

IN THE MATTER OF
RCG Revocable Trust, Owner

Butler Road

4th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
*
* Case No.: 20-229-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Baltimore County Board of Appeals (“Board”) as an appeal of the Opinion and Order of Administrative Law Judge (“ALJ”) Paul M. Mayhew, dated January 14, 2021, which granted, with restrictions, a Petition for Special Hearing and a Petition for Variance for a currently unimproved property owned by RCG Revocable Trust (hereinafter “RCG” or “Property Owner”). Specifically, the Petition for Special Hearing is to allow an accessory structure to be located on a lot without a principal structure, and the Petition for Variance is to permit a building height for an accessory structure of 49 feet in lieu of the maximum permitted 15 feet under Baltimore County Zoning Regulations (“BCZR”) Section 400.3. The subject unimproved property is immediately adjacent to, and shares a boundary with, a second lot (also owned by RCG) which is improved with a dwelling known as 3466 Butler Road. The appeal of ALJ Mayhew’s Opinion and Order was filed by Evelyn L. Cochran, a neighbor. At the requisite public hearing before the Board the Petitioner/Property Owner was represented by Lawrence E. Schmidt, Esquire and the appellant was represented by Michael McCann, Esquire.

Prior to the Board’s hearing, the parties advised the Board that they had reached a settlement as to the issues presented. The terms of the settlement reflected an agreement by the

parties that the relief requested should be granted, and that certain conditions governing the future use of the properties owned by RCG and improvements proposed thereon be included in the Board's order. Further, the parties requested, and the Board permitted, that the relevant factual evidence related to this case be presented via a proffer by Mr. Schmidt. A brief summary of those proffered facts is as follows:

FACTUAL BACKGROUND AND ANALYSIS

The Petitioner, RCG Revocable Trust, is an entity whose beneficiaries are Rudy C. Gay and Ecko Gay, his wife. Mr. Gay is a Baltimore native and his occupation is that of a professional basketball player. Mr. and Mrs. Gay, through the Trust, have acquired the subject lots with the intention of building their home thereon and residing there, particularly when Mr. Gay's professional career has ended. It is anticipated that the existing house on 3466 Butler Road will be razed and replaced with a new dwelling. On the adjacent unimproved lot, a barn type structure (an accessory building) is proposed.

As noted above, RCG owns two separate lots of record, that are immediately adjacent to one another and share a common boundary. They are shown on Petitioner's Exhibit No. 1 (a site plan) and Petitioner's Exhibit No. 2 (an aerial photograph). The lot with the existing dwelling is 14.26 acres of land in area. The dwelling is accessed via an existing driveway leading from Butler Road. The second lot is 9.903 acres in area and is unimproved. This lot is the subject of the instant zoning requests and is proposed to be improved with a barn type structure. Both lots are zoned RC 2 and are encumbered with Conservation Easements (Petitioner's Exhibits 5A and 5B). These easements limit the uses and extent of the development permitted thereon. These easements also dictate the areas of the properties on which building improvements can be constructed and require that any improvements be clustered within a two acre so as to preserve much of the property as

open space. In fact, much of the overall tract is actively farmed and it is anticipated that these agricultural activities will continue.

Although located on the lot not actually the subject of the zoning petitions at issue, the Gays propose the construction of a new dwelling on the lot which is 14.26 acres. As noted above, the new dwelling will replace an existing house. Access will remain the same; that is, from the driveway which leads into the interior of the property from Butler Road. The appearance/character of this building is of concern to Ms. Cochran, who owns and resides upon an adjacent tract. In fact, her property and home are closer to the proposed dwelling than the proposed barn. In this regard, Mr. Schmidt presented certain documentation (Petitioner's Exhibit No. 11) depicting the contemplated design and appearance of the proposed dwelling. It was described as a "French Country" architectural style and is consistent with the rural nature/theme of the locale. Although recognizing that the final design of the dwelling had not been determined, Mr. Schmidt proffered that the proposed dwelling will be consistent with the exhibit presented. Such a structure is agreeable to Ms. Cochran and language adopting the parties' agreement as to the proposed dwelling will be included as a condition in the Board's order.

Insofar as the second lot owned by the Petitioner, a barn type structure is proposed thereon. This building will not be an agricultural building per se, as it will be used for accessory residential (not commercial) purposes. Given Mr. Gay's career, the barn will contain recreational type amenities, including a basketball court and exercise/gym type area. As set forth in the restrictions attached to the following Order which grants the requested relief, the uses of the barn will be limited to these residential type uses.

The special hearing requested is sought because the barn is on a separate lot from the principal building (i.e. the dwelling) that it serves. By definition, the BCZR require that an

accessory dwelling be located on the same lot as the principal structure that it serves and the special hearing seeks a modification of this requirement. In this regard, it is noted that both lots are owned by the same entity and, as noted above, are both restricted by the terms of the conservation easements recorded for each.

The Petition for Variance requests relief from the height limitation for accessory structures imposed in BCZR Sec. 400.3. This request is driven by multiple factors, including the uniqueness of the property and the nature of the proposed use. As shown on the site plan and photographs submitted (see, specifically, Petitioner's Exhibit No. 8A) the subject lots are physically unique due to a number of factors. These include the existence of a stream, which generates certain environmental constraints including a flood plain and associated buffer. Obviously, pursuant to the County's environmental regulations, no disturbance or construction is permitted in these areas. Moreover, the property features steep slopes, which further limits the building area. Indeed, evidence presented was that the proposed barn will be of a bank barn design; so that it is built into a slope, thereby reducing its visibility. Finally, the terms and conditions of the conservation easements (as well as the desire to continue the agricultural use) further drive the design of the barn structure; mandating that the building be taller than might otherwise be envisioned. Finally, and as will be conditioned below by agreement of the parties, the unusual character of Mr. Gay's occupation and proposed use of the structure mandate the proposed design of the structure. As noted above, it will contain a basketball court and other recreational type amenities. The architectural design and appearance of the barn will be consistent with the proposed dwelling and will match that building's appearance and character. Renderings of the barn are shown on the site plan and that design was acceptable to Ms. Cochran.

Finally, it is to be noted that because the lots are subject to terms of the conservation easements that the proposal was subject to review and approval by the Baltimore County Agricultural Advisory Board. As noted in the Zoning Advisory Committee ("ZAC") comment from the Department of Planning (Petitioner's Exhibit No. 10), the "Ag Board" approved the location of the barn building at its meeting on August 12, 2020 and the Dept. of Planning does not object to the request. Another ZAC comment, from the Department of Environmental Protection and Sustainability ("DEPS"), will also be added as a condition to the relief granted. That comment requires review of the barn construction by the Ground Water Management Division of DPES, given that the barn will have restrooms.

Upon due consideration of the proffered testimony and evidence presented, the Board is persuaded to grant the requested relief. As to the Petition for Special Hearing, we concur with the judgment of the Dept. of Planning as expressed in their ZAC comment; that is, that these lots function "as one under the easement." The purpose of the requirement that accessory structures be on the same lot is served given the proposed location of the buildings and the character of these lots. As to the variance, the Board also finds that the Petitioner has met the criteria of BCZR Sec. 307. The lots are clearly unique, given their environmental and topographical features. Moreover, the terms and requirements of the easement justify the proposed height and layout. Finally, we find the proposed restrictions/conditions as agreed to by the parties to be reasonable and appropriate. Thus, they shall be incorporated in the Board's order.

ORDER

THEREFORE, IT IS this 17th day of August, 2021, by the Board of Appeals of Baltimore County,

ORDERED, that the Petition for Special Hearing to allow an accessory structure to be located on a lot without a principal structure be and is hereby GRANTED; and it is further,

ORDERED that the Petition for Variance to permit a building height for an accessory structure of 49 feet in lieu of the maximum permitted 15 feet under Baltimore County Zoning Regulations ("BCZR") Section 400.3. be and is hereby GRANTED, all subject to the following restrictions and conditions.

1. Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through 7-210 of the *Maryland Rules*.
2. The proposed dwelling shall be located as generally shown on the site plan (Exhibits No. 1 and 11). It will generally occupy that portion of the property where the existing dwelling is situated, however, owing to its larger size, may extend to the north, over the existing driveway parking area. This location is subject to minor adjustment as might be necessary in order to comply with any requirements imposed by Baltimore County during the permitting and building approval process. In the event that the Property Owners desire to materially alter the proposed relocation of the house, they shall notify Cochran before they apply for permits.
3. The proposed dwelling and barn will be compatible with the rural nature of the locale. The style of the house will be "French Country" and as generally shown on Exhibit No. 10. It is recognized that the final design of the house has not been determined and thus the architectural design and building features may be altered as the project evolves to final design, for so long as those changes do not result in a significantly different and incompatible architectural design.

4. The barn (accessory structure) shall be located as shown on site plan (Exhibits No. 1 and 11) and as previously approved by the ALJ and the Agricultural Review Board. This location is subject to adjustment as might be necessary in order to comply with any requirements imposed by Baltimore County during the permitting and building approval process. In the event that the property owners desire to materially alter the proposed location of the barn, they shall notify Cochran before the application for permits.
5. The barn shall be used as an accessory structure to a residence. It shall not be used for commercial purposes and shall not be rented. It is anticipated that the barn will contain recreational space and amenities (e.g. a basketball court). These areas shall not be used for organized recreation leagues. Notwithstanding this prohibition, the barn may be used by the property owners, their family and guests for recreational purposes. Also, in recognition of the Property owners' charitable endeavors and practices, the barn may be used to host periodic fundraisers supporting those charitable endeavors.
6. Any outdoor or exterior lighting of house or barn shall be cut-off fixture lighting and directed downward, not towards the Cochran property.
7. The Property Owners shall not remove or clear existing vegetation and trees along the border of Cochran property except as necessary to prevent personal injury or property damage. Additionally, the Property Owners shall install additional vegetation to provide additional screening. Such vegetation shall include a mix of deciduous and evergreen trees. Such trees shall be of a height and caliper as required in the Baltimore County Landscape Manual for residential screening.

8. The Property Owners shall install such storm water management controls (as approved by Baltimore County) as are necessary to ensure that there is no increase in the volume or rate of flow of storm water shall discharged form the subject property onto the Cochran property.

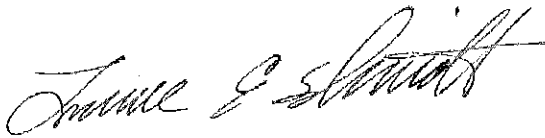
**BOARD OF APPEALS
OF BALTIMORE COUNTY**

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Deborah C. Dopkin, Chairperson

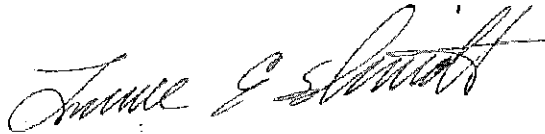
see following page
Andrew M. Belt

William A. McComas was a Board member and participated in the hearings and deliberation of this matter. His term has expired, he was not reappointed, and he left the Board effective June 8, 2021.

APPROVED AS TO CONTENT AND FORM:



Lawrence E. Schmidt, Attorney for RCG Revocable Trust

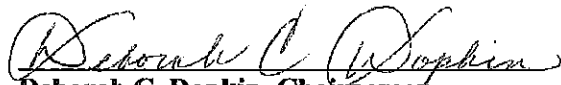


for

Michael R. McCann, Attorney for Evelyn L. Cochran

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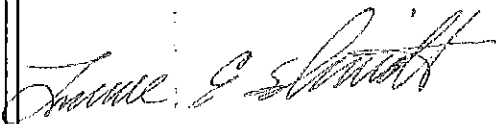
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Deborah C. Dopkin, Chairperson

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Andrew M. Belt

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Lawrence E. Schmidt, Attorney for RCG Revocable Trust



Michael R. McCann, Attorney for Evelyn L. Cochran

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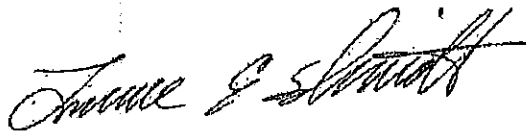
**BOARD OF APPEALS
OF BALTIMORE COUNTY**

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Deborah C. Dopkin, Chairperson

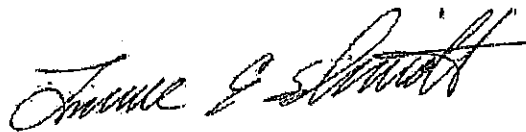

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APPROVED AS TO CONTENT AND FORM:



Lawrence E. Schmidt, Attorney for RCG Revocable Trust



for

Michael R. McCann, Attorney for Evelyn L. Cochran



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
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410-887-3180
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August 17, 2021

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: In the matter of: *RCG Revocable Trust – Legal Owner*
Case No.: 20-229-SPHA

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script, reading "Sunny Cannington", is written over a horizontal line.

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: RCG Revocable Trust
Evelyn Cochran
Theaux Le Gardeur
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

Krysundra Cannington

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Wednesday, August 4, 2021 2:21 PM
To: Appeals Board
Cc: Krysundra Cannington; Tammy Zahner; Lawrence Schmidt; 'michael@mmccannlaw.net'; Zachary Wilkins
Subject: RCG Revocable Trust, Butler Road/2020-229-SPHA
Attachments: Gay Proposed Order (Final).pdf

CAUTION: This message from amoyers@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny/Tammy,

Attached please find a proposed order for the above matter. Please let me know if you would like this in a Word format as well.



Alyssa F. Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(443) 595-7785 (Direct Line)
(410) 821-0070 (Office)
(410) 821-0071 (Fax)
amoyers@sgs-law.com
<http://sgs-law.com>

PLEASE EXPECT A RESPONSE WITHIN 48-HOURS DURING THE NORMAL COURSE OF BUSINESS HOURS. THANK YOU FOR YOUR PATIENCE.

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

IN THE MATTER OF
RCG Revocable Trust, Owner

Butler Road

4th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
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* Case No.: 2020-229-SPHA

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

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Prior to the Board’s hearing, the parties advised the Board that they had reached a settlement as to the issues presented. The terms of the settlement reflected an agreement by the

parties that the relief requested should be granted, and that certain conditions governing the future use of the properties owned by RCG and improvements proposed thereon be included in the Board's order. Further, the parties requested, and the Board permitted, that the relevant factual evidence related to this case be presented via a proffer by Mr. Schmidt. A brief summary of those proffered facts is as follows:

FACTUAL BACKGROUND AND ANALYSIS

The Petitioner, RCG Revocable Trust, is an entity whose beneficiaries are Rudy C. Gay and Ecko Gay, his wife. Mr. Gay is a Baltimore native and his occupation is that of a professional basketball player. Mr. and Mrs. Gay, through the Trust, have acquired the subject lots with the intention of building their home thereon and residing there, particularly when Mr. Gay's professional career has ended. It is anticipated that the existing house on 3466 Butler Road will be razed and replaced with a new dwelling. On the adjacent unimproved lot, a barn type structure (an accessory building) is proposed.

As noted above, RCG owns two separate lots of record, that are immediately adjacent to one another and share a common boundary. They are shown on Petitioner's Exhibit No. 1 (a site plan) and Petitioner's Exhibit No. 2 (an aerial photograph). The lot with the existing dwelling is 14.26 acres of land in area. The dwelling is accessed via an existing driveway leading from Butler Road. The second lot is 9.903 acres in area and is unimproved. This lot is the subject of the instant zoning requests and is proposed to be improved with a barn type structure. Both lots are zoned RC 2 and are encumbered with Conservation Easements (Petitioner's Exhibits 5A and 5B). These easements limit the uses and extent of the development permitted thereon. These easements also dictate the areas of the properties on which building improvements can be constructed and require that any improvements be clustered within a two acre so as to preserve much of the property as

open space. In fact, much of the overall tract is actively farmed and it is anticipated that these agricultural activities will continue.

Although located on the lot not actually the subject of the zoning petitions at issue, the Gays propose the construction of a new dwelling on the lot which is 14.26 acres. As noted above, the new dwelling will replace an existing house. Access will remain the same; that is, from the driveway which leads into the interior of the property from Butler Road. The appearance/character of this building is of concern to Ms. Cochran, who owns and resides upon an adjacent tract. In fact, her property and home are closer to the proposed dwelling than the proposed barn. In this regard, Mr. Schmidt presented certain documentation (Petitioner's Exhibit No. 11) depicting the contemplated design and appearance of the proposed dwelling. It was described as a "French Country" architectural style and is consistent with the rural nature/theme of the locale. Although recognizing that the final design of the dwelling had not been determined, Mr. Schmidt proffered that the proposed dwelling will be consistent with the exhibit presented. Such a structure is agreeable to Ms. Cochran and language adopting the parties' agreement as to the proposed dwelling will be included as a condition in the Board's order.

Insofar as the second lot owned by the Petitioner, a barn type structure is proposed thereon. This building will not be an agricultural building per se, as it will be used for accessory residential (not commercial) purposes. Given Mr. Gay's career, the barn will contain recreational type amenities, including a basketball court and exercise/gym type area. As set forth in the restrictions attached to the following Order which grants the requested relief, the uses of the barn will be limited to these residential type uses.

The special hearing requested is sought because the barn is on a separate lot from the principal building (i.e. the dwelling) that it serves. By definition, the BCZR require that an

accessory dwelling be located on the same lot as the principal structure that it serves and the special hearing seeks a modification of this requirement. In this regard, it is noted that both lots are owned by the same entity and, as noted above, are both restricted by the terms of the conservation easements recorded for each. Given the common ownership and use of the lots, the relief requested is warranted.

The Petition for Variance requests relief from the height limitation for accessory structures imposed in BCZR Sec. 400.3. This request is driven by multiple factors, including the uniqueness of the property and the nature of the proposed use. As shown on the site plan and photographs submitted (see, specifically, Petitioner's Exhibit No. 8A) the subject lots are physically unique due to a number of factors. These include the existence of a stream, which generates certain environmental constraints including a flood plain and associated buffer. Obviously, pursuant to the County's environmental regulations, no disturbance or construction is permitted in these areas. Moreover, the property features steep slopes, which further limits the building area. Indeed, evidence presented was that the proposed barn will be of a bank barn design; so that it is built into a slope, thereby reducing its visibility. Finally, the terms and conditions of the conservation easements (as well as the desire to continue the agricultural use) further drive the design of the barn structure; mandating that the building be taller than might otherwise be envisioned. Finally, and as will be conditioned below by agreement of the parties, the unusual character of Mr. Gay's occupation and proposed use of the structure mandate the proposed design of the structure. As noted above, it will contain a basketball court and other recreational type amenities. The architectural design and appearance of the barn will be consistent with the proposed dwelling and will match that building's appearance and character. Renderings of the barn are shown on the site plan and that design was acceptable to Ms. Cochran.

Finally, it is to be noted that because the lots are subject to terms of the conservation easements, that the proposal was subject to review and approval by the Baltimore County Agricultural Advisory Board. As noted in the Zoning Advisory Committee ("ZAC") comment from the Department of Planning (Petitioner's Exhibit No. 10), the "Ag Board" approved the location of the barn building at its meeting on August 12, 2020 and the Dept. of Planning does not object to the request. Another ZAC comment, from the Department of Environmental Protection and Sustainability ("DEPS"), will also be added as a condition to the relief granted. That comment requires review of the barn construction by the Ground Water Management Division of DPES, given that the barn will have restrooms.

Upon due consideration of the proffered testimony and evidence presented, the Board is persuaded to grant the requested relief. As to the Petition for Special Hearing, we concur with the judgment of the Dept. of Planning as expressed in their ZAC comment; that is, that these lots function "as one under the easement." The purpose of the requirement that accessory structures be on the same lot is served given the proposed location of the buildings and the character of these lots. As to the variance, the Board also finds that the Petitioner has met the criteria of BCZR Sec. 307. The lots are clearly unique, given their environmental and topographical features. Moreover, the terms and requirements of the easement justify the proposed height and layout. Finally, we find the proposed restrictions/conditions as agreed to by the parties to be reasonable and appropriate. Thus, they shall be incorporated in the Board's order.

ORDER

THEREFORE, IT IS this _____ day of _____, 2021, by the Board of Appeals of Baltimore County,

ORDERED, that the Petition for Special Hearing to allow an accessory structure to be located on a lot without a principal structure be and is hereby GRANTED; and it is further,

ORDERED that the Petition for Variance to permit a building height for an accessory structure of 49 feet in lieu of the maximum permitted 15 feet under Baltimore County Zoning Regulations ("BCZR") Section 400.3. be and is hereby GRANTED, all subject to the following restrictions and conditions.

1. Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through 7-210 of the *Maryland Rules*.
2. The proposed dwelling shall be located as generally shown on the site plan (Exhibits No. 1 and 11). It will generally occupy that portion of the property where the existing dwelling is situated, however, owing to its larger size, may extend to the north, over the existing driveway parking area. This location is subject to minor adjustment as might be necessary in order to comply with any requirements imposed by Baltimore County during the permitting and building approval process. In the event that the Property Owners desire to materially alter the proposed relocation of the house, they shall notify Cochran before they apply for permits.
3. The proposed dwelling and barn will be compatible with the rural nature of the locale. The style of the house will be "French Country" and as generally shown on Exhibit No. 10. It is recognized that the final design of the house has not been determined and thus the architectural design and building features may be altered as the project evolves to final design, for so long as those changes do not result in a significantly different and incompatible architectural design.

4. The barn (accessory structure) shall be located as shown on site plan (Exhibits No. 1 and 11) and as previously approved by the ALJ and the Agricultural Review Board. This location is subject to adjustment as might be necessary in order to comply with any requirements imposed by Baltimore County during the permitting and building approval process. In the event that the property owners desire to materially alter the proposed location of the barn, they shall notify Cochran before the application for permits.
5. The barn shall be used as an accessory structure to a residence. It shall not be used for commercial purposes and shall not be rented. It is anticipated that the barn will contain recreational space and amenities (e.g. a basketball court). These areas shall not be used for organized recreation leagues. Notwithstanding this prohibition, the barn may be used by the property owners, their family and guests for recreational purposes. Also, in recognition of the Property owners' charitable endeavors and practices, the barn may be used to host periodic fundraisers supporting those charitable endeavors.
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7. The Property Owners shall not remove or clear existing vegetation and trees along the border of Cochran property except as necessary to prevent personal injury or property damage. Additionally, the Property Owners shall install additional vegetation to provide additional screening. Such vegetation shall include a mix of deciduous and evergreen trees. Such trees shall be of a height and caliper as required in the Baltimore County Landscape Manual for residential screening.

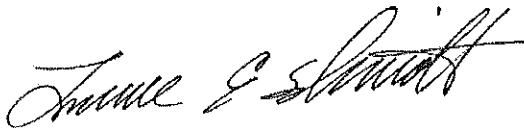
8. The Property Owners shall install such storm water management controls (as approved by Baltimore County) as are necessary to ensure that there is no increase in the volume or rate of flow of storm water shall discharged form the subject property onto the Cochran property.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**

Deborah C. Dopkin, Chairperson

Andrew M. Belt

APPROVED AS TO CONTENT AND FORM:



Lawrence E. Schmidt, Attorney for RCG Revocable Trust

Michael R. McCann

Michael R. McCann, Attorney for Evelyn L. Cochran

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: RCG Revocable Trust – Legal Owner

20-229-SPHA

DATE: May 25, 2021

BOARD/PANEL: Deborah C. Dopkin, Chair
Andrew M. Belt
William A. McComas

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

Petition for Special Hearing pursuant to BCZR § 500.7 to permit an accessory structure on the subject property without a principal structure; and

Petition for Variance filed pursuant to BCZR § 307.1 for relief from BCZR § 400.3 to permit an accessory structure of 49 feet in lieu of the prescribed maximum of 15 feet.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- The Board convened for a hearing. Counsel advised that the parties have reached an agreement and provided proffer for the basis of relief and accommodation between the Petitioner and Protestant.
- The Board found there were unique features on the property which limit the area that a structure can be built. As a result, the Petitioner proposes to build the accessory structure into a hill, and the structure will be in the style of a bank barn.
- The Board found there is no problem with building an accessory structure on an adjoining lot that is owned by the same party in an agricultural zone. The Board noted that the proposal makes zoning sense, and has the unintended effect of a zoning merger which would prevent another house from being built on the property. The Board also noted that if a barn were to be built there would be no height restriction.
- Counsel will draft an Order and submit to the Board for review and approval. The Board would like to include a provision that if the accessory structure at some point is converted to an agricultural use, no additional public hearing would be necessary. However, if any other use is proposed, additional public hearing is required.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the requested Petition for Special Hearing and Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

_____/s_____
Tammy A. Zahner

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE COUNTY
AND VARIANCE	*	BOARD OF APPEALS
Butler Road	*	FOR
4 th Election District; 3 rd Councilmanic District	*	BALTIMORE COUNTY
Legal Owner: RCG REVOCABLE TRUST	*	Case No.: 20-229-SPHA
* * * * * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of Lawrence E. Schmidt, Esquire and Smith, Gildea & Schmidt, LLC, as Counsel for RCG Revocable Trust, Petitioner/Appellee in the above captioned case.



Lawrence E. Schmidt
 SMITH, GILDEA & SCHMIDT, LLC
 600 Washington Avenue, Suite 200
 Towson, MD 21204
 410-821-0070
lschmidt@sgs-law.com
 CPF#:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May, 2021, that a copy of the foregoing Entry of Appearance was sent via Email to:

Michael McCann, Esquire
 Michael McCann, PA
 118 West Pennsylvania Avenue
 Towson, MD 21204
michael@mmccannlaw.net



Lawrence E. Schmidt

Krysundra Cannington

From: Krysundra Cannington
Sent: Monday, May 24, 2021 9:47 AM
To: 'Lawrence Schmidt'
Cc: Michael McCann, Esquire; Kelly Benton; Tammy Zahner
Subject: RE: RCG Revocable Trust 20-229-SPHA

Mr. Schmidt,

Thank you.

Sunny

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Monday, May 24, 2021 9:44 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Michael McCann, Esquire <michael@mmccannlaw.net>; Kelly Benton <kbenton@sgs-law.com>; Tammy Zahner <tzahner@baltimorecountymd.gov>
Subject: RE: RCG Revocable Trust 20-229-SPHA

CAUTION: This message from lschmidt@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: Will do. Sorry.

Kelly in my office will also be sending some exhibits today, even though this will be a proffer. Most are what were submitted below to the ALJ.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Sent: Monday, May 24, 2021 9:39 AM
To: Lawrence Schmidt <lschmidt@sgs-law.com>
Cc: Michael McCann, Esquire <michael@mmccannlaw.net>; Kelly Benton <kbenton@sgs-law.com>; Tammy Zahner <tzahner@baltimorecountymd.gov>
Subject: RCG Revocable Trust 20-229-SPHA

Mr. Schmidt,

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Monday, May 24, 2021 9:44 AM
To: Krysundra Cannington
Cc: Michael McCann, Esquire; Kelly Benton; Tammy Zahner
Subject: RE: RCG Revocable Trust 20-229-SPHA

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Sunny: Will do. Sorry.

Kelly in my office will also be sending some exhibits today, even though this will be a proffer. Most are what were submitted below to the ALJ.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
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From: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Sent: Monday, May 24, 2021 9:39 AM
To: Lawrence Schmidt <lschmidt@sgs-law.com>
Cc: Michael McCann, Esquire <michael@mmccannlaw.net>; Kelly Benton <kbenton@sgs-law.com>; Tammy Zahner <tzahner@baltimorecountymd.gov>
Subject: RCG Revocable Trust 20-229-SPHA

Mr. Schmidt,

Can you please send us an entry of appearance for our file? We have Mr. Lanzi as the Counsel of record for the Petitioner. Mr. Lanzi did advise us by email that you would be entering your appearance.

Thanks,

Sunny

Krysundra Cannington

From: Krysundra Cannington
Sent: Monday, May 24, 2021 9:39 AM
To: Lawrence Schmidt, Esquire
Cc: Michael McCann, Esquire; Kelly Benton; Tammy Zahner
Subject: RCG Revocable Trust 20-229-SPHA

Mr. Schmidt,

Can you please send us an entry of appearance for our file? We have Mr. Lanzi as the Counsel of record for the Petitioner. Mr. Lanzi did advise us by email that you would be entering your appearance.

Thanks,

Sunny

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, May 18, 2021 2:49 PM
To: Krysundra Cannington
Cc: michael@mmccannlaw.net; Kelly Benton
Subject: Case 20-229-SPHA (RCG Revocable trust, owner)

CAUTION: This message from lschmidt@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: I am writing in reference to the above matter, which is scheduled for hearing before the Board next Tuesday, May 28, 2021. This matter involves an appeal of the decision by the ALJ which granted certain zoning relief for an accessory structure on the subject property. I represent the property owners and Mr. McCann represents the appellants.

I wanted to advise the Board that we have settled the case. I wanted to ask about the best way to proceed.

Michael and I would prefer that I would proffer the case(evidence) to the Board at the hearing. I'll have witnesses available if the Board has any questions. Bute we proceed via a proffer.

We would also like to submit to the Board a proposed opinion and order that both of us have approved "as to substance and form."

I can submit that in advance if preferable.

Also, could the Board deliberate immediately upon the conclusion of the hearing and then they could sign the submitted opinion and order?

Let me know.

Michael advises me that the Board recently handled another matter (that he had with John Gontrum) in this manner. I have copied him on this email.

Thanks.
Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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Krysundra Cannington

From: Neil Lanzi <nlanzi@wclaw.com>
Sent: Monday, March 8, 2021 9:36 AM
To: Krysundra Cannington
Subject: REC Revocable Trust 20-229-SPHA

CAUTION: This message from nlanzi@wclaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Sunny,

I received the Notice of Assignment for the above captioned case. I will not be counsel of record for the appeal, Larry Schmidt should be entering his appearance soon. I thought you might want to send a copy to him.

Regards,

Neil



Neil Lanzi
Partner
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204
Tele: 410-659-1390
E-mail: nlanzi@wclaw.com

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



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 3, 2021

NOTICE OF ASSIGNMENT

IN THE MATTER OF: RCG Revocable Trust – Legal Owner
Butler Road
20-229-SPHA 4th Election District; 3rd Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR § 500.7 to permit an accessory structure on the subject property without a principal structure; and

Petition for Variance filed pursuant to BCZR § 307.1 for relief from BCZR § 400.3 to permit an accessory structure of 49 feet in lieu of the prescribed maximum of 15 feet.

1/14/21 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED; and the Petition for Variance was GRANTED, with conditions.

ASSIGNED FOR: MAY 25, 2021, AT 10:00 A.M.

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at www.baltimorecountymd.gov/Agencies/appeals/index.html the night before.**

A complete set of **exhibits must be emailed at least 48 hours before the hearing to appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Notice of Assignment
In the matter of: RCG Revocable Trust
Case number: 20-229-SPHA
March 3, 2021
Page 2

Krysundra Cannington, Administrator

c. Counsel for Petitioners
Legal Owner

: J. Neil Lanzi, Esquire
: RCG Revocable Trust c/o Frank Zecca OFS Wealth

Counsel for Protestant/Appellant
Protestant/Appellant

: Michael R. McCann, Esquire
: Evelyn Cochran

Bruce E. Doak, Bruce E. Doak Consulting
Theaux Le Gardeur

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Steve Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney
Nancy C. West, Assistant County Attorney



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

February 16, 2021

Bruce E. Doak- brucedoak@bruceedoakconsulting.com
Bruce E. Doak Consulting
3801 Baker Schoolhouse Road
Freeland, MD 21053

RE: APPEAL TO BOARD OF APPEALS
Case No. 2020-0229-SPHA
Location: Butler Road



Dear Mr. Doak:

Please be advised that an appeal of the above-referenced case was filed in this Office on February 12, 2021. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlw

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
Michael R. McCann, Esquire



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

February 16, 2021

Bruce E. Doak- brucedoak@bruceedoakconsulting.com
Bruce E. Doak Consulting
3801 Baker Schoolhouse Road
Freeland, MD 21053



RE: APPEAL TO BOARD OF APPEALS
Case No. 2020-0229-SPHA
Location: Butler Road

Dear Mr. Doak:

Please be advised that an appeal of the above-referenced case was filed in this Office on February 12, 2021. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlw

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
Michael R. McCann, Esquire

APPEAL

Petitions for Special Hearing and Variance
Case No.: 2020-0229-SPHA
Butler Road – RCG Revocable Trust Property
4th Election District, 3rd Council District

Petitions for Special Hearing and Variance – September 10, 2020

Zoning Description of Property (1 page)

Notice of Zoning Hearing - December 16, 2020

Certification of Publication – *The Daily Record* newspaper - published on December 22, 2020

Certification of Posting by Bruce E. Doak – December 19, 2020 and January 7, 2021

Entry of Appearance by People's Counsel – N/A

Attendance Report (10 sheets)

Zoning Advisory Committee Comments:

Petitioner's Exhibits:

- (1) Zoning Plan
- (2) Aerial Photo
- (3) SDAT Real Estate Report
- (4) Title Deed 43118/212
- (5) (2) Deed of Conservation Easements (1st pages only)
- (6) Floor Plans
- (7) Barn View A-D
- (8) Flood Plain Map A-B
- (9) Building Use Letter



Protestant's Exhibits (Theaux Le Gardeur):

- (1) Letter

Miscellaneous

Cover Letter and Administrative Law Judge's Order Decision – Special Hearing - Granted with Conditions & Variance - Moot – September 29, 2020 (5 pages)

Notice of Appeal & Check #5781 for \$600 - Received on October 29, 2020 –filed by Michael R. McCann, Esq.

Cashier's Receipt #174858 – \$600 fee for Special Hearing and Variance

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue

Towson, Maryland 21204

Phone: (410) 825-2150

Facsimile: (410) 825-2149

michael@mmccannlaw.net

RECEIVED

FEB 12 2021

OFFICE OF
ADMINISTRATIVE HEARINGS

February 12, 2021

Via Hand Delivery

Office of Administrative Hearings
105 W. Chesapeake Avenue
Towson, Maryland 21204

*Re: Case No. 2020-0229-SPHA
Butler Road*

To whom it may concern:

Enclosed for filing in this matter is a Notice of Appeal, along with the required filing fee of \$600.

Thank you.

Regards,



Michael R. McCann

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

(Butler Road)
4th Election District
3rd Councilmanic District

RCG Revocable Trust – Legal Owner

Petitioner

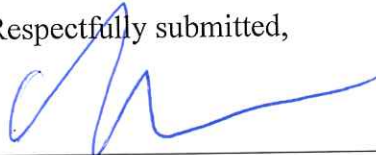
*
* BEFORE THE
* ADMINISTRATIVE
* HEARINGS
* FOR
* BALTIMORE COUNTY
* Case No. 2020-0229-SPHA
*

* * * * *

NOTICE OF APPEAL

Appellant, Evelyn L. Cochran, pursuant to Baltimore County Code §32-3-401, hereby files an appeal to the Board of Appeals of Baltimore County from the Opinion and Order of the Administrative Law Judge dated January 14, 2021. Pursuant to Rule 3 of the Rules of Practice and Procedure of the Board of Appeals, the address of the appellant is 34542 Butler Road, Glyndon, MD 21071.

Respectfully submitted,



Michael R. McCann
118 W. Pennsylvania Ave.
Towson, MD 21204
michael@mmccannlaw.net
(410) 825-2150

Counsel for Protestant/Appellant

CERTIFICATE OF SERVICE

I hereby certify that on 12th day of February 2021 a copy of the foregoing Notice of Appeal was emailed and mailed, *via* first-class mail, postage prepaid to:

Neil Lanzi
Wright Constable & Skeen, LLP
102 W. Pennsylvania Avenue< Suite 406
Towson, MD 21204

Counsel for Petitioner



Michael R. McCann

MICHAEL R. MCCANN, P. A.
118 W. PENNSYLVANIA AVE
TOWSON, MD 21204

5857

65-320/550 7384

DATE

2/12/21

PAY
TO THE
ORDER OF

B. Hume Corp
Six Hundred

\$ 600.00

DOLLARS



Photo
Safe
Deposit
Details on back



Wells Fargo Bank, N.A.
Maryland
wellsfargo.com

FOR

appeal fee 2020-0229

[Signature]

⑈0000005857⑈ ⑆055003201⑆ 2000021865921⑈

No. 174893

Date:

Total:

Rec: Michael McCann

For: Office of Adm. Hearings Appeal
Case No: 2020 0229
Address: Butler Road
Hearing Date: 1/12/21
CR# 5857

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

(Butler Road)

4th Election District

3rd Councilmanic District

RCG Revocable Trust – Legal Owner

Petitioner

*

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BEFORE THE

ADMINISTRATIVE

HEARINGS

FOR

BALTIMORE COUNTY

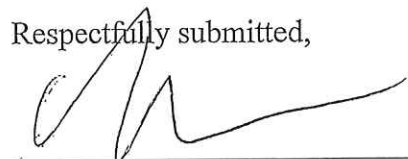
Case No. 2020-0229-SPHA

* * * * *

NOTICE OF APPEAL

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Respectfully submitted,



Michael R. McCann
118 W. Pennsylvania Ave.
Towson, MD 21204
michael@mmccannlaw.net
(410) 825-2150

Counsel for Protestant/Appellant



CERTIFICATE OF SERVICE

I hereby certify that on 12th day of February 2021 a copy of the foregoing Notice of Appeal was emailed and mailed, *via* first-class mail, postage prepaid to:

Neil Lanzi
Wright Constable & Skeen, LLP
102 W. Pennsylvania Avenue< Suite 406
Towson, MD 21204

Counsel for Petitioner

A handwritten signature in black ink, appearing to read 'Michael R. McCann', written over a horizontal line.

Michael R. McCann



JOHN A. OLSZEWSKI, JR.
County Executive

January 14, 2021

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

J. Neil Lanzi, Esquire
102 West Pennsylvania Avenue
#406
Towson, MD 21204

RE: Petitions for Special Hearing and Variance
Case No. 2020-0229-SPHA
Property: Butler Road

Dear Mr. Lanzi:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul M. Mayhew", is written over a light blue horizontal line.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

C: Bruce E. Doak, Bruce E. Doak Consulting, LLC, 3801 Baker Schoolhouse Road, Freeland,
MD 21053

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(Butler Road) *
4th Election District *
3rd Council District *
RCG Revocable Trust *
Legal Owner

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

Petitioner

Case No. 2020-0229-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of the RCG Revocable Trust, the Legal Owner (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit an accessory structure on the subject property without a principal structure. The Variance request was filed pursuant to BCZR §307.1 for relief from BCZR § 400.3 to permit an accessory structure of 49 feet in lieu of the prescribed maximum of 15 feet.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and from the Department of Environmental Protection and Sustainability (“DEPS”). They did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order.

Ecko and Rudy Gay, appeared in support of the requested relief on behalf of the Trust. They were represented by Neil Lanzi, Esquire of Wright, Constable & Skeen, LLP. Bruce E. Doak, the licensed surveyor who prepared the site plan also appeared; as did Vincent Greene, the licensed

ORDER RECEIVED FOR FILING

Date 1/14/21
By [Signature]

architect who prepared the architectural plans. Theaux Le Gardeur, an adjoining property owner appeared in opposition and also submitted a letter of opposition which he read into the record, and which was admitted as Protestant's Exhibit 1. Stephanie Greenberg, one of the other adjoining neighbors, testified in support of the Gays' requested relief. Several other interested persons attended.

PETITIONERS' CASE

The subject property consists of two separate parcels, with separate tax accounts. The Gays' residence is located on one 14.26 acre parcel and the proposed accessory structure is to be located on the other 9.903 acre parcel. Both are zoned RC 2. There are agricultural conservation easements with the Land Preservation Trust and with the Baltimore County Agricultural Land Preservation Advisory Board covering both parcels. (Petitioners' Exhibits 5A and 5B). Mr. Doak testified that he met several times with Wally Lippincott of the DOP to discuss the design and location of the proposed structure. He explained that the proposed site is the only feasible location because of the agricultural easements, the septic field of the principal residence, a flood plain area, and the "harsh topography" of the property. He testified that only a half-acre of the least productive section of crop land will be used. He further explained that the structure will be built into a slope like a traditional bank barn in order to lessen the visual impact on the adjoining properties, which are all relatively distant. Upon questioning from the undersigned, Doak testified that this proposed accessory structure is within the 2 acre envelope of the principal structure (as required by the agricultural easements), because the area delineated pictured by the lines surrounding both the residence and this proposed structure on the site plan are a combined 2 acres, and because both structures are served by a common driveway. He stated

that the zoning review office and the DOP allow such configurations, which are accomplished

ORDER RECEIVED FOR FILING

Date

1/14/21

By

D. Mignola

by drawing a "lasso" around the residence and the accessory structure. In addition, Doak testified that he obtained approval for the proposed structure from the Baltimore County Agricultural Advisory Board, as required by the conservation easements. This Agricultural Board approval was confirmed by the DOP in its ZAC comment, and the DOP does not oppose the requested relief. Finally, Doak testified that he also reviewed the project with Vicky Collins of the Land Preservation Trust, and with Theresa Moore of the Valleys Planning Council and that they do not oppose the requested relief.

The architect, Vincent Greene, testified next. He explained that the proposed structure is designed to look like a traditional barn and that it will be clad in gray materials simulating barn wood. The floor plans were admitted as Petitioners' Exhibit 6A and 6B, and exterior elevations were admitted as Petitioners' Exhibit 7 A-D, showing all sides of the structure. He explained that the visual impacts of the structure will be lessened by building it into the slope like a bank barn. He noted that the highest point of the structure faces the Gays' residence and will not substantially impact any adjoining property owners. Finally, he explained that the height variance is needed in order to accommodate the basketball court, which is the main function of the structure, and which will be used by Rudy Gay, a professional basketball player, to train in the offseason.

Ms. Gay confirmed that the primary purpose of the proposed structure is for her husband's training needs. The main level will house a weight room in addition to the basketball court. She explained that the structure will also be used for family recreation and as a garage for their vehicles and lawn maintenance equipment. A declaration of intended use was admitted as Petitioner's Exhibit 9. This document will be incorporated into the Order and confirms, among

other things, that the structure will not be used for residential or commercial purposes.

ORDER RECEIVED FOR FILING

Date 11/14/21
By D. Mynner

Finally, as noted above, Stephanie Greenberg testified in support of the Gays. She explained that she and her husband own the adjoining property closest to this proposed structure. She said that they have reviewed the plans and feel that it is a beautiful design that is compatible with the rural nature of the area.

THE OPPOSITION

Mr. Le Gardeur testified that he is opposed to the requested relief for several reasons, which he had previously laid out in a letter that he read into the record. (Protestant's Exhibit 1). He explained that his property lies directly southeast of the subject parcel. He has lived there since 2001. His primary concerns are the height of the structure — which he pointed out is a full 34 feet higher than the normal 15 foot height limit. He also expressed concern about the compatibility of this structure with the Worthington Valley Historical District. He pointed out that this property enjoys the benefits of the conservation easement and in his view the restrictions in the easements should therefore be strictly enforced. Finally, he also expressed concern about the impacts this additional impervious surface would have on McGill Run, a trout stream that runs through the property and then into Western Run, the Gunpowder River, and ultimately, Loch Raven reservoir.

Evelyn Cochran, the adjoining neighbor to the northeast, testified that she is “disturbed” by the proposed height of the structure but otherwise has no objections.

REBUTTAL EVIDENCE

In rebuttal Mr. Doak emphasized that the proposed structure will occupy only a tiny percentage of the crop land, and that this site was chosen in order to have the least possible impact on the agricultural uses of the property. He noted that this type of recreational structure is expressly permitted under both easements if approved by the County Agricultural Advisory

ORDER RECEIVED FOR FILING

Date

By

1/14/21

D. Mignone

Board. He stressed that the petitioners had worked hard with the DOP to obtain their approval, which was based on the fact that the location and design of the structure will be compatible with the RC 2 zone. He again explained that due to the steep topography the proposed site will have very little visual impact on the surrounding neighbors, including Mr. Le Gardeur, whose home is quite distant and entirely screened by a large hill.

Rudy Gay testified that he and his wife purchased this property because of the rural nature of the area, and that they are committed to the agricultural uses imposed by the easements. He explained that this structure will only be used for his training and for other family activities. He further explained that they worked with the architect to design a barn-like structure so that it would blend with the surrounding area.

SPECIAL HEARING

Petitioners require special hearing relief in order to build this “accessory” structure on a lot with no principal structure. I note though that their residence is on the adjoining lot, and would be connected to this accessory structure by a common driveway, so there is a direct nexus between the two structures. There is, however, another wrinkle presented by the conservation easements. Specifically, Section III (B) of the County easement, and Section III (C) of the Land Preservation Trust easement both allow the construction of “necessary structures (for example: garage, well house, tennis court, and swimming pool) designed, constructed and utilized for the purpose of serving the principal residence, *so long as such structures are within a two (2) acre Envelope Surrounding the Residence.*” *Id.* (emphasis added). As explained above, Mr. Doak testified that the “lasso” approach he used in this site plan allows for this resulting amoeba-like 2 acre building envelope.

ORDER RECEIVED FOR FILING

Date

1/14/21

By

J. Mignone

This "envelope" is not defined in the easement agreement. However, "building envelope" is defined in the RC 6 regulations as "the area on a lot within which all principal structures except sheds, wells, septic systems, stormwater management systems, driveways or fences are permitted to be built." *See*, BCZR § 1A07.2. And in the "Development area and standards" regulations in the RC 6, RC 7, and RC 8 zones the "building envelope" is limited to 20,000 square feet. *See*, BCZR §§1A07.8.B.3, 1A08.6.B.3, 1A09.7.B.3. However, the RC 2 regulations do not define "building envelope" and do not contain the 20,000 sq. ft. limit. In fact, the RC 2 regulations make no mention of "building envelope."

In my view this "lasso" method of determining the 2 acre "envelope" in this case is rather tortured. Mr. Doak acknowledged that, as the crow flies, the site of this proposed accessory structure is significantly more than 2 acres distant from the principal residence. However, neither the DOP nor the Agricultural Advisory Board has objected to the proposed location, or the amoeba-like "envelope" depicted on the site. I will therefore grant the special hearing relief because I find that the proposed barn-like structure is compatible with this rural setting and with the legislative purposed of the RC 2 zone. Further, if this structure were in fact a barn used for agricultural purposes it would not be subject to *any* height restrictions. *See*, BCZR §1A01.3.A, and BCZR § 300.1. In short, there are many structures this high in the RC 2 zones. While I am sympathetic to the neighbors' concerns; because of the bank barn design, the steep topography and the substantial distances separating the adjoining properties, I do not believe the height variance will have a substantial impact. And I note that DEPS did not express any concerns about impacts on water quality, other than requesting a review of the septic proposal for this structure, which will be a condition of the Order. In sum, I find that the special hearing relief

ORDER RECEIVED FOR FILING

Date

1/14/21

By

D. Mignon

THEREFORE, IT IS ORDERED this 14th day of **January 2021**, by this Administrative Law Judge, that the Petition for Special Hearing to permit an accessory structure on the subject parcel without a principal structure is hereby GRANTED.

IT IS FURTHER ORDERED that the Petitioner for a Variance from BCZR § 400.3 to permit an accessory structure of 49 ft. in height in lieu of the prescribed 15 ft. in height is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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 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, Petitioner would be required to return the subject property to its original condition.
- The conditions and restrictions on use set forth in Petitioner's Exhibit 9 are hereby incorporated and Exhibit 9 shall be filed along with this Order in the Baltimore County Land Records.
- Prior to the issuance of the necessary permits Petitioner shall comply with the DEPS ZAC comments, which are attached hereto and incorporated herein.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

ORDER RECEIVED FOR FILING

Date

By

1/14/21
DMagnon

11/21
@ 1:30 pm

CASE NO. 2020-

0229-SPHA

CHECKLIST

✓ ltr
order

**Comment
Received**

Department

**Support/Oppose/
Conditions/
Comments/
No Comment**

9/23

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

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

comment
no obj.

11/13

FIRE DEPARTMENT

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

comment
no obj.

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

12/22/20

SIGN POSTING (1st)

Date:

12/19/20

by

B. Oak

SIGN POSTING (2nd)

Date:

1/7/21

by

" "

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any:

Request to Testify in file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 23 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 23, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0229-SPHA
Address Butler Road
(RCG Revocable Trust Property)

Zoning Advisory Committee Meeting of **September 21, 2020.**

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

1. The proposed building appears as though it will have restrooms, so Ground Water Management will need to review this to determine the well and septic requirements.

Reviewer: Dan Esser

ORDER RECEIVED FOR FILING

Date

By



JOHN A. OLSZEWSKI, JR.
County Executive

January 14, 2021

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

J. Neil Lanzi, Esquire
102 West Pennsylvania Avenue
#406
Towson, MD 21204

RE: Petitions for Special Hearing and Variance
Case No. 2020-0229-SPHA
Property: Butler Road

Dear Mr. Lanzi:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, reading "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

C: Bruce E. Doak, Bruce E. Doak Consulting, LLC, 3801 Baker Schoolhouse Road, Freeland, MD 21053

Donna Mignon

From: Donna Mignon
Sent: Thursday, January 14, 2021 12:13 PM
To: 'Neil Lanzi'; 'Bruce Doak'
Subject: Case No: 2020-0229-SPHA
Attachments: Order - 2020-0229-SPHA.pdf

Good Afternoon,
Please find the attached Order in regard to the above-referenced matter.

Thank you.

Have a great day.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

January 4, 2021

Bruce Doak,
3801 Baker Schoolhouse Road
Freeland MD 21053

RE: Case Number: 2020-0229-SPHA, Butler Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 10, 2020. 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.", written over the words "Very truly yours,".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 23, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0229-SPHA
Address Butler Road
(RCG Revocable Trust Property)

Zoning Advisory Committee Meeting of **September 21, 2020.**

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

1. The proposed building appears as though it will have restrooms, so Ground Water Management will need to review this to determine the well and septic requirements.

Reviewer: Dan Esser

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 11/13/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-229

INFORMATION:

Property Address: Butler Road
Petitioner: RCG Revocable Trust-Ecko Gay
Zoning: RC 2
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a Special Hearing to permit an accessory structure on the subject property without a principal structure; Variance to permit the height of an accessory structure of 49 feet in lieu of the maximum height of 15 feet per section 400.3 of the BCZR.

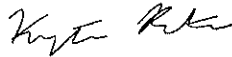
The area is mainly agricultural and rural residential of Upperco. The property is under a Baltimore County Land Preservation Easement and is mixed with woods and agricultural uses.

This request went before the Baltimore County Agricultural Advisory Board on August 12, 2020. The easement also covers the neighboring property 3466 Butler Road. The two properties owned by the RCG Revocable Trust act as one property under the easement. The main dwelling is located on the 3466 Butler Road property with this proposed accessory building being located on the other (Parcel 2). The board did approve the location of the building.

The Department does not object to this request.

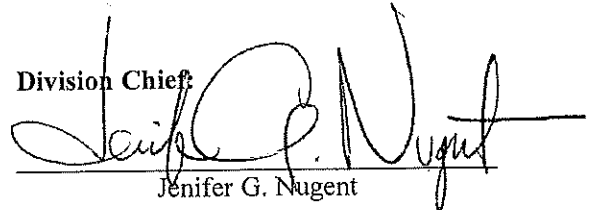
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/KP/

c: Joseph Wiley
Bruce E. Doak Construction LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

The Daily Record

200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

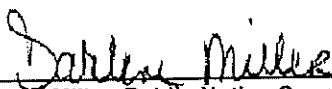
PUBLISHER'S AFFIDAVIT

Order #: 11945000
Case #: 2020-0229-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2020-0229-SPHA

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:

12/22/2020



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 virtual hearing the property identified herein as follows:

CASE NUMBER: 2020-0229-SPHA

Butler Road

West side of Butler Road, northeast of Mantua Mill Road

4th Election District - 3rd Councilmanic District

Legal Owners: RCG Revocable Trust

Special Hearing to permit an accessory structure on the subject property without a principle structure. Variance to permit the height of an accessory structure of 49 ft. in lieu of the maximum height of 15 ft.

Hearing: Tuesday, January 12, 2021 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3898, ext. 0.

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

d22

TO: THE DAILY RECORD
Wednesday, December 22, 2020 - Issue

Please forward billing to:

Bruce Doak
3801 Baker Schoolhouse Road
Freeland, MD 21053

410-419-4906

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0229-SPHA

Butler Road

West side of Butler Road, northeast of Mantual Mill Road

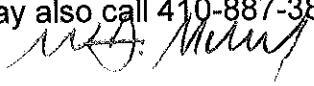
4th Election District – 3rd Councilmanic District

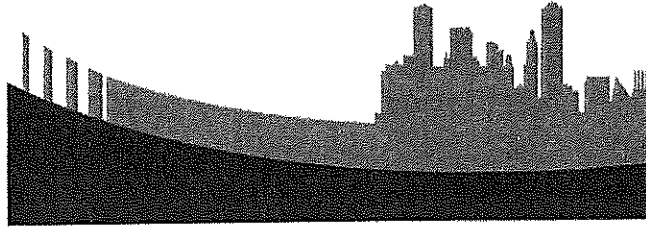
Legal Owners: RCG Revocable Trust

Special Hearing to permit an accessory structure on the subject property without a principle structure. Variance to permit the height of an accessory structure of 49 ft. in lieu of the maximum height of 15 ft.

Hearing: Tuesday, January 12, 2021 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.


Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County



CERTIFICATE OF POSTING

December 19, 2020

January 08, 2021 amended for second inspection

Re:

Zoning Case No. 2020- 0229- SPHA

Legal Owner: RCG Revocable Trust

Hearing date: January 12, 2021

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

Attention: Jenae Johnson

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 **Butler Road**.

The signs were initially posted on **December 19, 2020**.

The subject property was also inspected on **January 7, 2021**.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Doak".

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

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

ZONING NOTICE

CASE NO. 2020-0229-SPHA

Butler Road

THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE COUNTY, BY
AUTHORITY OF THE ZONING ACT AND REGULATIONS OF
BALTIMORE COUNTY, WILL HOLD A VIRTUAL HEARING ON THE
PROPERTY IDENTIFIED

DATE & TIME: TUESDAY JANUARY 12, 2021 1:30 PM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARING,
PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMIN/HEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND
THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-387-3669, EXT. 0.

REQUESTS:

Special Hearing to permit an accessory structure on the
subject property without a principle structure.

Variance to permit the height of an accessory structure of
40 ft. In lieu of the maximum height of 15 ft.

ZONING NOTICE

CASE NO. 2020-0229-SPHA

Butler Road

**THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE COUNTY, BY
AUTHORITY OF THE ZONING ACT AND REGULATIONS OF
BALTIMORE COUNTY, WILL HOLD A VIRTUAL HEARING ON THE
PROPERTY IDENTIFIED.**

DATE & TIME: TUESDAY JANUARY 12, 2021 1:30 PM

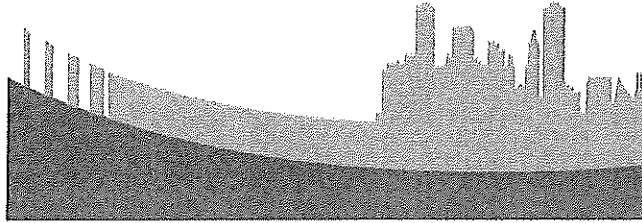
**FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD.GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND
THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL**

301-837-4800, EXT. 40

REQUESTS:

**Special Hearing to permit an accessory structure on the
subject property without a principle structure.**

**Variance to permit the height of an accessory structure of
49 ft. In lieu of the maximum height of 15 ft.**



CERTIFICATE OF POSTING

December 19, 2020

_____ amended for second inspection

Re:

Zoning Case No. 2020- 0229- SPHA

Legal Owner: RCG Revocable Trust

Hearing date: January 12, 2021

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jenae Johnson

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The signs were initially posted on **December 19, 2020**.

The subject property was also inspected on _____.

Sincerely,

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2020-0229-SPHA

Butler Road

**THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE COUNTY, BY
AUTHORITY OF THE ZONING ACT AND REGULATIONS OF
BALTIMORE COUNTY, WILL HOLD A VIRTUAL HEARING ON THE
PROPERTY IDENTIFIED.**

DATE & TIME: TUESDAY JANUARY 12, 2021 1:30 PM

**FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND
THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0.**

REQUESTS:

**Special Hearing to permit an accessory structure on the
subject property without a principle structure.**

**Variance to permit the height of an accessory structure of
49 ft. in lieu of the maximum height of 15 ft.**

ZONING NOTICE

CASE NO. 2020-0229-SPHA

Butler Road

**THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE COUNTY, BY
AUTHORITY OF THE ZONING ACT AND REGULATIONS OF
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PROPERTY IDENTIFIED.**

DATE & TIME: TUESDAY JANUARY 12, 2021 1:30 PM

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PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND
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410-887-3868, EXT. 0.**

REQUESTS:

**Special Hearing to permit an accessory structure on the
subject property without a principle structure.**

**Variance to permit the height of an accessory structure of
49 ft. In lieu of the maximum height of 15 ft.**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, Director
Department of Permits,
Approvals & Inspections

December 16, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0229-SPHA

Butler Road

West side of Butler Road, northeast of Mantua Mill Road

4th Election District – 3rd Councilmanic District

Legal Owners: RCG Revocable Trust

Special Hearing to permit an accessory structure on the subject property without a principle structure. Variance to permit the height of an accessory structure of 49 ft. in lieu of the maximum height of 15 ft.

Hearing: Tuesday, January 12, 2021 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Frank Zecca, 7950 Jones Branch Drive, McLean VA 22107
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 WED., DECEMBER 22, 2020.

ZAC AGENDA

Case Number: 2020-0229-SPHA **Reviewer:** Jason Seidelman
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING, VARIANCE
Legal Owner: RCG Revocable Trust
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 4 **Council Dist:** 3

Property Address: BUTLER RD

Location: West side of Butler Road (20') 292 North East of Mantua Mill Road (15').

Existing Zoning: RC 2 **Area:** 9.903 AC

Proposed Zoning:

SPECIAL HEARING:

To permit an accessory structure on the subject property without a principal structure.

VARIANCE:

To permit the height of an accessory structure of 49 feet in lieu of the maximum height of 15 feet per Section 400.3 BCZR.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-229

DATE: 11/13/2020



INFORMATION:

Property Address: Butler Road
Petitioner: RCG Revocable Trust-Ecko Gay
Zoning: RC 2
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a Special Hearing to permit an accessory structure on the subject property without a principal structure; Variance to permit the height of an accessory structure of 49 feet in lieu of the maximum height of 15 feet per section 400.3 of the BCZR.

The area is mainly agricultural and rural residential of Upperco. The property is under a Baltimore County Land Preservation Easement and is mixed with woods and agricultural uses.

This request went before the Baltimore County Agricultural Advisory Board on August 12, 2020. The easement also covers the neighboring property 3466 Butler Road. The two properties owned by the RCG Revocable Trust act as one property under the easement. The main dwelling is located on the 3466 Butler Road property with this proposed accessory building being located on the other (Parcel 2). The board did approve the location of the building.

The Department does not object to this request.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

CPG/JGN/KP/

c: Joseph Wiley
Bruce E. Doak Construction LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 23 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 23, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0229-SPHA
Address Butler Road
(RCG Revocable Trust Property)

Zoning Advisory Committee Meeting of **September 21, 2020**.

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

1. The proposed building appears as though it will have restrooms, so Ground Water Management will need to review this to determine the well and septic requirements.

Reviewer: Dan Esser

Note to Hearing Officer:

Mr. Mayhew,

Carl Richards asked Bruce Doak (representative of the applicant) to include the words "indoor basketball court" in the relief statement. Mr. Doak has declined to do so, and he sent the attached email with his reason(s).

Jason Seidelman

Zoning Review

410-887-3391

Jason Seidelman

From: Bruce Doak <doakfarm@gmail.com>
Sent: Wednesday, September 16, 2020 11:38 AM
To: Jason Seidelman
Subject: Re: Butler Road
Attachments: RCG zoning plan 9 12 20.pdf; 200715 Barn Progress Set.pdf

CAUTION: This message from doakfarm@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning,

I have discussed Carl's request with my client's reps and they feel that is too imposing on the personal use of the property and the building to include the individual uses in the variance request.

The proposed use as partially a basketball court has already been presented to the Ag Board in their August meeting and has been shown on the latest petition plan (copy enclosed). The uses were also told to Valley Planning.

I understand why he feels it is important to disclose as much as possible, but this time they feel it may limit the use of the building. The proposed uses will be testified to in the upcoming hearing. That should be enough for anyone interested.

Thanks.

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

On Sep 16, 2020, at 10:38 AM, Jason Seidelman <jseidelman@baltimorecountymd.gov> wrote:

Hey Bruce,

I got the new plans but Carl wants me to add the words "indoor basketball court" to the relief/sign-posting.....any objections?

Jason
410-887-3391



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 BUTLER ROAD which is presently zoned RC2
 Deed References: 98118/212 (PARCEL 2) 10 Digit Tax Account # 2400003987
 Property Owner(s) Printed Name(s) RCG REVOCABLE TRUST

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

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

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

SEE ATTACHED PAGE

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

3. ☒ a Variance from Section(s)

SEE ATTACHED PAGE

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

TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

RCG REVOCABLE TRUST - ECKO GAY
 Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2 OF SW WEALTH

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING, LLC
 Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2020-0229-SPHA

Filing Date 9/10/20

Do Not Schedule Dates:

Reviewer JS

Zoning Hearing Petitions Being Requested

Case # 2020-0229-SPHA

Special Hearing

1) to permit an accessory structure on the subject property without a principal structure

Variance

1) to permit the height of an accessory structure of 49 feet in lieu of the maximum height of 15 feet per Section 400.3 BCZR.



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 BUTLER ROAD which is presently zoned RC2
 Deed References: 43118/212 (PARCEL 2) 10 Digit Tax Account # 2400003987
 Property Owner(s) Printed Name(s) RCG REVOCABLE TRUST

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

SEE ATTACHED PAGE

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

3. X a Variance from Section(s)

SEE ATTACHED PAGE

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

TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

RCG REVOCABLE TRUST - ECKO GAY
 Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

FRANK ZECCA
BRUCE E. DOAK
BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2020-0229-SMA Filing Date 9/10/20 Do Not Schedule Dates: Reviewer JS

Zoning Hearing Petitions Being Requested

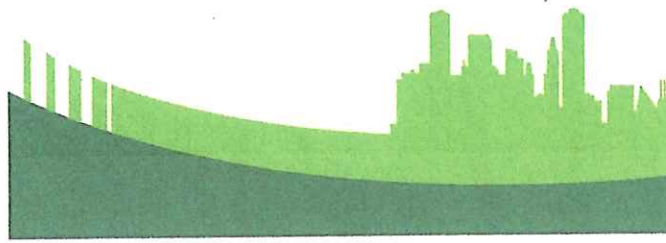
Case # 2020-0729-SPHA

Special Hearing

1) to permit an accessory structure on the subject property without a principal structure

Variance

1) to permit the height of an accessory structure of 49 feet in lieu of the maximum height of 15 feet per Section 400.3 BCZR.



Zoning Description

Butler Road- 9.9029 Acre Parcel
Forth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point in the bed of Butler Road, approximately 2,400 feet southerly of the centerline of Dover Road, thence running in the bed of Butler Road and running with and binding on the outlines of the subject property, the two following courses and distances, viz 1) South 27 degrees 42 minutes 57 seconds West 28.31 feet and 2) South 28 degrees 47 minutes 20 seconds West 23.06 feet, thence leaving Butler Road and continuing to run and bind on the outlines of the subject property, the eleven following courses and distances, viz. 3) North 48 degrees 08 minutes 28 seconds West 475.90 feet, 4) North 50 degrees 15 minutes 43 seconds West 400.01 feet, 5) North 49 degrees 06 minutes 45 seconds West 219.07 feet, 6) North 43 degrees 11 minutes 04 seconds West 481.54 feet, 7) North 50 degrees 14 minutes 41 seconds East 475.74 feet, 8) South 30 degrees 38 minutes 29 seconds East 848.92 feet, 9) South 65 degrees 22 minutes 26 seconds East 332.95 feet, 10) South 51 degrees 38 minutes 00 seconds East 78.23 feet, 11) South 76 degrees 29 minutes 51 seconds West 248.00 feet, 12) South 13 degrees 38 minutes 47 seconds East 155.24 feet and 13) South 48 degrees 08 minutes 28 seconds East 300.19 feet to the point of beginning.

Containing 9.9029 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



2020-0724-SPHA

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

No. 198832

Date: 9/10/20

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS	Acct	Amount
				Source/	Rev/					
001	806	0000		6150						\$150.00
Total:										\$150.00

Rec From: RCG REVOCABLE TRUST

For: 2020-0829-SPHA

DISTRIBUTION

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

CASHIER'S
VALIDATION

BRUCE E DOAK DBA 12-12 BRUCE E DOAK CONSULTING 3801 BAKER SCHOOLHOUSE RD FREELAND, MD 21053-9738		2475 15-3/540 429
Date 9/07/20		
Pay to the Order of	BALTIMORE COUNTY MARYLAND	\$ 150.00
ONE HUNDRED FIFTY AND 00/100		Dollars
 PNC BANK PNC Bank, N.A. 040		
For	RCG Rev. Trust	
⑆054000030⑆ 5336741067⑈ 2475		

Attendance Sheet

FirstName	LastName	Email	Join Time
Ecko	Gay	efwray@gmail.com	1:41 pm New York Time
Ecko	Gay	efwray@gmail.com	1:38 pm New York Time
paul	mayhew	pmayhew@baltimorecountymd.gov	1:37 pm New York Time
Suzanne	Shriver	sgshri@aol.com	1:40 pm New York Time
Suzanne	Shriver	sgshri@aol.com	1:38 pm New York Time
Bruce	Doak	bdoak@bruceedoakconsulting.com	1:37 pm New York Time
diane	carlson	soph1112@msn.com	1:38 pm New York Time
Vince	Greene	vince@vgarchitect.com	1:48 pm New York Time
Vince	Greene	vince@vgarchitect.com	1:42 pm New York Time
Theaux	M. LeGardeur	txlegar@gmail.com	1:42 pm New York Time
Henry	Ayakwah	hayakwah@baltimorecountymd.gov	1:37 pm New York Time
Neil	Lanzi	nlanzi@wcslaw.com	1:37 pm New York Time
Stephanie	Greenberg	coopergreenberg@gmail.com	1:54 pm New York Time
Stephanie	Greenberg	coopergreenberg@gmail.com	1:49 pm New York Time
Stephanie	Greenberg	coopergreenberg@gmail.com	1:43 pm New York Time
Stephanie	Greenberg Cooper	coopergreenberg@gmail.com	1:40 pm New York Time
Ann	Martin	ann.beecher.martin@gmail.com	1:39 pm New York Time
Michael	Sonnenfeld	mjsonnenfeld@gmail.com	1:42 pm New York Time
Rudy	Gay	rudygay@rocnation.com	1:41 pm New York Time
Teresa	Moore	teresa@thevpc.org	2:04 pm New York Time
Barbara	Horneffer	bhorneffer@gmail.com	1:37 pm New York Time
Katherine	Elder	katie@elderbxv.com	1:39 pm New York Time
Katherine	Elder	katie@elderbxv.com	1:38 pm New York Time
Donna	Mignon	dmignon@baltimorecountymd.gov	1:36 pm New York Time
Peter	Fenwick	pfenwick@valleyholding.com	1:55 pm New York Time
Evelyn	Cochran	elcbassett@aol.com	1:38 pm New York Time
victoria	collins	foxbriar1@msn.com	1:44 pm New York Time
sally	ruppert	sally@thevpc.org	1:40 pm New York Time
William	Cook	will@culturalheritagepartners.com	1:54 pm New York Time

William
Mike

Cook
Wharton

will@culturalheritagepartners.com
mtw@wlekn.com

1:43 pm New York Time
1:40 pm New York Time

Leave Time	Attendance
3:38 pm New York Time	117.0 mins
1:40 pm New York Time	2.0 mins
3:38 pm New York Time	121.0 mins
3:38 pm New York Time	118.0 mins
1:40 pm New York Time	1.0 min
3:38 pm New York Time	121.0 mins
3:38 pm New York Time	120.0 mins
3:38 pm New York Time	109.0 mins
1:47 pm New York Time	5.0 mins
3:38 pm New York Time	116.0 mins
3:38 pm New York Time	121.0 mins
3:38 pm New York Time	120.0 mins
1:59 pm New York Time	4.0 mins
1:49 pm New York Time	1.0 min
1:43 pm New York Time	1.0 min
3:38 pm New York Time	117.0 mins
2:36 pm New York Time	57.0 mins
3:36 pm New York Time	114.0 mins
3:38 pm New York Time	116.0 mins
2:05 pm New York Time	1.0 min
2:47 pm New York Time	70.0 mins
3:38 pm New York Time	119.0 mins
1:39 pm New York Time	1.0 min
1:38 pm New York Time	2.0 mins
3:36 pm New York Time	100.0 mins
3:38 pm New York Time	120.0 mins
3:38 pm New York Time	114.0 mins
3:38 pm New York Time	118.0 mins
2:49 pm New York Time	55.0 mins

1:55 pm New York Time 11.0 mins

1:54 pm New York Time 13.0 mins

Chat

N/A

N/A

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N/A

N/A

N/A

N/A

I would like to be added to the list of people testifying. It was my understanding that I'd registered to testify with Donna Mignon when I requested to atte

1. What is the purpose and need for the proposed 49 foot height?
2. The proposed structure is close to a 5-story building. There is no precedent for this type of structure in the Worthington Valley Historic District, which is
3. Also, what about the lighting at night and the effect on neighbors?
4. Are these lights going to be on all night?

How does one register to testify?

N/A

[illegible]

1:48 pm	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

[illegible]

- 30 Zoning Hearing - Butler Road - 2020-0229-SPHA January 12, 2021 New York Time 1:30 pm New York Time
- 31 Zoning Hearing - Butler Road - 2020-0229-SPHA January 12, 2021 New York Time 1:30 pm New York Time

Donna Mignon

From: Kristen L Lewis
Sent: Friday, December 18, 2020 9:10 AM
To: Donna Mignon; Debra Wiley
Subject: Webex 2020-0229-SPHA

Another one LOL

Case number: 2020-0229-SPHA

Butler Road

Petitioner's RCG Revocable Trust – Ecco Gay, c/o Frank Zecca – Frank.Zecca@OFSWEALTH.COM

Rep – Bruce Doak – Bdoak@bruceedoakconsulting.com

Hearing – 1/12/21 at 1:30 p.m.

Kristen Lewis

PAI – Zoning Review

410-887-3391

Donna Mignon

From: Donna Mignon
Sent: Friday, December 18, 2020 9:19 AM
To: Kristen L Lewis; Debra Wiley
Subject: LINK - RE: Webex 2020-0229-SPHA

Event Information

Event: Zoning Hearing - Butler Road - 2020-0229-SPHA
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTIC>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTIC>
Date and time: Tuesday, January 12, 2021 1:30 pm
Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
Case No: 2020-0229-SPHA
Butler Road
RCG Revocable Trust - Ecko Gay, c/o Frank Zecca
Event number: 180 738 7531
Event password: 1234
Host key: 200338
Alternate Host: Deb Wiley, Henry Ayakwah, Maureen Murphy
Panelist Info:
Panelist password:
Panelist numeric password: 967812
Video Address: 1807387531@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 180 738 7531
Maximum number of registrants: 10000
Destination address after event:
Host image:
Attendee list available for viewing by: Host, presenter and panelists only
Event material: None
Post-event survey: No
Email configured: Pending, Approved, Rejected
Registration Information
Registration ID required: No
Password required: No
Password:
Approval required: No

Custom registration form:

No

After registration, go to URL:

From: Kristen L Lewis <klewis@baltimorecountymd.gov>

Sent: Friday, December 18, 2020 9:10 AM

To: Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>

Subject: Webex 2020-0229-SPHA

Another one LOL

Case number: 2020-0229-SPHA

Butler Road

Petitioner's RCG Revocable Trust – Ecco Gay, c/o Frank Zecca – Frank.Zecca@OFSWEALTH.COM

Rep – Bruce Doak – Bdoak@bruceedoakconsulting.com

Hearing – 1/12/21 at 1:30 p.m.

Kristen Lewis

PAI – Zoning Review

410-887-3391

Donna Mignon

From: Donna Mignon
Sent: Thursday, January 14, 2021 12:26 PM
To: 'Michael McCann'
Subject: Case No: 2020-0229-SPHA
Attachments: Order - 2020-0229-SPHA.pdf

Good Afternoon,
Please find attached the Order for case number 2020-0229-SPHA.
Judge Mayhew told me to email this to you since you requested the CD.
I should have the CD done sometime today and I will let you know. Thanks.

Have a good day.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Monday, January 11, 2021 12:27 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Invited

Request to Testify

Label	Value
First Name	Theaux
Last Name	Le Gardeur
Email	txlegar@gmail.com
Phone	410-967-3526
Address	3456 butler rd
City	reisterstown
State	Maryland
ZIP Code	21136
Case Number	2020-0229-SPHA
Scheduled Hearing Date	1/12/2021

2020-0229-SPHA

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Bruce Doak	bdoak@bruceedoakconsulting.com	1-	New York Time	English	U.S.
Diane Carlson	soph1112@msn.com	1-	New York Time	English	U.S.
Ecko Gay	efwray@gmail.com	1-	New York Time	English	U.S.
Frank Zecca	frank.zecca@ofswealth.com	1-	New York Time	English	U.S.
Neil Lanzi	nlanzi@wcslaw.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Suzanne Shriever	sgshri@aol.com	1-	New York Time	English	U.S.
Theaux M. LeGardeur	txlegar@gmail.com	1-	New York Time	English	U.S.
Vince Greene	vince@vgarchitect.com	1-	New York Time	English	U.S.

Donna Mignon

From: Jeffrey N Perlow
Sent: Monday, January 11, 2021 12:20 PM
To: Debra Wiley
Cc: Donna Mignon; txlegar@gmail.com
Subject: FW: Case 2020-0229-SPHA
Attachments: BRW802BF9D348B3_001293.pdf

Debby,

Please place the attached opposition letter in the file folder for Case # 2020-0229-SPHA, which is scheduled for a public hearing tomorrow. Mr. Le Gardeur intends to attend the virtual hearing, but if you need to contact him before the hearing tomorrow, his phone number is 410-967-3526. Thanks so much!

Jeff

From: Theaux Le Gardeur [mailto:txlegar@gmail.com]
Sent: Monday, January 11, 2021 12:10 PM
To: Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>
Cc: Teresa Moore <teresa@thevpc.org>; elcbasset@aol.com
Subject: Re: Case 2020-0229-SPHA

CAUTION: This message from txlegar@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Mr. Perlow,

My apologies. I failed to state that it is my intent to attend the virtual hearing tomorrow.

I also wanted to clarify language related to the height concern so I have amended and provided emphasis on the height opposition in the paragraph from the letter below and have also attached a new copy.

Sincerely,
Theaux

RC-2 Zoning Layer: Under RC-2 zoning without a principle structure the height limit allowable under a nonagricultural use is 15 feet. The proposed height of 49 feet is 14 feet higher than what is allowable even under an agricultural building use for RC-2 and **34 feet higher than what is allowed under RC-2 zoning of the subject property not under an agricultural building use.**

Sincerely,
Theaux

On Mon, Jan 11, 2021 at 11:25 AM Theaux Le Gardeur <txlegar@gmail.com> wrote:

Acting Zoning Supervisor Perlow,
Attached and in-line is my written opposition to Case 2020-0229-SPHA.

Please confirm that it has been placed in the file prior to the hearing and thanks in advance for your assistance.
If you have any questions you may reach me at 410-967-3526.
Sincerely,
Theaux

January 11, 2021

Via First Class Mail and Electronic Mail

Jeff Perlow, Acting Zoning Supervisor
Zoning Review Office PAI
County Office Building
111 West Chesapeake Avenue, Room 124
Towson, Maryland 21204

RE: Case Number: 2020-0229-SPHA

Mr. Perlow and Hearing Officers,

My name is Theaux Le Gardeur, I have resided at 3456 Butler Rd, Reisterstown, MD 21111 since 2001. My property is directly adjacent to the subject property in Special Hearing Case 2020-0229-SPHA

I am concerned that the two petition requests, if approved, will affect my environmental, aesthetic and property interests and assert that my above stated interests will be harmed if approved.

Further, I am unaware of a hardship or burden that the subject property has that would allow for such a special exception and a variance

The proposed structure and the height of the proposed structure on the subject property, collectively hereafter referred to as the "building" is clearly at odds with the following:

Historical Significance: The historical setting of the Worthington Valley Historic District, and the property values of adjacent historical properties may be impacted by the building. Both my residence and outbuilding, along with two other adjacent properties and the subject property, are recognized within the Worthington Valley Historic District, BA-2215 as Caples structures BA-1120, BA-1121, BA-1122, BA-1123 that represent the historically significant agricultural community of Dover that appears on the Baltimore tax map of 1850.

Existing Conservation Easements: The subject property is currently under a conservation easement that may be impacted by the building.

RC-2 Zoning Layer: Under RC-2 zoning without a principle structure the height limit allowable under a nonagricultural use is 15 feet. The proposed height of 49 feet is 14 feet higher than what is allowable even under an agricultural building use for RC-2.

Water Quality impacts: The additional impervious surface associated with the building may adversely impact McGill Run, a designated USE III-P (wild trout water, drinking water supply) stream that, at its confluence with Piney Run at the Mantua Mill Rd Bridge forms the Western Run, then joins the Gunpowder River that empties into Loch Raven which provides drinking water for 1.5 million Baltimore Metro area residents.

Visual impacts to Horses and Hounds Scenic Byway: The subject property and proposed building is bounded by Butler Rd. and within view of Dover Rd, both parts of the Horse and Hounds Scenic Byway and may impact the view-shed.

For all of the above reasons, I respectfully request that the two petition requests are denied. Please confirm that this letter has been placed in the file prior to the hearing and thank you in advance for your assistance.

Sincerely,

\s\ Theaux M. Le Gardeur

Theaux M. Le Gardeur
3456 Butler Rd
Reisterstown, MD 2111
txlegar@gmail.com
410-967-3526

Donna Mignon

From: Donna Mignon
Sent: Monday, January 11, 2021 9:57 AM
To: 'Michael T. Wharton'
Subject: RE: 2020-0229 SPHA

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eafc8fbf582627cc7f27a85855f26c4e2>

You will need to fill out the information and hit join now when the hearing has started. You will not be able to click on the link now. Thank you. Have a great day.

From: Michael T. Wharton <mtw@wlekn.com>
Sent: Monday, January 11, 2021 9:52 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: RE: 2020-0229 SPHA

CAUTION: This message from mtw@wlekn.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Not speaking---just listening—may I have the link please? Thanks

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Monday, January 11, 2021 9:51 AM
To: Michael T. Wharton <mtw@wlekn.com>
Subject: RE: 2020-0229 SPHA

Hi Mr. Warton,

Oh Okay, sorry about that. Do you wish to speak/testify at the hearing? I will need to send you an invitation to be able to speak at the hearing. If you wish to just listen, you need to go to this link provided, fill out your name, etc. and hit join now when the hearing is about to start.

If you wish to speak at the hearing, I need to send you an invitation. Please let me know.

From: Michael T. Wharton <mtw@wlekn.com>
Sent: Monday, January 11, 2021 9:46 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: RE: 2020-0229 SPHA

CAUTION: This message from mtw@wlekn.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

No—the link to **register** is not working---I do not have a link to the meeting under my own name—can I just use someone else's? I thought I needed to register in my own name. Thank you !!

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Monday, January 11, 2021 9:42 AM
To: Michael T. Wharton <mtw@wlekn.com>
Subject: RE: 2020-0229 SPHA

Good Morning Mr. Wharton,
The link will not work until the hearing has opened. It will hearing will open about 10-15 minutes before the actual time.

If you would like to test your equipment to make sure everything is in order you can go to www.webex.com/testing-meeting

Please let me know if you need anything else. Have a great day.

From: Michael T. Wharton <mtw@wlekn.com>
Sent: Monday, January 11, 2021 9:38 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: 2020-0229 SPHA

CAUTION: This message from mtw@wlekn.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning:

The link I was given to register for this hearing tomorrow at 1:30 does not seem to be working. How do I register? Many thanks. Mike



Michael T. Wharton, Esquire
Wharton Levin Ehrmantraut & Klein, P.A.
104 West Street
P.O. Box 551
Annapolis, MD 21404-0551

voice: (800) 322-1984 or
(410) 263-5900 (x1120)
fax: (410) 263-6583
E-mail: mtw@wlekn.com
Website: www.wlekn.com

Privileged and Confidential
Attorney-Client Communication
Attorney Work Product

The information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, please be advised that any dissemination, distribution or copying is strictly prohibited. If you think that you have received this E-mail in error, please immediately E-mail the sender at "mtw@wlekn.com"



Practice social distancing and
wear a mask in public places.

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Donna Mignon

From: Donna Mignon
Sent: Monday, January 11, 2021 9:51 AM
To: 'Michael T. Wharton'
Subject: RE: 2020-0229 SPHA

Hi Mr. Warton,

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If you wish to speak at the hearing, I need to send you an invitation. Please let me know.

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Sent: Monday, January 11, 2021 9:38 AM

To: Donna Mignon <dmignon@baltimorecountymd.gov>

Subject: 2020-0229 SPHA

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Good morning:

The link I was given to register for this hearing tomorrow at 1:30 does not seem to be working. How do I register? Many thanks. Mike



Michael T. Wharton, Esquire

Wharton Levin Ehrmantraut & Klein, P.A.

104 West Street

P.O. Box 551

Annapolis, MD 21404-0551

voice: (800) 322-1984 or
(410) 263-5900 (x1120)

fax: (410) 263-6583

E-mail: mtw@wlekn.com

Website: www.wlekn.com

Privileged and Confidential
Attorney-Client Communication
Attorney Work Product

The information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, please be advised that any dissemination, distribution or copying is strictly prohibited. If you think that you have received this E-mail in error, please immediately E-mail the sender at "mtw@wlekn.com"



Practice social distancing and
wear a mask in public places.

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Donna Mignon

From: Donna Mignon
Sent: Monday, January 11, 2021 9:42 AM
To: 'Michael T. Wharton'
Subject: RE: 2020-0229 SPHA

Good Morning Mr. Wharton,

The link will not work until the hearing has opened. It will hearing will open about 10-15 minutes before the actual time.

If you would like to test your equipment to make sure everything is in order you can go to www.webex.com/testing-meeting

Please let me know if you need anything else. Have a great day.

From: Michael T. Wharton <mtw@wlekn.com>
Sent: Monday, January 11, 2021 9:38 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: 2020-0229 SPHA

CAUTION: This message from mtw@wlekn.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning:

The link I was given to register for this hearing tomorrow at 1:30 does not seem to be working. How do I register? Many thanks. Mike



Michael T. Wharton, Esquire
Wharton Levin Ehrmantraut & Klein, P.A.
104 West Street
P.O. Box 551
Annapolis, MD 21404-0551

voice: (800) 322-1984 or
(410) 263-5900 (x1120)
fax: (410) 263-6583
E-mail: mtw@wlekn.com
Website: www.wlekn.com

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Attorney Work Product

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Donna Mignon

From: Michael T. Wharton <mtw@wlekn.com>
Sent: Monday, January 11, 2021 9:38 AM
To: Donna Mignon
Subject: 2020-0229 SPHA

CAUTION: This message from mtw@wlekn.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning:

The link I was given to register for this hearing tomorrow at 1:30 does not seem to be working. How do I register? Many thanks. Mike



Michael T. Wharton, Esquire
Wharton Levin Ehrmantraut & Klein, P.A.
104 West Street
P.O. Box 551
Annapolis, MD 21404-0551

voice: (800) 322-1984 or
(410) 263-5900 (x1120)
fax: (410) 263-6583
E-mail: mtw@wlekn.com
Website: www.wlekn.com

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Attorney Work Product

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Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Bruce Doak	bdoak@bruceedoakconsulting.com	1-	New York Time	English	U.S.
Diane Carlson	soph1112@msn.com	1-	New York Time	English	U.S.
Ecko Gay	efwray@gmail.com	1-	New York Time	English	U.S.
Frank Zecca	frank.zecca@ofswealth.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Vince Greene	vince@vgarchitect.com	1-	New York Time	English	U.S.

From: webmaster@baltimorecountymd.gov
Sent: Sunday, January 10, 2021 8:08 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Diane
Last Name	Carlson
Email	Soph1112@msn.com
Phone	2407314529
Address	4157 Black rock rd
City	Hampstead
State	Maryland
ZIP Code	21074
Case Number	2020-0229-SPHA
Scheduled Hearing Date	Ok/12/2021

Debra Wiley

1-12-21
1:30pm

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Monday, December 28, 2020 12:55 PM
To: Donna Mignon
Cc: Administrative Hearings
Subject: Re: Case #2020-0229-SPHA Exhibits
Attachments: Pet. Exhibit #1.pdf; Pet. Exhibit #2.pdf; Pet. Exhibit #3.pdf; Pet. Exhibit #4.pdf; Pet. Exhibit #5.pdf; Pet. Exhibit #6.pdf; Pet. Exhibit #7.pdf; Zoning hearing exhibits list 12 28 20.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This message from bdoak@bruceedoakconsulting.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna,

I have labeled all of the exhibits and included an exhibits list.

I will know to do it this way from now on.

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

On Dec 26, 2020, at 9:19 AM, Bruce Doak <bdoak@bruceedoakconsulting.com> wrote:

Donna,

Please send an Invite to the following people as Panelists:

Vince Greene (architect)
vince@vgarchitect.com

Ecko Gay (owner)
efwray@gmail.com

✓ done
12/28
DW

Enclosed are the hearing exhibits:

<200717 BARN VIEW1 Exhibit 7A.jpeg>
<200717 BARN VIEW2 Exhibit 7B.jpeg>
<200717 BARN VIEW3 Exhibit 7C.jpeg>
<200717 BARN VIEW4 Exhibit 7D.jpeg>

Bruce

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

<RCG zoning plan 9 12 20 Exhibit 1.pdf><GIS photo Exhibit 2.pdf><SDAT Real Property
Search RCG - 9.9 ac Exhibit 3.pdf><43118 212 RCG title deed Exhibit 4.pdf><18681 81 Deed
of Conservation Easement Exhibit 5.pdf><Floor plans Exhibit 6.pdf>

Debra Wiley

From: Administrative Hearings
Sent: Monday, December 28, 2020 10:4
To: Bruce Doak
Cc: Donna Mignon
Subject: RE: Case #2020-0229-SPHA Exhib

Sp. to
Bruce -
ple'se #
and do
ext. list

1-12-21@
1:30 pm

Good Morning Bruce,

Just to let you know that the exhibits are not numbered. In addition, we are missing the Exhibit List.

Can you please resend ?

Thanks in advance; it is appreciated.

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Monday, December 28, 2020 6:00 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: FW: Case #2020-0229-SPHA Exhibits

See below that Bruce sent to my email.

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Saturday, December 26, 2020 9:20 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Case #2020-0229-SPHA Exhibits

CAUTION: This message from bdoak@bruceedoakconsulting.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna,

Please send an Invite to the following people as Panelists:

Vince Greene (architect)
vince@vgarchitect.com

Ecko Gay (owner)
efwray@gmail.com

Enclosed are the hearing exhibits:

1-12-21 @
1:30 pm

Debra Wiley

From: Donna Mignon
Sent: Monday, December 28, 2020 6:00 AM
To: Administrative Hearings
Subject: FW: Case #2020-0229-SPHA Exhibits
Attachments: RCG zoning plan 9 12 20 Exhibit 1.pdf; GIS photo Exhibit 2.pdf; SDAT Real Property Search RCG - 9.9 ac Exhibit 3.pdf; 43118 212 RCG title deed Exhibit 4.pdf; 18681 81 Deed of Conservation Easement Exhibit 5.pdf; Floor plans Exhibit 6.pdf

Follow Up Flag: Follow up
Flag Status: Flagged



See below that Bruce sent to my email.

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Saturday, December 26, 2020 9:20 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Case #2020-0229-SPHA Exhibits

CAUTION: This message from bdoak@bruceedoakconsulting.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna,

Please send an Invite to the following people as Panelists:

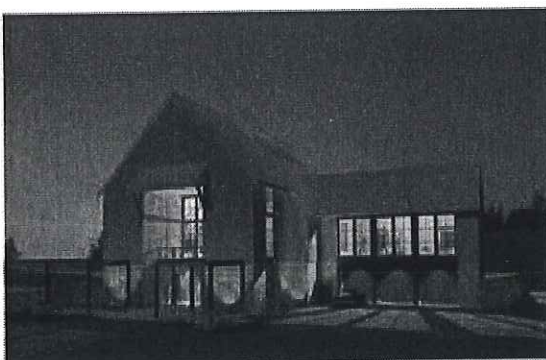
Vince Greene (architect)
vince@vgarchitect.com

Ecko Gay (owner)
efwray@gmail.com

Invite 12/28/20 @ 10:50 am
D. Wiley

Enclosed are the hearing exhibits:

SC0211H0RVINCENTGREENE



2466 BUTLER ROAD
NEEDHAM HILLS, MA

VIEW 1
2020-12-23

SIC3E1IH3RVINCEN7GRENE SIC3E1IH3RVINCEN7GRENE SIC3E1IH3RVINCEN7GRENE SIC3E1IH3RVINCEN7GRENE



1466 BUTLER ROAD
ACCESSORY BLDG

VIEW 2
SCALE 1/8"



1466 BUTLER ROAD
ACCESSORY BLDG

VIEW 3
SCALE 1/8"



1466 BUTLER ROAD
ACCESSORY BLDG

VIEW 4
SCALE 1/8"

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

Edit Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

Panelists to Invite

	Name	Email address	Phone number	Language	Time Zone	Locale
☐	<u>Deb Wiley</u> (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Henry Ayakwah</u> (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Maureen Murphy</u> (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Bruce Doak</u>	bdoak@bruceedoakconsulting.com	1-	English	New York Time	U.S.
☐	<u>Frank Zecca</u>	frank.zecca@ofswealth.com	1-	English	New York Time	U.S.
☐	<u>Paul Mayhew</u>	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Vince Greene</u>	vince@vgarchitect.com	1-	English	New York Time	U.S.
☐	<u>Ecko Gay</u>	efwray@gmail.com	1-	English	New York Time	U.S.

New Panelist

Full name: (required)

Email address: (required)

Phone number: Country/Region Number (with area/city code)

Time Zone: ▼

Language: ▼

Locale: ▼

☐ Add new panelist in my address book

☐ Invite as alternate host

*Invited 12/28/20 @ 10:50 AM
D. Wiley*

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: AGRICULTURAL TRANSFER TAX		
Account Identifier:		District - 04 Account Number - 2400003987
Owner Information		
Owner Name:	RCG REVOCABLE TRUST	Use: AGRICULTURAL Principal Residence: NO
Mailing Address:	STE 700N CO F ZECCA 7950 JONES BRANCH DR MCLEAN VA 22107-	Deed Reference: /43118/ 00212
Location & Structure Information		
Premises Address:	BUTLER RD REISTERSTOWN 21136-	Legal Description: 9.903 AC WS BUTLER RD DOVER RD
Map:	Grid:	Parcel:
0032	0022	0237
Neighborhood:	Subdivision:	Section:
4020022.04	0000	
Block:	Lot:	Assessment Year:
		2019
Town: None		Plat No:
		Plat Ref:
Primary Structure Built	Above Grade Living Area	Finished Basement Area
		Property Land Area
		9.9000 AC
		County Use
		05
Stories	Basement	Type
		Exterior
		Quality
		Full/Half Bath
		Garage
Last Notice of Major Improvements		
Value Information		
	Base Value	Value
		As of
		01/01/2019
Land:	3,200	3,200
Improvements	0	0
Total:	3,200	3,200
Preferential Land:	3,200	3,200
		Phase-in Assessments
		As of
		07/01/2020
		As of
		07/01/2021
		3,200
		3,200
Transfer Information		
Seller: BORDEN SCOTT C	Date: 07/13/2020	Price: \$950,000
Type: ARMS LENGTH MULTIPLE	Deed1: /43118/ 00212	Deed2:
Seller: PENSIO LLC	Date: 08/28/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00000/ 00000	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: AGRICULTURAL TRANSFER TAX		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		Date:

**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: 2020-0229-SPHA
Property Address: BUTLER ROAD
Property Description: 9.9 AC PARCEL OF LAND, 2900' SOUTHERLY OF
DOVER ROAD
Legal Owners (Petitioners): RCG REVOCABLE TRUST
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK
Company/Firm (if applicable): _____
Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053

Telephone Number: 410-419-4906

Revised 5/20/2014



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 BUTLER ROAD which is presently zoned RC2
 Deed References: 93/18/212 (PARCEL 2) 10 Digit Tax Account # 2400003987
 Property Owner(s) Printed Name(s) RCG REVOCABLE TRUST

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

SEE ATTACHED PAGE

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

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

SEE ATTACHED PAGE

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

TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

RCG REVOCABLE TRUST - ECKO GAY

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2020-0229-SPA

Filing Date 9/10/20

Do Not Schedule Dates:

Reviewer JS

Zoning Hearing Petitions Being Requested

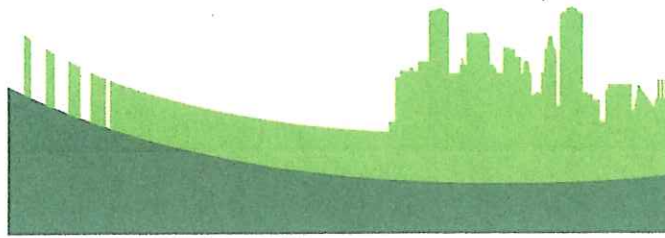
Case # 2020-0229-SPHA

Special Hearing

1) to permit an accessory structure on the subject property without a principal structure

Variance

1) to permit the height of an accessory structure of 49 feet in lieu of the maximum height of 15 feet per Section 400.3 BCZR.



Zoning Description

Butler Road- 9.9029 Acre Parcel
Forth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point in the bed of Butler Road, approximately 2,400 feet southerly of the centerline of Dover Road, thence running in the bed of Butler Road and running with and binding on the outlines of the subject property, the two following courses and distances, viz 1) South 27 degrees 42 minutes 57 seconds West 28.31 feet and 2) South 28 degrees 47 minutes 20 seconds West 23.06 feet, thence leaving Butler Road and continuing to run and bind on the outlines of the subject property, the eleven following courses and distances, viz. 3) North 48 degrees 08 minutes 28 seconds West 475.90 feet, 4) North 50 degrees 15 minutes 43 seconds West 400.01 feet, 5) North 49 degrees 06 minutes 45 seconds West 219.07 feet, 6) North 43 degrees 11 minutes 04 seconds West 481.54 feet, 7) North 50 degrees 14 minutes 41 seconds East 475.74 feet, 8) South 30 degrees 38 minutes 29 seconds East 848.92 feet, 9) South 65 degrees 22 minutes 26 seconds East 332.95 feet, 10) South 51 degrees 38 minutes 00 seconds East 78.23 feet, 11) South 76 degrees 29 minutes 51 seconds West 248.00 feet, 12) South 13 degrees 38 minutes 47 seconds East 155.24 feet and 13) South 48 degrees 08 minutes 28 seconds East 300.19 feet to the point of beginning.

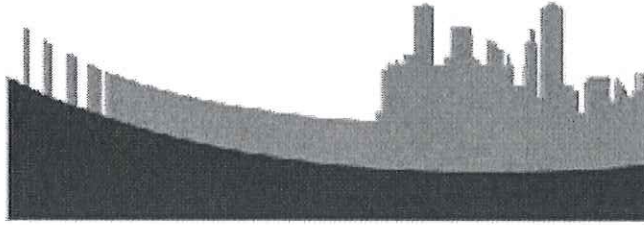
Containing 9.9029 acres of land, more or less.

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



2020-0729-SP4A



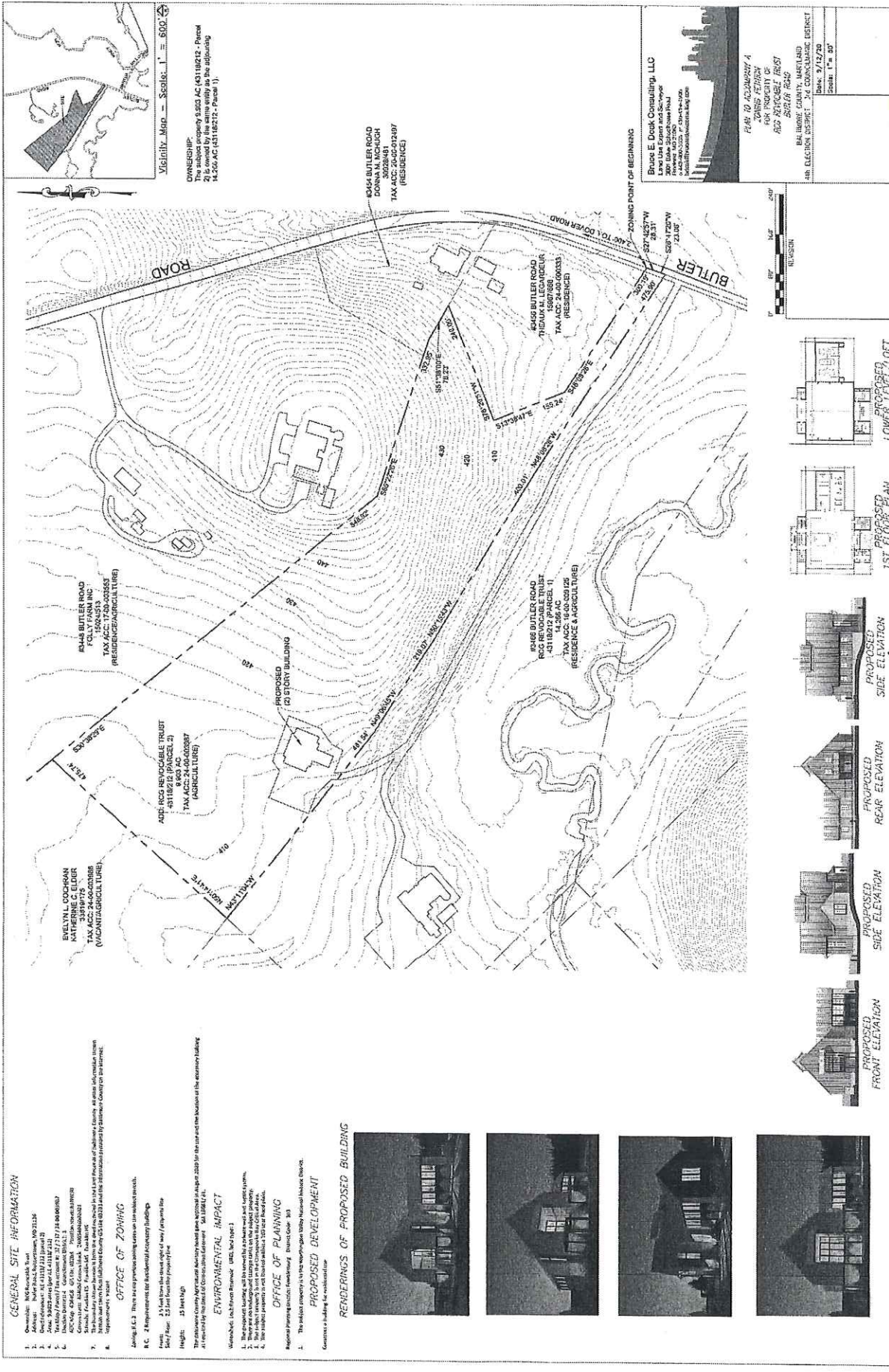
DNL
1/14/21

CASE #2020-0229-SPHA EXHIBITS
(In the order of submittal)

- 1) Plan to Accompany a Zoning Petition
- 2) Aerial photo
- 3) SDAT real estate report

- 4) Title deed 43118/ 212
- 5) (2) Deed of Conservation Easements (1st pages only)
- 6) Floor plans
- 7) Barn views A-D
- 8) Flood Plain Map A-B
- 9) Building Use Letter

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



GENERAL SITE INFORMATION

- 1. Owner: [Name]
- 2. Address: [Address]
- 3. Date: [Date]
- 4. Title: [Title]
- 5. Project: [Project Name]
- 6. Location: [Location]
- 7. [Other details]

OFFICE OF ZONING

- 1. [Text]
- 2. [Text]
- 3. [Text]
- 4. [Text]
- 5. [Text]

ENVIRONMENTAL IMPACT

- 1. [Text]
- 2. [Text]
- 3. [Text]
- 4. [Text]
- 5. [Text]

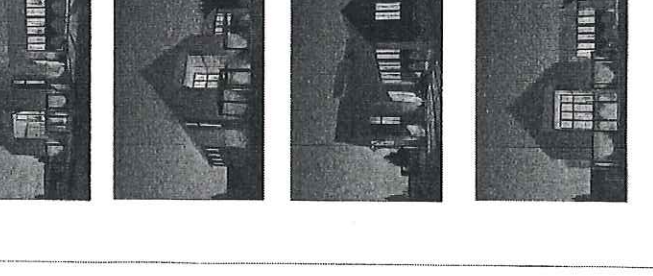
OFFICE OF PLANNING

- 1. [Text]
- 2. [Text]
- 3. [Text]
- 4. [Text]
- 5. [Text]

PROPOSED DEVELOPMENT

- 1. [Text]
- 2. [Text]
- 3. [Text]
- 4. [Text]
- 5. [Text]

RENDERINGS OF PROPOSED BUILDING



Gay
Pete
1905
Green
Side
1905
Floods
Pet. Exhibit #1



POT. EXHIBIT #2

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: AGRICULTURAL TRANSFER TAX					
Account Identifier:		District - 04 Account Number - 2400003987			
Owner Information					
Owner Name:	RCG REVOCABLE TRUST		Use:	AGRICULTURAL	
Mailing Address:	STE 700N CO F ZECCA 7950 JONES BRANCH DR MCLEAN VA 22107-		Principal Residence:	NO	
			Deed Reference:	/43118/ 00212	
Location & Structure Information					
Premises Address:		BUTLER RD REISTERSTOWN 21136-		Legal Description:	9.903 AC WS BUTLER RD DOVER RD
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0032	0022	0237	4020022.04	0000	
			Block:	Lot:	Assessment Year:
					2019
					Plat No:
					Plat Ref:
Town: None					
Primary Structure Built		Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
				9.9000 AC	05
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
Garage					
Last Notice of Major Improvements					
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2019	07/01/2020	07/01/2021
Land:		3,200	3,200		
Improvements		0	0		
Total:		3,200	3,200	3,200	3,200
Preferential Land:		3,200			3,200
Transfer Information					
Seller: BORDEN SCOTT C		Date: 07/13/2020		Price: \$950,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /43118/ 00212		Deed2:	
Seller: PENSIO LLC		Date: 08/28/2003		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /00000/ 00000		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2020		07/01/2021
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00		0.00 0.00
Special Tax Recapture: AGRICULTURAL TRANSFER TAX					
Homestead Application Information					
Homestead Application Status: No Application					

Pet. Exhibit #3

This Deed, made this 1st day of July, 2020, by and between **Scott Cameron Borden** and **Christina Cromwell Borden**, GRANTORS, and **RCG Revocable Trust**, GRANTEE.

Witnesseth —

That in consideration of the sum of Nine Hundred Fifty Thousand and 00/100 Dollars (\$950,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantee, as sole owner, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

Parcel 1

Beginning for the same in the bed of Butler Road at a point distant 23.06 feet from the beginning of the thirtieth or south 28 degrees 47 minutes 20 seconds west 273.06 foot line of that tract of land which by deed dated April 12, 1962 and recorded among the Land Records of Baltimore County in Liber WJR No. 3978, folio 132, etc., was conveyed by Robert Gordon Caples et al. to Vincent T. Caples, Jr., et al., thence running with and binding on a part of said line and in the bed of said road south 28 degrees 47 minutes 20 seconds west 250.00 feet to the end of said line, thence leaving said road and running with and binding on the thirty-first and thirty-second lines of said deed the following two courses and distances north 63 degrees 14 minutes 30 seconds West 188.55 feet to a pipe heretofore planted at the end of the thirty-first line and south 28 degrees 41 minutes 30 seconds west 216.44 feet to a pipe heretofore planted at the end of said thirty-second line, thence running for a line of division north 49 degrees 06 minutes 15 seconds west 1042.86 feet to the beginning of the forty-sixth line of said deed, thence running with and binding on said forty-sixth line and part of the first line of said deed the two following courses and distances north 36 degrees 22 minutes 20 seconds west 1461.20 feet to a concrete monument heretofore planted at the end of said forty-sixth line and north 50 degrees 21 minutes 27 seconds east 330.00 feet, thence leaving said first line and running for lines of division the four following courses and distances south 43 degrees 11 minutes 04 seconds east 1411.15 feet, south 49 degrees 06 minutes 45 seconds east 219.07 feet, south 50 degrees 15 minutes 43 seconds east 400.01 feet and south 49 degrees 08 minutes 28 seconds east 475.90 feet to the place of beginning. Containing 26.137 acres of land more or less.

Subject to a 50-foot right of way for drainage and utilities and for ingress and egress adjacent to the sixth line and extending from the fifth to the seventh line of the above description.

Together with the use in common with others entitled thereto to a 50-foot right of way for drainage and utilities and for ingress and egress adjacent to the first line of that tract of land which by Deed dated April 12, 1962 and recorded among the Land Records of Baltimore County in Liber WJR No. 3978, folio 132, etc. was conveyed by Robert Gordon Caples et al. to Vincent T. Caples, Jr., et al. and extending from a point distant 330 feet northeasterly from the beginning of said line to the Dover Road.

Saving and Excepting therefrom the properties referenced as "Parcel E" and "Parcel G" in Deed dated July 30, 2003 and recorded among the Land Records of Baltimore County, Maryland in Liber 18678, folio 371.

For Informational Purposes Only:

The improvements thereon being known as 3466 Butler Road, Reisterstown, Maryland 21136.

Tax Id. No. (04)16-00-009125

Being a portion of the same property which by Deed dated April 15, 1999 and recorded among the Land Records of Baltimore County, Maryland in Liber 13713, folio 137, was

AGRICULTURAL TRANSFER TAX

granted and conveyed by Patricia L. Borden, and Scott Cameron Borden and Christina Cromwell Borden.

Parcel 2

VACANT LAND

Beginning for the same at the beginning of the fifth or north 48 degree 08 minute 28 second west 475.90 foot line of that parcel of land described in a deed dated January 4, 2001 and recorded among the Land Records of Baltimore County in Liber 14925, folio 581 was conveyed by Patricia Bennett-Greenwell and Pete Caples, Trustees of the Robert M. Caples Irrevocable Living Trust to PENSIO, LLC, a Maryland Limited Liability Company, said point also being the beginning point of that parcel of land described in a deed dated April 15, 1999 and recorded among the Land Records of Baltimore County in Liber 13713, folio 137 was conveyed by Patricia Bennett to Scott Cameron Borden and Christina Cromwell Borden, said point of beginning also being in the bed of Butler Road, Maryland Route 128; thence leaving said Butler Road and running and binding along the fifth, sixth, seventh and part of the eighth line of the first mentioned deed and running and binding along the outlines of the second mentioned deed

1. North 48 degrees 08 minutes 28 seconds west 475.90 feet
2. North 50 degrees 15 minutes 43 seconds west 400.01 feet
3. North 49 degrees 06 minutes 45 seconds west 219.07 feet and
4. North 43 degrees 11 minutes 04 seconds west 481.54 feet; thence leaving said eighth line and running for a new line of division through the first mentioned parcel of land
5. North 50 degrees 14 minutes 41 seconds east 475.74 feet to intersect the tenth or south 30 degree 38 minute 29 second east 1787.38 foot line of the first mentioned parcel of land; thence running and binding along said line to the end thereof and also running and binding along the eleventh and part of the twelfth line of the first mentioned deed
6. South 30 degrees 38 minutes 29 seconds east 848.92 feet
7. South 65 degrees 22 minutes 26 seconds east 332.95 feet and
8. South 51 degrees 38 minutes 00 seconds east 78.23 feet to intersect the end of the sixth or north 68 degree 05 minute 39 second east 248.00 foot line of that parcel of land described in a deed dated December 17, 2001 and recorded among the Land Records of Baltimore County in Liber 15967, folio 688 was conveyed by PENSIO, LLC to Theaux M. Legardeur; thence running and binding reversely along said sixth, fifth and fourth line of the last mentioned deed
9. South 76 degrees 29 minutes 51 seconds west 248.00 feet
10. South 13 degrees 38 minutes 47 seconds east 155.24 feet and
11. South 48 degrees 08 minutes 28 seconds east 300.19 feet to a point in the bed of the aforementioned Butler Road, said point also being on the third line of the first mentioned deed; thence running and binding along said third line to the end thereof and binding along the fourth line of the first mentioned deed and also binding along the bed of Butler Road
12. South 27 degrees 42 minutes 57 seconds west 28.31 feet and
13. South 28 degrees 47 minutes 20 seconds west 23.06 feet to the place of beginning, containing 9.9029 acres, more or less.

For Informational Purposes Only:

Tax Id. No. (04)24-00-003987

Being "Parcel C" in Deed dated July 30, 2003 and recorded among the Land Records of Baltimore County, Maryland in Liber 18678, folio 371.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said RCG Revocable Trust, as sole owner, in fee simple.

And the Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant Specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

In Witness Whereof, Grantors have caused this Deed to be properly executed and sealed the day and year first above written.

 (SEAL)
Scott Cameron Borden

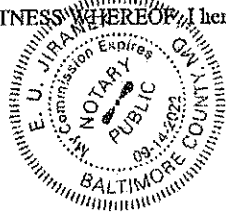
 (SEAL)
Christina Cromwell Borden

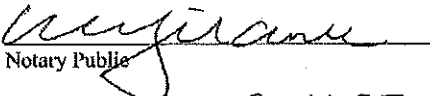
STATE OF MARYLAND
COUNTY OF BALTIMORE

} ss

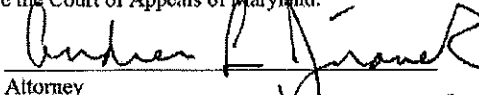
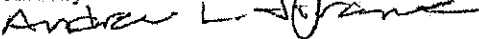
I hereby certify that on this 20 day of June, 2020, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Scott Cameron Borden and Christina Cromwell Borden, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.




Notary Public
My Commission Expires: 9-14-22

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.


Attorney


AFTER RECORDING, PLEASE RETURN TO:
American Land Title Corporation
16 Willow Avenue
Towson, MD 21286

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor Christina Cromwell Borden

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

3466 Butler Road, Reisterstown, MD 21136

3. Reasons for Exemption

Resident Status



As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.



Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence

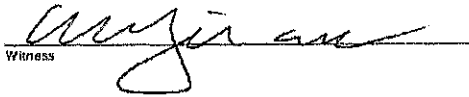


Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness



Christina Cromwell Borden

Name

7-1-2020

**Date



Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

**Date

Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor Scott Cameron Borden

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).
3466 Butler Road, Reisterstown, MD 21136

3. Reasons for Exemption

Resident Status



As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.



Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence



Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Angela

Scott Cameron Borden

Name

**Date

7/1/2020

Signature

Scott Borden

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

**Date

Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

1	Type(s) of Instruments	☐ Check Box if addendum Intake Form is Attached.)					
	☒ Deed Deed of Trust	☐ Mortgage Lease	☐ Other _____	☐ Other _____			
2	Conveyance Type Check Box	☒ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms- Length Sale [9]		
3	Tax Exemptions (if applicable)	Recordation					
	Cite or Explain Authority	State Transfer					
		County Transfer					
4	Consideration and Tax Calculations	Consideration Amount			Finance Office Use Only		
		Purchase Price/Consideration	\$	950,000.00	Transfer and Recordation Tax Consideration		
		Any New Mortgage	\$		Transfer Tax Consideration	\$	
		Balance of Existing Mortgage	\$		X () % =	\$	
		Other:	\$		Less Exemption Amount	\$	
		Other:	\$		Total Transfer Tax	\$	
		Full Cash Value:	\$		Recordation Tax Consideration	\$	
				X () per \$500 =	\$		
				TOTAL DUE	\$		
5	rev. sdat Fees	Amount of Fees		Doc. 1	Doc. 2	Agent:	
		Recording Charge	\$	20.00	\$		
		Surcharge	\$	40.00	\$		
		State Recordation Tax	\$	4,750.00	\$		
		State Transfer Tax	\$	4,750.00	\$		
		County Transfer Tax	\$	14,250.00	\$		
		Other	\$		\$		
		\$		\$			
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
			(04)18-00-009125				
		Subdivision Name	Lot (Ja)	Block (Jb)	Sect/AR (Jc)	Plat Ref.	SqFt/Acreage (d)
		Location/Address of Property Being Conveyed (2)					
		3486 Butler Road, Reisterstown, MD 21136					
		Other Property Identifiers (if applicable)					
		(04)24-00-003987					
		Residential ☒ or Non-Residential ☐ Fee Simple ☒ or Ground Rent ☐ Amount: N/A					
		Partial Conveyance? ☐ Yes ☒ No Description/Amt. of SqFt/Acreage Transferred: N/A					
		If Partial Conveyance, List Improvements Conveyed: N/A					
7	Transferred From	Doc. 1 – Grantor(s) Name(s)			Doc. 2 – Grantor(s) Name(s)		
		Scott Cameron Borden					
		Christina Cromwell Borden					
		Doc. 1 – Owner(s) of Record, if Different from Grantor(s)			Doc. 2 – Owner(s) of Record, if Different from Grantor(s)		
8	Transferred To	Doc. 1 – Grantee(s) Name(s)			Doc. 2 – Grantee(s) Name(s)		
		RCG Revocable Trust					
		New Owner's (Grantee) Mailing Address					
		c/o Frank Zucca, 7950 Jones Branch Drive, Suite 700N, McLean, VA 22107					
9	Other Names to Be Indexed	Doc. 1 – Additional Names to be Indexed (Optional)			Doc. 2 – Additional Names to be Indexed (Optional)		
10	Contact/Mail Information	Instrument Submitted By or Contact Person				☒ Return to Contact Person	
		Name: Betsy Jiranek				☐ Hold for Pickup	
		Firm: American Land Title Corporation				☐ Return Address Provided	
		Address: 16 Willow Avenue Towson, MD 21286 Phone: (410) 825-2582					
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER						
	Assessment Information	☐ Yes ☒ No	Will the property being conveyed be the grantee's principal residence?				
		☐ Yes ☒ No	Does transfer include personal property? If yes, identify:				
		☐ Yes ☒ No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).				
	Assessment Use Only – Do Not Write Below This Line						
	Terminal Verification	Agricultural Verification	Whole	Part	Tran. Process Verification		
	Transfer Number	Date Received:	Deed Reference:	Assigned Property No.:			
	Year	20	20	Geo.	Map	Sub	Block
	Land			Zoning	Grid	Plat	Lot
	Buildings			Use	Parcel	Section	Occ. Cd.
	Total			Town Cd.	Ex. St.	Ex. Cd.	
	REMARKS:						

DEED OF CONSERVATION EASEMENT21—EAG-015Job Order 217-0001-2002Item 1AElection District 4

THIS DEED OF CONSERVATION EASEMENT (this "Easement"), made this 30 day of July 2003, by and among SCOTT CAMERON BORDEN and CHRISTINA CROMWELL BORDEN, husband and wife, (hereinafter referred to as the "Grantor,") and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, to the use of the Department of Environmental Protection and Resource Management (hereinafter referred to as "DEPRM") on behalf of the Baltimore County Agricultural Land Preservation Advisory Board (hereinafter referred to as the "Grantee.")

I. RECITALS

A. Article XI, Section 14-457, of the Baltimore County Code, 1988, as amended, created the Baltimore County Agricultural Land Preservation Program to preserve productive agricultural land; and

B. By authority of the Agricultural Land Preservation Article, Section 14-458, Baltimore County Code, 1988, as amended, the Grantee may purchase development rights or may accept the donation of development rights to restrict land to agricultural or open space use; and

C. The Grantor owns in fee simple 24.169 acres of certain real property (the "Property") situate, lying and being in the Fourth Election District of Baltimore County, Maryland, and more particularly described in Exhibit "A" attached hereto, which was conveyed by Deed dated:

D. The Grantor desires to convey an agricultural preservation Easement to the Grantee to restrict the Property to agricultural or open space use in perpetuity, in order to conserve and preserve the significant conservation values including the natural, agricultural, forestry, environmental, scenic, rural, woodland and wetland characteristics of the Property, maintain viable resource-based land use and proper management of tillable and wooded areas of the Property, and, to the extent hereinafter provided, prevent the use or development of the Property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space condition.

NOW, THEREFORE, THIS DEED OF CONSERVATION EASEMENT, WITNESSETH, that for and in consideration of the sum of Seventy-two Thousand, Three Hundred Eighty-six and 16/100 Dollars (\$72,386.16), which equals \$ 2,995.00 per acre, the receipt of which is hereby acknowledged, the Grantor for the Grantor, its successors and assigns, do hereby grant and convey to Baltimore County, Maryland, as Grantee, its successors and assigns, an agricultural preservation Easement, in, on, and over the Property, subject to the covenants, conditions, limitations and restrictions herein set forth.

NO CONSIDERATION

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT (this "Easement"), made this 27th day of December, 2002, by and among Pensio, LLC, Folly Farm, Inc., Scott C. Borden and Christina C. Borden ("Grantors") and Land Preservation Trust, Inc., as agent for the Grantors ("Grantee").

I. RECITALS

A. The Grantors intend to convey a conservation easement on terms as set forth herein to Baltimore County, Maryland, a body corporate and politic, to the use of the Department of Environmental Protection and Resource Management (hereinafter referred to as "DEPRM") on behalf of the Baltimore County Agricultural Land Preservation Advisory Board and have appointed the Grantee as their agent to effect such conveyance.

B. Article XI, Section 14 - 457, of the Baltimore County Code, 1988, as amended, created the Baltimore County Agricultural Land Preservation Program to preserve productive agricultural land; and

C. By authority of the Agricultural Land Preservation Article, Section 14 - 458, Baltimore County Code, 1988, as amended, Baltimore County may purchase development rights or may accept the donation of development rights to restrict land to agricultural or open space use; and

D. The Grantors collectively own in fee simple ninety-three (93) acres of certain real property consisting of four parcels (the "Property") situate, lying and being in the Fourth Election District of Baltimore County, Maryland, and more particularly described in Exhibit A attached hereto, which was conveyed to:

- (i) Pensio, LLC by Patricia Bennett-Greenwall and Pete Caples, Trustees of the Robert M. Caples Irrevocable Living Trust by deed dated January 4, 2001 and recorded among the Land Records of Baltimore County, Maryland in Liber 14925, folio 581 excepting however the conveyance therefrom of 2.175 acres to Theaux M. Legardeur by deed dated December 17, 2001 and recorded among the Land Records of Baltimore County, Maryland at Liber 15967, folio 688, as to one parcel and by Richard J. Caples by deed dated January 4, 2001 and recorded among the Land Records of Baltimore County, Maryland in Liber 14925, folio 577 as to a second parcel,
- (ii) Folly Farm, Inc. (formerly named "ELG Realty Corporation") by Pete Caples by deed dated February 25, 1999 are recorded among the Land Records of Baltimore County, Maryland in Liber 15024, folio 513, and
- (iii) Scott C. Borden and Christina C. Borden by Patricia L. Bennett by deed dated

April 15, 1999 and recorded among the Land Records of Baltimore County, Maryland in Liber 13713, folio 173.

E. The Grantors desire to convey an agricultural preservation Easement to Baltimore County to restrict the Property to agricultural or open space use in perpetuity, in order to conserve and preserve the significant conservation values including the natural, agricultural, forestry, environmental, scenic, rural, woodland and wetland characteristics of the Property, maintain viable resource-based land use and proper management of tillable and wooded areas of the Property, and, to the extent hereinafter provided, prevent the use or development of the Property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space condition;

NOW, THEREFORE, THIS DEED OF EASEMENT, WITNESSETH, that for and in consideration of the sum of Zero Dollars (\$0.00), the receipt of which is hereby acknowledged, the Grantors for the Grantors, their heirs, successors, personal representatives, and assigns, do hereby grant and convey to Grantee as agent for the Grantors, its successors and assigns, an agricultural preservation Easement, in, on, and over the Property, subject to the covenants, conditions, limitations and restrictions herein set forth.

AND the Grantors covenant for the Grantors, their heirs, successors, personal representatives, and assigns, with the Grantee, its successors and assigns to do and refrain from doing upon the Property all and any of the various acts hereafter set forth, it being the intention of the parties that said Property shall be preserved for the agricultural use and open space use as defined in and in accordance with the provisions of the Article XI, Section 14 - 457, of the Baltimore County Code, 1988, as amended, and that the covenants, conditions, limitations, and restrictions hereafter set forth are intended to limit the use of the above described land and are deemed to be and shall be construed as covenants running with the land.

II. COVENANTS, CONDITIONS, LIMITATIONS, AND RESTRICTIONS

Subject to the reservations hereinafter contained and except as otherwise provided herein, the Grantors, for the Grantors', their heirs, successors, personal representatives and assigns, covenant and agrees as follows:

A. The Easement shall be in perpetuity. The Grantors hereby specifically waive any rights to terminate under Section 14-462 of the Baltimore County Code, 1988, as amended. The Property shall not be converted to non-agricultural uses unless that use is consistent with maintaining the natural productivity of the land for future agricultural uses.

B. Other than farming, silviculture, horticulture, noncommercial hunting and fishing for the benefit of the owners and their guests, forestry and other types of agriculture, industrial, commercial recreational, or commercial activities are prohibited on the Property, except for (a) the sale of Agricultural products produced on the Property, for (b) such activities as can be conducted in the residential structure without alteration of the size and external appearance thereof, and for (c) if zoning and other administrative approvals have been obtained in accordance with Article II other

commercial or educational uses that relate to agriculture such as farm markets and farm festivals subject to the approval of Baltimore County.

"Agriculture" (or "Agricultural" as the context requires) means all methods of production and management of livestock, crops, trees and other vegetation, as well as aquaculture. This includes the related activities of tillage, fertilization, pest control and harvesting as well as the feeding, housing, breeding, training and maintaining of animals such as cows, sheep, goats, hogs, horses and poultry.

C. The Grantors shall manage the Property in accordance with sound agricultural soil and water conservation practices using a conservation plan that is developed utilizing the standards and specifications of the Natural Resources Conservation Service (NRCS) and approved by the local soil conservation district so as to promote the agricultural capability of the Property.

D. The Grantors shall implement all soil conservation and water quality practices that are contained within a Soil Conservation Plan (the "Plan") approved by the local soil conservation district, made or revised within the last ten (10) years of the date of the application to sell an Easement, which lists all soil conservation and water quality problem areas on the Property provided no undue financial burden shall be imposed upon the Grantors. The Plan shall be implemented according to the schedule of implementation contained within the Plan that exists within six (6) months of Easement settlement. Revisions to the schedule of implementation may be made as approved by the Board of Supervisors of the local soil conservation district, however, the Plan shall be fully implemented within ten (10) years of the Easement settlement date. Exceptions may be considered by Baltimore County on a case-by-case basis.

E. The Grantors shall manage woodlots in accordance with sound forestry practices in accordance with a Forest Stewardship Plan approved by the Maryland Department of Natural Resources, Forest Service that will consider multiple resource objectives and assure protection of soil and water resources.

F. Signs, billboards or outdoor advertising structures may not be displayed on the Property, except that one sign, not exceeding applicable county zoning regulations, may be displayed to state the name of the Property and the name and address of the occupant, to advertise an activity permitted above, and to advertise the Property for sale or rental.

G. No dumping of ashes, sawdust, bark, trash, rubbish, or any other material, except that which is for regular agricultural use, shall be permitted on the Property.

H. No other Easements including, but not limited to, rights-of-ways to other properties, oil, gas, mineral, power line, microwave towers, forest mitigation, or other similar servitudes may be conveyed, or permitted to be established in, on, under or through the above described Property without the Baltimore County's express permission.

I. In case of doubt concerning the appropriateness or permissibility of the use of the Property, the Grantors may submit a written request to Baltimore County for consideration and approval of the use.

J. This instrument shall not be deemed to provide for or permit public access to any privately owned land.

K. The Grantors reserve all other rights, privileges, and incidents to the ownership of the fee simple estate in the above described Property not hereby conveyed or otherwise limited by the covenants, conditions, limitations, and restrictions herein set forth.

L. The Grantors hereby grant to the Grantee all remaining development rights that are now or hereafter allocated to, implied, reserved or inherent in the Property. All such granted development rights which may now or hereafter become or represent a transferable density right attributable to the Property are hereby assigned and transferred to Baltimore County and may be sold by it as a participant in any transferable density rights program for use outside of the Agricultural Preservation Areas, as defined in the 2010 Baltimore County Master Plan, as amended, but may not be used or transferred to any portion of the Property as it now or hereafter may be bounded or described, or to any other protected Property adjacent thereto nor used for the purpose of calculating permissible lot yield of the Property.

M. Nothing in this Article II creates any right in Grantors to engage in any activity or undertake any construction on the Property without complying fully with all laws and administrative requirements related to the activity or construction on the Property, including zoning, subdivision, grading, stormwater management, building and all permitting. If any activity or construction permitted by this Article II is prohibited by any law, or if Grantors do not obtain any administrative approval or permission required to engage in the activity or construction, Grantors may not engage in the activity and the construction may not be undertaken by Grantors. Further, nothing in this Article II constitutes or shall be deemed or implied as constituting approval, authorization or consent by Baltimore County to any activity or construction on the Property, or waives any requirement of law or regulation.

III. SUBDIVISION, CONSTRUCTION AND IMPROVEMENTS

A. The Grantee acknowledges that there is one existing tenant house on the Property. The tenant house may not be subdivided or conveyed independent of the original parcel and no additional tenant houses are permitted.

B. The Grantee acknowledges the existence of two main dwelling that exist on the Property. These dwelling may not be subdivided from the Easement. The Grantors may if necessary replace them with new buildings utilizing the same location. The Grantors may modify, enlarge or alter the main dwellings and the tenant house, **however, the tenant house shall not exceed 2,500 square feet in total size.** If the Grantors wish to replace the dwellings with new houses elsewhere on the Property, the locations are subject to the approval of the Baltimore County.

D. The Grantors may construct, restore, and enlarge accessory and principal structures designed, constructed and utilized for agricultural purposes subject to approval of Baltimore County. Structures shall not be located on Class I, II, or III soils as indicated in the Baltimore County Soil Survey unless no other location is suitable and locating a structure on these soils will not significantly diminish the agricultural resources of the Property. Baltimore County shall have the right to review and reject any proposed location that would have a significant negative impact on the scenic view from Butler and Dover Roads. Baltimore County shall make a final determination of what constitutes "significant negative impact." Baltimore County may not reject any reasonable location and must state its reasons for any rejection in writing to the Grantors.

F. The Property shall not be subdivided into more than three (3) parcels of land as described in Exhibit C. No additional subdivision or lot line adjustments are permitted.

DEPRM or any other department, agency or other public body or person duly authorized by the County Executive, shall have the right with a minimum 14 day notice to the landowner to enter on the above-described Property from time to time for the sole purpose of inspection and enforcement of the Easements, covenants, conditions, limitations, and restrictions herein contained. However, Baltimore County shall not have the right to inspect the interior of any residential dwelling or building designated as a residential dwelling on the Property.

1. institute suits to enjoin any breach or enforce any covenant by ex parte, temporary, and/or permanent injunction either prohibitive or mandatory; and
2. require that the Property be restored promptly to the condition required by this Deed of Easement.

5

ARTICLE V. EXHIBITS

The following exhibits are hereby made a part of this Easement:

- A. Exhibit A: Boundary Description and Property Reference is attached hereto and made a part hereof. Exhibit A consists of six (6) pages.
- B. Exhibit B: Annotated aerial photograph of the Property With Labels is kept on file at the principal office of DEPRM and is fully and completely incorporated into this Easement as though attached hereto and made a part of this Deed of Easement.
- C. Exhibit C: Boundary Description and Property Reference for the three (3) subdivisions are attached hereto and made a part hereof. Exhibit C consists of a plat.

VI. MISCELLANEOUS

- A. The Grantee has been appointed herein the agent of the Grantors for the sole purpose of executing and delivering on behalf of the Grantors a contract with Baltimore County to convey a conservation easement on the same terms as set forth herein and pursuant to that contract to execute and deliver a deed of conservation easement on such terms in consideration of the payment of a sum not less than Two Hundred Seventy Eight Thousand Five Hundred Thirty-Five Dollars (\$278,535.00) and upon receipt of such sum to immediately pay over to the Grantors that sum less any expenses the Grantee may incur up to Two Thousand Dollars (\$2,000.00). The Grantors agree to indemnify and hold the Grantee harmless from any claims arising out of the contemplated transaction. In the event that settlement with Baltimore County has not occurred on or before March 31, 2003, then the Grantee shall reconvey all interests herein conveyed upon written demand of any of the Grantors.
- B. The Grantors further covenant that the Grantors have not done or suffered to be done any act, matter, or thing whatsoever, to encumber the Property hereby conveyed; that the Grantors will warrant specially the Property interest hereby conveyed; and the Grantors will execute such further assurances of the same as may be required.
- C. As used herein the singular form of a word includes both the singular and plural, the plural form of a word includes both plural and singular, and reference the words of certain gender includes reference to all genders.
- D. No determination by any court, governmental body, or otherwise that any provision of this Deed of Easement is invalid or unenforceable in any instance shall affect the validity or enforceability of (a) any other such provision or (b) such provision in any circumstance not controlled by such determination. Each such provision shall be valid and enforceable to the fullest extent allowed by, and shall be construed wherever possible as being consistent with, applicable law.

E. The Grantors shall notify Baltimore County in writing of the names and addresses of any party to whom the Property, or any part thereof, is to be granted, conveyed or otherwise transferred at or prior to the time said transfer is consummated. The Grantors further agree to make specific reference to this Easement in a separate paragraph of any subsequent deed or other legal instrument by which any interest in the Property is granted, conveyed or otherwise transferred. The Grantors shall provide a copy of this Easement to all subsequent Grantors of the fee simple interest of any part or all of this Property.

F. In the event that any applicable State or federal law imposes affirmative obligations on owners of land which, if complied with by the Grantors would be a violation of a term of this Easement, the Grantors shall: (i) if said law requires a specific act without any discretion on the part of the Grantors, comply with said law and give Baltimore County written notice of the Grantors' compliance as soon as reasonably possible, but in no event more than thirty (30) days from the time the Grantors begin to comply; or (ii) if said law leaves to the Grantors' discretion how to comply with said law, use the method most protective of the agricultural values [conservation values see Exhibit] of the Property.

G. Any notices by the Grantors to Baltimore County pursuant to any term hereof shall be sent by registered or certified mail, return receipt requested, addressed to: Baltimore County, Maryland, Department of Environmental Protection and Resource Management, 401 Bosley Avenue, Towson, MD 21204 and to such other address as the Baltimore County may establish in writing on notification to the Grantors.

H. In any case where the terms of this Easement require the approval of Baltimore County, such approval shall be requested by written notice to Baltimore County. Such approval shall be deemed to have been given unless within sixty (60) days after receipt of notice Baltimore County mails notice to the Grantors of disapproval and the reason. Baltimore County will take into account the terms and purposes of this Deed of Easement in determining whether to give such approval, which shall not be unreasonably withheld but its decision shall be final and in its sole and absolute discretion.

I. The Grantee agrees to hold this Easement exclusively for conservation purposes, as defined in Section 170(h)(4)(A) of the Internal Revenue Code.

J. The Grantors and the Grantee agree that all mortgages and deeds of trust affecting the Property are subordinate to the rights of the Grantee under this Easement. The Grantors have provided a copy of this Deed of Easement to all mortgagees, and trustees and beneficiaries of deeds of trust affecting the Property as of the date of this Easement, and each mortgagee, trustee and beneficiary has subordinated the mortgage or deed of trust to this Easement, by signing a subordination agreement which shall be recorded in the Land Records at the time of recording of the conveyance by the Grantee to Baltimore County.

K. This Deed of Easement shall be construed pursuant to the purposes set forth herein and the law of the State of Maryland, including the purposes of the statutes creating and governing the

Maryland Agricultural Land Preservation Foundation, and the purposes of Section 2-118 of the Real Property Article of the Annotated Code of Maryland.

L. The terms of this Deed of Easement shall be in addition to any local, State or federal laws imposing restrictions to the Property and any real estate interests imposing restrictions to the Property.

M. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Deed of Easement. If any term is found to be invalid, the remainder of the terms of this Deed of Easement, and the application of such term to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

N. The terms "Grantor" and "Grantee" wherever used herein, and any pronouns used in place thereof, shall include, respectively, the above-named Grantor and heirs, personal representatives, successors, and assigns and the above-named Grantee and its successors and assigns.

O. The Grantee shall record this Deed of Easement in a timely fashion among the Land Records of Baltimore County, Maryland, and the Grantee may re-record it at any time as may be required to preserve its rights hereunder.

P. Except to the extent provided for by State or local law, nothing herein contained shall relieve the Grantor of the obligation to pay taxes in connection with the ownership or transfer of the Property.

WITNESS the hands and seals of the Grantors and the Grantee as of the day and year first above written.

WITNESS/ATTEST:

GRANTOR: Pensio, LLC

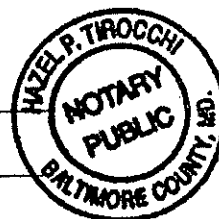
By: Reyton S. Cochran, Jr. (Seal)

STATE OF MARYLAND, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 27th day of March, 2002, before me the subscriber, a Notary Public of the State aforesaid, personally appeared Reyton S. Cochran, Jr., known to me (or satisfactorily proven) to be the authorized agent for the Grantor of the foregoing Deed of Easement and acknowledged that he executed the same for the purposes therein contained and in my presence signed and sealed the same.

WITNESS my hand and Notarial Seal.

Hazel P. Trocchi
Notary Public
My Commission Expires: 3/1/03



WITNESS/ATTEST:

Stephanne C. Cooper

GRANTOR: Folly Farm, Inc.

By: [Signature]

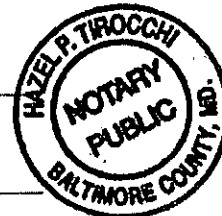
STATE OF MARYLAND, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 27th day of November, 2002, before me the subscriber, a Notary Public of the State aforesaid, personally appeared Ernie L. Conubee known to me (or satisfactorily proven) to be the authorized agent for the Land Preservation Trust, Inc. and acknowledged that he executed the foregoing Deed of Easement and acknowledged that he executed the same for the purposes therein contained, and being authorized so to do, and in my presence signed and sealed the same.

WITNESS my hand and Notarial Seal.

Hazel P. Tiocchi
Notary Public

My Commission Expires: 3/1/03



WITNESS the hands and seals of the Grantors and the Grantee as of the day and year first above written:

WITNESS/ATTEST:

[Signature]

GRANTORS:

Scott C. Borden (Seal)
Scott C. Borden

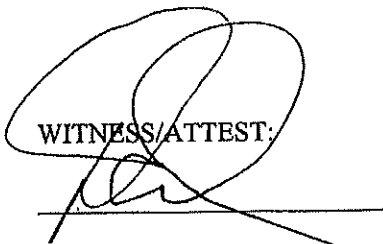
Christina C. Borden (Seal)
Christina C. Borden

STATE OF MARYLAND, County of Baltimore, TO WIT:

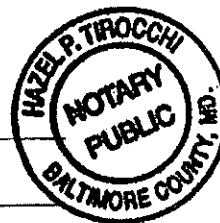
I HEREBY CERTIFY, that on this 27th day of November, 2002, before me the subscriber, a Notary Public of the State aforesaid, personally appeared Scott C. Borden and Christina C. Borden, known to me (or satisfactorily proven) to be the authorized agent for the Grantor of the foregoing Deed of Easement and acknowledged that he executed the same for the purposes therein contained and in my presence signed and sealed the same.

0007292 010

WITNESS my hand and Notarial Seal.

WITNESS/ATTEST:


Hazel P. Tirocchi
Notary Public
My Commission Expires: 3/1/03



GRANTEE: Land Preservation Trust, Inc.

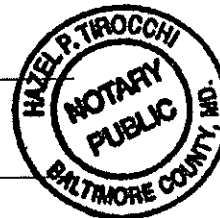
By: Edward A. Halle, Jr. - V.P.

STATE OF MARYLAND, County of Baltimore, TO WIT:

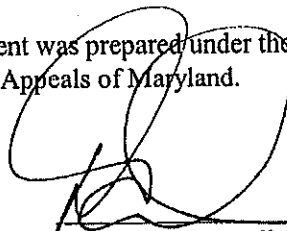
I HEREBY CERTIFY, that on this 27th day of November, 2002, before me the subscriber, a Notary Public of the State aforesaid, personally appeared Edward A. Halle, Jr. known to me (or satisfactorily proven) to be the authorized agent for the Land Preservation Trust, Inc. and acknowledged that he executed the foregoing Deed of Easement and acknowledged that he executed the same for the purposes therein contained, and being authorized so to do, and in my presence signed and sealed the same.

WITNESS my hand and Notarial Seal.

Hazel P. Tirocchi
Notary Public
My Commission Expires: 3/1/03



This is to certify that the within instrument was prepared under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.



Douglas G. Worrall

EXHIBIT A

Bennett-Greenwall, et al. to Pensio, LLC
LIBER 14925, folio 581

Beginning for the same in the bed of Butler Road at a point distant 52.45 feet from the beginning of the 27th, or south 14 degrees 11 minutes 00 seconds west 100 foot line of that tract of land which by deed dated April 12, 1962 and recorded among the Land Records of Baltimore county in Liber WJR No. 3978, folio 132, etc. was conveyed by Robert Gordon Caples et al to Vincent T. Caples, Jr. et al, thence running with and binding on a part of said 27th line, the 28th, 29th and part of the 30th lines of said deed and in the bed of said Road the four following courses and distances south 14 degrees 11 minutes 00 seconds west 47.55 feet to the end of said 27th line, south 24 degrees 10 minutes 00 seconds west 100.00 feet to the end of said 28th line, south 27 degrees 38 minutes 00 seconds west 200.00 feet to the end of said 29th line and south 28 degrees 47 minutes 20 seconds west 23.06 feet, thence leaving said 30th line and said Road and running for lines of division the four following courses and distances north 48 degrees 08 minutes 28 seconds west 475.90 feet, north 50 degrees 15 minutes 43 seconds west 400.01 feet, north 49 degrees 06 minutes 45 seconds west 219.07 feet and north 43 degrees 11 minutes 04 seconds west 1411.15 feet to intersect the first line of said deed at a point distant 330.00 feet from the beginning thereof, thence running with and binding on a part of said first line north 50 degrees 21 minutes 27 seconds east 680.00 feet, thence leaving said line and running for lines of division the three following courses and distances south 30 degrees 38 minutes 29 seconds east 1787.38 feet, south 65 degrees 22 minutes 26 seconds east 332.95 feet and south 51 degrees 38 minutes 00 seconds east 271.12 feet to the place of beginning. Containing 24.384 acres of land, more or less.

SUBJECT however to a 50 foot wide right of way for drainage and utilities and for ingress and egress adjacent to the 9th line and extending from the 8th to the 10th line of the above description.

TOGETHER with the use in common with others entitled thereto to a 50 foot wide right of way for drainage and utilities and for ingress and egress adjacent to the 1st line of that tract of land which by deed dated April 12, 1962 and recorded among the Land Records of Baltimore County in Liber WJR No. 3978, folio 132, etc. was conveyed by Robert Gordon Caples et al to Vincent T. Caples, Jr. et al and extending from a point distant 1010 feet northeasterly from the beginning of said line to Dover Road.

BEING THE SAME lot of ground which by Deed dated March 21, 1996, and recorded among the Land Records of Baltimore County, in Liber No. 11491, folio 557, was granted and conveyed by Robert M. Caples unto the Parties of the First Part herein named.

EXCEPTING the conveyance of 2.175 acres to Theaux M. Legardeur dated December 17, 2001 and recorded among the Land Records of Baltimore County at LIBER 15967, folio 688.

EXHIBIT A (Continued)
Caples to Pensio, LLC
LIBER 14925, folio 577

7292 0121

BEGINNING for the same at the end of the first or north 50 degrees 21 minutes 27 seconds east 1908.71 foot line of that tract of land which by deed dated April 12, 1962 and recorded among the Land Records of Baltimore County in Liber WJR No. 3978, folio 132 etc. was conveyed by Robert Gordon Caples et al to Vincent T. Caples, Jr. et al said point of beginning being on the eastern side of Dover Road, thence running with and binding on the 2nd, 4rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th and 14th lines of said deed and in the bed of Dover Road the thirteen following courses and distances south 5 degrees 27 minutes 00 seconds west 15.00 feet to the end of said 2nd line, south 84 degrees 23 minutes 00 seconds east 100.00 feet to the end of said 3rd line, south 29 degrees 36 minutes 00 seconds west 18.40 feet to the end of said 4th line south 83 degrees 32 minutes 00 seconds east 239.09 feet to the end of said 5th line, south 70 degrees 52 minutes 00 seconds east 115.13 feet to the end of said 6th line, south 67 degrees 09 minutes 00 seconds east 260.80 feet to the end of said 7th line, south 23 degrees 34 minutes 00 seconds East 198.00 feet to the end of said 8th line, south 78 degrees 17 minutes 00 seconds east 28.13 feet to the end of said 9th line, south 66 degrees 25 minutes 00 seconds east 100.00 feet to the end of said 10th line, south 45 degrees 57 minutes 00 seconds east 50.00 feet to the end of said 11th line, south 12 degrees 33 minutes 00 seconds east 50.00 feet to the end of said 12th line, south 12 degrees 43 minutes 00 seconds west 60.00 feet to the end of said 13th line and south 24 degrees 32 minutes 30 seconds west 258.67 feet to the end of said 14th line and to a point in the bed of Butler Road, thence running with and binding on the 15th, 16th, 17th, 18th, 19th, 20th, 21st and part of the 22nd lines of said deed and in the bed of Butler road the eight following courses and distances south 35 degrees 34 minutes 00 seconds west 51.08 feet to the end of said 15th line, south 28 degrees 55 minutes 00 seconds west 100.00 feet to the end of said 16th line, south 21 degrees 40 minutes 00 seconds west 104.21 feet to the end of said 17th line, south 16 degrees 49 minutes 00 seconds west 50.90 feet to the end of said 18th line, south 10 degrees 28 minutes 00 seconds west 100.00 feet to the end of said 19th line, south 4 degrees 14 minutes 00 seconds west 100.00 feet to the end of said 20th line, south 2 degrees 45 minutes 00 seconds east 100.00 feet to the end of said 21st line and south 6 degrees 52 minutes 00 seconds east 41.40 feet, thence leaving said 22nd line and said Road and running for a line of division north 47 degrees 40 minutes 46 seconds west 1528.99 feet to intersect said 1st

line at a point distant 1288.71 feet from the beginning thereof, thence running with and binding on a part of said 1st line north 50 degrees 21 minutes 27 seconds east 620.00 feet to the place of beginning. Containing 21.457 acres of land more or less.

SUBJECT, however, to a 50 foot wide right of way for drainage and utilities and for ingress and egress adjacent to the 23rd line and extending from the 22nd line to Dover Road.

BEING THE SAME lot of ground which by Deed dated August 14, 1975, and recorded among the Land Records of Baltimore County, in Liber No. 5560, folio 216, was granted and conveyed by Delphin Delmas Caples unto the Party of the First Part herein named.

7292.014

EXHIBIT A (Continued)
Caples to Folly Farm, Inc.
LIBER 15024, folio 513

Beginning for the same at the beginning point of that parcel of land described in a deed dated July 2, 1975 and recorded among the Land Records of Baltimore County in Liber 5548, folio 346 was conveyed by Delphin Delmas Caples to Pete L. Caples, said point also being in or near the existing centerline of the paved surface of Butler Road, formerly referred to as Dover Road; thence running and binding on or near the centerline of said Butler Road and binding along the outlines of the aforementioned parcel of land the three following courses and distances viz

- 1) south 06 degrees 52 minutes 00 seconds east 58.60 feet
- 2) south 02 degrees 03 minutes 00 seconds east 100.00 feet and
- 3) south 07 degrees 43 minutes 00 seconds east 466.31 feet to intersect the end of the fourth or north 82 degree 17 minute 00 second east 109.43 foot line of that parcel of land described in a deed dated December 31, 1986 and recorded among the Land Records of Baltimore County in Liber SM No. 7381, folio 638 was conveyed by Pete L. Caples to Samuel E. Banks; thence leaving said Butler Road and running reversely along the outlines of the lastmentioned parcel of land the two following courses and distances viz
- 4) south 82 degrees 17 minutes 00 seconds west 109.43 feet and
- 5) south 36 degrees 53 minutes 44 seconds west 223.19 feet to a pipe found and to intersect the eighth or north 65 degree 22 minute 26 second west 332.95 foot line of the firstmentioned parcel of land, said pipe being 30.00 feet from a pipe found at the beginning of said line; thence running and binding along the outlines of the first mentioned parcel of land the four following courses and distances viz
- 6) north 65 degrees 22 minutes 26 seconds west 302.95 feet
- 7) north 30 degrees 38 minutes 29 seconds west 1787.38 feet
- 8) north 50 degrees 21 minutes 27 seconds east 278.71 feet and
- 9) south 47 degrees 40 minutes 46 seconds east 1528.99 feet to the place of beginning, containing 24.187 acres of land, more or less.

BEING THE SAME OF lot of ground which by a Deed dated July, 1975 and recorded among the Land Records of BALTIMORE COUNTY at Liber No. 5548, folio 346, was granted and conveyed by Delphin Delmas Caples unto the Party of the First Part herein named.

7292.0051

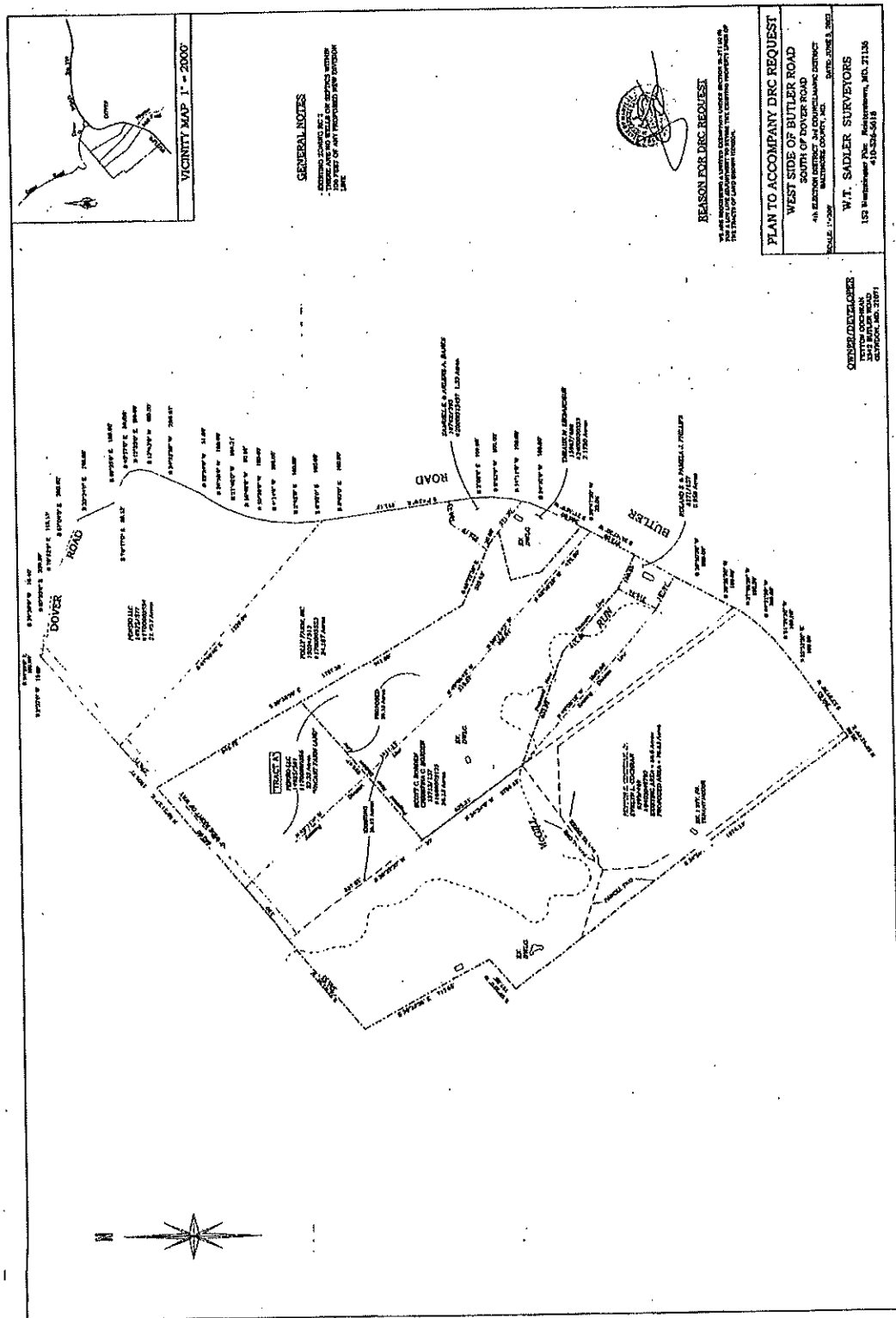
EXHIBIT A (Continued)
Bennett to Borden
LIBER 13713, folio 173

BEGINNING FOR THE SAME in the bed of Butler Road at a point distant 23.06 feet from the beginning of the thirtieth or south 28 degrees 47 minutes 20 seconds west 273.06 foot line of that tract of land which by deed dated April 12, 1962 and recorded among the Land Records of Baltimore County in Liber WJR No. 3978, folio 132, etc., was conveyed by Robert Gordon Caples et al. to Vincent T. Caples, Jr., et al., thence running with and binding on a part of said line and in the bed of said road south 28 degrees 47 minutes 20 seconds west 250.00 feet to the end of said line, thence leaving said road and running with and binding on the thirty-first and thirty-second lines of said deed the following two courses and distances north 63 degrees 14 minutes 30 seconds West 188.55 feet to a pipe heretofore planted at the end of the thirty-first line and south 28 degrees 41 minutes 30 seconds west 216.44 feet to a pipe heretofore planted at the end of said thirty-second line, thence running for a line of division north 49 degrees 06 minutes 15 seconds west 1042.86 feet to the beginning of the forty-sixth line of said deed, thence running with and binding on said forty-sixth line and part of the first line of said deed the two following courses and distances north 36 degrees 22 minutes 20 seconds west 1461.20 feet to a concrete monument heretofore planted at the end of said forty-sixth line and north 50 degrees 21 minutes 27 seconds east 330.00 feet, thence leaving said first line and running for lines of division the four following courses and distances south 43 degrees 11 minutes 04 seconds east 1411.15 feet, south 49 degrees 06 minutes 45 seconds east 219.07 feet, south 50 degrees 15 minutes 43 seconds east 400.01 feet and south 49 degrees 08 minutes 28 seconds east 475.90 feet to the place of beginning. Containing 26.137 acres of land more or less.

SUBJECT to a 50-foot right of way for drainage and utilities and for ingress and egress adjacent to the sixth line and extending from the fifth to the seventh line of the above description.

TOGETHER WITH the use in common with others entitled thereto to a 50-foot right of way for drainage and utilities and for ingress and egress adjacent to the first line of that tract of land which by Deed dated April 12, 1962 and recorded among the Land Records of Baltimore County in Liber WJR No. 3978, folio 132, etc. was conveyed by Robert Gordon Caples et al. to Vincent T. Caples, Jr., et al. and extending from a point distant 330 feet northeasterly from the beginning of said line to the Dover Road.

The improvements thereon being known as No. 3466 Butler Road.



Assessments and Taxation, and County Finance Office Only.
(Type or Print in Black Ink Only—All Copies Must Be Legible)

1	Type(s) of Instruments	(☒ Check Box if addendum Intake Form is Attached.)								
	Deed	Mortgage	☒ Other	Conservation Easement	Other					
	Deed of Trust	Lease								
2	Conveyance Type Check Box	Improved Sale	Unimproved Sale	Multiple Accounts	Not an Arms-Length Sale					
		Arms-Length [1]	Arms-Length [2]	Arms-Length [3]	Length Sale [9]					
3	Tax Exemptions (if Applicable)	Recordation State Transfer County Transfer								
	Cite or Explain Authority									
4	Consideration and Tax Calculations	Consideration Amount Purchase Price/Consideration \$ 0.00 Any New Mortgage \$ Balance of Existing Mortgage \$ Other: \$ Other: \$ Full Cash Value \$				Finance Office Use Only Transfer and Recordation Tax Consideration Transfer Tax Consideration \$ X () % = \$ Less Exemption Amount - \$ Total Transfer Tax = \$ Recordation Tax Consideration \$ X () per \$500 = \$ TOTAL DUE \$				
5	Fees	Amount of Fees Recording Charge \$ 75.00 Surcharge \$ State Recordation Tax \$ State Transfer Tax \$ County Transfer Tax \$ Other \$ Other \$				Doc. 1 \$ \$ \$ \$ \$ \$		Doc. 2 \$ \$ \$ \$ \$ \$		
						Agent: <i>[Signature]</i>		Tax Bill:		
						C.B. Credit: 1		Ag. Tax/Other:		
6	Description of Property	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG			
		*	*SEE ATTACHED	ADDENDUM	*	*	☐ (5)			
		Subdivision Name			Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)	
		N/A								
		Location/Address of Property Being Conveyed (2)								
		3400, 3448 and 3466 Butler Road, Glyndon, MD 21036								
		Other Property Identifiers (if applicable)						Water Meter Account No.		
		N/A						N/A		
		Residential ☐ or Non-Residential ☐		Fee Simple ☐ or Ground Rent ☐		Amount:		RECORDING FEE 55.00 TOTAL 55.00		
		Partial Conveyance? ☒ Yes ☐ No		Description/Amt. of SqFt/Acreage Transferred:				Rec# BA06 Rcpt # 17748 SM DM BIR # 4304 DEC 30, 2002 08:37 am		
		Conservation easement								
		If Partial Conveyance, List Improvements Conveyed:								
7	Transferred From	Doc. 1 - Grantor(s) Name(s) Pensio, LLC, Folly Farm, Inc., Scott C. Borden and Christina C. Borden				Doc. 2 - Grantor(s) Name(s) Doc. 2 - Owner(s) of Record, if Different from Grantor(s)				
8	Transferred To	Doc. 1 - Grantee(s) Name(s) Land Preservation Trust, Inc.				Doc. 2 - Grantee(s) Name(s) New Owner's (Grantee) Mailing Address 4081 Mount Zion Road, Upperco, MD 21155				
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)				Doc. 2 - Additional Names to be Indexed (Optional)				
10	Contact/Mail Information	Instrument Submitted By or Contact Person Name: Douglas G. Worrall Firm: Wright, Constable & Skeen, LLP Address: 100 N. Charles St., 16th Floor Baltimore, MD 21201-3812 Phone: (410) 659-1310						☒ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided		
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER									
	Assessment Information	Yes ☒ No Will the property being conveyed be the grantee's principal residence? Yes ☒ No Does transfer include personal property? If yes, identify: Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).								
		Assessment Use Only - Do Not Write Below This Line ☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification Transfer Number: 20 Date Received: 20 Deed Reference: Assigned Property No.: Year: 20 Geo. Map Sub Block Land Zoning Grid Plat Lot Buildings Use Parcel Total Town Cd. Ex. St.								
	REMARKS:	TAX NOT REQUIRED Director of Budget and Finance BALTIMORE COUNTY, MARYLAND								

erved for County Validation

7292 0081

Addendum to Intake Sheet

- #6
- (a) District 4, Tax I.D. 1600009125, Grantor
Liber 13713, folio 137, Map 32, Parcel 140
 - (b) District 4, Tax I.D. 1700000356, Grantor
Liber 14925, folio 581, Map 32, Parcel 174
 - (c) District 4, Tax I.D. 1700003553, Grantor
Liber 15024, folio 513, Map 32, Parcel 180
 - (d) District 4, Tax I.D. 1700003554, Grantor
Liber 14925, folio 577, Map 32, Parcel 86

DEED OF CONSERVATION EASEMENT**21—EAG-015****Job Order 217-0001-2002****Item 1A****Election District 4**

THIS DEED OF CONSERVATION EASEMENT (this "Easement"), made this 30 day of July 2003, by and among SCOTT CAMERON BORDEN and CHRISTINA CROMWELL BORDEN, husband and wife, (hereinafter referred to as the "Grantor,") and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, to the use of the Department of Environmental Protection and Resource Management (hereinafter referred to as "DEPRM") on behalf of the Baltimore County Agricultural Land Preservation Advisory Board (hereinafter referred to as the "Grantee.")

I. RECITALS

A. Article XI, Section 14-457, of the Baltimore County Code, 1988, as amended, created the Baltimore County Agricultural Land Preservation Program to preserve productive agricultural land; and

B. By authority of the Agricultural Land Preservation Article, Section 14-458, Baltimore County Code, 1988, as amended, the Grantee may purchase development rights or may accept the donation of development rights to restrict land to agricultural or open space use; and

C. The Grantor owns in fee simple 24.169 acres of certain real property (the "Property") situate, lying and being in the Fourth Election District of Baltimore County, Maryland, and more particularly described in Exhibit "A" attached hereto, which was conveyed by Deed dated:

D. The Grantor desires to convey an agricultural preservation Easement to the Grantee to restrict the Property to agricultural or open space use in perpetuity, in order to conserve and preserve the significant conservation values including the natural, agricultural, forestry, environmental, scenic, rural, woodland and wetland characteristics of the Property, maintain viable resource-based land use and proper management of tillable and wooded areas of the Property, and, to the extent hereinafter provided, prevent the use or development of the Property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space condition.

NOW, THEREFORE, THIS DEED OF CONSERVATION EASEMENT, WITNESSETH, that for and in consideration of the sum of Seventy-two Thousand, Three Hundred Eighty-six and 16/100 Dollars (\$72,386.16), which equals \$ 2,995.00 per acre, the receipt of which is hereby acknowledged, the Grantor for the Grantor, its successors and assigns, do hereby grant and convey to Baltimore County, Maryland, as Grantee, its successors and assigns, an agricultural preservation Easement, in, on, and over the Property, subject to the covenants, conditions, limitations and restrictions herein set forth.

AND the Grantor covenants for the Grantor, its successors and assigns, with the Grantee, its successors and assigns to do and refrain from doing upon the Property all and any of the various acts hereafter set forth, it being the intention of the parties that said Property shall be preserved for the agricultural use and open space use as defined in and in accordance with the provisions of the Article XI, Section 14-457, of the Baltimore County Code, 1988, as amended, and that the covenants, conditions, limitations, and restrictions hereafter set forth are intended to limit the use of the above described land and are deemed to be and shall be construed as covenants running with the land.

II. COVENANTS, CONDITIONS, LIMITATIONS, AND RESTRICTIONS

Subject to the reservations hereinafter contained and except as otherwise provided herein, the Grantor, for the Grantor's successors and assigns, covenants and agrees as follows:

A. This Easement shall be in perpetuity. The Grantor hereby specifically waives any rights to terminate under Section 14-462 of the Baltimore County Code, 1988, as amended. The Property shall not be converted to non-agricultural uses unless that use is consistent with maintaining the natural productivity of the land for future agricultural uses.

B. Other than farming, silviculture, horticulture, noncommercial hunting and fishing for the benefit of the owners and their guests, forestry and other types of agriculture, industrial, commercial recreational, or commercial activities are prohibited on the Property, except for (a) the sale of Agricultural products produced on the Property, for (b) such activities as can be conducted in the residential structure without alteration of the size and external appearance thereof, and for (c) if zoning and other administrative approvals have been obtained in accordance with Article II. Other commercial or educational uses that relate to agriculture such as farm markets and farm festivals subject to the approval of the Grantee.

"Agriculture" (or "Agricultural" as the context requires) means all methods of production and management of livestock, crops, trees and other vegetation, as well as aquaculture. This includes the related activities of tillage, fertilization, pest control and harvesting as well as the feeding, housing, breeding, training and maintaining of animals such as cows, sheep, goats, hogs, horses and poultry.

C. The Grantor shall manage the Property in accordance with sound agricultural soil and water conservation practices using a conservation plan that is developed utilizing the standards and specifications of the Natural Resources Conservation Service (NRCS) and approved by the local soil conservation district so as to promote the agricultural capability of the Property.

D. The Grantor shall implement all soil conservation and water quality practices that are contained within a Soil Conservation Plan (the "Plan") approved by the local soil conservation district, made or revised within the last ten (10) years of the date of the application to sell an Easement, which lists all soil conservation and water quality problem areas on the Property provided no undue financial burden shall be imposed upon the Grantor. The Plan shall be implemented according to the schedule of implementation contained within the Plan that exists within six (6) months of Easement settlement. Revisions to the schedule of implementation may be made as approved by the Board of Supervisors of the local soil conservation district, however, the Plan shall be fully implemented within ten (10) years of the Easement settlement date. Exceptions may be considered by the Grantee on a case-by-case basis.

E. The Grantor shall manage woodlots in accordance with sound forestry practices in accordance with a Forest Stewardship Plan approved by the Maryland Department of Natural Resources, Forest Service that will consider multiple resource objectives and assure protection of soil and water resources.

F. Signs, billboards or outdoor advertising structures may not be displayed on the Property, except that one sign, not exceeding applicable county zoning regulations, may be displayed to state the name of the Property and the name and address of the occupant, to advertise an activity permitted above, and to advertise the Property for sale or rental.

G. No dumping of ashes, sawdust, bark, trash, rubbish, or any other material, except that which is for regular agricultural use, shall be permitted on the Property.

H. No other Easements including, but not limited to, rights-of-ways to other properties, oil, gas, mineral, power line, microwave towers, forest mitigation, or other similar servitudes may be conveyed, or permitted to be established in, on, under or through the above described Property without the Grantee's express permission.

I. In case of doubt concerning the appropriateness or permissibility of the use of the Property, the Grantor may submit a written request to the Grantee for consideration and approval of the use.

J. This instrument shall not be deemed to provide for or permit public access to any privately owned land.

K. The Grantor reserves all other rights, privileges, and incidents to the ownership of the fee simple estate in the above described Property not hereby conveyed or otherwise limited by the covenants, conditions, limitations, and restrictions herein set forth.

L. The Grantor hereby grants to the Grantee all remaining development rights that are now or hereafter allocated to, implied, reserved or inherent in the Property. All such granted development rights which may now or hereafter become or represent a transferable density right attributable to the Property are hereby assigned and transferred to the County and may be sold by it as a participant in any transferable density rights program for use outside of the Agricultural Preservation Areas, as defined in the 2010 Baltimore County Master Plan, as amended, but may not be used or transferred to any portion of the Property as it now or hereafter may be bounded or described, or to any other protected Property adjacent thereto nor used for the purpose of calculating permissible lot yield of the Property.

M. Nothing in this Article II creates any right in Grantor to engage in any activity or undertake any construction on the Property without complying fully with all laws and administrative requirements related to the activity or construction on the Property, including zoning, subdivision, grading, stormwater management, building and all permitting. If any activity or construction permitted by this Article II is prohibited by any law, or if Grantor does not obtain any administrative approval or permission required to engage in the activity or construction, Grantor may not engage in the activity and the construction may not be undertaken by Grantor. Further, nothing in this Article II constitutes or shall be deemed or implied as constituting approval, authorization or consent by Grantee to any activity or construction on the Property, or waives any requirement of law or regulation.

III. SUBDIVISION, CONSTRUCTION AND IMPROVEMENTS

The property consists of two parcels as described in Exhibit A, said parcels shall remain in common ownership. However Grantee may approve the division of the Property and separate ownership of the Property for reasons that Grantee determines, in its sole discretion were sufficiently extraordinary to justify an exception to the prohibition.

The total number of residential structures (including for example, but not limited to principal residences, guest houses, tenant houses, farm manager houses, condominiums, apartments, mobile homes, seasonal cabins shall not exceed one (1). No building, facility, means of access or other structures shall be constructed on the Property after the date of this Conservation Easement except:

- A. To modify, enlarge or alter the principal residence. If the Grantor wishes to replace the dwelling with a new house elsewhere on the Property, the location is subject to the approval of the Grantee. The Grantor may, if necessary replace the building with a new building utilizing the same location.
- B. To construct necessary structures (for example: garage, well house, tennis court, and swimming pool) designed, constructed and utilized for the purpose of serving the principal residence, so long as such structures are within a two (2) acre Envelope Surrounding the Residence. The boundary of the Envelope Surrounding the Residence shall be submitted by the Grantor to the Grantee at the time of a proposal to construct an accessory structure. The Grantee shall review the location to assure that the impact to the agricultural resources shall be minimized. Once a location is approved it shall not be altered except in the sole discretion of the Grantee.
- C. To construct, restore, and enlarge accessory and principal structures designed, constructed and utilized for agricultural purposes subject to the approval of the Grantee. Structures shall not be located on Class I, II, or III soils as indicated in the Baltimore County Soil Survey unless no other location is suitable and locating a structure on these soils will not significantly diminish the agricultural resources of the Property. The Grantee shall have the right to review and reject any proposed location that would have a significant negative impact on the scenic view from Butler and Dover Roads. The Grantee shall make a final determination of what constitutes "significant negative impact," however, the Grantee may not reject any reasonable location and must state its reasons for any rejection in writing to the Grantor.
- D. The total amount of impervious surfaces from all structures shall not exceed ten percent (10%) of The Property.
- E. To replace, improve, repair, restore, alter, remodel, and maintain all existing structures and other structures permitted under this Conservation Easement consistent with paragraphs A, B, and C a above.
- E. To replace, improve, repair, restore, alter, remodel, and maintain all existing structures and other Structures permitted under this Conservation Easement consistent with paragraphs A, B, and C Above.
- F. To construct and maintain reasonable means of access to all permitted uses and structures on the Property.

IV. RIGHTS, INSPECTION, AND ENFORCEMENT

DEPRM or any other department, agency or other public body or person duly authorized by the County Executive, shall have the right with a minimum 14 day notice to the landowner to enter on the above-described Property from time to time for the sole purpose of inspection and enforcement of the Easements, covenants, conditions, limitations, and restrictions herein contained. However, the Grantee shall not have the right to inspect the interior of any residential dwelling or building designated as a residential dwelling on the Property.

Upon any breach of the terms of this Easement by the Grantor, the Grantee may, exercise any or all of the following remedies:

1. institute suits to enjoin any breach or enforce any covenant by ex parte, temporary, and/or permanent injunction either prohibitive or mandatory; and
2. require that the Property be restored promptly to the condition required by this Deed of Easement.

The Grantee's remedies shall be cumulative and shall be in addition to any other rights and remedies available to the Grantee at law or equity. If the Grantor are found to have breached any of the terms under this Easement, the Grantor shall reimburse the Grantee for any costs or expenses incurred by the Grantee, including court costs and reasonable attorney's fees.

ARTICLE V. EXHIBITS

The following exhibits are hereby made a part of this Easement:

A. Exhibit A: Boundary Description and Property Reference is attached hereto and made a part hereof. Exhibit "A" consists of three (3) pages.

B. Exhibit "B": Annotated aerial photograph of the Property With Labels is kept on file at the principal office of DEPRM and is fully and completely incorporated into this Easement as though attached hereto and made a part of this Deed of Conservation Easement.

C. Exhibit "C": Conservation Values are attached hereto and made a part hereof. Exhibit "C" consists of one (1) page.

VI. MISCELLANEOUS

A. The Grantor further covenants that the Grantor has not done or suffered to be done any act, matter, or thing whatsoever, to encumber the Property hereby conveyed; that the Grantor will warrant specially the Property interest hereby conveyed; and the Grantor will execute such further assurances of the same as may be required.

B. As used herein the singular form of a word includes both the singular and plural, the plural form of a word includes both plural and singular, and reference the words of certain gender includes reference to all genders.

C. No determination by any court, governmental body, or otherwise that any provision of this Deed of Conservation Easement is invalid or unenforceable in any instance shall affect the validity or enforceability of (a) any other such provision or (b) such provision in any circumstance not controlled by such determination. Each such provision shall be valid and enforceable to the fullest extent allowed by, and shall be construed wherever possible as being consistent with, applicable law.

D. The Grantor shall notify the Grantee in writing of the names and addresses of any party to whom the Property, or any part thereof, is to be granted, conveyed or otherwise transferred at or prior to the time said transfer is consummated. The Grantor further agrees to make specific reference to this Easement in a separate paragraph of any subsequent deed or other legal instrument by which any interest in the Property is granted, conveyed or otherwise transferred. The Grantor shall provide a copy of this Easement to all subsequent Grantors of the fee simple interest of any part or all of this Property.

E. In the event that any applicable State or federal law imposes affirmative obligations on owners of land which, if complied with by the Grantor would be a violation of a term of this Easement, the Grantor shall: (i) if said law requires a specific act without any discretion on the part of the Grantor, comply with said law and give the Grantee written notice of the Grantor's compliance as soon as reasonably possible, but in no event more than thirty (30) days from the time the Grantor begins to comply; or (ii) if said law leaves to the Grantor's discretion how to comply with said law, use the method most protective of the agricultural values [conservation values (see Exhibit) of the Property.

F. Any notices by the Grantor to the Grantee pursuant to any term hereof shall be sent by registered or certified mail, return receipt requested, addressed to: Baltimore County, Maryland, Department of Environmental Protection and Resource Management, 401 Bosley Avenue, Towson, MD 21204 and to such other address as the Grantee may establish in writing on notification to the Grantor.

G. In any case where the terms of this Easement require the approval of the Grantee, such approval shall be requested by written notice to the Grantee. Such approval shall be deemed to have been given unless within sixty (60) days after receipt of notice the Grantee mail notice to the Grantor of disapproval and the reason. The Grantee will take into account the terms and purposes of this Deed of Conservation Easement in determining whether to give such approval, but its decision shall be final and in its sole and absolute discretion.

H. The Grantee agrees to hold this Easement exclusively for conservation purposes, as defined in Section 170(h)(4)(A) of the Internal Revenue Code.

I. The Grantor and the Grantee agree that all mortgages and deeds of trust affecting the Property are subordinate to the rights of the Grantee under this Easement. The Grantor has provided a copy of this Deed of Conservation Easement to all mortgagees, and trustees and beneficiaries of deeds of trust affecting the Property as of the date of this Easement, and each mortgagee, trustee and beneficiary has subordinated the mortgage or deed of trust to this Easement, by signing a subordination agreement which shall be recorded in the Land Records at the time of recording of this Deed of Conservation Easement.

J. This Deed of Conservation Easement shall be construed pursuant to the purposes set forth herein and the law of the State of Maryland, including the purposes of the statutes creating and governing the Maryland Agricultural Land Preservation Foundation, and the purposes of Section 2-118 of the Real Property Article of the Annotated Code of Maryland.

K. The terms of this Deed of Easement shall be in addition to any local, State or federal laws imposing restrictions to the Property and any real estate interests imposing restrictions to the Property.

L. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Deed of Conservation Easement. If any term is found to be invalid, the remainder of the terms of this Deed of Conservation Easement, and the application of such term to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

M. The terms "Grantor" and "Grantee" wherever used herein, and any pronouns used in place thereof, shall include, respectively, the above-named Grantor, its successors, and assigns and the above-named Grantee and its successors and assigns.

N. The Grantee shall record this Deed of Conservation Easement in a timely fashion among the Land Records of Baltimore County, Maryland, and the Grantee may re-record it at any time as may be required to preserve its rights hereunder.

O. Except to the extent provided for by State or local law, nothing herein contained shall relieve the Grantor of the obligation to pay taxes in connection with the ownership or transfer of the Property.

WITNESS the hands and seals of the Grantor and the Grantee as of the day and year first above written;

WITNESS:

Shirley D. Paez
Shirley D. Paez

GRANTOR:

Scott Cameron Borden (Seal)
Scott Cameron Borden

Christina Cromwell Borden (Seal)
Christina Cromwell Borden

STATE OF MARYLAND, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 30th day of July, 2003, before me the subscriber, a Notary Public of the State aforesaid, personally appeared SCOTT CAMERON BORDEN and CHRISTINA CROMWELL BORDEN, husband and wife, known to me (or satisfactorily proven) to be the Grantors of the foregoing Deed of Conservation Easement and acknowledged that he executed the same for the purposes therein contained and in my presence signed and sealed the same.

WITNESS my hand and Notarial Seal.

Donna M. Di Palo
Notary Public
My Commission Expires December 1, 2003

WITNESS:

Donna Morrison

GRANTEE:

BALTIMORE COUNTY, MARYLAND

By Anthony G. Marchione (Seal)Anthony G. Marchione
County Administrative Officer

STATE OF MARYLAND, County of _____, TO WIT:

I HEREBY CERTIFY, that on this ____ day of _____, before me the subscriber, a Notary Public of the State aforesaid, personally appeared ANTHONY G. MARCHIONE, known to me (or satisfactorily proven) to be the Administrative Officer of Baltimore County, Maryland, a body corporate and politic, and he acknowledged that he executed the foregoing Deed of Conservation Easement and acknowledged that he executed the same for the purposes therein contained, and being authorized so to do, and in my presence signed and sealed the same.

WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

Approved For Legal Form And Sufficiency*
(Subject To Execution By The Duly Authorized
Administrative Official and/or Chairman of the
County Council, As Indicated)

Robert S. Kelly 8/5/03
Office of the County Attorney 0304

*Approval Of Legal Form And Sufficiency
Does Not Convey Approval Or Disapproval
Of This Transaction. Approval Is Based Upon
Typeset Document. All Modifications
Require Re-Approval.

This is to certify that the within instrument was prepared under the supervision of the Title Examination Supervisor who is an attorney admitted to practice before the Court of Appeals of Maryland.

Thomas F. McElroy
Title Examination Supervisor 8/4/03

ws/cntyprog/ ag Ease standard grantor
rev: 3/1/02
rev: 4/3/02
6/20/03

DFM:AAD
4/13/03

EXHIBIT A

BEGINNING FOR THE SAME in the bed of Butler Road at a point distant 23.06 feet from the beginning of the thirtieth or south 28 degrees 47 minutes 20 seconds west 273.06 foot line of that tract of land which by deed dated April 12, 1962 and recorded among the Land Records of Baltimore County in Liber WJR No. 3978, folio 132, etc., was conveyed by Robert Gordon Caples et al. to Vincent T. Caples, Jr., et al., thence running with and binding on a part of said line and in the bed of said road south 28 degrees 47 minutes 20 seconds west 250.00 feet to the end of said line, thence leaving said road and running with and binding on the thirty-first and thirty-second lines of said deed the following two courses and distances north 63 degrees 14 minutes 30 seconds West 188.55 feet to a pipe heretofore planted at the end of the thirty-first line and south 28 degrees 41 minutes 30 seconds west 216.44 feet to a pipe heretofore planted at the end of said thirty-second line, thence running for a line of division north 49 degrees 06 minutes 15 seconds west 1042.86 feet to the beginning of the forty-sixth line of said deed, thence running with and binding on said forty-sixth line and part of the first line of said deed the two following courses and distances north 36 degrees 22 minutes 20 seconds west 1461.20 feet to a concrete monument heretofore planted at the end of said forty-sixth line and north 50 degrees 21 minutes 27 seconds east 330.00 feet, thence leaving said first line and running for lines of division the four following courses and distances south 43 degrees 11 minutes 04 seconds east 1411.15 feet, south 49 degrees 06 minutes 45 seconds east 219.07 feet, south 50 degrees 15 minutes 43 seconds east 400.01 feet and south 49 degrees 08 minutes 28 seconds east 475.90 feet to the place of beginning. Containing 26.137 acres of land more or less.

SUBJECT to a 50-foot right of way for drainage and utilities and for ingress and egress adjacent to the sixth line and extending from the fifth to the seventh line of the above description.

TOGETHER WITH the use in common with others entitled thereto to a 50-foot right of way for drainage and utilities and for ingress and egress adjacent to the first line of that tract of land which by Deed dated April 12, 1962 and recorded among the Land Records of Baltimore County in Liber WJR No. 3978, folio 132, etc. was conveyed by Robert Gordon Caples et al. to Vincent T. Caples, Jr., et al. and extending from a point distant 330 feet northeasterly from the beginning of said line to the Dover Road.

The improvements thereon being known as No. 3466 Butler Road.

SAVING AND EXCEPTING thereout and therefrom those parcels identified as "Parcel E" and "Parcel G" described as follows:

PARCEL G

BEGINNING FOR THE SAME at the end of the third or south 28 degree 41 minute 30 second west 216.44 foot line of that parcel of land described in a deed dated April 15, 1999 and recorded among the Land Records of Baltimore County in liber 13713, folio 137 was conveyed by Patricia Bennett to Scott Cameron Borden and Christina Cromwell Borden; thence running and binding along the fourth line of said deed

- 1) North 49 degrees 06 minutes 15 seconds west 1042.86 feet; thence leaving the outline of said parcel of land and running for two new lines of division through said parcel of land
- 2) South 69 degrees 59 minutes 28 seconds east 622.92 feet and
- 3) South 47 degrees 39 minutes 00 seconds east 415.25 feet to intersect the beginning of the abovementioned third line; thence running and binding along said line
- 4) South 28 degrees 41 minutes 30 seconds west 216.44 feet to the place of beginning, containing 3.6609 ACRES, more or less.

PARCEL E

BEGINNING FOR THE SAME at a point at the end of the sixth or north 50 degree 21 minute 27 second east 330.00 foot line of that parcel of land described in a deed dated April 15, 1999 and recorded among the Land Records of Baltimore County in liber 13713, folio 137 was conveyed by Patricia Bennett to Scott Cameron Borden and Christina Cromwell Borden; thence running and binding in part along the seventh line of said deed

and also binding reversely along the eighth or north 43 degree 11 minute 04 second west 1411.15 foot line of that parcel of land described in a dated January 4, 2001 and recorded among the Land records of Baltimore County in Liber 14925, folio 581 was conveyed by Patricia Bennett-Greenwell and Pete Caples, Trustees of the Robert M. Caples Irrevocable Living Trust to PENSCO, LLC a Maryland Limited Liability Company

- 1) South 43 degrees 11 minutes 04 seconds east 929.61 feet; thence leaving said line and running for a new line of division through the first mentioned parcel of land
- 2) South 50 degrees 14 minutes 41 seconds west 440.50 feet to intersect the fifth or north 36 degree 22 minute 20 second west 1461.20 foot line of the first mentioned parcel of land; thence running and binding along said line
- 3) North 36 degrees 22 minutes 20 seconds west 930.22 feet to the end thereof and to the beginning of the aforementioned sixth line; thence running and binding along said sixth line
- 4) North 50 degrees 21 minutes 27 seconds east 330.00 feet to the place of beginning, containing 8.2097 ACRES, more or less.

PARCEL C

BEGINNING FOR THE SAME at the beginning of the fifth or north 48 degree 08 minute 28 second west 475.90 foot line of that parcel of land described in a deed dated January 4, 2001 and recorded among the Land Records of Baltimore County in liber 14925, folio 581 was conveyed by Patricia Bennett-Greenwell and Pete Caples, Trustees of the Robert M. Caples Irrevocable Living Trust to PENSIO, LLC, a Maryland Limited Liability Company, said point also being the beginning point of that parcel of land described in a deed dated April 15, 1999 and recorded among the Land Records of Baltimore County in liber 13713, folio 137 was conveyed by Patricia Bennett to Scott Cameron Borden and Christina Cromwell Borden, said point of beginning also being in the bed of Butler Road, Maryland Route 128; thence leaving said Butler Road and running and binding along the fifth, sixth, seventh and part of the eighth line of the first mentioned deed and running and binding along the outlines of the second mentioned deed

- 1) North 48 degrees 08 minutes 28 seconds west 475.90 feet
- 2) North 50 degrees 15 minutes 43 seconds west 400.01 feet
- 3) North 49 degrees 06 minutes 45 seconds west 219.07 feet and
- 4) North 43 degrees 11 minutes 04 seconds west 481.54 feet; thence leaving said eighth line and running for a new line of division through the first mentioned parcel of land
- 5) North 50 degrees 14 minutes 41 seconds east 475.74 feet to intersect the tenth or south 30 degree 38 minute 29 second east 1787.38 foot line of the first mentioned parcel of land; thence running and binding along said line to the end thereof and also running and binding along the eleventh and part of the twelfth line of the first mentioned deed
- 6) South 30 degrees 38 minutes 29 seconds east 848.92 feet
- 7) South 65 degrees 22 minutes 26 seconds east 332.95 feet and
- 8) South 51 degrees 38 minutes 00 east 78.23 feet to intersect the end of the sixth or north 68 degree 05 minute 39 second east 248.00 foot line of that parcel of land described in a deed dated December 17, 2001 and recorded among the Land Records of Baltimore County in liber 15967, folio 688 was conveyed by PENSIO, LLC to Theaux M. Legardeur; thence running and binding reversely along said sixth, fifth and fourth line of the last mentioned deed
- 9) South 76 degrees 29 minutes 51 seconds west 248.00 feet
- 10) South 13 degrees 38 minutes 47 seconds east 155.24 feet and
- 11) South 48 degrees 08 minutes 28 seconds east 300.19 feet to a point in the bed of the aforementioned Butler Road, said point also being on the third line of the first mentioned deed; thence running and binding along said third line to the end thereof and binding along the fourth line of the first mentioned deed and also binding along the bed of Butler Road
- 12) South 27 degrees 42 minutes 57 seconds west 28.31 feet and
- 13) South 28 degrees 47 minutes 20 seconds west 23.06 feet to the place of beginning, containing 9.9029 ACRES, more or less.

EXHIBIT B

Annotated Aerial Photograph of the Property with Labels

This Exhibit is kept on file at the principal office of DEPRM and is fully and completely incorporated into this Deed of Conservation Easement as though attached hereto and made a part of this Deed of Conservation Easement.

Deed of Conservation Easement

Exhibit C

Summary of Conservation Values

The following public open space conservation values are associated with the Property:

1. Master Plan: This Conservation Easement is consistent with and supports the land use policy of the Baltimore County Master Plan, 2010, adopted February 22, 2000 by the Baltimore County Council.

The property lies within an Agricultural Protection Area. County policy for Agricultural Protection Areas includes:

Preserving agricultural land and avoiding conflicts with other uses. Preserving agricultural land in Baltimore County is important for present and potential production of food and other crops, economic diversity, maintenance of environmental quality, open space protection, cultural site protection, and general quality of life. The County reaffirms its public policy to support the retention of a viable agricultural industry, and the protection of resource conservation areas.

The property lies within the Rural Area. County policy for Rural Areas includes:

- a. Improving the quality of Baltimore County's environment by preserving rare and significant species habitat, anadromous fish habitat, tidal and non-tidal wetland habitat, in-stream riparian habitat, and upland forest habitat.
 - b. Areas of historical agricultural significance should be maintained in permanent agricultural preservation.
 - c. Promote the utilization of the Maryland Environmental Trust to acquire or accept easements on agricultural or open space land.
 - d. Property is located on Butler Road; a County designated scenic road.
2. Area of Critical State Concern: The Property lies in the Belfast Valley which was designated an Area of Critical State Concern for Baltimore County in 1977 by the Baltimore County Planning Board. (Source: Designation of Areas of Critical State Concern within Baltimore County, Baltimore County Planning Board, 1977).
 3. Protection of Farmland: The property includes about 90.5 acres of productive farmland
 4. Scenic Value: The Property is an integral part of the rural scenic landscape of Baltimore County visible to the public from roads and streams.

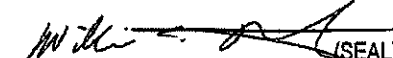
JOINDER BY TRUSTEES/BENEFICIARY

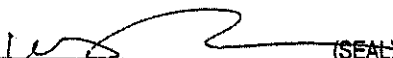
See Deed of Trust dated October 23, 2001, from the Grantors (for the benefit of Fraternity Federal Savings & Loan Assn.), and recorded among the land records of Baltimore County, Maryland, in Liber S.M. No. 15727 folio 488 from Scott Cameron Borden and Christina Cromwell Borden. The undersigned William C. Rogers, Jr. and W. Charles Rogers, III, Trustees ~~or Beneficiary or Substitute Trustee(s)~~, join(s) herein to assent to the terms and provisions of this Deed of Conservation and Easement and assent to waive and subordinate the lien of said Deed of Trust to the legal operation and effect of the interest being acquired by Baltimore County under this Deed of Conservation and Easement.

(Add substitute of trustee information if necessary.)

TRUSTEES/BENEFICIARY




 (SEAL)
 WILLIAM C. ROGERS, JR., Trustee

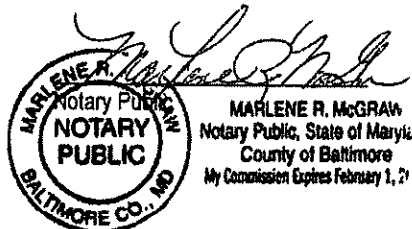
 (SEAL)
 W. CHARLES ROGERS, III, Trustee

STATE OF Maryland, CITY/COUNTY OF Baltimore to wit:

I HEREBY CERTIFY, that on this 14th day of July, in the year 2003 before me, the subscriber, a Notary Public, personally appeared WILLIAM C. ROGERS, JR. and W. CHARLES ROGERS, III, Trustees ~~(or Beneficiary or Substitute Trustee)~~ ^{they} and ~~he/she~~ ^{they} acknowledged the foregoing Deed of Conservation and Easement to be ~~his/her~~ ^{their} act as said Trustees ~~(or Beneficiary or Substitute Trustee)~~, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS My Hand and Notarial Seal.

My Commission Expires: 2/1/2005



STATE OF _____, CITY/COUNTY OF _____, to wit:

I HEREBY CERTIFY, that on this _____ day of _____, in the year _____, before me, the subscriber, a Notary Public, personally appeared _____, Trustee (or Beneficiary or Substitute Trustee) and he/she acknowledged the foregoing Deed of Conservation and Easement to be his/her act as said Trustee (or Beneficiary or Substitute Trustee), and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS My Hand and Notarial Seal.

My Commission Expires: _____

 Notary Public

001866 095

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

1	Type(s) of Instruments	☐ Check Box if addendum Intake Form is Attached. ☐ Deed ☐ Mortgage ☒ Other <u>Easement</u> ☐ Other _____ ☐ Deed of Trust ☐ Lease ☐ Unimproved Sale ☐ Multiple Accounts ☐ Not an Arms-Length Sale [9]																																																	
2	Conveyance Type Check Box	Improved Sale ☐ Arms-Length [1] ☐ Unimproved Sale ☐ Arms-Length [2] ☐ Multiple Accounts ☐ Arms-Length [3] ☐ Not an Arms-Length Sale [9]																																																	
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BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 18681, p. 0095, MSA_CE62_18536, Date available 03/19/2004, Printed 07/17/2018.

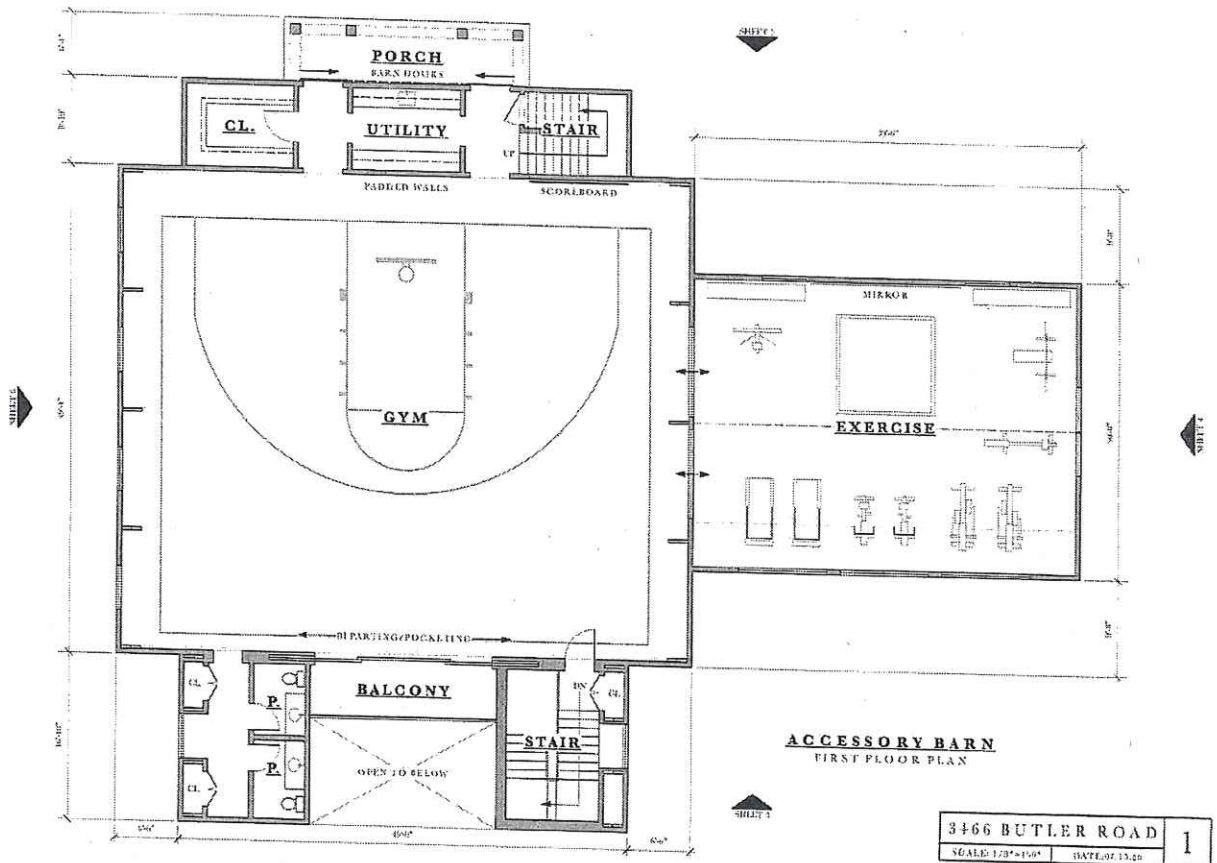
Space Reserved for County Validation

Space Reserved for Circuit Court Clerk Recording Validation

SM 18681

AUG 28, 2003 09:25 am

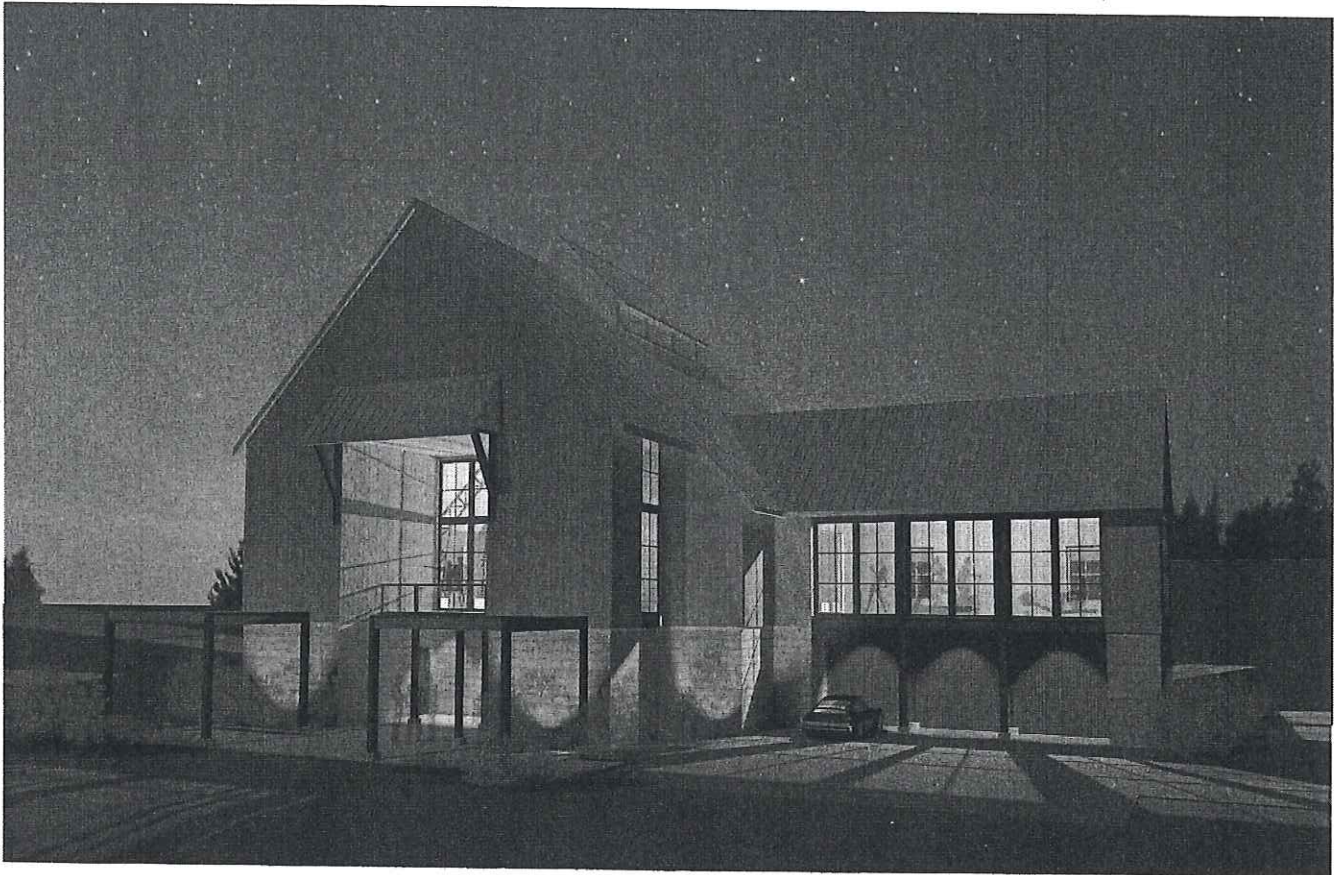
T.P. ART 12-188





1

3466 BUTLER ROAD	2
SCALE: 1/2" = 1'-0"	DATE: 07.13.26



3466 BUTLER ROAD
ACCESSORY BARN

Per. Ex. #7A

VIEW 1
DATE: 07-17-20

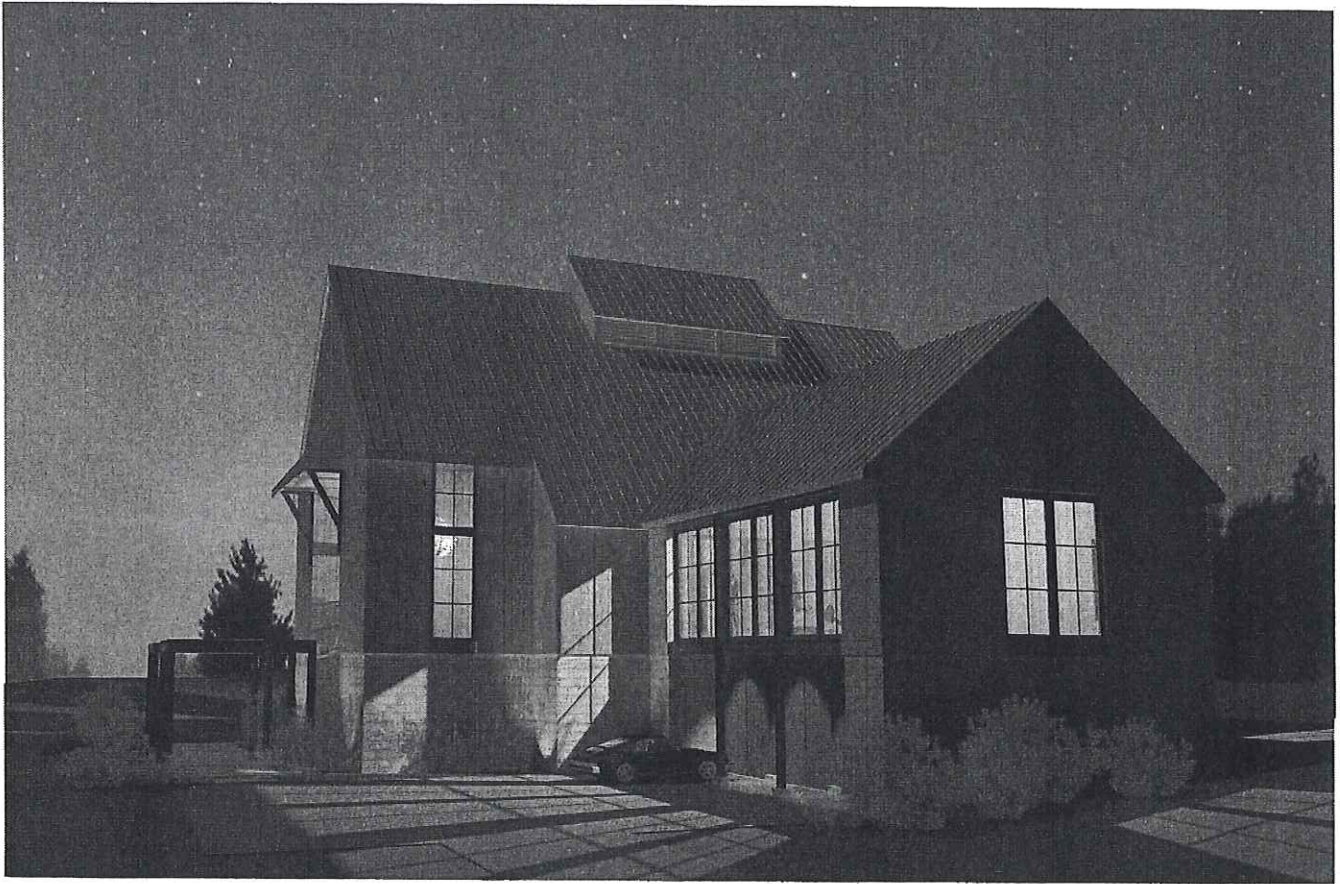
FACUS GAUS



3466 BUTLER ROAD
ACCESSORY BARN

Pet. Ex. #7B

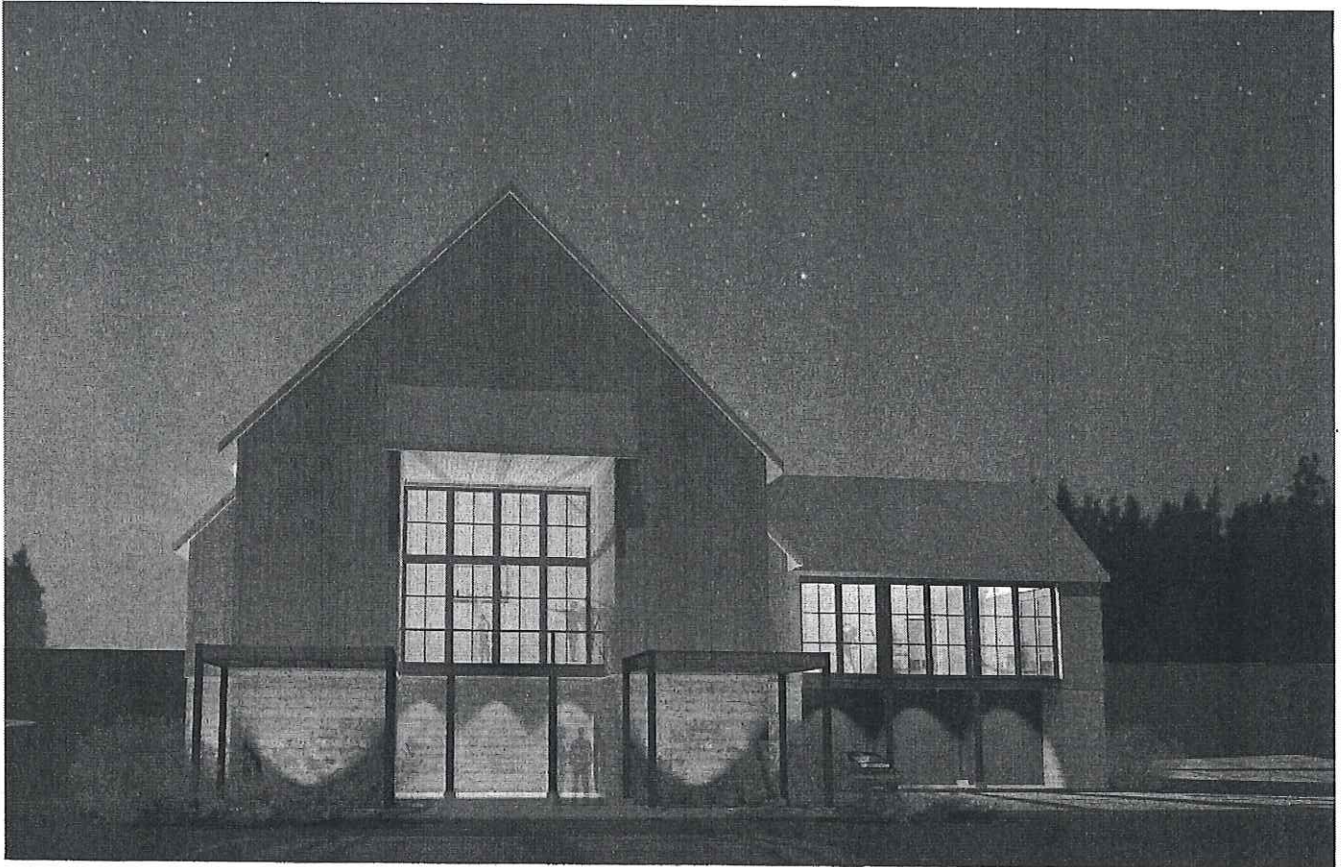
VIEW 2
DATE: 07-17-20



3466 BUTLER ROAD
ACCESSORY BARN

Pgt. Ex. #7C

VIEW 3
DATE: 07-17-20



3466 BUTLER ROAD
ACCESSORY BARN

Pet. Ex. #70

VIEW 4
DATE: 07-17-20



PHOTO SHOWING 100 YR FLOOD PLAIN ON
SUBJECT PROPERTY

EXHIBIT #B Δ

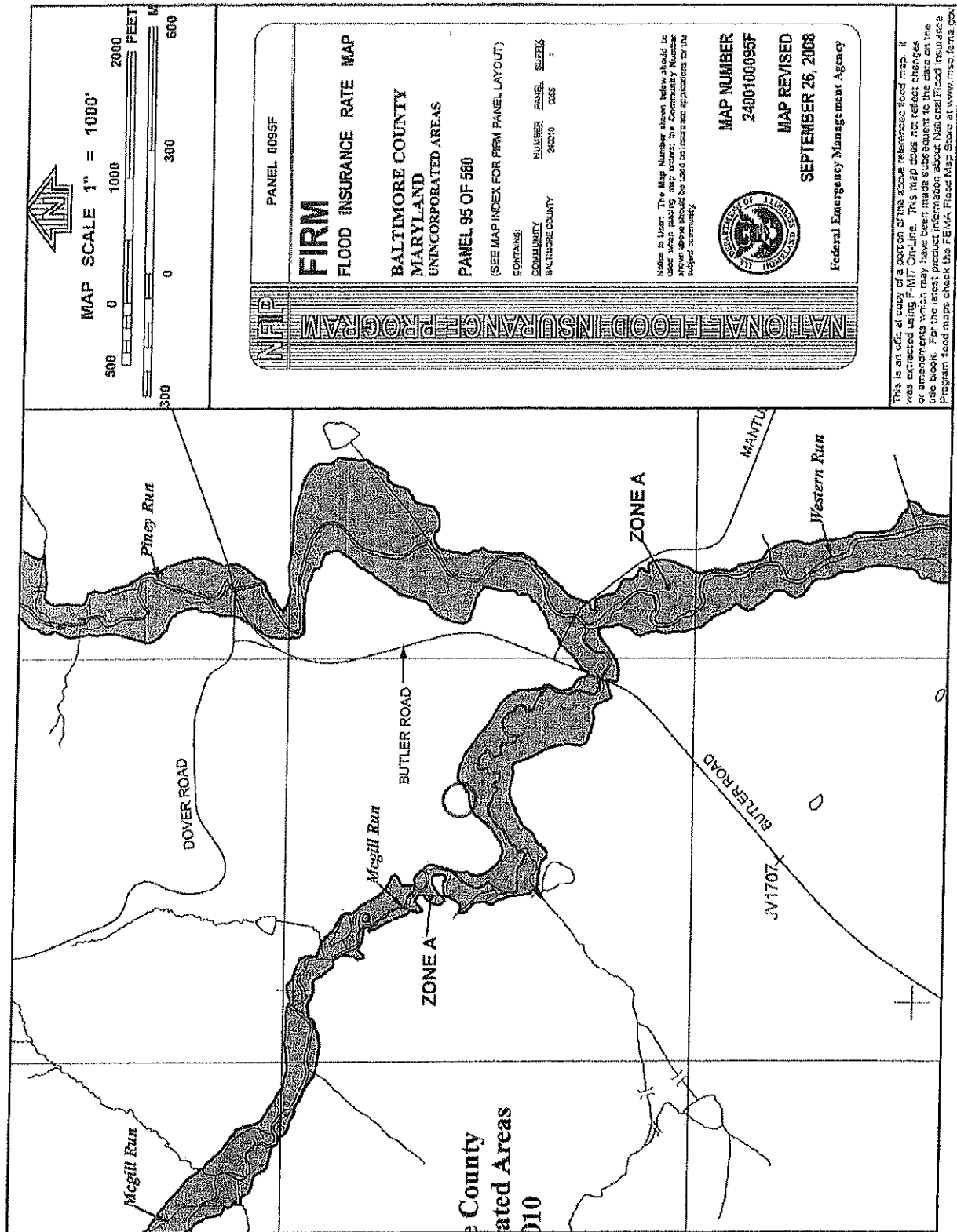
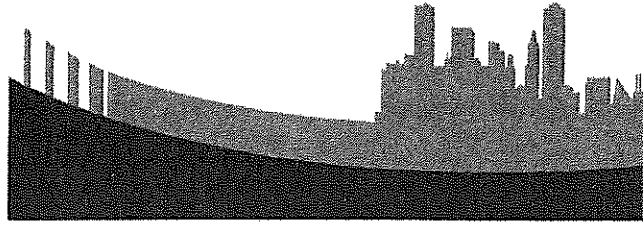


EXHIBIT #8B



January 08, 2021

Re: 9.9 Acre Parcel Tax Acc. # 24-00-003987

For the purpose of clarifying the owner's position as it pertains to the proposed construction of an accessory building on the subject property, we offer the following:

The building will...

- * provide personal storage of vehicles and property maintenance equipment
- * provide personal storage for the owner's belongings
- * be used for personal recreation for the owner's family and their guests
- * be used for personal gatherings for the owner's family and guests

The building will not....

- * be used as a residence
- * be used for a commercial business
- * be used by the public as a rental facility

The subject property has two conservation easements placed on it.

Deed of Conservation Easement 17292/ 1- Land Preservation Trust, Inc.
Deed of Conservation Easement 18681/ 81- Baltimore County Agricultural Land
Preservation Advisory Board

In each easement, the owners "may construct accessory structures designed, constructed and utilized for the purpose of serving the existing residences (for example, garage, well house, tennis court and swimming pool), within a two (2) acre envelope surrounding the dwelling(s)"

This accessory building will be used in accordance with the easement agreements and within a 2 acre envelope.

Late in the summer of 2020, we requested and was given approval by the Baltimore County Agricultural Advisory Board for the building, its use and where it would be located. That request was granted by all of the board members in their formal monthly meeting. This approval was required by each of the easement agreements.

In summary, the proposed building and it's uses meet all of the requirements of the two easements and will meet all of the zoning regulations if the special hearing and the variance requests in Case #2020-0229-SPHA are granted.

With regards,



Bruce E. Doak

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

EXHIBIT #9

January 11, 2021

Via First Class Mail and Electronic Mail

Jeff Perlow, Acting Zoning Supervisor
Zoning Review Office PAI
County Office Building
111 West Chesapeake Avenue, Room 124
Towson, Maryland 21204

RE: Case Number: 2020-0229-SPHA

Mr. Perlow and Hearing Officers,

My name is Theaux Le Gardeur; I have resided at 3456 Butler Rd, Reisterstown, MD 21111 since 2001. My property is directly adjacent to the subject property in Special Hearing Case 2020-0229-SPHA

I am concerned that the two petition requests, if approved, will affect my environmental, aesthetic and property interests and assert that my above stated interests will be harmed if approved.

Further, I am unaware of a hardship or burden that the subject property has that would allow for such a special exception and/or a variance.

The proposed structure and the height of the proposed structure on the subject property, collectively hereafter referred to as the "building" is clearly at odds with the following:

Historical Significance: The historical setting of the Worthington Valley Historic District, and the property values of adjacent historical properties may be impacted by the building. Both my residence and outbuilding, along with two other adjacent properties and the subject property, are recognized within the Worthington Valley Historic District, BA-2215 as Caples structures BA-1120, BA-1121, BA-1122, BA-1123 that represent the historically significant agricultural community of Dover that appears on the Baltimore tax map of 1850.

Existing Conservation Easements: The subject property is currently under a conservation easement that may be impacted by the building.

RC-2 Zoning Layer: Under RC-2 zoning without a principle structure the height limit allowable under a nonagricultural use is 15 feet. The proposed height of 49 feet is 14 feet higher than what is allowable even under an agricultural building use for RC-2 and **34 feet higher than what is allowed under RC-2 zoning of the subject property not under an agricultural building use.**

Water Quality impacts: The additional impervious surface associated with the building may adversely impact McGill Run, a designated USE III-P (wild trout water, drinking

water supply) stream that, at its confluence with Piney Run at the Mantua Mill Rd Bridge forms the Western Run, then joins the Gunpowder River that empties into Loch Raven which provides drinking water for 1.5 million Baltimore Metro area residents.

Visual impacts to Horses and Hounds Scenic Byway: The subject property and proposed building is bounded by Butler Rd. and within view of Dover Rd, both parts of the Horse and Hounds Scenic Byway and may impact the view-shed.

For all of the above reasons, I respectfully request that the two petition requests are denied. Please confirm that this letter has been placed in the file prior to the hearing and thank you in advance for your assistance.

Sincerely,



Theaux M. Le Gardeur
3456 Butler Rd
Reisterstown, MD 2111
txlegar@gmail.com
410-967-3526



3466 BUTLER ROAD
BALTIMORE COUNTY, MARYLAND



DRAWING #:

SP-1

SEAL:

DATE: _____

05.13.21	
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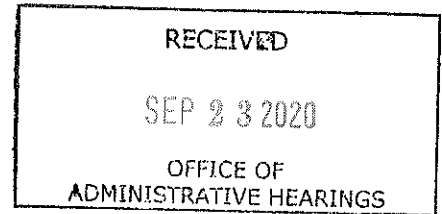
SCHEMATIC SITE PLAN

PROJECT NAME:

3466 BUTLER ROAD
REISTERSTOWN, MARYLAND 21136

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 23, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0229-SPHA
Address Butler Road
(RCG Revocable Trust Property)

Zoning Advisory Committee Meeting of **September 21, 2020**.

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

1. The proposed building appears as though it will have restrooms, so Ground Water Management will need to review this to determine the well and septic requirements.

Reviewer: Dan Esser

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 11/13/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-229

INFORMATION:

Property Address: Butler Road
Petitioner: RCG Revocable Trust-Ecko Gay
Zoning: RC 2
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a Special Hearing to permit an accessory structure on the subject property without a principal structure; Variance to permit the height of an accessory structure of 49 feet in lieu of the maximum height of 15 feet per section 400.3 of the BCZR.

The area is mainly agricultural and rural residential of Upperco. The property is under a Baltimore County Land Preservation Easement and is mixed with woods and agricultural uses.

This request went before the Baltimore County Agricultural Advisory Board on August 12, 2020. The easement also covers the neighboring property 3466 Butler Road. The two properties owned by the RCG Revocable Trust act as one property under the easement. The main dwelling is located on the 3466 Butler Road property with this proposed accessory building being located on the other (Parcel 2). The board did approve the location of the building.

The Department does not object to this request.

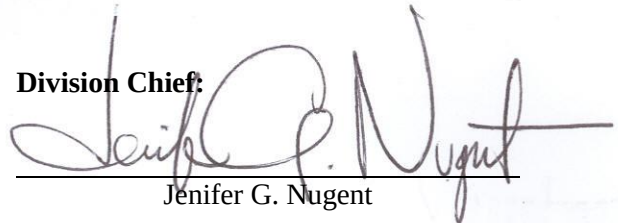
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/KP/

c: Joseph Wiley
Bruce E. Doak Construction LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

2400003986

NW 21-H

1700003554

1600005769

2015-0133-A
2000-0528-SPH

1700003553

2400003985

032B3

4 ED

3 CD

RC 2

2400003987

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

3448

BUTLER RD

1600007576

3466

1600009125

2000012497
1988-0022-A

3454

3456

PAI # 040583

PAI # 040583 Lot # 1

PAI # 040583

PAI # 040583

00000333

Pt. Bk./Folio # MP00042

0403049790

NW 20-H

2400003984

1990-0190-X

0403049792

3401036250

3500

MANTUA MILL RD

1600007575

1988-0348-XA

040B1

1988-0348-XA

0407029881

0415017081

0415017080

3536

2400003986

NW 21-H

1700003554

1600005769

2015-0133-A
2000-0528-SPH

1700003553

2400003985

032B3

4 ED

3 CD

RC 2

2400003987

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

3448

BUTLER RD

1600007576

2000012497

1988-0022-A

3466

1600009125

0403049790

PAI # 040583
PAI # 040583 Lot # 1
PAI # 040583
20000333
Pt. Bk./Folio # MP00042

3454

3456

PAI # 040583

NW 20-H

2400003984

1990-0190-X

0403049792

0401036250

3500

1600007575

1988-0348-XA

MANTUA MILL RD

1988-0348-XA

0407029881

0415017081

0415017080

040B1

3536

0403049791

GENERAL SITE INFORMATION

1. Ownership: RCG Revocable Trust
2. Address: Butler Road, Reisterstown, MD 21136
3. Deed references: J.E. 43118/212 (Parcel 2)
4. Area: 9.903 acres (per J.E. 43118/212)
5. Tax Map / Parcel / Tax account #: 32 / 237 / 24-00-003987
6. Election District: 4 Councilmanic District: 5
ADC Map: 434468 GIS file: 03283 Position sheet: 82N/30
Census tract: 404600 Census block: 240054046002021
Schools: Franklin ES Franklin MS Franklin HS
7. The boundary shown herein is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS file 03283 and the information provided by Baltimore County on the internet.
8. Improvements: Vacant

OFFICE OF ZONING

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

R.C. 2 Requirements for Residential Accessory Buildings

Front: 2.5 feet from the street right of way / property line

Side / Rear: 2.5 feet from the property line

Height: 15 feet high

The Baltimore County Agricultural Advisory Board gave approval in August 2020 for the use and the location of the accessory building as required by the Deed of Conservation Easement SM 18681/ 81.

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URB land type: 1

1. The proposed building will be served by a private well and septic system.
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: Fowlesburg District Code: 303

1. The subject property is in the Worthington Valley National Historic District.

PROPOSED DEVELOPMENT

Construct a building for residential use.

RENDERINGS OF PROPOSED BUILDING



PROPOSED
FRONT ELEVATION



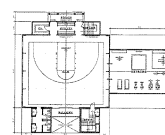
PROPOSED
SIDE ELEVATION



PROPOSED
REAR ELEVATION



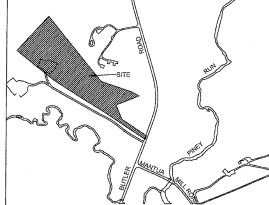
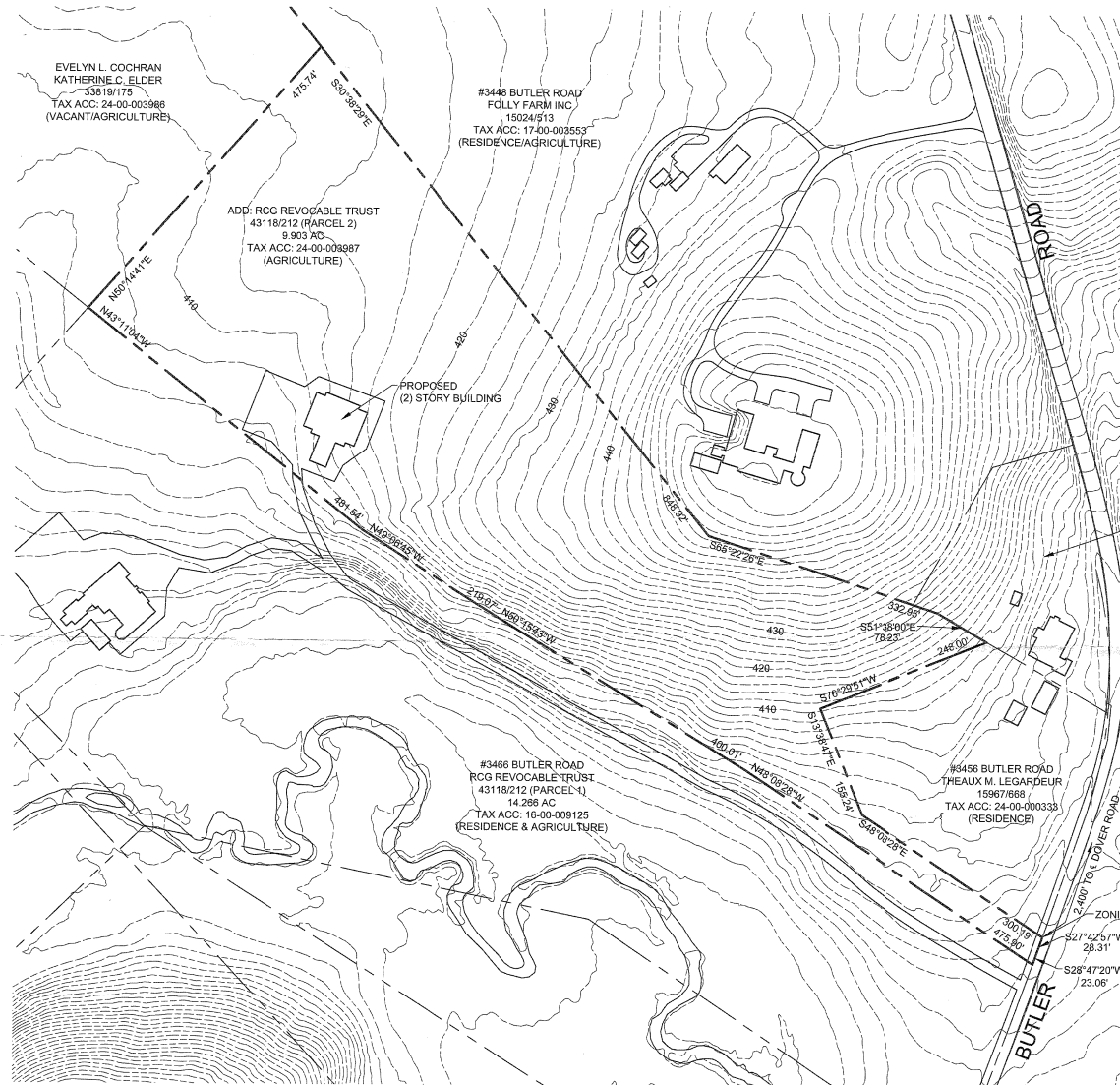
PROPOSED
SIDE ELEVATION



PROPOSED
1ST FLOOR PLAN



PROPOSED
LOWER LEVEL/LOFT



Vicinity Map - Scale: 1' = 600'

OWNERSHIP:
The subject property 9.903 AC (43118/212 - Parcel 2) is owned by the same entity as the adjoining 14.286 AC (43118/212 - Parcel 1).

#3454 BUTLER ROAD
DONNA M. MCHUGH
30928/481
TAX ACC: 20-00-012497
(RESIDENCE)

#3456 BUTLER ROAD
THEAUX M. LEGARDEUR
15967/668
TAX ACC: 24-00-00333
(RESIDENCE)

#3466 BUTLER ROAD
RCG REVOCABLE TRUST
43118/212 (PARCEL 1)
14.286 AC
TAX ACC: 16-00-000125
(RESIDENCE & AGRICULTURE)

EVELYN L. COCHRAN
KATHERINE C. ELDER
35819/175
TAX ACC: 24-00-003986
(VACANT/AGRICULTURE)

ADD: RCG REVOCABLE TRUST
43118/212 (PARCEL 2)
9.903 AC
TAX ACC: 24-00-003987
(AGRICULTURE)

PROPOSED
(2) STORY BUILDING

2020-0029-SPMA

ZONING POINT OF BEGINNING

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Frederick, MD 21053
o 443-800-5535 f 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION
FOR PROPERTY OF
RCG REVOCABLE TRUST
BUTLER ROAD
BALTIMORE COUNTY, MARYLAND
4th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT



Date: 9/12/20
Scale: 1" = 80'

0' 80' 160' 240'
REVISION

GENERAL SITE INFORMATION

1. Ownership: RCG Revocable Trust
2. Address: Butler Road, Reisterstown, MD 21136
3. Deed references: JLE 43118/ 212 (parcel 2)
4. Area: 9.9029 acres (per JLE 43118/ 212)
5. Tax Map / Parcel / Tax account #: 32 / 237 / 24-00-003987
6. Election District: 4 Councilmanic District: 3
ADC Map: 4344G8 GIS tile: 032B3 Position sheet: 81NW30
Census tract: 404600 Census block: 240054046002021
Schools: Franklin ES Franklin MS Franklin 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 032B3 and the information provided by Baltimore County on the internet.
8. Improvements: Vacant

OFFICE OF ZONING

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

R.C. 2 Requirements for Residential Accessory Buildings

Front: 2.5 feet from the street right of way / property line
Side / Rear: 2.5 feet from the property line

Height: 15 feet high

The Baltimore County Agricultural Advisory Board gave approval in August 2020 for the use and the location of the accessory building as required by the Deed of Conservation Easement SM 18681/ 81.

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

1. The proposed building will be served by a private well and septic system.
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

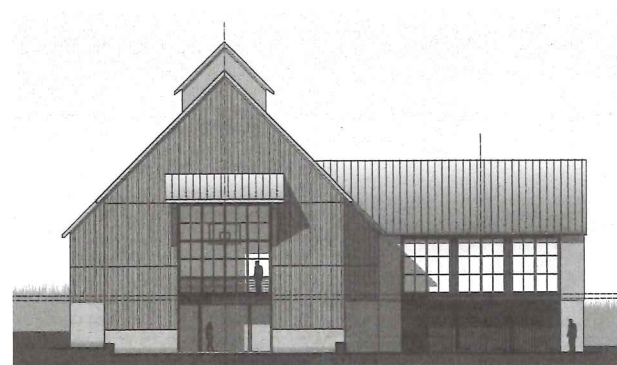
Regional Planning District: Fowblesburg District Code: 303

1. The subject property is in the Worthington Valley National Historic District.

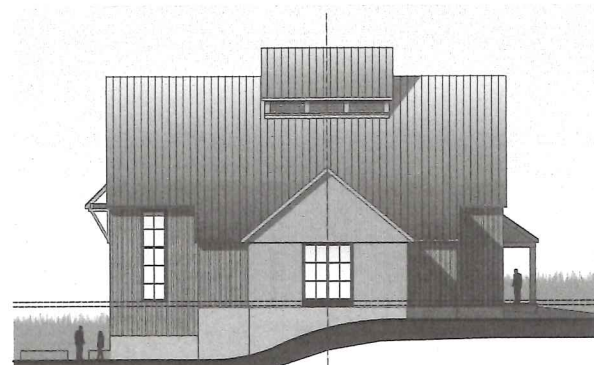
PROPOSED DEVELOPMENT

Construct a building for residential use.

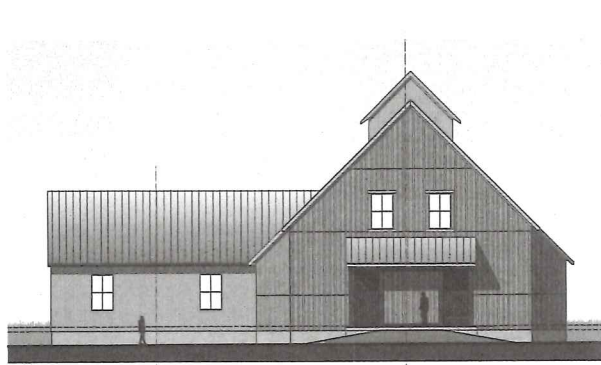
RENDERINGS OF PROPOSED BUILDING



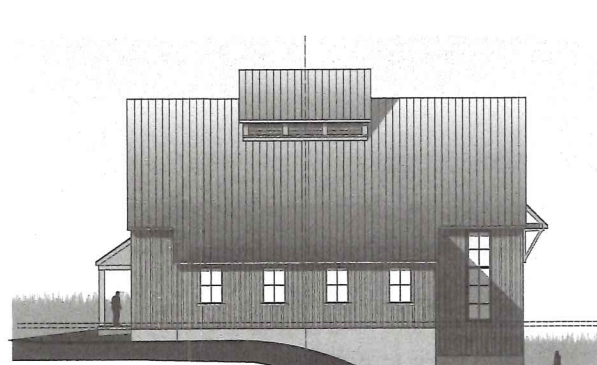
PROPOSED
FRONT ELEVATION



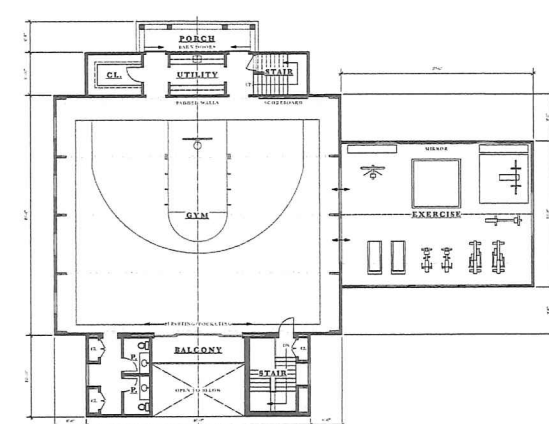
PROPOSED
SIDE ELEVATION



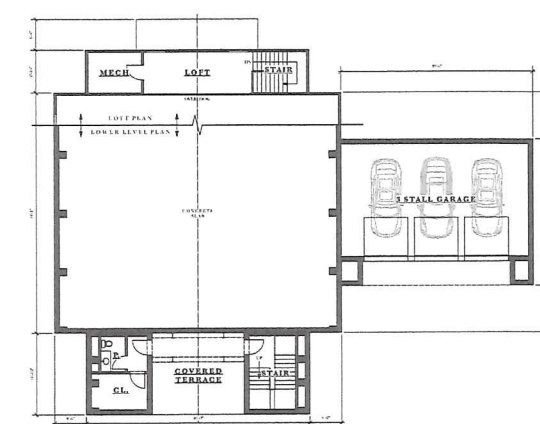
PROPOSED
REAR ELEVATION



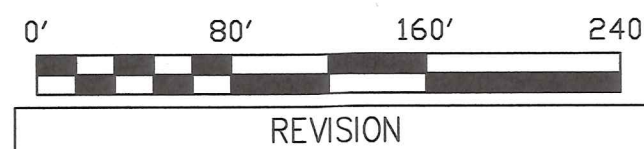
PROPOSED
SIDE ELEVATION



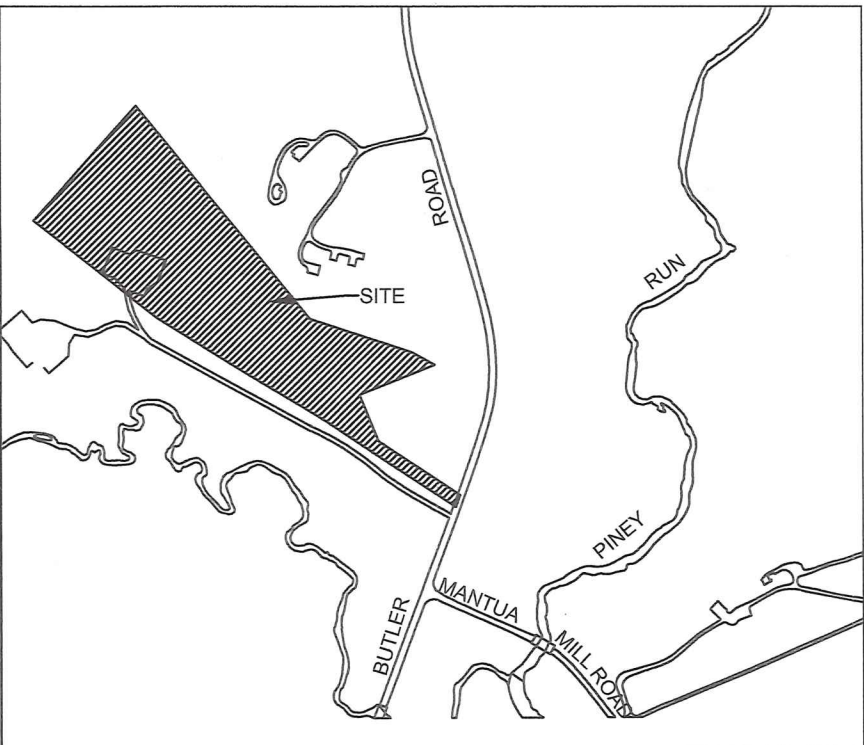
PROPOSED
1ST FLOOR PLAN



PROPOSED
LOWER LEVEL/LOFT

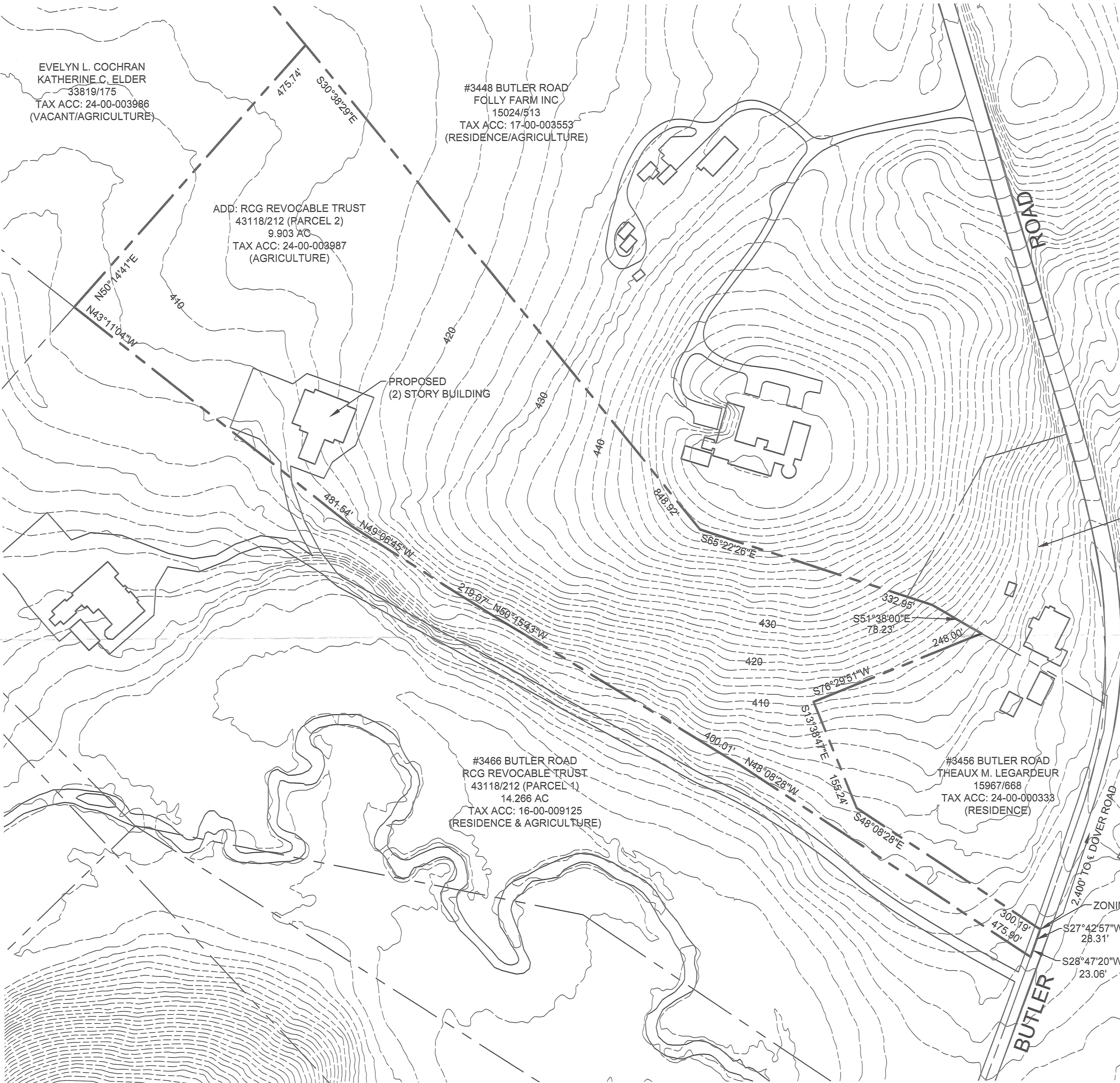


REVISION



Vicinity Map – Scale: 1' = 600'

OWNERSHIP:
The subject property 9.903 AC (43118/212 - Parcel 2) is owned by the same entity as the adjoining 14.266 AC (43118/212 - Parcel 1).



2020-0229-SPHA

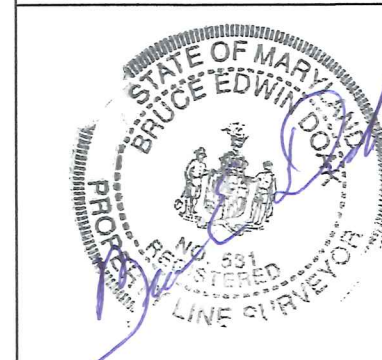
ZONING POINT OF BEGINNING

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



PLAN TO ACCOMPANY A
ZONING PETITION
FOR PROPERTY OF
RCG REVOCABLE TRUST
BUTLER ROAD

BALTIMORE COUNTY, MARYLAND
4th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT



Date: 9/12/20

Scale: 1" = 80'