

M E M O R A N D U M

DATE: June 10, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0263-X - Appeal Period Expired

The appeal period for the above-referenced case expired on June 7, 2019. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(9500 Old Court Road)		
2 nd Election District	*	OFFICE OF
7 th Council District		
Edrich Farm, Inc.	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2019-0263-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Exception filed on behalf of Edrich Farm, Inc., legal owner (“Petitioner”). The special exception petition was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) for a landscaping business and to amend the previously approved site plan for Case No. 2007-0234-SPH.

Doug Wolinski and Craig Rodgers appeared in support of the petition. Timothy Kotroco, Esq. represented the Petitioner. Cathy Wolfson attended the hearing to obtain additional information regarding the request. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) and the Department of Planning (“DOP”). Neither agency opposed the request.

The specific property at issue is approximately 1.712 acres in size and is zoned RC-2, although it is part of a 192 acre tract which has agricultural and lumber operations. The property is improved with a 1,600 sq. ft. structure which Petitioner proposes to use for a landscape service operation, a use permitted by special exception in the RC-2 zone.

ORDER RECEIVED FOR FILING

Date 5/8/19
By Sen

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.

Mr. Rodgers testified (via proffer) Petitioner satisfied all requirements for special exception relief, and no evidence to the contrary was presented. He also described the red line changes on the site plan which were made in response to the DOP's ZAC comment. I reviewed that plan (Pet. Ex. 1) and believe Petitioner satisfies not only BCZR §502.1 but also the particular requirements (*i.e.*, setbacks, no storage in front of building) found in Section 404 pertaining to landscape businesses. The plan also contains notes concerning no retail sales and restrictions on loading/unloading, as required by the aforementioned regulation. As such, the petition will be granted.

THEREFORE, IT IS ORDERED this 8th day of **May, 2019**, by this Administrative Law Judge, that the Petition for Special Exception for a landscape service operation and to amend the previously approved site plan in Case No. 2007-0234-SPH, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

ORDER RECEIVED FOR FILING

Date

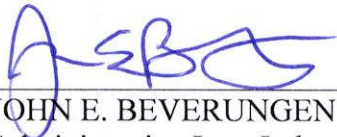
5/8/19

By

Der

2. The special exception area shall consist of only the 1.712 acre parcel shown on the site plan, and all operations of the landscaping business must be conducted within that area.

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

ORDER RECEIVED FOR FILING

Date 5/8/19

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 9500 OLD COURT RD which is presently zoned RC-2
 Deed References: 3629/393 10 Digit Tax Account # 0205190102
 Property Owner(s) Printed Name(s) EDRICH FARMS INC.

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

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

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

2. X a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
A LANDSCAPING BUSINESS AND TO AMEND THE PREVIOUSLY APPROVED
SITE PLAN FOR CASE NO. 2007-0234SPH

3. a Variance from Section(s)

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

TIMOTHY KOTROCO

Name- Type or Print

Signature

305 WASHINGTON AVE, STE 502
 Mailing Address City TOWSON, MD State

21204 / 410-299-2943 / TKotroco@gmail.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners): FOR: EDRICH FARMS, INC.

DOUGLAS WOLINSKI

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2829 OFFUTT RD. RANDALLSTOWN, MD
 Mailing Address City State

21133 / 410-922-5959 / edrichfarms@edrichfarms.com
 Zip Code Telephone # Email Address

Representative to be contacted:

R. CRAIG RODGERS

Name - Type or Print

Signature

7024 GREENBANK RD. BALTIMORE, MD
 Mailing Address City State

21220 / 443-677-2007 / craigr Rodgers200@gmail.com
 Zip Code Telephone # Email Address

CASE NUMBER 2019-0263-X Filing Date 3 / 7 / 19

Do Not Schedule Dates: Reviewer JF

ZONING DESCRIPTION FOR 9500 OLD COURT ROAD

Beginning at a point in the centerline, more or less, of Old Court road, which has a paving width of 20 feet, at a distance of 3422 feet west of the centerline of Polly Hill Court which is 40 feet wide, thence the following courses and distances: 1) N25°45'E 261.64; 2) N64°15'W 285.00' 3) S25°45'W 261.64' to the centerline of Old Court Road, thence running with said centerline S64°15'E 285.00' to the point of beginning, as recorded in Deed Liber 3629, folio 393, containing 1.712 Acres, more or less. Located in the Second Election District and Fourth Council District.



MY LICENSE EXPIRES
4-12-20

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

Order #: 11729215
Case #: 2019-0263-X
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0263-X

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

4/18/2019



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0263-X

9500 Old Court Road

N/side of Old Court Road at the distance of 3422 ft. west of Polly Hill Court

2nd Election District - 7th Councilmanic District

Legal Owners: Edrich Farms, Inc.

Special Exception for a landscaping business and to amend the previously approved site plan for Case 2007-0234-SPH.

Hearing: Wednesday, May 8, 2019 at 1:30 p.m. in Room 205, Jefferson Building
105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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.

ap18

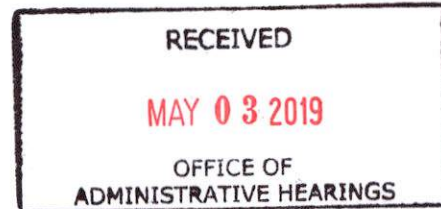
8/5 5-8-19
1:30 PM

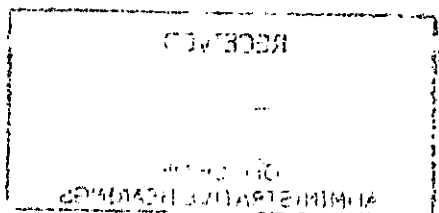
Debra Wiley

From: David Billingsley <dwb0209@yahoo.com>
Sent: Friday, May 3, 2019 1:09 PM
To: Administrative Hearings
Cc: Timothy M. Kotroco; Craig Rodgers
Subject: 9500 OLD COURT ROAD CASE NO. 2019-0263-X
Attachments: Scan.pdf

POSTING RECERTIFICATIONS ATTACHED
THANKS

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL





CERTIFICATE OF POSTING

RECERTIFIED 5/3/19
Date: APRIL 18, 2019

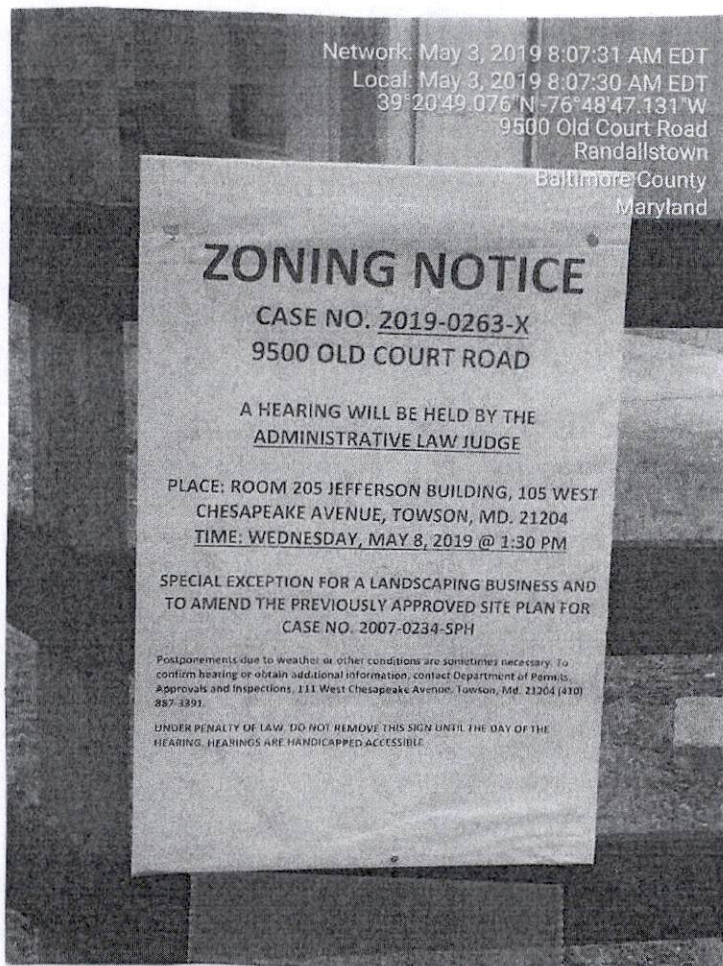
RE: Project Name: 9500 OLD COURT ROAD #1
Case Number /PAI Number: 2019-0263-X
Petitioner/Developer: DOUGLAS WOLINSKI
Date of Hearing/Closing: MAY 8, 2019



This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 9500 OLD COURT ROAD

The sign(s) were posted on APRIL 18, 2019
(Month, Day, Year)

RECERTIFIED 5/3/19



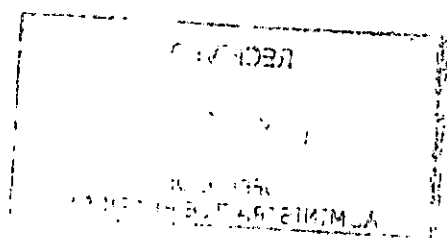
David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

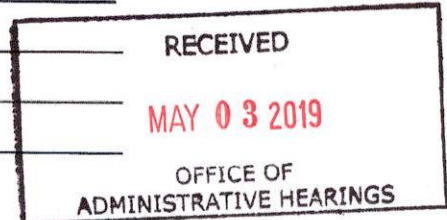
(410) 679-8719
(Telephone Number of Sign Poster)



CERTIFICATE OF POSTING

RECEIVED 5/3/19
Date: APRIL 18, 2019

RE: Project Name: 9500 OLD COURT ROAD #2
Case Number /PAI Number: 2019-0263-X
Petitioner/Developer: DOUGLAS WOLINSKI
Date of Hearing/Closing: MAY 8, 2019

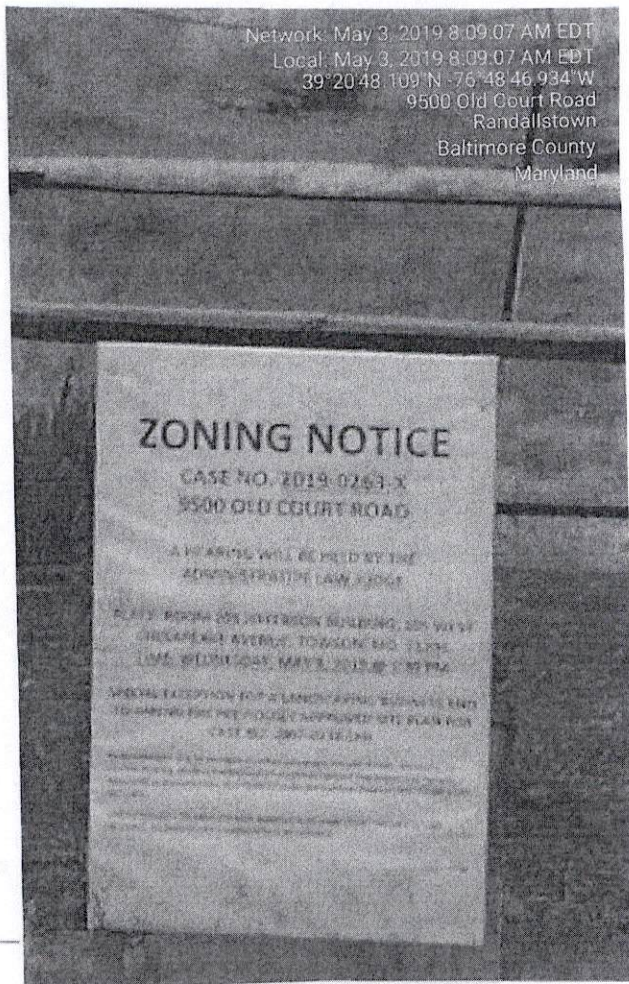


This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 9500 OLD COURT ROAD

The sign(s) were posted on _____

RECEIVED 5/3/19
APRIL 18, 2019

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

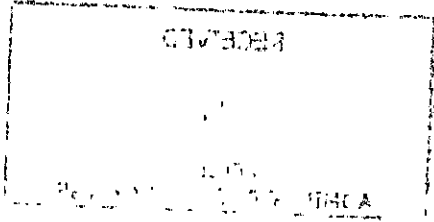
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



CERTIFICATE OF POSTING

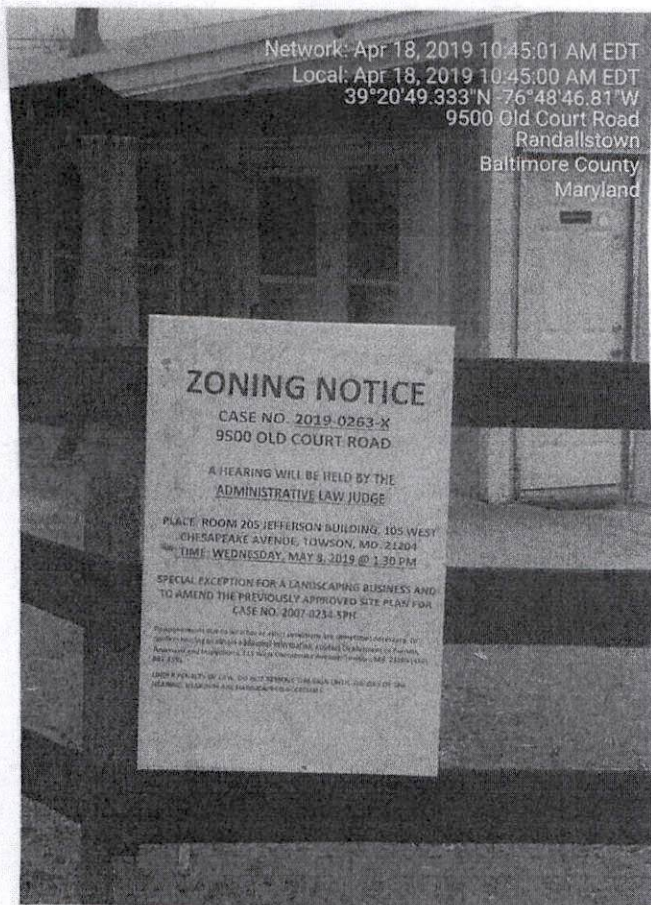
Date: APRIL 18, 2019

RE: Project Name: 9500 OLD COURT ROAD #1
Case Number /PAI Number: 2019-0263-X
Petitioner/Developer: DOUGLAS WOLINSKI
Date of Hearing/Closing: MAY 8, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 9500 OLD COURT ROAD

The sign(s) were posted on APRIL 18, 2019

(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

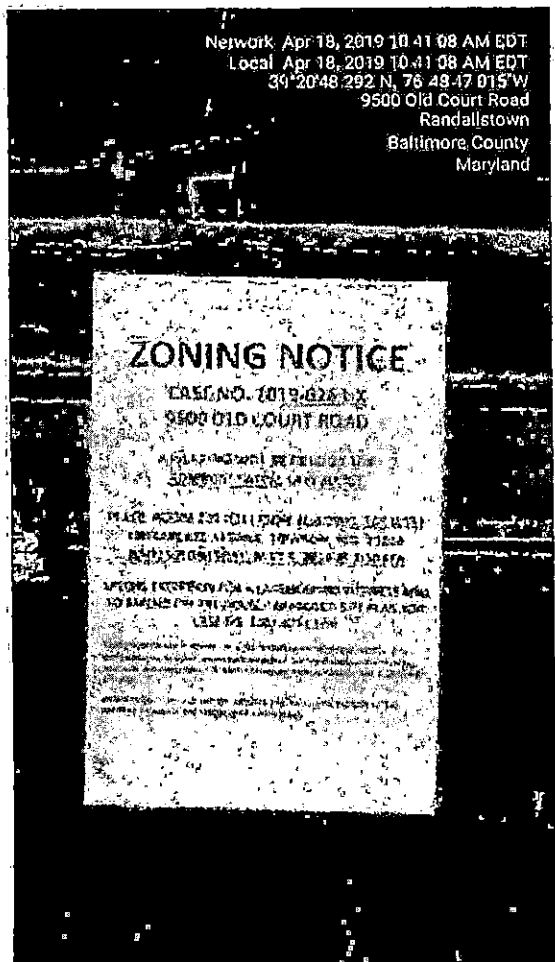
CERTIFICATE OF POSTING

Date: APRIL 18, 2019

RE: Project Name: 9500 OLD COURT ROAD #2
Case Number /PAI Number: 2019-0263-X
Petitioner/Developer: DOUGLAS WOLINSKI
Date of Hearing/Closing: MAY 8, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 9500 OLD COURT ROAD

The sign(s) were posted on APRIL 18, 2019
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

April 10, 2019

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: 2019-0263-X

9500 Old Court Road

N/side of Old Court Road at the distance of 3422 ft. west of Polly Hill Court

2nd Election District – 7th Councilmanic District

Legal Owners: Edrich Farms, Inc.

Special Exception for a landscaping business and to amend the previously approved site plan for Case 2007-0234-SPH.

Hearing: Wednesday, May 8, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Mike Mohler", is written over the printed name and title.

Mike Mohler
Director

MM:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Douglas Wolinski, 2829 Offutt Road, Randallstown 21133
R. Craig Rodgers, 7024 Greenbank Road, Baltimore 21220

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 18, 2019.**
- (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: THE DAILY RECORD
Thursday, April 18, 2019 - Issue

Please forward billing to:
Timothy Kotroco
305 Washington Avenue, Ste. 502
Towson, MD 21204

410-299-2943

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: 2019-0263-X

9500 Old Court Road

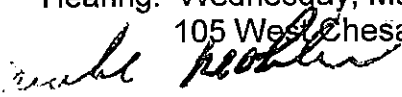
N/side of Old Court Road at the distance of 3422 ft. west of Polly Hill Court

2nd Election District – 7th Councilmanic District

Legal Owners: Edrich Farms, Inc.

Special Exception for a landscaping business and to amend the previously approved site plan for Case 2007-0234-SPH.

Hearing: Wednesday, May 8, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Mike Mohler

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
9500 Old Court Road; N/S of Old Court Road,	*	OF ADMINSTRATIVE
3,422' W of w/line of Polly Hill Court	*	HEARINGS FOR
2 nd Election & 7 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Edrich Farms Inc.	*	2019-263-X
Petitioner(s)		

* * * * *

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

MAR 13 2019

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 13th day of March, 2019, a copy of the foregoing Entry of Appearance was mailed to R. Craig Rodgers, 7024 Greenbank Road, Baltimore, Maryland 21220 and Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, 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/neighbor 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: 2019-0263X

Property Address: 9500 OLD COURT RD

Property Description: _____

Legal Owners (Petitioners): Edrich Farms, INC / DOUG WOLINSKI

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: TIM KOTROCO

Company/Firm (if applicable): _____

Address: 305 WASHINGTON AVE, STE. 502

TOWSON, MD 21204

Telephone Number: 410-299-2943

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

No. **181960**

PAID RECEIPT

Date:

3/7/19

BUSINESS ACTUAL TIME DRW
 3/07/2019 3/07/2019 14:11:04 1

REG MS01 WALKIN LJR

>>RECEIPT # 836329 3/07/2019 OFLN

Dept 5 528 ZONING VERIFICATION

Amount 18,960

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					500.00

Recpt Tot \$ 500.00
 500.00 CK .00 CA
 Baltimore County, Maryland

Total: **500.00**

Rec

From: **EDRICH LUMBER, INC.**

For: **9500 Old Court Rd.**

Check # 2019-0263-X

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

May 1, 2019

Timothy Kotroco
305 Washington Ave Ste 502
Towson MD 21204

RE: Case Number: 2019-0263-X, 9500 Old Court

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 07, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Douglas Wolinski 2829 Offutt Road Randallstown MD 21133
R. Craig Rodgers 7024 Greenbank Road Baltimore MD 21220

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Department of Permits, Approvals and Inspections

DATE: 4/8/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-263



INFORMATION:

Property Address: 9500 Old Court Road
Petitioner: Edrich Farms, Inc.
Zoning: RC 2, ML, RC 3
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for a landscaping business (landscape service operation) and to amend the previously approved site plan for case No. 2007-0234 SPH.

A site visit was conducted on March 27, 2018. Old Court Road in this location is a Baltimore County Scenic Road. The subject site is situated within the Patapsco/Granite Area Community Plan, adopted by the Baltimore County Council on December 21, 1998. The plan calls for "the continued protection of scenic vistas, the environment and our rural way of life, with an emphasis on agricultural preservation" and recognizes the need for growth but seeks planning to "minimize negative impact on the quality of life currently enjoyed by our residents". The proposed use is consistent with the Patapsco/Granite Area Community Plan.

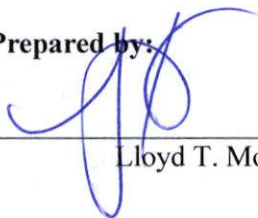
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Old Court Road is designated as a Baltimore County Scenic Road. All development must comply with the Comprehensive Manual of Development Policies (CMDP) to include designing new structures to complement the site and surrounding community, locate parking, service and storage areas at the side or rear of the building(s) and screen them from the road to reduce their visual impact. The plan shall use indigenous species or ones commonly found in the area when landscaping and complement existing vegetation with flowering or evergreen trees and shrubs and wildflowers for seasonal interest.
- Remove the abandoned metal framing located at the front of the site
- Through the hearing process the plan must be amended to expressly reflect how the requirements of the CMDP and BCZR §404.1 and §404.3 are being met. A copy of the plan so revised shall be submitted to the contact person listed below prior to the issuance of building permits.

10-10-73
10-10-73
10-10-73

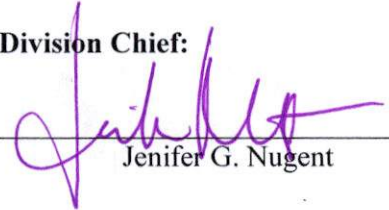
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
R. Craig Rodgers
Timothy Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Department of Permits, Approvals and Inspections

DATE: 4/8/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-263

INFORMATION:

Property Address: 9500 Old Court Road

Petitioner: Edrich Farms, Inc.

Zoning: RC 2, ML, RC 3

Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for a landscaping business (landscape service operation) and to amend the previously approved site plan for case No. 2007-0234 SPH.

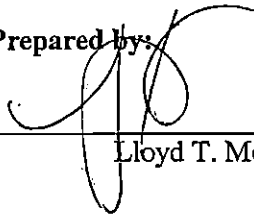
A site visit was conducted on March 27, 2018. Old Court Road in this location is a Baltimore County Scenic Road. The subject site is situated within the Patapsco/Granite Area Community Plan, adopted by the Baltimore County Council on December 21, 1998. The plan calls for "the continued protection of scenic vistas, the environment and our rural way of life, with an emphasis on agricultural preservation" and recognizes the need for growth but seeks planning to "minimize negative impact on the quality of life currently enjoyed by our residents". The proposed use is consistent with the Patapsco/Granite Area Community Plan.

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

- Old Court Road is designated as a Baltimore County Scenic Road. All development must comply with the Comprehensive Manual of Development Policies (CMDP) to include designing new structures to complement the site and surrounding community, locate parking, service and storage areas at the side or rear of the building(s) and screen them from the road to reduce their visual impact. The plan shall use indigenous species or ones commonly found in the area when landscaping and complement existing vegetation with flowering or evergreen trees and shrubs and wildflowers for seasonal interest.
- Remove the abandoned metal framing located at the front of the site
- Through the hearing process the plan must be amended to expressly reflect how the requirements of the CMDP and BCZR §404.1 and §404.3 are being met. A copy of the plan so revised shall be submitted to the contact person listed below prior to the issuance of building permits.

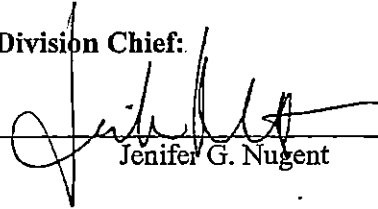
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
R. Craig Rodgers
Timothy Kotroco
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: April 2, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0263-X
Address 9500 Old Court Road
(Edrich Farm, Inc. Property)

Zoning Advisory Committee Meeting of **March 18, 2019**.

 X Environmental Impact Review (FIR) staff of the Department of Environmental Protection and Sustainability offer the following comments on the above-referenced zoning item:

 X Please note that portions of the Lands of Edrich Farms, Inc. have been required to comply with both 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) and the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code) due to development activities as outlined in the scopes of the aforementioned laws. Future permit applications will be reviewed for compliance with the applied easements and approved variances.

Additional Comments:

Reviewer: Michael S. Kulis, EIR (410-887-3980)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: March 29, 2019

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

SUBJECT: Zoning Advisory Committee Meeting
For March 18, 2019
Item No. 2019-0253-SPHA, 0254-SPH, 0255-SPH, 0257-A, 0259-SPHA,
0260-SPHA, 0261-A, 0262-A, 0263-X & 0264-SPH

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

*

*

*

*

*

VKD: cen
cc: file

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 3/13/19

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 3/13/19. A field inspection and internal review reveals that an entrance onto MD125 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Case Number 2019-0263-X.

Edrich Farm, Inc.
4500 Old Court Road
MD125

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

CASE NAME 2019-263
CASE NUMBER _____
DATE May 8, 2019
ET _____

[illegible]

CASE NAME 2019-263 SPA
CASE NUMBER _____
DATE 11/14/8-2019

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment3/29DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)No Comment4/2DEPS
(if not received, date e-mail sent _____)Comment4/8

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)No Objection
w/ comments3/13

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 07-234-SPH)

NEWSPAPER ADVERTISEMENT

Date: 4/18/19SIGN POSTING (1st)Date: 4/18/19by BellingsleySIGN POSTING (2nd)Date: 5/3/19by Bellingsley

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Search Result for BALTIMORE COUNTY

1/2

Homestead Application Information	
Homestead Application Status: No Application	
Homeowners' Tax Credit Application Information	
Homeowners' Tax Credit Application Status: No Application	Date:

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N/S Old Court Road, 1,109' SW		
Polly Hill Court	*	ZONING COMMISSIONER
(9150 Old Court Road)		
	*	FOR
2 nd Election District		
4 th Council District	*	BALTIMORE COUNTY
Edrich Farms, <i>Owner</i>	*	Case No. 07-234-SPH
Crown Atlantic Co., LLC, <i>Lessee</i>		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Edrich Farms, through Edward F. Stanfield, and the Contract Lessee, Crown Atlantic Co., LLC, by their attorney, Hillorie S. Morrison, Esquire. The Petitioners request a special hearing to approve an amendment to Case No. 84-204-X (as amended by Case No. 88-245-SPH) to permit a wireless telecommunication tower located on the subject property to be setback 200 feet from the property line, in compliance with Section 426 of the Baltimore County Zoning Regulations (B.C.Z.R.) instead of 540 feet as required by repealed Section 502.7.C, or such other relief as determined by the Zoning Commissioner and to reduce the area of the prior special exception and to confirm that the reduced area complies with B.C.Z.R. Section 426.9.C.2. The subject property and requested relief are more particularly described on the two-paged site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request was Hillorie S. Morrison, Esquire, attorney for the Petitioners. Appearing in opposition to the reduction of the existing setbacks was Ewald J. August, an adjacent neighbor north of the

site, who has enjoyed a contractual relationship with Bell Atlantic Mobile Systems, Inc. under the old regulations required by the repealed B.C.Z.R. Section 502.7.C. There were no other interested persons present.

The undersigned has become familiar with the subject property by virtue of reading prior Case Nos. 84-204-X and 88-245-SPH in which the Petitioners were granted special exception and special hearing approvals to erect a 270-foot, 3-legged lattice, wireless transmitting and receiving structure on the subject property. As noted therein, the property is a large, irregular shaped parcel located on the north side of Route 125 – Old Court Road, south of Polly Hill Court in the Windsor Mill area of the County. The property contains a gross area of 309 acres, more or less, zoned R.C.3 and is in active agricultural use. As the history suggests, Petitioners have owned and leased the property since 1984. Since that time, the location has proven beneficial in meeting the projected growth and marketing demands of the Owings Mills Growth Center. The structure is positioned on a tract 292 feet from the nearest residential property line and over 540 feet from the home of Ewald and Shirley August. Evidently, this 540-foot setback requirement of repealed Section 502.7.C of the B.C.Z.R. resulted in a leasing arrangement between Bell Atlantic and the August's in order for the tower to be razed from 167 feet to 270 feet in 1988. A reduction in the setback and area requirements as requested under the current regulations (B.C.Z.R. Section 426.9.C.2) would negate the need for Petitioners contractual agreement with Mr. and Mrs. August. Understandably, the August's are disappointed that the monetary payments they have become accustomed to in exchange for the neighboring tower with its attendant flashing red lights will be lost. In this regard, they feel disillusioned, as without their cooperation the height of the tower

could not have been increased. In any event, and as explained during the proceedings, the contractual rights and obligations of the parties are not matters rightfully before me.

The prior findings of the Zoning Commissioner and Deputy Zoning Commissioner in Case Nos. 84-204-X and 88-245-SPH are relevant. Under Section 426.9.C.2 of the B.C.Z.R., it is provided that a tower in an R.C. zone shall be located on a lot of at least 5 acres. The subject property easily meets this requirement. Moreover, it is clear that the Council, in enacting this legislation, did not wish to encumber property so as to prevent any uses within the 5-acre area designated for the tower. For example, parking lots, farm operations, and other uses and activities are frequently shown near the base of a tower. In my judgment, the Council intended that a tower be constructed in an R.C. zone on a lot that is a minimum 5-acres in area and that this entire 5-acre area need not be associated with the tower use. Such a requirement would be inconsistent with the legislative purposes of Section 426 and unduly burdensome. This legislative goal is further demonstrated by the setback requirements set out in Section 426, which require that a tower be located a significant distance from common property lines, "a tower shall be setback at least 200 feet from any other owner's residential property line". Thus, the Petitioners plan should be amended so that the area of the special exception is restricted only to the 1.8418-acre site of the tower and the immediate area adjacent to the base thereof, which contains the related sheds and electronic equipment.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

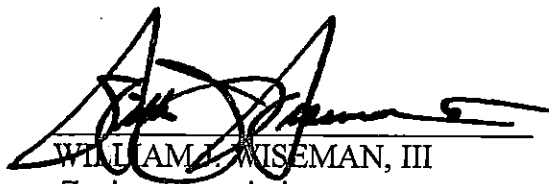
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of March, 2007, that the Petition for Special Hearing to

approve an amendment to Case No. 84-204-X (as amended by Case No. 88-245-SPH) to permit a wireless telecommunication tower located on the subject property to be setback 290 feet from the property line, in accordance with Section 426 of the Baltimore County Zoning Regulations (B.C.Z.R.) instead of 540 feet as required by repealed Section 502.7.C, in accordance with Petitioners' two-paged Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief to reduce the area of the prior special exception and to confirm that the reduced area complies with B.C.Z.R. Section 426.9.C.2, of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1. Compliance with B.C.Z.R. Section 426.6.D that requires an owner of the tower to submit to the Code Official written certification, every five (5) years, from a professional engineer that the tower and any structural housing equipment for the tower meets all applicable Building Code and safety requirements.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code and filed within thirty (30) days of the date of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

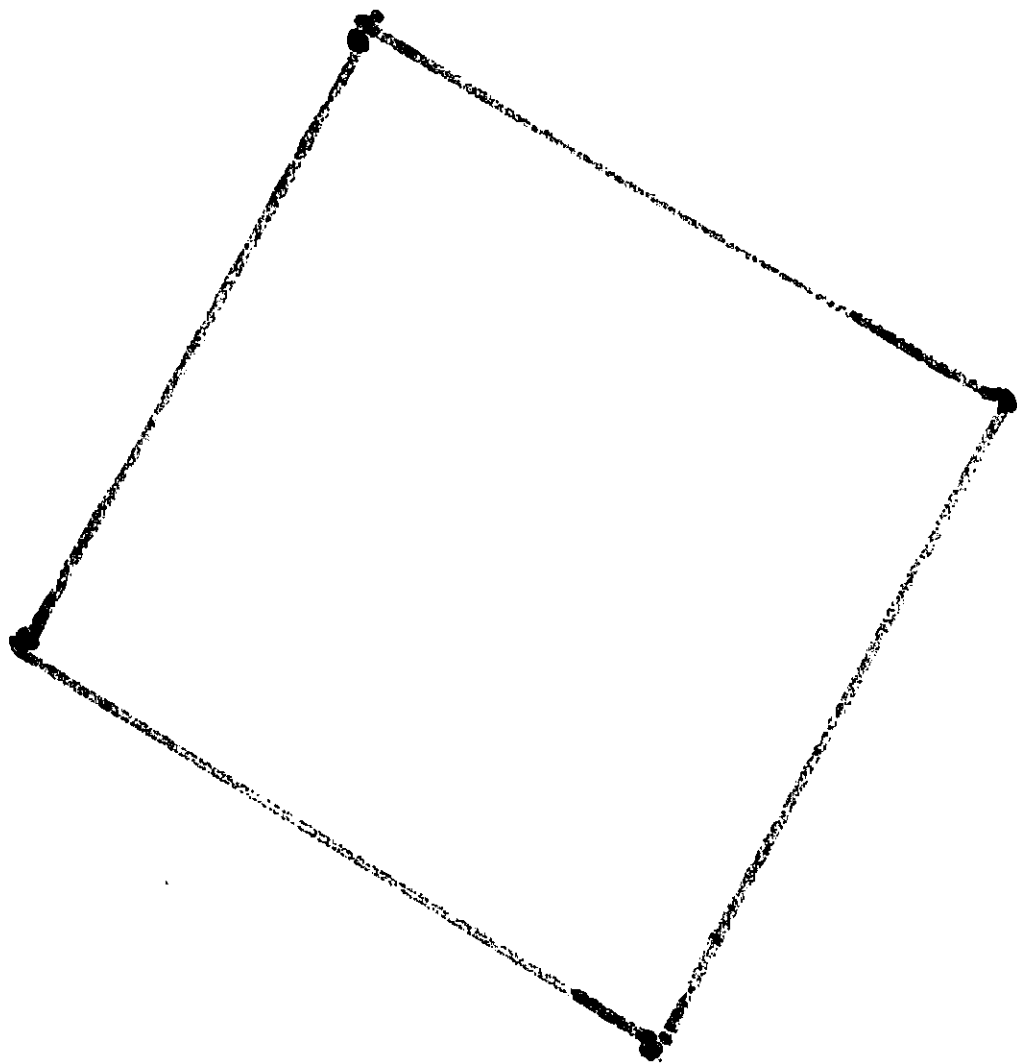


Baltimore County - My Neighborhood



-76.814 39.348 Degrees

PET-2

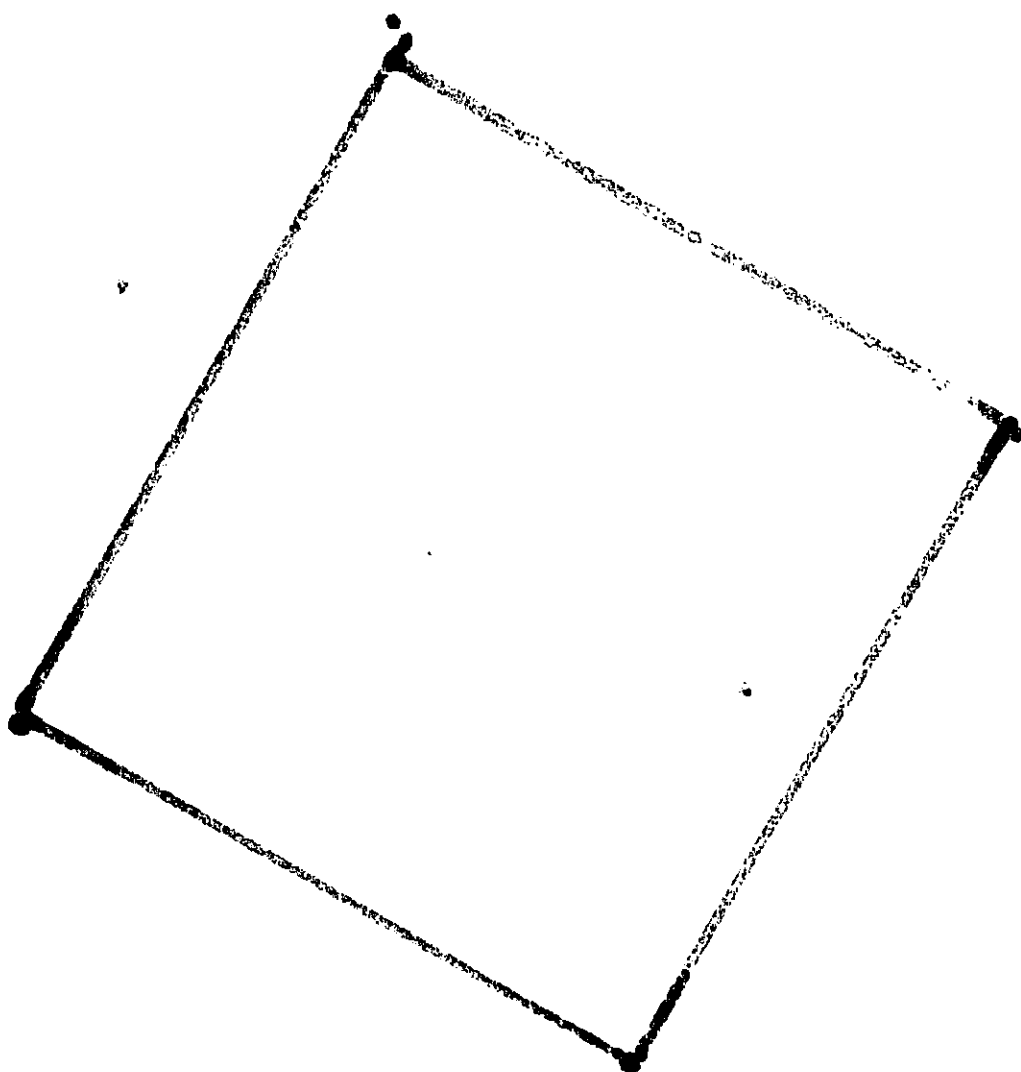




Baltimore County - My Neighborhood



-76.814 39.348 Degrees









west to East



9419 Old Court Rd
Maryland
Google
Street View - Jul 2018



Google

East to West





2829

2829

2829

2829

2829

2829

2829

2829

NW 6-J

076C-3

RC 2
4 CD

0205190102

2 ED

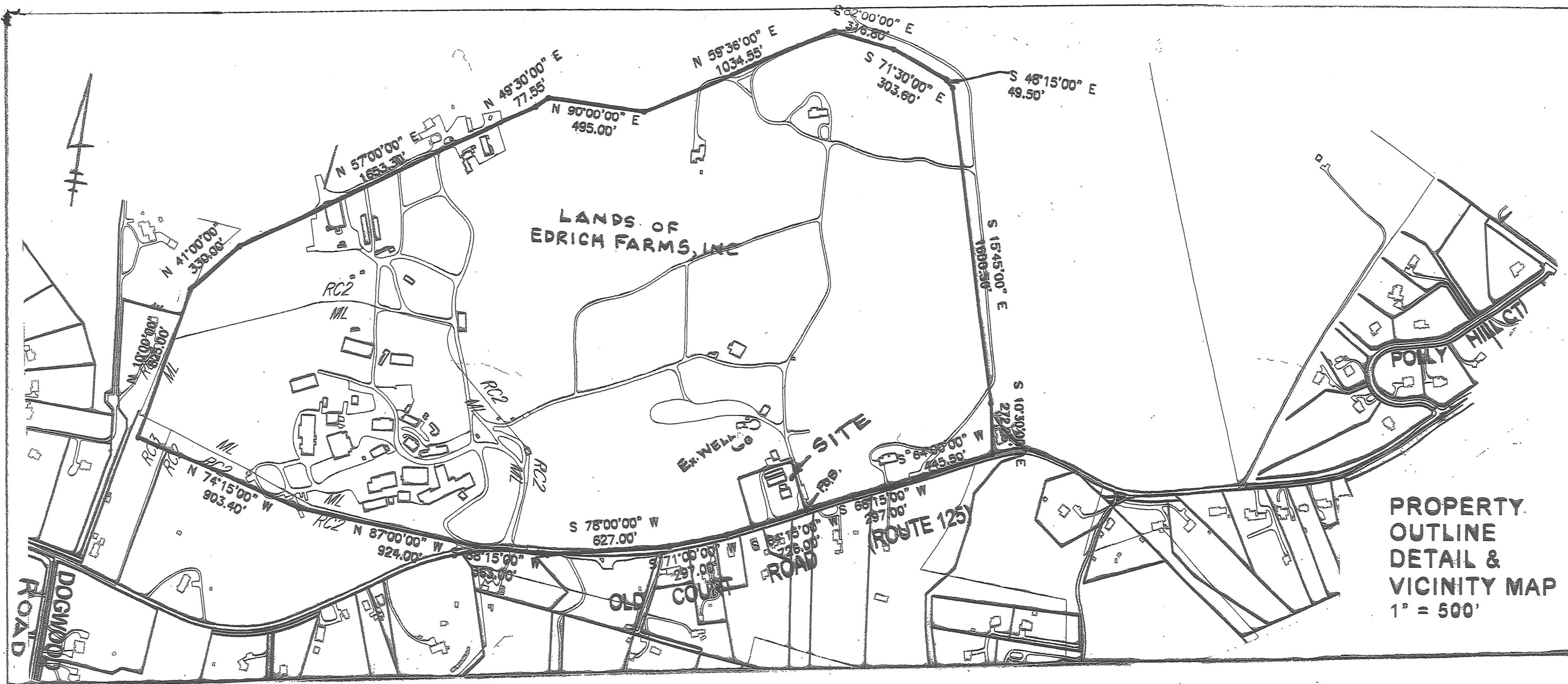
GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

9520

NW 5-J

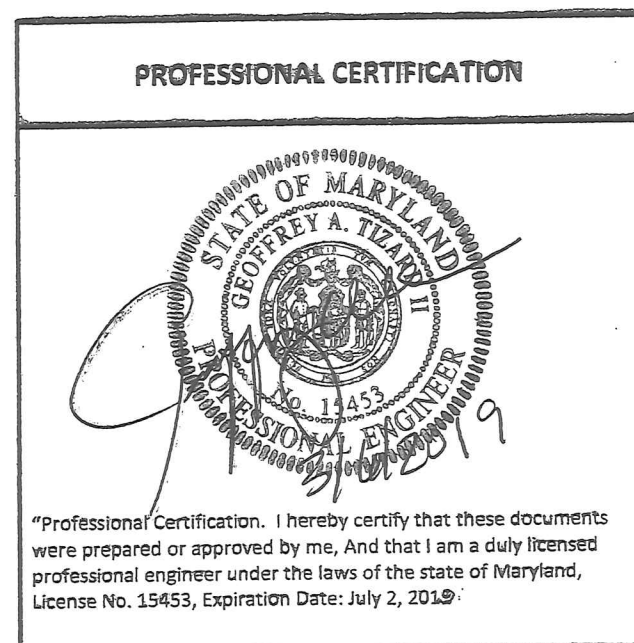
086C-1

9512

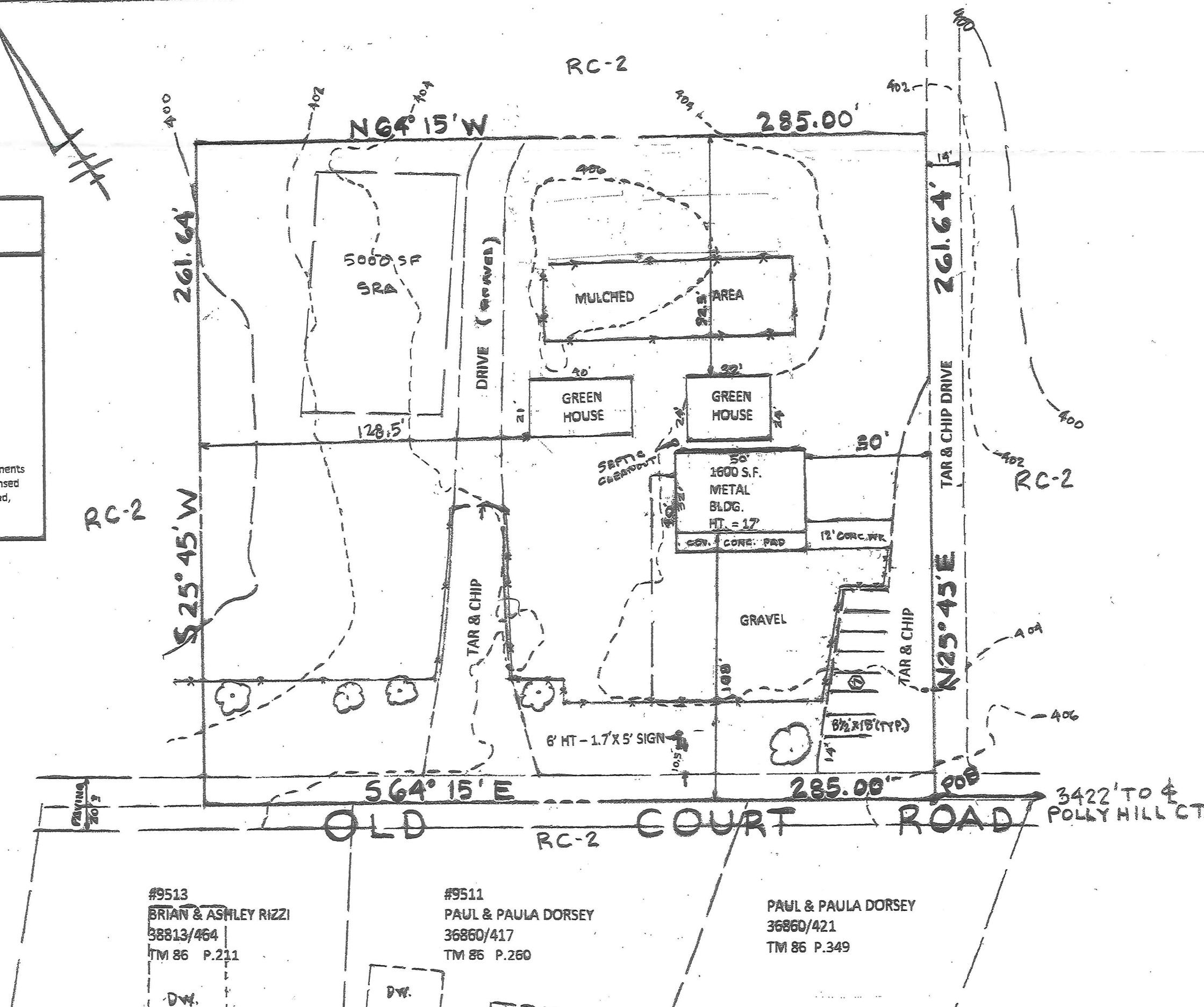


GENERAL NOTES

1. ZONING MAP# 05583
2. SITE ZONED: RC2
3. ELECTION DISTRICT: 2
4. COUNCIL DISTRICT: 4
5. LOT AREA ACREAGE: 1.712 AC ±
6. HISTORIC: NO
7. IN CBCA: NO
8. IN FLOOD PLAIN: NO
9. WATER IS: PRIVATE
10. SEWER IS: PRIVATE
11. PRIOR HEARING? 1999-0061-A
1984-0204-X
1988-0245-SPH
2007-0234-SPH
1959-4640-SPH
R-1964-0095
1997-0192-SPH
#98-4020
12. PRIOR VIOLATIONS NOTICE
13. PARKING CALCULATIONS
(1 PARKING SPACE REQUIRED FOR EACH EMPLOYEE)
NUMBER OF EMPLOYEES - 7
PARKING SPACES REQUIRED - 7
PARKING SPACES PROVIDED - 7
14. NO LIGHTING PROVIDED
15. ALL FENCING IS WOOD RAIL



GEOFFREY A. TIZARD, II, P.E.
5 LEADBURN COURT
TOWSON, MD. 21204



Owner Name:

EDRICH FARMS INC
2829 OFFUTT RD
RANDALLSTOWN MD 21133

ZONING PLAN TO
ACCOMPANY ZONING
HEARING FOR:
9500 OLD COURT ROAD
ELECTION DISTRICT 2
BALTIMORE COUNTY, MD
DEED REF: 3629/393
TAX ACCT NO. 0205190102
TAX MAP 76, PARCEL 198
SCALE: 1"=40' DATE: 2/19/19

CRAIG CONSULTING LLC
7024 GREENBANK ROAD
BALTIMORE, MD. 21220
(443) 677-2007