on behalf of Willowdale Farm Associates, legal owner and Farmacy Cultivated Craft, LLC, lessee ("Petitioners"). The Special Exception petition seeks approval to use the subject property for a Class 8 farm brewery, including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events such as beer tastings or public gatherings associated with the brewery.

The Petition for Variance seeks: **(1)** to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping; **(2)** to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface; **(3)** to permit a parking area not to be striped in lieu of the striping requirement; and **(4)** to allow a two-way access driveway to have a width of 10 ft. in lieu of the required 20 ft. A site plan was marked as Petitioners' Exhibit 1.

Appearing at the hearing in support of the petitions were Justin Harrison, Craig Bryant and surveyor Bruce Doak. Neil Lanzi, Esq. represented Petitioners. Michael McCann, Esq. represented the Valleys Planning Council. Several interested citizens also attended the hearing to obtain

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Date 4/16/18

By Sen

additional information regarding the proposal. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). None of the reviewing agencies opposed the request.

The subject property is approximately 180 acres in size and is zoned RC-2. For over 50 years the Harrison family has operated a farm on the property, with horses, cattle and crops. Justin Harrison and Craig Bryant formed an entity known as "Farmacy Cultivated Craft," which will lease from the owner a portion of the 180 acre farm to operate a farm brewery, a use permitted in the RC-2 zone by special exception. BCZR §1A01.2.C.(30)j.

Mr. Harrison described in some detail the proposed facility, which would be known as a "3 ½ barrel" system. He testified this would be a very small operation, and that the intent was for this to complement (not dominate) the continued operation of the farm and equine facility at the site. The farm is subject to an agricultural easement held by the Maryland Agricultural Land Preservation Foundation (MALPF), and that agency approved (with certain restrictions) the owner's request to operate a Class 8 farm brewery on the property. *See* Pet. Ex. 2. Mr. Harrison also testified the brewery would use a web or app based reservation system similar to Open Table to control the number of patrons entering or exiting the property at any one time. He stated patrons would be admitted only with a reservation, which would entitle the visitor to a 1-2 hour visit to the brewery.

SPECIAL EXCEPTION

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

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By Den

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.

Mr. Doak opined Petitioners satisfied B.C.Z.R. §502.1 and the case law interpreting that provision. No evidence was presented to rebut this testimony. In addition, the operation of the brewery will be subject to the terms and conditions of both the MALPF easement and a Restrictive Covenant Agreement dated April 12, 2018, between Farmacy Cultivated Craft, LLC and the Valleys Planning Council, Inc.

VARIANCE

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

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

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

Petitioners have met this test. The property has an irregular shape and Messrs. Harrison and Doak both testified several streams cross the property and converge on site. *See* Pet. Ex. 11. As such the property is unique. If the B.C.Z.R. were strictly interpreted Petitioners would suffer a practical difficulty since they would be required to pave a large area of unimproved land to comply with the parking regulations. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health,

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Date 4/16/18

By Sen

safety, and general welfare. This is demonstrated by the absence of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 16th day of **April, 2018**, that the Petition for Special Exception to use the subject property for a Class 8 farm brewery, including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events such as beer tastings or public gatherings associated with the brewery, be and is hereby GRANTED; and

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

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

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with all terms and conditions set forth in the MALPF letter dated March 29, 2016, a copy of which was admitted as Pet. Ex. 2.

ORDER RECEIVED FOR FILING

Date 4/16/18
By Sen

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 4/16/18

By sln



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 3100 Black Rock Road which is presently zoned RC 2
 Deed References: SM 13192/535 10 Digit Tax Account # 0508001172
 Property Owner(s) Printed Name(s) Willowdale Farm Associates

(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

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

3. ☒ a Variance from Section(s)
See attached

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

To be presented at the hearing

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

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

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

Contract Purchaser/Lessee:

Farmacy Cultivated Craft, LLC

Name- Type or Print

Justin Craig
 Signature (owner) Signature (owner)

3100 Black Rock Road Reisterstown MD
 Mailing Address City State

21136 / 410 935-2551 justine@farmacybrewing.com
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Neil Lanzi

Name- Type or Print

Neil
 Signature

102 W. Pennsylvania Ave Suite 406 Towson MD
 Mailing Address City State

21204 / 443 991-5917 nlanzi@wclaw.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Willowdale Farm Associates

Name #1 - Type or Print

Name #2 - Type or Print

Justin Justin
 Signature #1 Signature #2

3100 Black Rock Road Reisterstown MD
 Mailing Address City State

21136 / 410 935-2551 justine@farmacybrewing.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Bruce Doak

Name - Type or Print

Signature

3801 Baker Schoolhouse Rd Freeland MD
 Mailing Address City State

21053 / 410 419-4906 doakfarm@gmail.com
 Zip Code Telephone # Email Address

CASE NUMBER 2018-0195-XA Filing Date 01/26/18

Do Not Schedule Dates:

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 4/16/18

By SLH

Petition Attachment

Petitioner, Farmacy Cultivated Craft, LLC, for the property known as 3100 Black Rock Road, Baltimore County, Maryland, hereby petitions the Administrative Law Judge for the following zoning relief from the Baltimore County Zoning Regulations:

A. Special Exception pursuant to Section 1A01.2C(30)(J) for a Class 8 farm brewery, including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events such as beer tasting or public gatherings associated with the brewery.

B. Variance relief from Section 409.8 of the BCZR as follows:

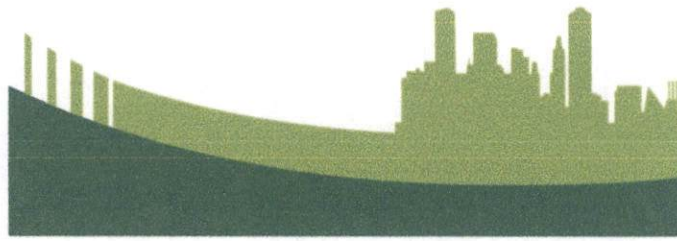
1) To permit a parking area with no screening or landscaping in lieu of the required screening and landscaping.

2) To permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface.

3) To permit a parking area not to be striped in lieu of the striping requirement.

C. Variance relief from Section 409.4A of the BCZR to allow a two-way access driveway to have a width of 10 feet in lieu of the required 20 feet.

2018-0195-XA



Zoning Description

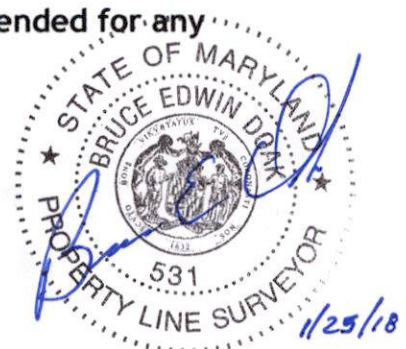
3100 Black Rock Road- 86.8588 Acre Parcel
Fifth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point in the bed of Black Rock Road, approximately 4,250 feet, more or less, easterly of the centerline of Benson Mill Road, thence running in the bed of Black Rock Road and running with and binding on the outlines of the subject property, the following course and distance, viz 1) South 53 degrees 10 minutes 26 seconds East 714.47 feet, thence leaving Black Rock Road and continuing to run and bind on the outlines of the subject property, the three following courses and distances, viz. 2) North 36 degrees 49 minutes 34 seconds East 217.80 feet, 3) South 63 degrees 10 minutes 26 seconds East 200.00 feet and 4) South 36 degrees 49 minutes 34 seconds West 217.80 feet to a point in the bed of Black Rock Road, thence running in the bed of Black Rock Road and continuing to run and bind on the outlines of the subject property, the three following courses and distances, viz. 5) South 53 degrees 10 minutes 26 seconds East 81.39 feet, 6) South 56 degrees 42 minutes 09 seconds East 989.88 feet and 7) South 56 degrees 19 minutes 32 seconds East 102.91 feet, thence leaving the bed of Black Rock Road and continuing to run and bind on the outlines of the subject property, the twelve following courses and distances, viz. 8) North 13 degrees 16 minutes 44 seconds East 584.21 feet, 9) North 33 degrees 35 minutes 35 seconds West 485.82 feet, 10) North 56 degrees 24 minutes 25 seconds East 300.00 feet, 11) South 33 degrees 35 minutes 35 seconds East 350.00 feet, 12) North 56 degrees 24 minutes 25 seconds East 460.00 feet, 13) North 33 degrees 35 minutes 35 seconds West 350.00 feet, 14) North 56 degrees 24 minutes 25 seconds East 300.00 feet, 15) South 33 degrees 35 minutes 35 seconds East 350.00 feet, 16) North 56 degrees 24 minutes 25 seconds East 451.44 feet, 17) North 53 degrees 10 minutes 22 seconds West 2,214.02 feet and 18) South 37 degrees 19 minutes 04 seconds West 2,071.47 feet to the point of beginning.

Containing 86.8588 acres of land, more or less.

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

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



2018-0195-XA

Bruce E. Doak Consulting, LLC

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

CERTIFICATE OF POSTING

February 25, 2018

Re:
Zoning Case No. 2018-0195-XA
Legal Owner: Willowdale Farm Associates
Hearing date: March 19, 2018

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 3100 Black Rock Road.

The sign was posted on February 24, 2018.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

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



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2018-0195-XA

3100 Black Rock Road

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

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

DATE & TIME: Monday March 19, 2018 1:30 PM

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

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

POSTPONENTS WILL TO WEATHER OR OTHER CONDITIONS AND SOMETIMES
NECESSARY TO CONFER THE HEARING CALL 410-887-3391.

IF THE HEARING IS POSTPONED, THE DAY OF THE HEARING UNDER
PARAGRAPH 1 OF 3 AVE.
THE HEARING IS NOT POSTPONED AT ALL.



Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application

Date:



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 5476369

Sold To:

Wilowdale Farm Associates - CU00641210
3100 BLACKROCK RD
Butler, MD 21023

Bill To:

Wilowdale Farm Associates - CU00641210
3100 BLACKROCK RD
Butler, MD 21023

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

Feb 27, 2018

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: # 2018-0195-XA
3100 Black Rock Road
NE/s Black Rock Road, 4770 ft. W/of Falls Road
5th Election District - 3rd Councilmanic District
Legal Owner(s) Wilowdale Farm Associates
Contract Purchaser/Lessee: Farmacy Cultivated Craft, LLC

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

Hearing: Monday, March 19, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

JT 2/7/18 February 27 5476369

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

Bruce E. Doak Consulting, LL

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

CERTIFICATE OF POSTING

February 25, 2018

Re:
Zoning Case No. 2018-0195-XA
Legal Owner: Willowdale Farm Associates
Hearing date: March 19, 2018

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

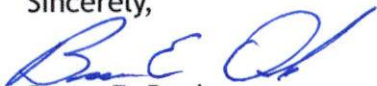
Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **3100 Black Rock Road**.

The sign was posted on **February 24, 2018**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

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



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2018-0195-XA

3100 Black Rock Road

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

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

DATE & TIME: Monday March 19, 2018 1:30 PM

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3. TO PERMIT A PARKING AREA NOT TO BE STRIPED IN LIEU OF THE
STRIPING REQUIREMENT 4. TO ALLOW A TWO-WAY ACCESS DRIVEWAY
TO HAVE A WIDTH OF 10 FEET IN LIEU OF THE REQUIRED 20 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

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



February 22, 2018
KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

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: 2018-0195-XA

3100 Black Rock Road
NE/s Black Rock Road, 4770 ft. W/of Falls Road
5th Election District – 3rd Councilmanic District
Legal Owners: Willowdale Farm Associates
Contract Purchaser/Lessee: Farmacy Cultivated Craft, LLC

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

Hearing: Monday, March 19, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Neil Lanzi, 102 W. Pennsylvania Avenue, Rm. 406, Towson 21204
Farmacy Cultivated Craft, LLC, 3100 Black Rock Road, Reisterstown 21136
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 27, 2018.**
(2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
(3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 27, 2018 Issue - Jeffersonian

Please forward billing to:

Justin Harrison
Willowdale Farm Associates
3100 Black Road Road
Butler, MD 21023

410-935-2551

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:

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NE/s Black Rock Road, 4770 ft. W/of Falls Road
5th Election District – 3rd Councilmanic District
Legal Owners: Willowdale Farm Associates
Contract Purchaser/Lessee: Farmacy Cultivated Craft, LLC

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

Hearing: Monday, March 19, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
AND VARIANCE		
3100 Black Rock Road; NE/S Black Rock Road,	*	OF ADMINISTRATIVE
4770' W of c/line of Falls Road		
5 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Willowdale Farm Associates		
Contract Purchaser(s): Farmacy Cultivated	*	BALTIMORE COUNTY
Craft, LLC		
Petitioner(s)	*	2018-195-XA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

FEB 05 2018

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 5th day of February, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak. 2801 Baker Schoolhouse Road, Freeland, 21053 and J. Neil Lanzi, Esquire, 102 West Pennsylvania Avenue, Suite 406, 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 fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: 2018-0195-XA
Property Address: 3100 BLACK ROCK ROAD
Property Description: NORTHSIDE OF BLACK ROCK ROAD - 4,250' ±
EASTERLY OF BENSON MILL ROAD
Legal Owners (Petitioners): WILLOWDALE FARM ASSOCIATES
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: JUSTIN HARRISON
Company/Firm (if applicable): WILLOWDALE FARM ASSOCIATES
Address: 3100 BLACK ROCK ROAD
BUTLER MO 64723

Telephone Number: 410-935-2551

Revised 5/20/2014



February 22, 2018
KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

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: 2018-0195-XA

3100 Black Rock Road
NE/s Black Rock Road, 4770 ft. W/of Falls Road
5th Election District – 3rd Councilmanic District
Legal Owners: Willowdale Farm Associates
Contract Purchaser/Lessee: Farmacy Cultivated Craft, LLC



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

Hearing: Monday, March 19, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Neil Lanzi, 102 W. Pennsylvania Avenue, Rm. 406, Towson 21204
Farmacy Cultivated Craft, LLC, 3100 Black Rock Road, Reisterstown 21136
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 27, 2018.**
(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.

Sherry Nuffer

From: John E. Beverungen
Sent: Thursday, March 22, 2018 3:51 PM
To: Neil Lanzi
Cc: michael@mmccannlaw.net; Debra Wiley; Sherry Nuffer
Subject: RE: 3100 Black Rock Road, Case No. 2018-195-XA

OK. Thanks.

From: Neil Lanzi [mailto:nlanzi@wclaw.com]
Sent: Thursday, March 22, 2018 2:59 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: michael@mmccannlaw.net
Subject: 3100 Black Rock Road, Case No. 2018-195-XA

John,

The Valleys Planning Council Board meeting scheduled for this past Tuesday evening had to be postponed until next week due to inclement weather. Michael and I are working on the settlement agreement and should be able to follow up with you soon after the board meets next week.

Thank you for your consideration.

Regards,

Neil



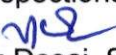
Neil Lanzi
Partner
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204
Tele: 443-991-5917
E-mail: nlanzi@wclaw.com

Message may contain privileged or confidential information that is protected from
e. If you are not the intended recipient of this message, you may not disseminate,
e or copy it. If you have received this message in error, please delete it and
e sender immediately by reply email or by calling 410-659-1300.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 5, 2018
Item No. 2018-0195-XA **(Revised 3/14/2018)**

DATE: March 14, 2018

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

Developer to provide a minimum 20-foot wide driveway from the proposed Brewery out to Black Rock Road, to allow for two-way traffic. Development Plan Review has no objection with driveway width of 10 feet in lieu of the 20 feet.

*

*

*

*

*

VKD: cen
cc: file

REF ID: A61193

Date:

01/26/18

PAID RECEIPT

BUSINESS	ACTUAL	FINE	DNV
1/27/2018	1/26/2018 10:14:42		1

REG: 4501 WALKIN LJR.

RECEIPT # 772744 1/26/2019 OFLN

Dept 5 528 ZONING VERIFICATION

CR. NO. 1A1193

Receipt Tot \$1,000.00
\$1,000.00 PK 1.00 CA
Baltimore County, Maryland

Total:

For:

3100 BLACK ROCK RD

2018-0175-XA

DISTRIBUTION

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

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

March 14, 2018

Willowdale Farm Associates
3100 Black Rock Road
Reisterstown MD 21136

RE: Case Number: 2018-0195 XA, Address: 3100 Black Rock Road

Dear Mr. Harrison:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 26, 2018. 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
Farmacy Cultivated Craft, LLC, 3100 Black Rock Road, Reisterstown MD 21136
Neil Lanzi, Esquire, 102 W. Pennsylvania Avenue, Suite 406, 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: 2/5/18

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

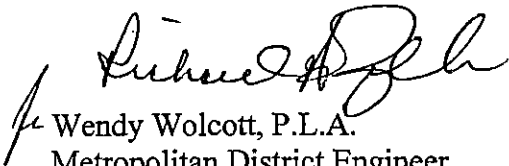
We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 2/5/18. A field inspection and internal review reveals that an entrance onto MD88 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

Special Exception, Variance, Case Number 2018-0195-AN.

Willowdale Farm Associates
1300 Black Rock Road
MD 88

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



3-19
1:30 PM

RECEIVED

MAR 06 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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

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

DATE: March 6, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0195-XA
Address 3100 Black Rock Road
(Willowdale Farm Associates
Property)

Zoning Advisory Committee Meeting of **March 5, 2018**.

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

Environmental Impact Review must review any proposed permits and plans for this farm brewery to determine compliance with Forest Buffer Law. The proposed parking area may not be constructed in a forest buffer area delineated per Section 33-3-111.

Ground Water Management must review any proposed permits and plans for this farm brewery, since the site is served by well and septic.

Reviewer: Dan Esser & Libby Errickson

3-19

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: February 8, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0195-XA
Address 3100 Black Rock Road
(Willowdale Farm Associates
Property)

Zoning Advisory Committee Meeting of **February 9, 2018.**

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

Environmental Impact Review must review any proposed permits and plans for this farm brewery to determine compliance with Forest Buffer Law. The proposed parking area may not be constructed in a forest buffer area delineated per Section 33-3-111.

Ground Water Management must review any proposed permits and plans for this farm brewery, since the site is served by well and septic.

Reviewer: Dan Esser & Libby Errickson

BALTIMORE COUNTY, MARYLAND INTRA-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: 18-195

DATE: 3/5/2018



INFORMATION:

Property Address: 3100 Black Rock Road
Petitioner: Willowdale Farm Associates
Zoning: RC 2
Requested Action: Special Exception & Variance

The Department has reviewed the petition for a special exception for a Brewery, Class 8 (farm brewery) including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events such as beer tasting or public gatherings associated with the brewery and the petition for variances as listed on the attachment submitted in support of the petition.

A site visit was conducted on 2/10/2016. Black Rock Road is a Baltimore County Scenic Route. The Department understands that the physical attributes of the special exception use will not be visible from the scenic route. The property is under a Maryland Agricultural Land Preservation Foundation (MALPF) agricultural preservation easement. The Department has been extensively engaged with the property through its involvement with the aforesaid MALPF agricultural preservation easement and also the Baltimore County Agricultural Preservation Advisory Board (Ag. Board). The petitioner required approvals from both bodies in order to pursue the proposed special exception, gaining MALPF approval on 8/10/2017 and Ag. Board approval on 2/10/16.

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

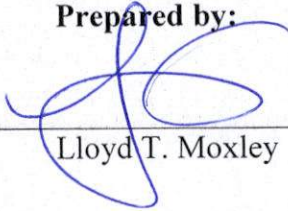
- The special exception use shall be subject to all MALPF and Ag. Board conditions of approval. Changes to the operation of the special exception use or substantial exterior changes to the existing structures supporting the proposed special exception may require further review and approval by the Department and/or said bodies.
- To ensure that the brewery use will not be detrimental to the primary agricultural uses in the area and that the said use remains within the intent of the special exception, the Department recommends that the special exception conform to the requirements of MD. Ann. Code Art. AB, §2-210 and §13-1304. 2
X
- The Department will only support the variance to BCZR § 409.4.A on the petitioners demonstrating to the Administrative Law Judge that the petitioned zoning relief is not opposed by the Baltimore County Department of Public Works and the Office of the Fire Marshal.
- The level of on-site agricultural production in support of the brewery must be established. The Petitioners shall document through the hearing process and by specific note on the plan the types

and minimum amounts of agricultural product to be produced on the licensed farm in support of the brewery.

- Any signage visible from the public road shall be subject to BCZR § 450.4. I “6. Identification” but shall not be internally illuminated nor externally illuminated beyond the close of the brewery for the consumption of beer and sales and service of food or the close of a brewery temporary promotional event.

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Joseph Wiley

Bruce Doak

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: *MC2*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 9, 2018
Item No. 2018-0195-XA (**revised 3/14/2018**)

DATE: March 14, 2018

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

Developer to provide a minimum 20-foot wide driveway from the proposed Brewery out to Black Rock Road, to allow for two-way traffic. Development Plan review has no objection with driveway width of 10 feet in lieu of the 20 feet.

*

*

*

*

*

VKD: cen

cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 9, 2018
Item No. 2018-0195-XA

DATE: February 12, 2018

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

Developer to provide a minimum 22-foot wide driveway from the proposed Brewery out to Black Rock Road, to allow for two-way traffic.

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE MEMORANDUM

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

DATE: 3/5/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-195

INFORMATION:

Property Address: 3100 Black Rock Road
Petitioner: Willowdale Farm Associates
Zoning: RC 2
Requested Action: Special Exception & Variance

The Department has reviewed the petition for a special exception for a Brewery, Class 8 (farm brewery) including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events such as beer tasting or public gatherings associated with the brewery and the petition for variances as listed on the attachment submitted in support of the petition.

A site visit was conducted on 2/10/2016. Black Rock Road is a Baltimore County Scenic Route. The Department understands that the physical attributes of the special exception use will not be visible from the scenic route. The property is under a Maryland Agricultural Land Preservation Foundation (MALPF) agricultural preservation easement. The Department has been extensively engaged with the property through its involvement with the aforesaid MALPF agricultural preservation easement and also the Baltimore County Agricultural Preservation Advisory Board (Ag. Board). The petitioner required approvals from both bodies in order to pursue the proposed special exception, gaining MALPF approval on 8/10/2017 and Ag. Board approval on 2/10/16.

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

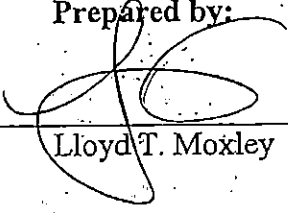
- The special exception use shall be subject to all MALPF and Ag. Board conditions of approval. Changes to the operation of the special exception use or substantial exterior changes to the existing structures supporting the proposed special exception may require further review and approval by the Department and/or said bodies.
- To ensure that the brewery use will not be detrimental to the primary agricultural uses in the area and that the said use remains within the intent of the special exception, the Department recommends that the special exception conform to the requirements of MD. Ann. Code Art. AB, §2-210 and §13-1304.
- The Department will only support the variance to BCZR § 409.4.A on the petitioners demonstrating to the Administrative Law Judge that the petitioned zoning relief is not opposed by the Baltimore County Department of Public Works and the Office of the Fire Marshal.
- The level of on-site agricultural production in support of the brewery must be established. The Petitioners shall document through the hearing process and by specific note on the plan the types

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- Any signage visible from the public road shall be subject to BCZR § 450.4. I "6. Identification" but shall not be internally illuminated nor externally illuminated beyond the close of the brewery for the consumption of beer and sales and service of food or the close of a brewery temporary promotional event.

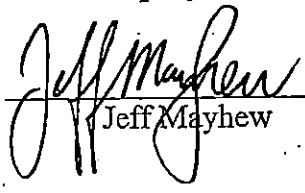
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Joseph Wiley

Bruce Doak

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: March 6, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0195-XA
Address 3100 Black Rock Road
(Willowdale Farm Associates
Property)

Zoning Advisory Committee Meeting of **March 5, 2018**.

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

Environmental Impact Review must review any proposed permits and plans for this farm brewery to determine compliance with Forest Buffer Law. The proposed parking area may not be constructed in a forest buffer area delineated per Section 33-3-111.

Ground Water Management must review any proposed permits and plans for this farm brewery, since the site is served by well and septic.

Reviewer: Dan Esser & Libby Errickson

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: February 8, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0195-XA
Address 3100 Black Rock Road
(Willowdale Farm Associates
Property)

Zoning Advisory Committee Meeting of **February 9, 2018.**

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

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Ground Water Management must review any proposed permits and plans for this farm brewery, since the site is served by well and septic.

Reviewer: Dan Esser & Libby Errickson

Case No.:

2018-0195-XA

Exhibit Sheet - Continued

Petitioner/Developer

Protestants

Sen

4-16-18

No. 1 1	Site	
No. 17 2	Mo. Dept. of Agriculture Letter March 29, 2016	
No. 18 3	BL Farm Bureau Letter March 13, 2018	
No. 16 4	E-mail dated March 19, 2018	
No. 19 5	Letter from Ned Halle 3/18/2018	
No. 18 6	Brewery Layout	
No. 19 7	Floorplan	
No. 20 8	Rendering	
No. 21 9	Aerial photo	
No. 22 10	Plan w/photos A-X	
No. 23 11	Plan showing streams on sub. prop.	
No. 24		







Maryland Department of Agriculture

Office of the Secretary

Agriculture | Maryland's Leading Industry

Maryland Agricultural
Land Preservation Foundation

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

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

410.841.5860 Baltimore/Washington
410.841.5730 Fax
800.492.5590 Toll Free

March 29, 2016

Willowdale Farm, LLC
c/o Michael & Justin Harrison
3100 Blackrock Rd.
Reisterstown, MD 21136

Re: MALPF File #03-96-17; Request for farm brewery operation

Dear Mr. & Dr. Harrison,

The Foundation's Board of Trustees appreciates Mr. Harrison attending the meeting on March 22, 2016, to present your request. The purpose of this letter is to confirm the Board's approval and the conditions associated with it regarding the establishment of the farm brewery operation as presented, located within existing structures and using the existing driveway and cleared area for parking.

Your plans for the farm brewery and the proposed activities are in accordance with the Foundation's general uses policy, and are permitted farm related uses under Agriculture Article Section 2-513(b)(1)(i). If and when your operation grows or changes, or if any major events are being considered, please note that you must obtain prior written approval from the Foundation before proceeding. The Foundation gauges the difference between a major and minor event by the number of attendees and the need for additional/overflow parking above what has been presented and approved by the Board.

In addition to adhering to the permitted uses guidelines, the Board approved your request with the following conditions:

1. Receipt of Class 8 Maryland Brewery License (and if necessary Class 7).
2. Receipt of documentation that the owner of the easement property has an ownership interest in the brewery operation.
3. Change of scale of operation or ownership of the easement property and/or brewery operation will require additional Foundation review.
4. Agreement to give the Foundation access to the facility for monitoring purposes.
5. The County Soil District provides an updated Soil Conservation and Water Quality Plan, if the District determines the change in land use to accommodate the brewery necessitates an updated Plan.

PETITIONER'S

EXHIBIT NO. 2

6. Landowners sign a letter outlining conditions (accomplished by counter-signing this letter).

Please sign below acknowledging your agreement to the conditions of the approval detailed above, and return this letter. Thank you for your willingness to preserve Maryland's greatest resource, our farmland. Please call me at 410-841-5719, or e-mail michelle.cable@maryland.gov if I can be of any assistance as you go through this process. We wish you luck and success in establishing your brewery!

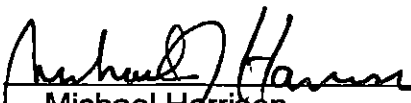
Sincerely,

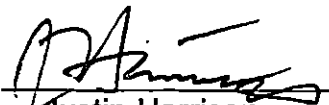


Michelle Cable
Administrator

cc: Wally Lippincott, Jr., County Program Administrator

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

By:  8/10/17
Michael Harrison Date

By:  8/10/17
Justin Harrison Date



March 13, 2018

To Whom It May Concern:

On behalf of the Baltimore County Farm Bureau Board of Directors I am writing to you to express complete support of the farm brewery proposed to be located on Willowdale Farm. BCFB views farm breweries as assets to regular farm operations that allow local farms a way to diversify and make use of crops raised on the property and sold directly engaging with the consumer. We have observed similar operations in neighboring counties that have added value to the farm operation while increasing local tourism to the county.

Willowdale has been a family owned and operated farm since 1961, when a 45-acre parcel off Falls Road was purchased. In later years, additional parcels were purchased, expanding the property across to Black Rock Road. While the family no longer owns the "front" part of the farm along Falls, but now encompasses 188 acres off Black Rock. The 4th generation, and only remaining future heirs to the family farm's legacy is looking to grow the operation. While predominantly focusing on the equine industry, they have always allocated acreage to hay ground, cattle, corn, soybeans, small grains, and since 2010, produce and orchard crops. They began a CSA market operation in 2011 on a 1/4 acre with only 8 members, mostly family. By 2014, they had 44 seasonal members, 2.5 acres in intense year-round crop production, 2 greenhouses, and about a dozen local restaurant accounts.

The brewery concept began in 2012 though homebrewing and designing homebrew recipes using ingredients that had been grown in the CSA gardens. In 2015 began the plans for a farm brewery that have been conceptualized, rehashed, and modeled from almost 3 years of intense research and development. Field trials, test batches, and lots of sensory analysis has been conducted.

Farmacy Brewing was born from a farmer's deep connection and appreciation for the land his family has tended to for the past 60 years, and a pharmacist's intense devotion to the science and chemistry of brewing, and the similarities the two shared as part of Baltimore County's farming family. They are dedicated to making the best beer possible, showcasing unique, indigenous, and often unassuming local ingredients that actually yield "a sense of place" to Baltimore County. No other brewery in our region can claim this, and it's what makes Farmacy so special. Ultimately, they would like to entice young farmers thinking of a career in Agriculture, but may have never considered how something as pop-culture driven as craft beer is actually directed, supported, and sculpted by grain farmers, hop farmers, orchard farmers, etc.

This plan along with the family/farm history is the perfect mix to grow an Agriculture business that not only promotes the best of Baltimore County and could potentially encourage tourism to the county but also shows how the face of Agriculture continues to evolve in order to survive.

Please support this farm brewery in doing so you will be supporting Baltimore County Agriculture and the Baltimore County economy.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jo-Ann Chason".

Jo-Ann Chason

Baltimore County Farm Bureau President

443-807-1007; bc.fb@aol.com; jacobvine@aol.com

PETITIONER' S

EXHIBIT NO.

3



Michael Harrison <mjhdvm@gmail.com>

Fwd: Farm Brewery

1 message

Justin Harrison <justin@farmacybrewing.com>
To: mjhdvm@gmail.com

Mon, Mar 19, 2018 at 11:41 AM

Please print this email. Thanks

----- Forwarded message -----

From: "Peter Stellmann" <Peter-Stellmann@mdpins.com>

Date: Mar 19, 2018 10:45 AM

Subject: Farm Brewery

To: "justin@farmacybrewing.com" <justin@farmacybrewing.com>

Cc:

Justin,

Enjoyed hearing about the new craft brewery venture. I am in full support of this new opportunity for you and Willowdale Farm. I think your plan has been well thought out and shows consideration for all those that reside on the property. I have also discussed this with my sons to let them know what to expect. We wish both you and your partners much success.

Sincerely,

Peter

Peter Stellmann | Insurance Advisor

Maury Donnelly & Parr, Inc. | 24 Commerce Street, Baltimore, MD 21202

Direct: 410.547.3185 Mobile: 410.241.2595 | pstellmann@mdpins.com | www.mdpins.com

**PETITIONER' S****EXHIBIT NO.** A

Ned Halle
4081 Mt. Zion Road
Upperco, MD 21155
3/18/18

Re: Willowdale Farm
Farmacy Cultivated Craft
Petition for Special Exception

To Whom It May Concern,

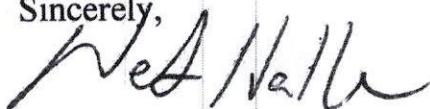
I and my family are neighbors of the Harrisons and we have lived on a neighboring farm a few miles from Willowdale Farm since 1974. Both our farm and the Willowdale farm are subject to MALPF easements and both are in the Piney Run Rural Legacy area.

I have spent the last 20 years of my career focusing on land preservation in Baltimore County. I was on the board of the Maryland Environmental Trust (MET) for eight years (2000-08) and I have been on the board of the Valleys Planning Council for many years. I am the Vice-President of the Land Preservation Trust (LPT) and have been on that board since 1996. Since 2000 the LPT has administered the Piney Run Rural Legacy program in conjunction with the County and State and dispersed over thirty million dollars to landowners who wished to preserve their land. In addition I have assisted many landowners in navigating the process of preserving their land through the other programs such as MALPF and MET.

I am writing to voice my **strong support** for this request for a special exception to operate a farm brewery at Willowdale Farm. As a neighbor, a farm owner and a land preservationist, it is my belief that this is the just sort of project that is the way forward in making preserved farms economically viable for the future generations.

In addition, it is my opinion that the proposed location will in no way be detrimental to the health, safety or welfare of the general public; but rather will be a benefit to the community and something that will fit in well and will be enjoyed by many.

Sincerely,



Ned Halle

PETITIONER' S

EXHIBIT NO. _____

5

GENERAL SITE INFORMATION

- 1. Ownership: Willowdale Farm Associates
- 2. Address: 3100 Black Rock Road Butler, MD 21023
- 3. Deed references: SM 13192 / 535
- 4. Area: 86.8588 acres (per survey)
- 5. Tax Map / Parcel / Tax account #: 26 / 94 / 05-08-001172
- 6. Election District: 5 Councilmanic District: 3
ADC Map: 4234D6 GIS tile: 026C3 Position sheet: 93NW26 & 93NW27
Schools: Fifth District ES Hereford MS Hereford HS
- 7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 026C3 and the information provided by Baltimore County on the internet.
- 8. Improvements: Single family dwelling, tenant house & agricultural buildings. All of these will remain.

OFFICE OF ZONING

Zoning: R.C. 2 There are no previous zoning cases on the subject parcels.

Parking Calculations

Required parking spaces for each residence: 2 Parking spaces provided: 2

Required parking for the brewery: 50 (based on a max. of 50 guests on the farm)

Parking spaces provided on site: 17 (Paved) 100+ (In Field)

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

- 1. The existing dwellings are currently serviced by a private well and two septic systems.
- 2. There are no underground storage tanks on the subject property.
- 3. The subject property is not in the Chesapeake Bay Critical Area.
- 4. The subject property is not located within a 100 year flood plain.

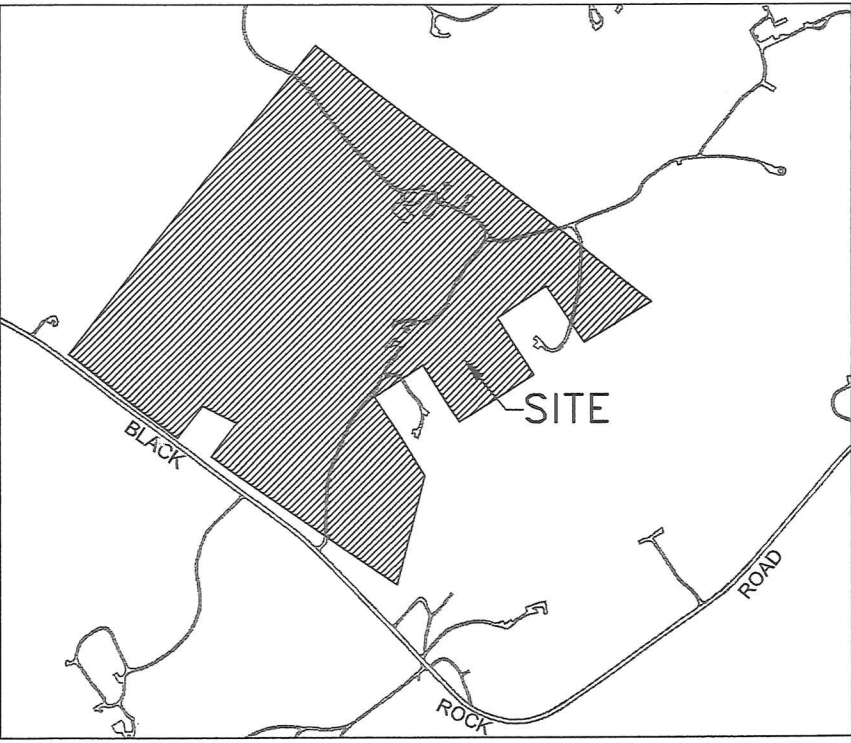
OFFICE OF PLANNING

Regional Planning District: Hereford / Maryland Line District Code: 301

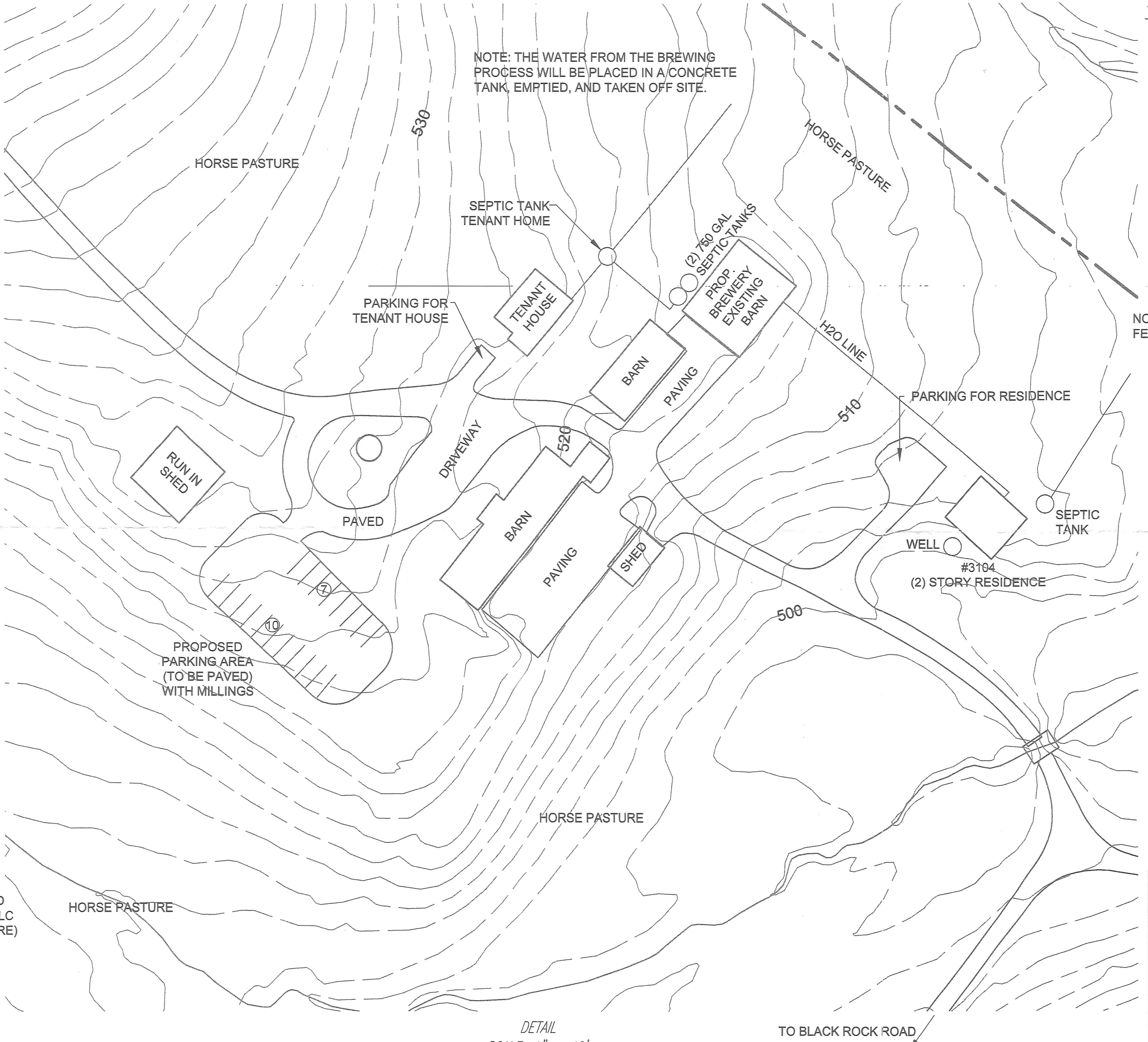
- 1. The subject dwellings are not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To implement a farm brewery in an existing barn and continue to grow crops as ingredients for the brewery production.



Vicinity Map - Scale: 1' = 1000'



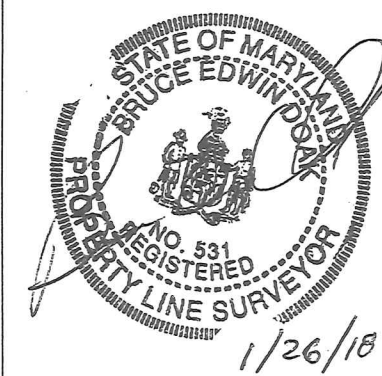
DETAIL
SCALE: 1" = 40'



REVISION

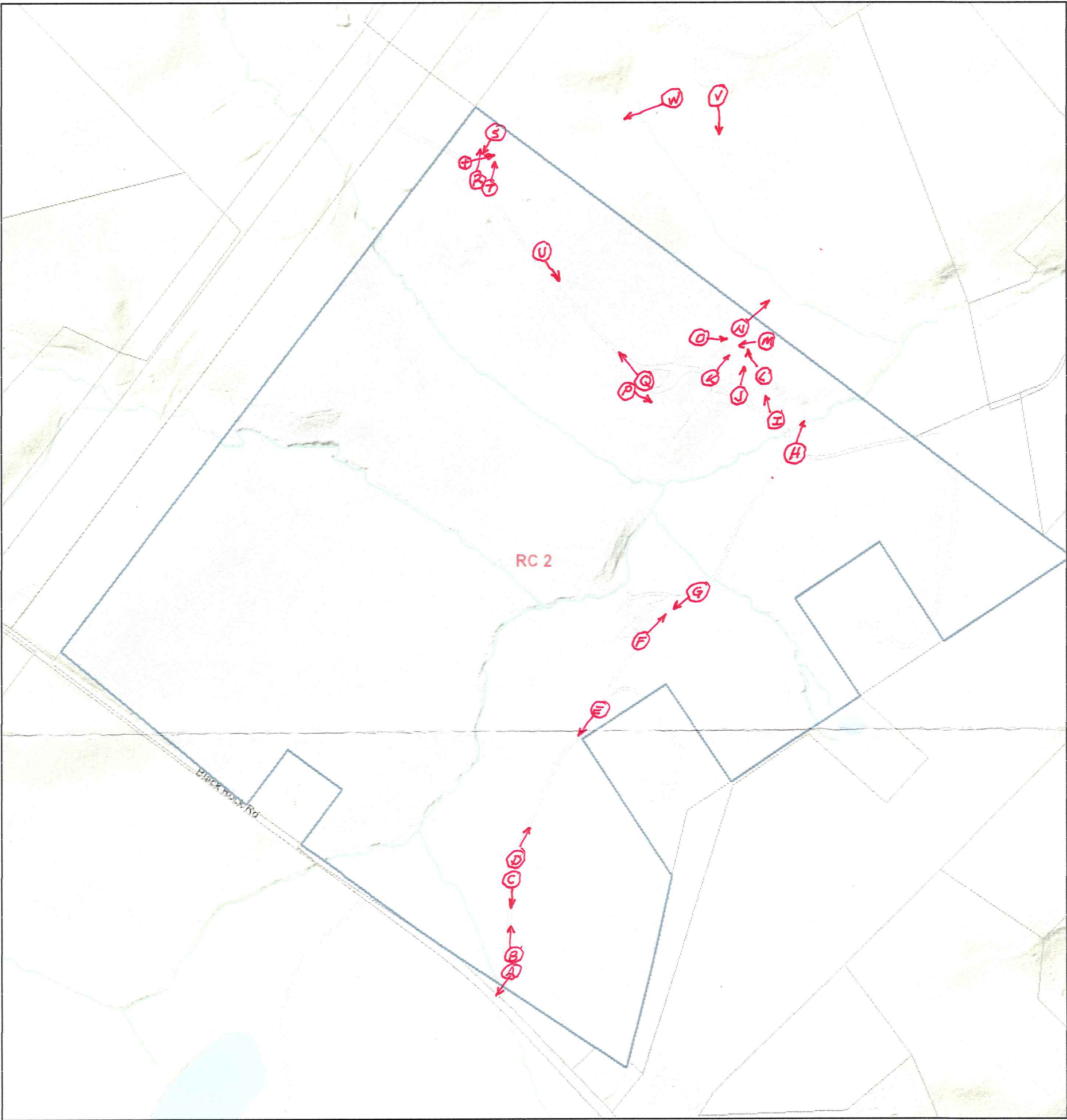
Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
p 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
WILLOWDALE FARM ASSOCIATES
#3100 BLACK ROCK ROAD
BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT



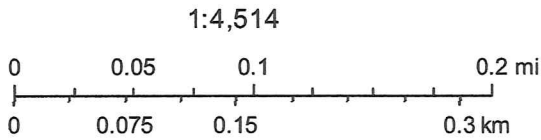
Date: 1/18/2018
Scale: 1"= 300'

3100 Black Rock Rd- GIS



December 20, 2017

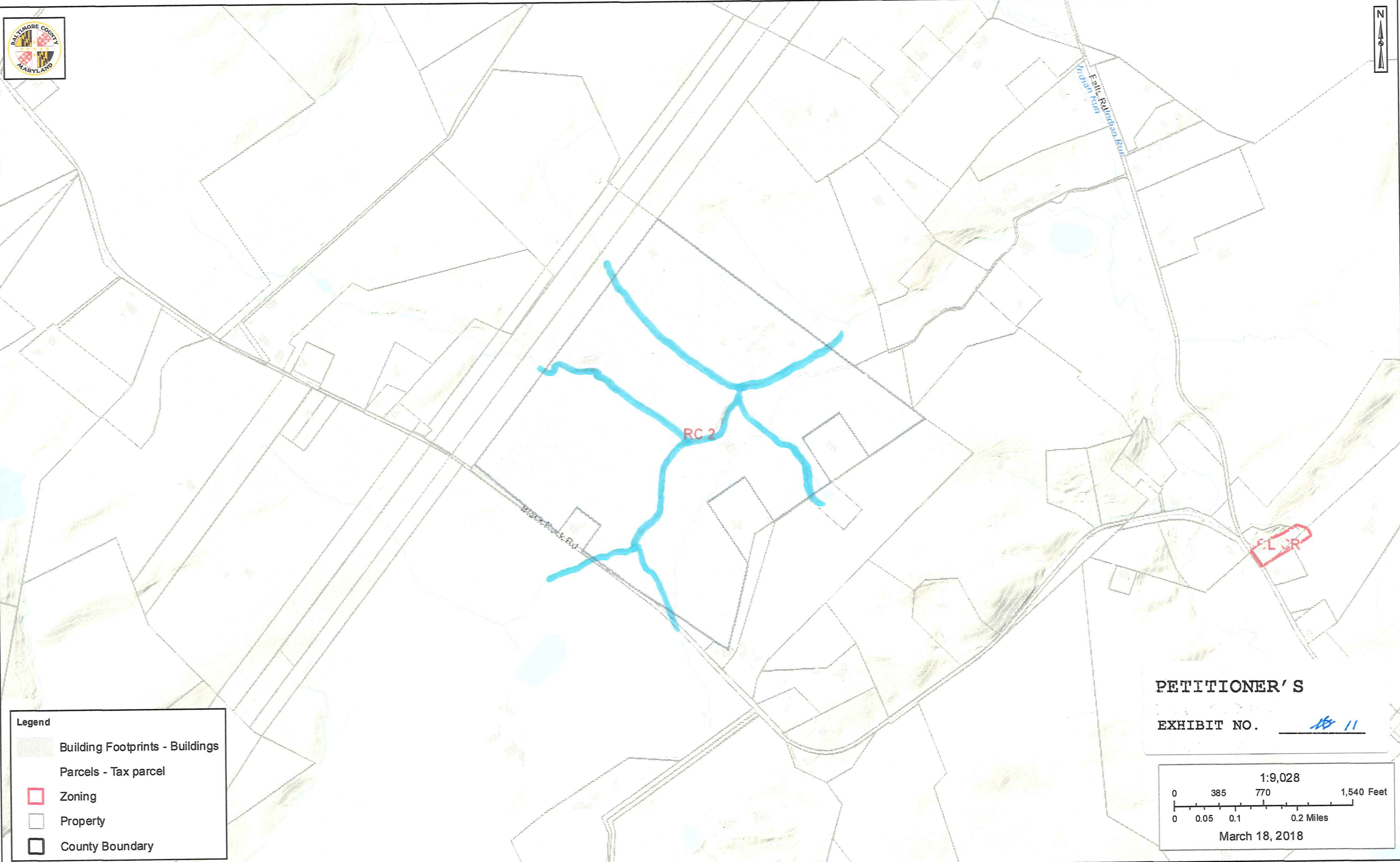
- House Numbers
- Zoning
- Property
- County Boundary



PLAN TO ACCOMPANY PHOTOGRAPHS

PETITIONER'S
EXHIBIT NO. ¹⁰ PHOTOS A-X

Willowdale Fram- GIS



Legend

- Building Footprints - Buildings
- Parcels - Tax parcel
- Zoning
- Property
- County Boundary

PETITIONER'S

EXHIBIT NO. 11

1:9,028

0 385 770 1,540 Feet

0 0.05 0.1 0.2 Miles

March 18, 2018