



JOHN A. OLSZEWSKI, JR.
County Executive

June 6, 2024

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

J. Neil Lanzi, Esquire – nlanzi@wcslaw.com
Wright, Constable & Skeen, LLP
1 Olympic Place, Suite 800
Towson, MD 21204



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Exception
Case No. 2024-0030-X
Property: 2801 Lieb Road

Dear Mr. Lanzi.

Please be advised that an appeal of the above-referenced case was filed in this Office on June 6, 2024. 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 "Maureen E. Murphy".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm
Attachment

c: *See Next Page*

- c: Board of Appeals
People's Counsel
Sarah Day Boodhoo – sarah@theirieretreat.com
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JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

May 7, 2024

J. Neil Lanzi, Esquire – nlanzi@wcslaw.com
Wright, Constable & Skeen, LLP
1 Olympic Place, Suite 800
Towson, MD 21204

RE: CLARIFICATION ORDER
Case No. 2024-0030-X
Property: 2801 Lieb 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 blue ink, appearing to read "DEREK J. BAUMGARDNER", is written over a circular stamp.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB: dlm
Enclosure
c: *See Next Page*

CLARIFICATION ORDER

Case No. 2024-0030-X

Property: 2801 Lieb Road

Page 2

- c: Sarah Day Boodhoo – sarah@theirieretreat.com
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IN RE: PETITION FOR SPECIAL
EXCEPTION
(2801 Lieb Road)
7th Election District
3rd Council District
John Maguire
Legal Owner
Sarah Day Boodhoo
Lessee

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No: 2024-0030-X**

Petitioners

* * * * *

CLARIFICATION ORDER

On April 23, 2024, OAH issued an Opinion & Order (“the Order”) approving the above-referenced Petition for Special Exception to use the premises located 2801 Lieb Road, Parkton, Baltimore County, Maryland (“the Property”) as a camp.

On April 26, 2024, Petitioner filed a Motion for Reconsideration and Amendment of Order pertaining to several conditions of approval listed in the Order.

As the Motion requests clarification of the conditions of approval granted in the Order without substantive amendment, this Clarification Order will serve to clarify the scope of the conditions contained in the Order without modifying or amending the Order. This Clarification Order supplements the prior Order to the extent that further clarification is required for certain conditions listed in the prior Order. This Clarification Order does not constitute a separate Findings of Fact and Conclusions of Law distinct from the underlying Opinion & Order issued on April 23, 2024.

CONDITIONS TO APPROVAL

The prior Order approved the Petition for Special Exception requesting use of the premises for a camp but listed twelve (12) conditions of approval to accompany that use. Petitioner requests clarification on the following conditions:

Condition #5: Outdoor lighting is strictly limited to low-level track lighting or safety lighting and best efforts are to be made to follow dark sky lighting protocols;

The intent of Condition #5 is to limit exterior lighting to minimally acceptable standards not to exceed typical single-family residential lighting. This would prohibit exterior lighting only directed outwards from camp buildings such as light poles, floodlights, or similar commercial-grade lighting or lighting fixtures. Interior lighting is not prohibited under this condition. Ambient or low-level lighting including track lighting used to illuminate paths used by guests to locate their tents, bathhouses, or similar amenities are not prohibited under this condition. Also, traditional campsite lights, personal flashlights, or headlamps are not prohibited.

Condition #6: No electronic sound amplification is permitted;

The intent of Condition #6 is to prohibit loudspeakers, intercoms, amplifiers, bullhorns, or other sound amplification devices. Portable radios or similar devices limited to ambient sounds or music used by camp guests or staff or to accompany amenities offered to guests are not prohibited so long as their volume is limited to what would ordinarily be acceptable for normal personal use.

BCZR §502.3: FIVE-YEAR APPROVAL PERIOD

Pursuant to BCZR § 502.3, Special Exceptions are valid for a period of 2-5 years from the date of approval:

A special exception which has not been utilized [emphasis added] within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void...

...A special exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period [emphasis added], or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence.

BCZR § 502.3. This provision requires Petitioner to “utilize” the special exception approval within, in this case, five (5) years from the date of approval. Utilization of this use includes the

issuance of building, camp, or tent permits as otherwise required under this approval, or the commencement of construction. Once permits have been issued or construction begun, the underlying special exception approval use vests and does not expire. Petitioner is not required to reapply or request extensions of the approval of the special exception. Further, Petitioner is not required to open the camp for participants or to otherwise complete the entitlements process within five (5) years, as vesting merely requires active utilization of the property for the authorized use. Moving forward, unless Petitioner or a successor in interest abandons or discontinues the use, the special exception runs with the land in perpetuity.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 7th day of **May, 2024**, that Petitioner's Motion for Reconsideration, restyled as a Request for Clarification, is hereby **GRANTED** consistent with the clarification as detailed in this Order.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

April 23, 2024

J. Neil Lanzi, Esquire – nlanzi@wcslaw.com
Wright, Constable & Skeen, LLP
1 Olympic Place, Suite 800
Towson, MD 21204

RE: Petition for Special Exception
Case No. 2024-0030-X
Property: 2801 Lieb Road

Dear Petitioner:

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 blue ink, appearing to be "DJB", is written over the name Derek J. Baumgardner.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB: dlm
Enclosure
c: *See Next Page*

c: Sarah Day Boodhoo – sarah@theirieretreat.com
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IN RE: PETITION FOR SPECIAL	*	BEFORE THE
EXCEPTION		
(2801 Lieb Road)	*	OFFICE OF
7 th Election District		
3rd Council District	*	ADMINISTRATIVE HEARINGS
John Maguire		
Legal Owner	*	FOR BALTIMORE COUNTY
Sarah Day Boodhoo		
Lessee	*	Case No: 2024-0030-X

Petitioners
* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Special Exception filed by John Maguire (owner) and Sarah Day Boodhoo (lessee) (“Petitioners”), for the property located at 2801 Lieb Road, Parkton, Baltimore County, Maryland (the “Property”). The Petition for Special Exception seeks approval under Baltimore County Zoning Regulations (“BCZR”), §1A01.2. C.5 to permit a camp, including day camps, on the Property.

A public hearing was conducted in person/virtual/hybrid format on March 19, 2024, with parties being present at the hearing and also virtually using the web-based platform WebEx. The Petition was properly advertised and posted. Petitioner, Sarah Day Boodhoo, appeared at the hearing along with Bruce E. Doak of Bruce E. Doak Consulting, LLC, who assisted in the preparation of the Petition. Petitioner was represented by Neil Lanzi, Esq. of Wright Constable & Skeen, LLP. A number of community members also appeared in person and virtually to provide testimony in opposition. Those individuals included the following: John Anderson, Jessica Armacost, Lisa King, Katie Eggleton, and Jerome Schorr (collectively “the Opposition” unless individually named herein). Written comments were received from Karen and William Chandler.

The record was left open at the conclusion of the hearing for community members present at the hearing to submit written testimony in lieu of oral testimony. Written testimony was received from Kevin King and is included in the record. Petitioners' response to Mr. King's written testimony was received on April 11, 2024, and the record was then closed.

The following materials were submitted by Petitioner and were admitted as exhibits into the record: (1) slide show; (2) Site Plan; (3) SDAT Report; (4) GIS map; (5) GIS with contour lines; (6) GIS aerial photograph; (7) Key Sheet with photographs A-L; and (8) Response to Mr. King's written testimony.

The following materials were submitted by the Opposition and admitted as exhibits:

Submitted by Mr. Anderson:

- (1) Change.org Petition (pp.1-4);
- (2) Signature (pp.5-9);
- (3) Estimate – Property Damage (p.10);
- (4) King Property Damage (pp.11-12);
- (5) King Lieb Road (p.13);
- (6) King Accident (pp.14-15);
- (7) FEMA Flood (p.16);
- (8) King Lieb Road 2 (p.17);
- (9) King Lieb overhead (pp.18-19);
- (10) King Lieb overhead zoom (p.20);
- (11) King Lieb Road 3 (pp.21-22);
- (12) Boodhoo letter 1 (pp.23-24);
- (13) Boodhoo letter 2 (p.25);
- (14) Maguire Letter (p.26);
- (15) Boodhoo Letter 3 (pp.27-28);
- (16) Irie Website (pp.29-42);
- (17) Flood (pp.43-46);
- (18) Overview with Distance (pp.47-54);
- (19) Overview – Lieb (pp.55-56)
- (20) Lieb Road – google maps (pp.57-67);
- (21) Boodhoo – Investor (p.68);
- (22) Change.org Corrected Bubble (p.69)

Submitted by Ms. Armacost:

(23) Packet

Submitted by Mr. & Mrs. Chandler:

(24) Letter

Submitted by Katie Eggleton:

(25) Property Map

Submitted by Kevin King:

(26) Written testimony with photographs

The following materials were submitted by county agencies and admitted as exhibits into the record: (1) Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”); (2) Development Plans Review (“DPR”) comments; (3) Department of Environmental Protection and Sustainability (“DEPS”) comments; and (4) Department of Environmental Protection and Sustainability (“DEPS”) revised comments. County agency reports provided recommended conditions but do not indicate objection to the proposed special exception.

Findings of Fact

The Property is approximately 25.2349 acres in land area and is located in the Parkton area of Baltimore County, approximately 2,500 ft. from the Pennsylvania border. The lot is heavily covered in forest and woodlands and while a separate lot is part of a much larger tract of approximately 160 acres, also mostly forested. The Property is split-zoned RC-2/RC-7 and is improved with a single-family dwelling, a “cottage,” as well as a pavilion, associated accessory structures, and a pond. Most of the lot remains unimproved. The property is currently unoccupied and its permit history is unclear. The Property is located within a floodplain and also contains a tributary stream which flows through multiple adjacent properties before feeding into Deer Creek.

Petitioner, Sarah Day Boodhoo, testified as to her background and the intended use of the property as a wellness camp for adults and families that will offer activities like meditation, yoga, reiki, and similar activities in a “get back to nature” camp setting for approximately 30-33 participants. *See* Pet. Exh. 1 for a presentation outlining the camp’s purpose, accommodations, and services. Ms. Boodhoo is a managing member of Irie Retreat, LLC, the entity that will operate the proposed camp. She explained that an SBA loan for the business is bundled with the proposed lease and land approvals, such that land use entitlements are a condition precedent to ratification of the loan. Ms. Boodhoo explained that this property was selected because of its rural and quiet character as an ideal location for the camp so that participants can “dive into nature” and “escape the hustle and bustle of life.” Guests reserve spots in tents and can select from various wellness activities and services offered at the camp during their 1–2-night stay.

Ms. Boodhoo testified that the proposal is to construct twelve temporary tent platforms and then erect canvas “glamping” lodging tents¹ in an open area on the property located on an elevated ridge. *See* Pet. Exh. 2. In addition, two “spa tents” for massage, reiki, and acupuncture and a welcome or host tent will also be erected. *Id.* Activities including group activities will occur nearby in the valley of the parcel close to an existing pavilion. Various activities are proposed for camp participants including yoga, meditation, and other wellness practice including small-scale gardening. The pavilion and existing tractor shed will be renovated for use by camp participants or camp staff. The existing single-family dwelling and cottage will not be utilized as part of the camp and will likely be razed. Two bathhouse sheds will be erected on platforms close to the tent site for showers and toilet facilities with a new septic system. *See* Pet. Exh. 2. Improvements will

¹ Glamping: Outdoor camping with amenities and comforts (such as beds, electricity, and access to indoor plumbing) not usually used when camping. *See* Webster's Third New International Dictionary of the English Language, Unabridged.

be made to existing recreational features like the basketball court that will be repurposed as a gathering area while the existing small shed and chicken coop will be removed. Parking facilities will be provided on-site using pervious materials in compliance with Baltimore County regulations. Additional landscaping and screening are proposed along Lieb Road and along the property line between the subject site and the adjacent Eggleton property.

Irie Retreat, LLC will operate the proposed camp with a staff of seven employees or contractors with three staff persons on-site during daytime operating hours. Security personnel will be engaged to ensure participant safety during overnight hours and to enforce quiet hours. The camp will operate seasonally from March 15 through Thanksgiving weekend with the majority of activities occurring during daylight hours with quiet hours between 10 p.m. - 8:00 a.m.

Mr. Doak, a licensed Maryland surveyor, testified in regard to his preparation of the Site Plan. *See* Pet. Exhibit 2. Mr. Doak described Petitioner's Exhibits 3-6 including the SDAT report, GIS maps and imagery indicating the property's zoning, linear distances from adjoining residential properties, topography showing contour lines (which show elevation changes). Petitioner's Exhibit 7 was explained as the key sheet indicating the locations for site photographs (a)-(l) taken by Mr. Doak. Mr. Doak further testified regarding those site photographs and the visibility of the proposed camp from neighboring properties, stating that the property enjoyed substantial forest and vegetative cover that would likely block many activities on site from the view of surrounding properties, especially activities occurring in the valley of the parcel close to the pavilion where group activities are proposed. Mr. Doak stated that a traffic study was not performed or submitted as part of this application as a traffic study is not required under BCZR for the proposed use. Further, he stated that impact on the property from traffic would be *de minimus* thus not necessitating a traffic study to satisfy special exception review. Likewise, Mr. Doak stated that

environmental studies including wetland or forest stand delineations, forest buffer or conservation surveys were also not conducted because the BCZR does not require further environmental review for purposes of a special exception hearing, and there would be no impact on environmental features of the property from the proposed use as no infill development or tree removal is proposed under the Petition. Mr. Doak stated that while walking the property he did not see any neighboring homes. Finally, Mr. Doak testified to the BCRZ § 502.1 factors and stated that the Petition and application satisfied all factors.

Community Testimony

Ms. Lisa King testified that she resides closest to the subject property and would be most impacted by noise, lighting and traffic emanating from the proposed camp. Ms. King stated that Lieb Road is a dangerous road that is winding with steep hills and blind turns. She further stated that this area of northern Baltimore County is overwhelmed by traffic spurred by unchecked development in southern Pennsylvania. She stated that Lieb Road is already plagued with vehicle traffic accidents citing State of Maryland data indicating seven motor vehicle accidents since 2019. Ms. King stated that she was personally aware of many more vehicle accidents that were never reported. Ms. King also testified that the property is located within a floodplain and she has observed the stream overflowing its banks and flooding the road and onto the subject property. Ms. King stated that police, fire, and emergency response is slow in this area and there is no cell phone service. Ms. King stated that the various activities from the proposed use including trash removal and septic servicing will be intrusive and disruptive to herself, her family, and neighbors. In sum, Ms. King stated: "It doesn't fit into the area. It's not a business that promotes agriculture and it's not appropriate for the area. The area isn't compatible with this business." On cross-examination, Ms. King acknowledged that she would have similar concerns with respect to traffic

safety for most other permitted or special exception uses on this property given conditions along Lieb Road.

Ms. Katie Eggleton, who resides with her family adjacent to the subject property, stated that she was concerned about strangers (e.g., guests of the camp) being in close proximity to her property and family. She expressed concern regarding the safety and security of her family from the risk of camp participants unknown to her and her family. *See* Opp. Exhibit 25.

Ms. Jessica Armacost testified in opposition and offered written materials into the record. *See* Opp. Exhibit 23. Ms. Armacost and her family own and operate Corner Mill farm which is located in close proximity to the subject property. Ms. Armacost testified regarding Baltimore County's support of agricultural communities and offered that one such protection was zoning protection for agricultural land supporting agricultural land use policy "to protect the rural integrity of the land that is above the Urban Rural Demarcation Line ("URDL")." Ms. Armacost offered her opinion that the proposed special exception is inconsistent with RC zoning and that a more appropriate forum would have been the Comprehensive Zoning Map Process ("CZMP") process for rezoning the property. Ms. Armacost further stated her opinion that county agencies did not fully understand what was proposed under this Petition and had they been fully informed they may have taken a more critical stance. Ms. Armacost further testified as to the various agricultural operations on her property that may disturb or disrupt camp activities, generally described as quiet and meditative, and the potential for complaints to PAI Code Enforcement from camp participants offended by those oftentimes noisy, dusty, and odorous activities of a working farm. Ms. Armacost also testified regarding the narrow width of Lieb Road including the drainage culvert located close to the driveway entrance to the subject property (referred to during the hearing as "the bridge"). Ms. Armacost also corroborated Ms. King's testimony that fire, police and emergency response

can often be delayed in this part of northern Baltimore County. Ms. Armacost stated that her property's well went dry four times this past year and she expressed concerns regarding water usage from the proposed camp impacting surrounding properties.

Mr. John Anderson, a neighboring property owner, testified that the proposed use does not meet the BCZR definition of a camp but rather, is a commercial operation akin to a yoga studio or wellness center. Mr. Anderson referred to other uses within the BCZR that list "Wellness, health and fitness center[s]" as standalone uses permitted by right in commercial or office zoning districts. *See* BCZR § 206.3(15). Mr. Anderson further offered his opinion that the proposed use does not meet the spirit and intent of BCZR for RC-2 zoned properties. Mr. Anderson submitted a number of exhibits labeled "Community Exhibits." *See* Opp. Exh. 1-22. Those exhibits were admitted in total but individual exhibits will be given the weight in this analysis that they are due. Mr. Anderson testified that this portion of Lieb Road is not safe for drivers as evidenced by multiple vehicle accidents and he offered exhibits showing damaged vehicles and damaged property corroborating Ms. King's testimony regarding vehicle accidents. *See* Opp. Exhibits 3-6. Mr. Anderson also testified that he and his family can clearly see the area where the camp is proposed unobstructed by trees or brush, and likewise, individuals in those areas of the camp where the tents are proposed would have an unobstructed view of Mr. Anderson's home and property. Mr. Anderson submitted exhibits showing approximate distances from the location of the proposed tents to neighboring residences and testified that the subject property can, in fact, be seen by neighboring property owners, especially the ridge where the proposed tent sites are located. *See* Opp. Exhibit 18. Mr. Anderson further expressed concerns regarding camp participants trespassing on neighboring properties as many neighboring properties do not have fences or physical barriers.

In rebuttal, Petitioner explained that plans for the proposed camp were modified from when the plan was originally contemplated after discussion with community members and county agencies. These modifications included removing bathroom facilities from individual tents in favor of common “bathhouses,” and limiting vehicle traffic by restricting the number of vehicles permitted per tent. Petitioner also testified that security cameras will be installed to monitor the property for participants’ safety. Petitioner stated that participants would sign industry-standard waivers with regard to liability or environmental risks. Petitioner stated that lighting would be minimal to include trail surface lighting to the bathhouses and interior lighting inside the tents. Mr. Doak confirmed that the tent platforms would not require building permits but the tents would require tent permits. Mr. Doak further stated that the parking area will be located in the valley of the parcel where views from neighboring homes will be obstructed by significant tree and vegetative cover.

County agencies including the Department of Planning (“DOP”), PAI Department of Plans Review (“DPR”), and the Department of Environmental Protection and Sustainability (“DEPS”) submitted comments on the Petition. Planning’s ZAC comment highlighted the importance of ensuring that any commercial activities on the property remained harmonious with surrounding agricultural operations confirming to the agricultural character of the community. The comment stressed the need for, among other things, clarification of the number of persons on site, location and capacity of the vehicle parking area, restrictions on whether guests other than overnight guests are permitted on-site, and staff supervision during daytime and nighttime hours.

Groundwater Management (“DEPS”) submitted a comment recommending that any approval be conditioned upon Petitioner obtaining a camp license from PAI which would include: (1) submission of a perc application and site plan, as well as a Water Usage Letter to EPS Ground

Water Management; and (2) establishing required sewage disposal areas and water supplies that are in compliance with all applicable state and county regulations for all existing and proposed structures with plumbing. Environmental Impact Review (DEPS) submitted a comment confirming that any development on the property must comply with BCC § 33 with respect to water quality and forest conservation requirements.

Conclusions of Law

BCZR § 1A01.2.C.5: Camps, including day camps

Petitioner proposes to construct temporary wooden tent platforms and erect 12 tents on the property along with accessory tents and temporary accessory structures/sheds to be used by participants for temporary lodging by mostly adults to “get out into nature” and engage in optional activities and wellness services like meditation, yoga, reiki, or other similar health, wellness, and recreational activities. She characterizes this use as a “camp” as designated under BCZR § 1A01.2.C.5. The Opposition argues that the proposed use of the property is more accurately described as a commercial wellness center and more appropriately located in a business or office zone. The Opposition contends that such a commercial use would not and should be permitted in this RC-2 zoned property. This issue was raised by the Opposition at the hearing in the form of a Motion to Dismiss. That Motion was denied as its substance is better addressed here.

The determination of whether a use described in a Petition and articulated during the fact-finding process meets the definitional requirements of a particular use falls squarely within the jurisdiction of OAH in the special exception hearing process. While not formally an exercise in statutory interpretation, the fact-finder’s role remains to execute the purpose and intent of the Baltimore County Council by ensuring that proposed uses of land satisfy the use standards and definitions provided under BCZR. “When undertaking an exercise in statutory interpretation, we

start with the cardinal rule of statutory interpretation—to ascertain and effectuate the [legislature’s] purpose and intent when it enacted the statute.” *Shivers v. State*, 256 Md. App. 639, 658, 287 A.3d 1255, 1266 (2023) (citing *Wheeling v. Selene Fin. LP*, 473 Md. 356, 376, 250 A.3d 197 (2021) (citing 75-80 Properties, L.L.C. v. RALE, Inc., 470 Md. 598, 623, 236 A.3d 545 (2020))). The primary goal in interpreting statutory language “is to discern the legislative purpose, the ends to be accomplished, or the evils to be remedied by the statutory provision under scrutiny.” *Id.* (quoting *Lockshin v. Semsker*, 412 Md. 257, 274, 987 A.2d 18 (2010)).

Baltimore County Zoning Regulations do not provide an express definition for “Camps, including day camps” designated as a special exception under the BCZR § 1A01.2.C.5. Pursuant to BCZR § 101.1, when express terms remain undefined, “Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.” BCZR § 101.1. Webster's Third New International Dictionary of the English Language, Unabridged, provides the following definition(s) for “camp”:

- (1) a place of temporary shelter, lodging, or residence often at a distance from urban areas or the tents, cabins, or other buildings used for such shelter, lodging, or residence:
 - (a) the ground on which tents or buildings are erected for shelter or usually temporary residence (as for troops, prisoners, or vacationers)
 - (b) the group of tents, cabins, or buildings either temporary or permanent in construction or location erected on such ground
 - (c) a town usually new and often temporary sprung up especially in an isolated lumbering or mining region
 - (d) a place of rest, lodging, or assembly specifically: a place where cattle or other livestock are rounded up
 - (e) (1): a place provided with tents or cabins usually in mountain or lake areas designed for rest or recreation especially for children during the summer

BCZR § 101.1

Further, while “camps, including day camps” is not a defined term under BCZR, BCZR § 101.1.C offers some insight by providing definitions for CAMPING UNIT (a tent, cabin, lean-to,

recreational vehicle or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes, and CAMPSITE (any plot of land within a campground intended for exclusive occupancy by a camping unit or units, occupied by a camper), CAMPGROUND (a tract of land upon which two or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes) and DAY CAMP (a plot of ground upon which children may engage in supervised recreational, educational, cultural or artistic activities outdoors during daylight hours, but day camp does not include schools or child care centers). *See* BCZR § 101.1.C. These definitions, excluding clearly inapplicable references in Webster’s Dictionary to livestock, all share common themes and elements like temporary shelters or lodgings, used by children or adults, usually located in non-urban settings, and tents or cabins used for recreation, education or vacation purposes. Moreover, “camp, including day camps” is an inclusive term in that camps *can be* “day camps,” limited to day time use by children, but are *not required* to be “day camps” to meet the definitional requirement of “camp, including day camps” under BCZR.

The Opposition further points to BCZR regulations for the listed permitted use of a “Wellness, health and fitness center” in, for example, the OR-2 zoning district, as being dispositive of this definitional issue. However, both the statement of legislative policy articulated under BCZR § 206.2 and the use regulations under BCZR § 206.3 repeatedly refer to office building developments, Class A and Class B office buildings, inferring that “Wellness, health and fitness center” are to be contained *within a building*. This coincides with the common and everyday use of commercial uses like yoga studios or wellness centers that are either typically or exclusively located within commercial or office-type buildings. The proposed use does not contemplate the construction of any permanent structures or improvements to real property. No new infill

construction is proposed. Rather, the proposed use calls for erecting tents for temporary lodging and offering guests activities like yoga, meditation, or other wellness practices. These services can also be provided in a more traditional office or commercial setting in a building, but in that instance typically take the form of drop-in classes, members only gym or fitness centers, or other similar tenant services offered for fee to the public at large.

Petitioner's characterization of the use as a "camp" is more credible and aligns with the definition of "camps, including day camps" as described above. The Petition is not proposing infill development or the construction of any new permanent structures requiring foundations, building permits, or substantial grading. Participants are required to register in advance, programming and activities are offered in conjunction with overnight stays as optional activities to supplement the camping experience, and daily or hourly "pop-in" registration for activities or sessions will not be offered. While some of the activities offered to participants like yoga or meditation can also occur in commercial settings located in wellness center buildings or yoga studios, the format described by Petitioner as overnight stays where participants lodge in tents with ongoing programming occurring over an extended period of time are not typically associated with a conventional commercial wellness center or yoga studio for hourly or daily use. Notwithstanding Petitioner's use of the term's wellness center or wellness retreat in her promotional and marketing materials, as well as her occasional testimony at the hearing, the description and operational features of the proposed use plainly distinguish a "wellness, health and fitness center" as contemplated under BCZR § 206.3 located in an office or commercial building, from the proposed camp under this Petition. For these reasons, I conclude that the proposed use satisfies the definition of "camps, including day camps" under BCZR § 1A01.2.C.5.

The Comprehensive Zoning Map Process ("CZMP")

Several references were made to the cyclical CZMP process and how Petitioner's request is better addressed through the rezoning of the subject property. OAH has no jurisdiction over the CZMP process and does not control the particular entitlement pathway chosen by a landowner for the use or development of private land. However, as described more thoroughly below, the land entitlement tool of a special exception is contemplated both during the cyclical CZMP process as well as the continuous and ongoing legislative process through legislative text amendments as a valid land use tool to establish what and by what method various uses of land can and cannot be established. The Baltimore County Council has established that "camps, including day camps" are special exception uses within all RC-2 zoning districts codified under BCZR §1A01.2. C.5. That is the regulatory prerogative of the legislature and OAH is required by regulation to put the Petition through its paces using the mandated special exception evaluation process. Whether another entitlements pathway is better or worse suited is not for this agency to say. With jurisdictional and definitional issues now resolved, this analysis will proceed to evaluation of the proposed special exception through the BCZR § 502.1 factors and state law.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the Court of Appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. "A special

exception is presumed to be in the interest of the general welfare, and therefore a special exception enjoys a presumption of validity. *Id.* at 285 (citing Schultz, 291 Md. at 11, 432 A.2d at 1325 (1981)). “A special exception...is merely deemed *prima facie* compatible in a given zone. The special exception requires a case-by-case evaluation by an administrative zoning body or officer according to legislatively-defined standards. That case-by-case evaluation is what enables special exception uses to achieve some flexibility in an otherwise semi-rigid comprehensive legislative zoning scheme.” *People's Couns. for Baltimore Cnty. v. Loyola Coll. in Maryland*, 406 Md. 54, 71–72, 956 A.2d 166, 176 (2008). In Baltimore County, Petitioners are further required to satisfy the special exception factors pursuant to BCZR § 502.1. OAH is required to make affirmative findings in regard to these special exception factors as well as the prevailing common law with respect to special exceptions.

The Special Exception Factors: BCZR § 502.1

I find Petitioner has satisfied both her burden of production and persuasion in demonstrating her *prima facie* and rebuttal cases through the evidence adduced at the hearing. Petitioners satisfy the Special Exception factors pursuant to BCZR § 502.1 in the following manner:

A. Be detrimental to the health, safety or general welfare of the locality involved;

There is no persuasive evidence in this record to indicate that approval of the proposed camp would be detrimental to the health, safety or general welfare of participants, adjacent or nearby property owners, or the community at large. Mr. Doak, Petitioner’s land use consultant, acknowledged that Lieb Road and surrounding roads were often steep and curved and that cars often traveled with excessive speed. Mr. Doak also testified that the area in front of the Property does have a small radius curve that would be generally more hazardous than wider turns or

straighter roads. However, there is no evidence to indicate Lieb Road is more or less hazardous than any other rural road in northern Baltimore County. For example, there is nothing in the record to establish formal deficiencies in levels of service, points of hazard or congestion, or structural defects. Ms. King testified that there have been numerous motor vehicle accidents including two accidents in close proximity to where vehicle parking is proposed on the Site Plan. Mr. Anderson confirmed this testimony and stated that he routinely sees and removes pieces of motor vehicles that have been deposited along this portion of Leib Road after car accidents. While there is no reason to doubt the truthfulness of this testimony, there is no persuasive evidence in the record to indicate that the proposed camp will have any appreciable impact on Lieb Road detrimental to participants or the community above and beyond those impacts that would accompany any use of land. Moreover, there are several camps nearby that pose no significant risk to the health, safety or general welfare of camp participants or the public and there is nothing in this record to indicate how the proposed camp would exacerbate existing conditions. Mr. Doak testified that the use will have no detriment to the health, safety or general welfare of others. That testimony is credible coupled with the lack of any persuasive evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

B. Tend to create congestion in roads, streets or alleys therein;

The proposed camp will consist of 12 temporary lodging tents, several service tents, small bathhouses, and several renovated existing structures, with a maximum total capacity of 38 persons to include participants, staff, and service providers. Petitioner testified that while the request includes this maximum capacity, it is likely that actual occupancy will be far less depending on enrollment. The site itself totals 25 acres in land area and is surrounded by compatible residential and agricultural uses on large parcels. The main access point is an existing drive on Lieb Road.

Lieb Road is perhaps more aptly described as a “country lane” which is generally narrow and curved with significant elevation change. While perhaps not ideal for substantial increases to traffic flow, especially during times of peak use for commuters, the proposed use will not generate significant traffic or resulting traffic congestion. The proposed camp has participants arriving and departing at set check-in and check-out times, both occurring during daylight hours outside of peak a.m. or peak p.m. travel periods, and staying overnight without frequent trips off-site. Vehicles will remain parked for the duration of participants’ stays. Per Petitioner’s testimony, vehicles will be limited to one vehicle per tent. There was no evidence offered to indicate that vehicles will queue onto Lieb Road. Further, there was no competent evidence offered that an additional 15 vehicles on Lieb Road during non-peak hours will cause undue congestion.

Given the low-intensity use, seasonality of operations, limited hours when participants will be arriving and departing, cap on capacity coupled with a restriction on the number of vehicles permitted per tent, I find that there will be no queueing on public roads or discernable increase in congestion on Lieb Road or surrounding roadways.

C. Create a potential hazard from fire, panic or other danger;

The proposed camp will utilize tent platforms and cloth or fabric tents with restricted capacity over a large acreage. No buildings or structures are proposed under this Petition and no roadway or driveway improvements are proposed that might either present fire or panic dangers or impede fire or police response. Community members testified to slow fire, police and emergency response and the lack of reliable cell phone service in the area. However, the use proposed does not create significant increased risks for the need for police, fire or emergency services above and beyond those risks inherent in any camp or most other permitted or special exception uses. Several other camps currently operate in northern Baltimore County and there is

nothing in this record to indicate those uses pose a hazard risk from fire, panic or other danger, or any specific reasons why the proposed camp poses such risks. Mr. Doak testified that the use will not create a potential hazard from fire, panic or other danger. That testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

D. Tend to overcrowd land and cause undue concentration of population;

The maximum proposed number of 38 persons on the approximately 25-acre parcel does not overcrowd the land. Further, although not a part of this Petition, the adjacent parcel of 161 unimproved acres is owned in common with the subject property further buffering any overcrowding. Camp guests stay for one to several days on a temporary lodging basis in tents. Therefore, no undue concentration of population is created as occupancy is temporary and transitory. Mr. Doak testified that the use will not overcrowd land or cause undue concentration of population. That testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

The property has been found suitable for private well and private septic and will not impact public water, sewer, or other utilities. As this property is in a rural area of Baltimore County, no public transportation will be impacted by the use. Mr. Doak testified that the use will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. That testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

F. Interfere with adequate light and air;

The Petition proposes no new infill construction or the construction of buildings that might interfere with adequate light and air. The proposed tents will occupy only a small portion of the 25-acre property with no impact on light and air. Mr. Doak testified that the use will not interfere with adequate light and air. That testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

Pursuant to BCZR § 1A01.1, the legislative statement for findings for the RC-2 zoning district are as follows:

A. Legislative Statement of Findings.

1. Declaration of findings. It is found:

- a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;
- b. That the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry;
- c. That scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;
- d. That continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;
- e. That heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;
- f. That Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the bay's biotic life; and

- g. That Baltimore County possesses numerous areas which are highly suitable for urban development, including residential subdivisions which are not located in areas of productive agricultural land.

B. Purposes. The R.C.2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

The proposed camp satisfies both the legislative intent and continued purpose of properties zoned RC-2 to “foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.” BCZR § 1A01.1(B). From the record presented in this case, it would be difficult to put forward a less intensive use of property or more environmental and agricultural friendly use of property than that proposed under this Petition. The Petition does not propose the construction of any buildings with permanent foundations or significant grading activity on the property. The proposed tents are to be erected on temporary wooden tent platforms that can be readily moved or removed to ensure future access for agriculture or agriculturally-related purposes. The only work proposed that may necessitate building permits would be renovation to or replacement of the existing pavilion or accessory sheds on-site, which will not be used for lodging or similar permanent uses. The lot itself is large at 25 acres in size with a maximum number of guests and staff at 38 persons which will not result in an overly dense concentration of persons on site.

Contrary to the opinions offered by community members, the limited improvements proposed as well as the use itself are entirely consistent with the property's RC-2 zoning classification and the spirit and intent of BCZR. There is no proposed residential tract or industrial development on this site that hypothetically may pose as an encroachment on agriculturally zoned land. The Petition does not propose any “urban intrusion” and the use and activities proposed do

not present any risk to sensitive environmental areas including streams or wetlands. The proposed use does foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County as the use will have not have any discernable impact to adjacent agricultural uses. Moreover, if the proposed camp ceases to operate on the property either by closure, expiration or termination of lease, or other reasons, the property can easily revert back to its current state for future RC-2 uses.

Mr. Doak testified that the use will be consistent with the purposes of the property's RC-2 zoning classification and will be consistent with the spirit and intent of these Zoning Regulations. That testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

No grading or paving is proposed and tents will be erected on temporary tent platforms. The tents erected on those platforms will require tent permits but no building or grading permits are required under this Petition. No vegetative removal, tree removal, or other land clearing is requested under the Petition. Lastly, the Petition does not propose to increase impervious surfaces and existing impervious surface may be reduced by renovation of the existing basketball court. Mr. Doak testified that the use will be consistent with the impermeable surface and vegetative retention provisions of BCZR. That testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.**

No building construction, clearing, grading, or paving is proposed that requires zoning relief. The property contains a stream but the Petition does not include any development activities that would impact that stream. The Property is also contained within a regulated floodplain. *See* Opp. Exh. 7. However, no permanent structures are proposed within the floodplain area nor are tents proposed to be erected within the floodplain area. With the exception of the proposed new septic service, the location, implementation, and performance of which will be strictly regulated and monitored, all other activities described for the proposed camp will have little to no impact on environmental or natural resources. Aside from open-space, the proposed use will have as modest a land impact on this site as can be found in the Baltimore County Zoning Regulations for permitted or special exception uses. For these reasons, I find that the proposed use has a minimal impact on environmental and natural resources of the site. Mr. Doak testified that the use will not be detrimental to the environmental and natural resources of the site and vicinity. That testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

The *Schultz* Standard

Based on the record and evidence submitted in this case, I find that the Special Exception request to use this Property as a camp satisfies the *Schultz* standard in that there are no facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with a camp irrespective of its location within the zone. *See Attar v. DMS Tollgate, LLC*, 451 Md. 272, 285–86, 152 A.3d

765, 773–74 (2017) (*citing* Schultz, 291 Md. at 22–23, 432 A.2d at 1327). Moreover, the Petition and evidence offered at the hearing satisfy the BCZR § 502.1 factors as articulated above.

The presumption of validity for Special Exception uses in Baltimore County is an intentionally high bar to overcome. “The local legislature, when it determines to adopt or amend the text of a zoning ordinance with regard to designating various uses as allowed only by special exception in various zones, considers in a generic sense that certain adverse effects, at least in type, potentially associated with (inherent to, if you will) these uses are likely to occur wherever in the particular zone they may be located.” *People’s Couns. for Baltimore Cnty. v. Loyola Coll. in Maryland*, 406 Md. 54, 106, 956 A.2d 166, 197 (2008). A common misnomer of special exceptions is that uses granted this favored designation by a local legislature are somehow “special” or “exceptional” when they are typically neither special nor exceptional to what is commonly permitted within their respective zones. To the contrary, pursuant to BCZR §1A01.2.C.5, the Baltimore County Council permits camps in all RC-2 zoned properties by special exception, subject to the public hearing process and requisite findings under BCZR §502.1.

By designating “camps, including day camps” as special exceptions in this rural RC-2 zoned area contemplates the *prima facie* use of RC-2 land for camps with potentially hundreds of participants, including children and adults, participating in oftentimes loud and disruptive activities in full view of neighboring property owners that would clog roads during peak travel times. “The inherent effects notwithstanding, the legislative determination necessarily is that the uses conceptually are compatible in the particular zone with otherwise permitted uses and with surrounding zones and uses already in place, provided that, at a given location, adduced evidence does not convince the body to whom the power to grant or deny individual applications is given that actual incompatibility would occur. *People’s Couns. for Baltimore Cnty. v. Loyola Coll. in*

Maryland, 406 Md. 54, 106, 956 A.2d 166, 197–98 (2008). Nonetheless, the inherent impacts of a camp with intense uses and a concentrated population of individuals and vehicles are not presented here.

While the testimony offered by the Opposition was by no doubt sincere, it was not sufficient either in content or in persuasiveness to either rebut the presumption that this camp is in the public interest, or to show that the adverse impacts of the proposed camp at this particular location would somehow be above and beyond those impacts inherently associated with a camp. Furthermore, the Opposition did not identify, demonstrate, or provide evidence to show any *non-inherent adverse impacts* of this proposed camp, perhaps different in nature to other types of camps, which could also rebut or defeat the presumption. The legal test is not whether neighboring property owners approve of, see, hear, smell or sense activities occurring on an adjacent parcel, as these impacts are expected, but rather, whether evidence presented is sufficient to show adverse impacts *above and beyond those impacts* inherently associated with that use. Petitioner met her burden of moving forward with the evidence in this case, and the evidence offered by community members was not sufficient to rebut the presumption of validity for special exception uses.

Community members in opposition to the Petition testified regarding the following topics: intensity of use, ownership history, future commercial operations on agricultural land, the dangers of unknown persons visiting the site, disruption to an agricultural setting, commercial uses in areas zoned for residential and agricultural use, traffic dangers from narrow and windy rural roads, traffic congestion, and, curiously, the potential for instigation of complaints from camp participants to the sometimes noisy and dirty work of farming. Many of these concerns, whether sincerely held or not, would be present regardless of the proposed use and are not specific to the proposed use.

Of these issues, only intensity of use and traffic-related impacts constitute relevant issues for the evaluation of this special exception, as the use itself is presumptively valid.

In terms of evidence offered by the Opposition, Ms. King offered state data regarding accident on Lieb Road and Mr. Anderson submitted photographs of car accident and property damage. Much of the evidence was testimonial stating that Lieb Road is rural, narrow, and windy, and the site of numerous motor vehicle accidents that have either occurred and been reported or have occurred and not been reported at or near this location. This evidence was not refuted by the Petitioner and there is nothing in the record to challenge the truth or credibility of those facts. Petitioner's land use consultant, Mr. Doak, conceded that Lieb Road is rural, curved, with significant hills, and while he visited the property, he was surprised by the amount of traffic he observed on and around Lieb Road during peak a.m. and p.m. hours.

However, even if accepted as true, Petitioner sufficiently demonstrated that the proposed used will not create traffic impacts above and beyond those impacts inherent to any camp wherever in the particular zone it may be located primarily because vehicle use on this particular site for this particular use is minimal. The Petition on its face limits traffic or congestion by limiting the number of persons and vehicles on the property at any given time including limiting the number of vehicles on site to one vehicle per tent, operating only seasonally, operating programming specifically designed for overnight stays where participants remain on the property during the duration of their stay and do not come-and-go, and providing guests the ability to perform all essential daily activities on site like meals and bathing. Moreover, the Petition does not propose the use of sound amplification, exterior lighting, or extensive construction resulting in the absence of disruptive noises, sights, and lights to distract drivers at night. Petitioner did not perform or submit a traffic or environmental study in support of their Petition but none is required. The

Opposition did not perform or submit a traffic or environmental study but, also, none is required. The evidence shows that the impact of traffic congestion and safety risks from the proposed use is *de minimus* and the Opposition's evidence to the contrary is not persuasive. In sum, the proposed use is not an intense use of land and does not generate significant traffic. The evidence offered by the Opposition as to the destructive nature of the proposed use on the community is simply not credible.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 23rd day of **April, 2024** that the Petition for Special Exception per the BCZR, §1A01.2.C.5 to permit a "camp, including day camps" and it is hereby **GRANTED**; and it is further

ORDERED, that, pursuant to BCZR, §502.3, the Special Exception is valid for a period of five (5) years from the date of this Order; and it is further

ORDERED that the relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition;
2. All activities, services, or amenities offered to camp guests that occur on the property must strictly adhere to all state and local licensure and permitting requirements;
3. Camp capacity is limited to 33 camp participants;
4. Motor vehicle parking is limited to one (1) motor vehicle per guest lodging tent, and best efforts are to be made to limit all other vehicles on site for staff, servicers, and security personnel;
5. Outdoor lighting is strictly limited to low-level track lighting or safety lighting and best efforts are to be made to follow dark sky lighting protocols;
6. No electronic sound amplification is permitted;

7. Petitioners shall obtain and maintain a camp license from PAI and shall adhere to all camp or tent permitting requirements;
8. Petitioner shall strictly adhere to all building permitting or environmental requirements for any and all structures or improvements above or below ground;
9. Individual lodging tents may not be converted into permanent structures without formal amendment of this approval;
10. Any substantial or material changes to the tents or activities proposed under this Petition will require formal amendment of this approval;
11. Petitioner shall make best efforts to provide vegetative screening as testified to on the record in this case, and any additional screening necessary to obstruct views of the proposed tents or activities from neighboring properties; and
12. Petitioners shall strictly comply with all state and local wetlands and forest conservation regulations as contained in DEPS formal comments included in this record.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: March 11, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0030-X REVISED
Address: 2801 LIEB RD
Legal Owner: John Maguire

Zoning Hearing of March 19, 2024.

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

If the zoning variance is granted, Ground Water Management requests that it be conditioned on the operator obtaining a camp license from PAI prior to opening for business. Approval for a camp license will entail:

- (1) Submission of a perc application and site plan, as well as a Water Usage Letter to EPS, Ground Water Management.
- (2) Establishing required sewage disposal areas and water supplies that are in compliance with all applicable state and county regulations for all existing and proposed structures with plumbing.

Reviewer: Kevin Koepenick

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0030-X
Address: 2801 LIEB RD
Legal Owner: John Maguire

Zoning Advisory Committee Meeting of February 12, 2024.

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Forest Conservation Act compliance is required for any development of this property, which may include an approved forest stand delineation and forest conservation plan. A variance to Forest Conservation Act is required for the removal of any specimen tree. Any development approval will require delineation of the forest buffer associated with the stream, pond, and any other wetlands existing on the property. A variance is required to allow any buffer disturbance.

Reviewer: Libby Errickson 2/12/2024



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 2801 LIEB ROAD which is presently zoned RC2
 Deed References: 24191/815 10 Digit Tax Account # 0718035185
 Property Owner(s) Printed Name(s) JOHN R. MAGUIRE

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

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

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

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

SEE ATTACHED PAGE

3. a Variance from Section(s)

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

TO BE PRESENTED AT 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:

Sarah Day-Boodhoo
 Name- Type or Print

Sarah Day-Boodhoo
 Signature

354 Butterfield Dr. Abingdon, MD
 Mailing Address City State

21009 / 201 290-9164 /
 Zip Code Telephone # Email Address

Sarah@theinveretreat.com
 Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

JOHN R. MAGUIRE
 Name #1 - Type or Print

Name #2 - Type or Print

X John R Maguire
 Signature #1

Signature #2

X 3016 GUILFORD AVE BALTIMORE MD. 21218
 Mailing Address City State

X 21218 / X 410-743-7891 / X jrcmaguire28@gmail
 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address City State

21053 / 410-419-4906 /
 Zip Code Telephone # Email Address

CASE NUMBER 2024-0030-X Filing Date 1/30/24 Do Not Schedule Dates: BOOAK@BRUCEEDOAKCONSULTING.COM Reviewer mtk

Petitions Requested

Special Exception to permit the following:

- 1) A camp, including day camps per Section 1A01.2.C.4 BCZR



Zoning Description

2802 Lieb Road- 25.2349 Acres
Seventh Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the southwest side of Lieb Road, said point being 1,250 feet, more or less, easterly along Lieb Road from the centerline of West Liberty Road, thence running on the southwest side of Lieb Road and running with and binding on the outlines of the subject property, the following course and distance, viz.

1) South 62 degrees 48 minutes 10 seconds East 347.50 feet, thence leaving Lieb Road and running with and binding on the outlines of the subject property, the seven following courses and distances, viz.

2) South 21 degrees 43 minutes 29 seconds East 1,368.67 feet

3) South 52 degrees 20 minutes 16 seconds West 855.00 feet

4) North 44 degrees 39 minutes 51 seconds West 392.70 feet

5) North 39 degrees 15 minutes 23 seconds East 455.46 feet

6) North 27 degrees 34 minutes 38 seconds West 890.08 feet

7) North 31 degrees 00 minutes 44 seconds East 356.12 feet and

8) North 19 degrees 42 minutes 12 seconds East 248.85 feet to the point of beginning.

Containing 25.2349 acres of land, more or less.

This description is part of a zoning hearing 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



2024-0030-X



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 2801 LIEB ROAD which is presently zoned RC2
 Deed References: 24191/815 10 Digit Tax Account # 0718035185
 Property Owner(s) Printed Name(s) JOHN R. MAGUIRE

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

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

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

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

SEE ATTACHED PAGE

3. a Variance from Section(s)

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

TO BE PRESENTED AT 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:

Sarah Day-Boodhoo
 Name- Type or Print

Sarah Day-Boodhoo
 Signature

354 Butterfield Dr. Abingdon, MD
 Mailing Address City State

21009 / 201 290-9164 /
 Zip Code Telephone # Email Address

Sarah@theinneretreat.com
 Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

JOHN R. MAGUIRE
 Name #1 - Type or Print

Name #2 - Type or Print

X John R Maguire
 Signature #1

Signature #2

X 3016 GUILFORD AVE BALTIMORE MD. 21218
 Mailing Address City State

X 21218 / X 410-743-7891 / X jrcmaguire28@gmail
 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address City State

21053 / 410-419-4906 /
 Zip Code Telephone # Email Address

CASE NUMBER 2024-0030-X Filing Date 1/30/24 Do Not Schedule Dates: BOOAK@BRUCEEDOAKCONSULTING.COM Reviewer mtk

Petitions Requested

Special Exception to permit the following:

- 1) A camp, including day camps per Section 1A01.2.C.4 BCZR



Zoning Description

2802 Lieb Road- 25.2349 Acres
Seventh Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the southwest side of Lieb Road, said point being 1,250 feet, more or less, easterly along Lieb Road from the centerline of West Liberty Road, thence running on the southwest side of Lieb Road and running with and binding on the outlines of the subject property, the following course and distance, viz.

1) South 62 degrees 48 minutes 10 seconds East 347.50 feet, thence leaving Lieb Road and running with and binding on the outlines of the subject property, the seven following courses and distances, viz.

2) South 21 degrees 43 minutes 29 seconds East 1,368.67 feet

3) South 52 degrees 20 minutes 16 seconds West 855.00 feet

4) North 44 degrees 39 minutes 51 seconds West 392.70 feet

5) North 39 degrees 15 minutes 23 seconds East 455.46 feet

6) North 27 degrees 34 minutes 38 seconds West 890.08 feet

7) North 31 degrees 00 minutes 44 seconds East 356.12 feet and

8) North 19 degrees 42 minutes 12 seconds East 248.85 feet to the point of beginning.

Containing 25.2349 acres of land, more or less.

This description is part of a zoning hearing 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



2024-0030-X

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

No. 229517

Date: 1/30/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		C150				\$ 505

Total: \$ 505

Rec
From:

Bruce Doak

For:

Special Exceptioning Request
2801 Lieb Road
2024-0030-X

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

md

**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: 2024-0030-X

Property Address: 2801 LIEB ROAD PARKTON MD 21218

Property Description: 25.23 AC ON SOUTHWEST SIDE OF LIEB ROAD,
1250'± SOUTHEASTERLY FROM CENTER LINE OF WEST LIBERTY
ROAD

Legal Owners (Petitioners): JOHN R. MAGUIRE

Contract Purchaser/Lessee: SARAH DAY- BOODHOO

PLEASE FORWARD ADVERTISING BILL TO:

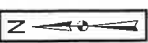
Name: BRUCE E. DOAK

Company/Firm (if applicable): BRUCE E. DOAK CONSULTING, LLC

Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053

Telephone Number: 410-419-4906

Baltimore County - My Neighborhood



Legend

2024-6036-X

☐

200 Scale Grid

☒

Zoning History Cases

☐

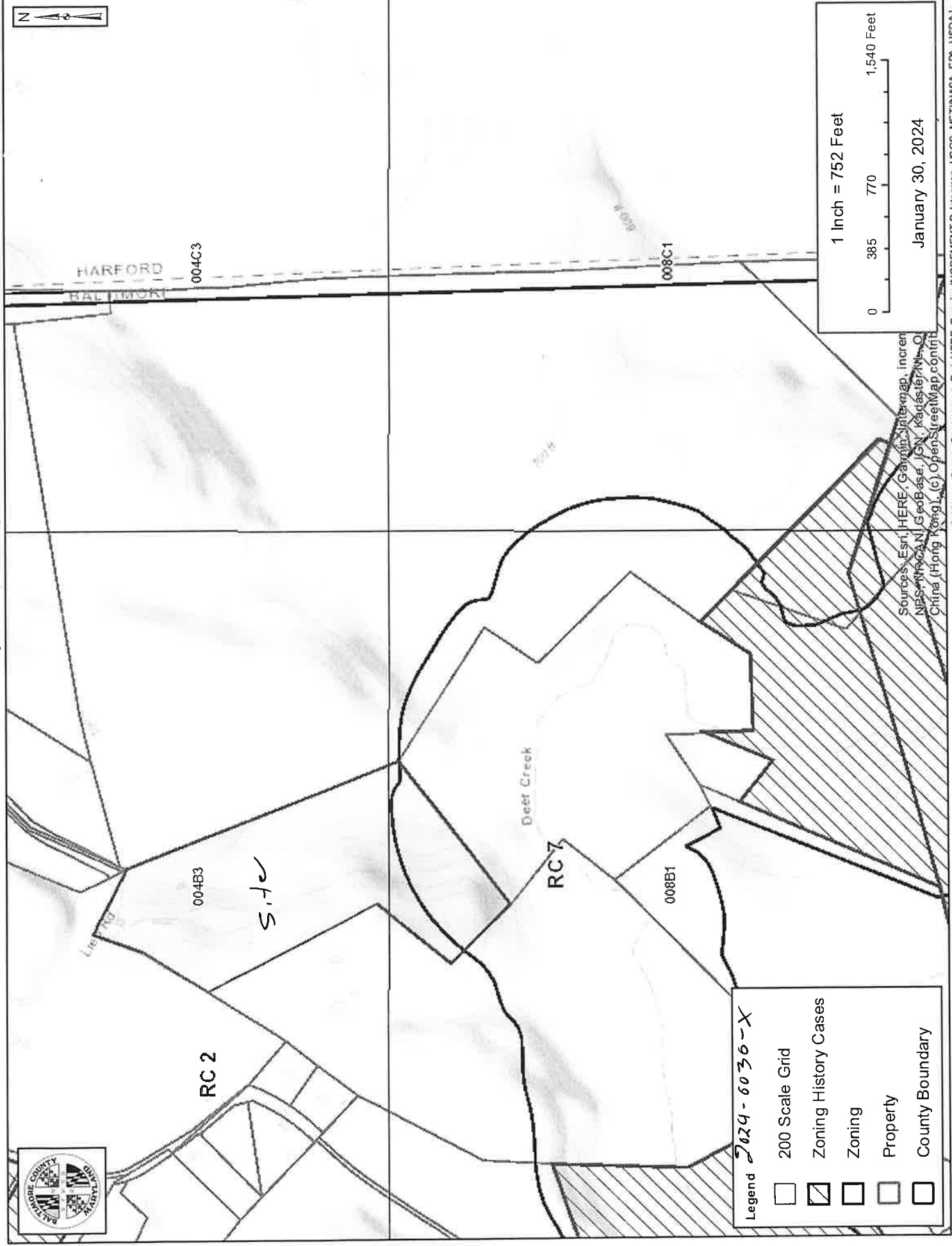
Zoning

☐

Property

☐

County Boundary



Sources: Esri, HERE, Garmin, Intermap, increment P., NPS, NRCAN, GeoBase, IGN, Kadaster/VLC, OpenStreetMap contributors, Swatch, and the GIS User Community

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 - 07 Account Number - 0718035185

Owner Information

Owner Name: MAGUIRE JOHN R Use: AGRICULTURAL
Principal Residence: NO
Mailing Address: 3016 GUILFORD AVE Deed Reference: /24191/ 00815
BALTIMORE MD 21218-3925

Location & Structure Information

Premises Address: 2801 LIEB RD Legal Description: 25.2349 AC
PARKTON 21120-9154 2801 LIEB RD
1000FT NE W LIBERTY RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0004 0022 0006 7010001.04 0000 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1871 1,402 SF 25.2400 AC 05

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
2 YES STANDARD UNITSIDING/3 1 full

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	132,600	161,400		
Improvements	124,000	148,600		
Total:	256,600	310,000	274,400	292,200
Preferential Land:	3,000	3,000		

Transfer Information

Seller: FELICIANO CHRISTINA B	Date: 07/21/2006	Price: \$450,000
Type: ARMS LENGTH IMPROVED	Deed1: /24191/ 00815	Deed2:
Seller: FELICIANO HECTOR L	Date: 01/14/2004	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /19447/ 00031	Deed2:
Seller: MCMILLION PAUL WILLIAM	Date: 06/14/1983	Price: \$50,000
Type: ARMS LENGTH IMPROVED	Deed1: /06539/ 00584	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

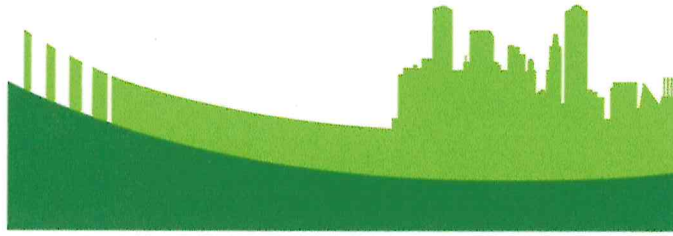
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:

2024-0030-X



CERTIFICATE OF POSTING

February 21, 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0030-X

Legal Owner: John Maguire

Hearing date: March 19, 2024

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

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 **2801 Lieb Road**.

The signs were initially posted on **February 20, 2024**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink that appears to read "B. 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 HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0030-X

2801 Lieb Road, Parkton Maryland 21120
(SW/S of Lieb Rd., 1250 E of West Liberty Rd.)
Council District 3, Election District 7

Legal Owners: John Maguire

PETITION REQUEST: SPECIAL EXCEPTION: To permit a camp, including day camps per Baltimore County Zoning Regulations (BCZR), Section 1A01.2.C.4

Hearing Date: Tuesday, March 19, 2024 at 10:00 a.m.

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0

Email: administrativehearings@baltimorecountymd.gov

ZONING HEARING

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone: 410.550.3000 ext. 425
Email: administrativehearings@balcountygov.org

HANDICAPPED ACCESSIBLE

ZONING HEARING

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Office of Administrative Hearings
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Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

ZONING HEARING

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2801 Lieb Road, Parkton Maryland 21120
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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0030-X
Address: 2801 LIEB RD
Legal Owner: John Maguire

Zoning Advisory Committee Meeting of February 12, 2024.

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Forest Conservation Act compliance is required for any development of this property, which may include an approved forest stand delineation and forest conservation plan. A variance to Forest Conservation Act is required for the removal of any specimen tree. Any development approval will require delineation of the forest buffer associated with the stream, pond, and any other wetlands existing on the property. A variance is required to allow any buffer disturbance.

Reviewer: Libby Errickson 2/12/2024

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0030-X
Address: 2801 LIEB RD
Legal Owner: John Maguire

Zoning Advisory Committee Meeting of February 12, 2024.

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- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Forest Conservation Act compliance is required for any development of this property, which may include an approved forest stand delineation and forest conservation plan. A variance to Forest Conservation Act is required for the removal of any specimen tree. Any development approval will require delineation of the forest buffer associated with the stream, pond, and any other wetlands existing on the property. A variance is required to allow any buffer disturbance.

Reviewer: Libby Errickson 2/12/2024

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: March 11, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0030-X **REVISED**
Address: 2801 LIEB RD
Legal Owner: John Maguire

Zoning Hearing of March 19, 2024.

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

If the zoning variance is granted, Ground Water Management requests that it be conditioned on the operator obtaining a camp license from PAI prior to opening for business. Approval for a camp license will entail:

- (1) Submission of a perc application and site plan, as well as a Water Usage Letter to EPS, Ground Water Management.
- (2) Establishing required sewage disposal areas and water supplies that are in compliance with all applicable state and county regulations for all existing and proposed structures with plumbing.

Reviewer: Kevin Koepenick

ARTICLE 21 TITLE 6. - CAMPS

§ 21-6-101. - LICENSE - REQUIRED.

A person may not operate a camp without receiving a license from the Department of Permits, Approvals and Inspections, subject to:

- (1) The approval of the Department of Environmental Protection and Sustainability; and
- (2) The applicant's compliance with all county laws and regulations.

(1988 Code, § 24-96) (Bill No. 173, § 2, 1-26-1990; Bill No. 72-00, § 2, 7-1-2004; Bill No. 122-10, §§ 10, 30, 1-16-2011)

• § 21-6-102. - SAME - APPLICATION.

(a) *Separate application.* If the applicant is an individual, firm, or corporation that is engaged in the operation of camps, the applicant shall file a separate application for each camp.

(b) *Contents of application.*

(1) The applicant shall apply for a license to operate a camp on a form designated by the Department of Permits, Approvals and Inspections which shall require the applicant to state for the existing or proposed camp:

- (i) Its exact location;
- (ii) Its type;
- (iii) The approximate number of individuals to be quartered; and
- (iv) Its existing or proposed:
 - 1. Source of water; and
 - 2. Method of sewage and garbage disposal.

(2) The applicant shall include with the application a detailed site layout plan for a proposed camp or proposed changes on an existing camp.

(c) *Fee.* The County Administrative Officer shall establish the annual license fee to be paid by the applicant.

(d) *Duration and renewal.*

(1) A license issued under this section shall remain in effect for the remainder of the calendar year in which it is issued.

(2) The applicant shall renew the license annually.

(1988 Code, §§ 24-96, 24-97) (Bill No. 173, § 2, 1-26-1990; Bill No. 72-00, § 2, 7-1-2004; Bill No. 122-10, §§ 10, 30, 1-16-2011)

§ 21-6-103. - WATER SUPPLY.

(a) *Water supply to comply with applicable plumbing codes.* The water supply serving the plumbing facilities of a licensed camp, including drinking fountains, hose bibs, lavatories, and showers shall comply with appropriate current state and county plumbing codes.

(b) *Protection against backflow required.* The water distribution system shall be protected against backflow.

(c) *Public water supply system.* If a public water supply system is available to the camp, connection shall be made as required in the state and county plumbing codes.

(1988 Code, § 24-98) (Bill No. 173, § 2, 1-26-1990; Bill No. 72-00, § 2, 7-1-2004)

§ 21-6-104. - SANITARY AND MECHANICAL EQUIPMENT FOR SEWAGE DISPOSAL.

(a) *Minimum sanitary and mechanical equipment.* Every camp shall be provided with all the sanitary and mechanical equipment for sewage disposal on the basis given in the following table:

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0030-X
Address: 2801 LIEB RD
Legal Owner: John Maguire

Zoning Advisory Committee Meeting of February 12, 2024.

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

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. An approved Percolation application and valid percolation test results.
 - b. Adequate well yield.

Additional Comments:

Reviewer: Rochelle V. Underwood

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

DPR: No comment

BALTIMORE COUNTY, MARYLAND

DPW-T: No exception taken

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 9, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0030-X

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

DPR: No comment

DPW-T: No exception taken

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

FROM:

SUBJECT:

FROM:

SUBJECT:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 2/15/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0030-X

INFORMATION:

Property Address: 2801 Lieb Road
Petitioner: John R. Maguire
Zoning: RC-2
Requested Action: Special Exception

The Department of Planning has reviewed the petition for the following:

Special Exception -

- a. To permit a camp, including day camps per Section 1A01.2.C.4 BCZR

The subject property is located at 2801 Lieb Road, the property consists of 25.24 acres zoned RC-2 in the Parkton area of Baltimore County. The 25.24 acres property is currently improved with an unused old farm house and shed. Other residential dwellings, forest conservation, and farms surrounds the subject property.

The RC-2 zone is a zoning district established to preserve the rural character of the area and promote low-density residential development. This district is intended to maintain the natural beauty and peacefulness of the surrounding countryside, while providing for compatible land uses and development patterns. The proposed relief is in harmony with the spirit and intent of the RC-2 zoning regulations. The requested use adheres to the zoning requirements and standards since it does not seek to alter the existing approved design. Therefore, the proposed use ensures that the rural character of the area remains uncompromised. The relief also maintains the low-density residential character of the area and upholds the requirements of the Section 1A01 BCZR.

According to the petitioner, the applicant intends to demolish the existing structures on the farm and replace them with a wellness center and camp, designed for commercial use and seasonal operation. This new facility aims to offer various services, including hiking and yoga among other activities. The construction plan involves the use of heavy-duty army tents and includes two sheds, each measuring 10 feet by 12 feet, equipped with showers and bathrooms. Visual examples of the planned tents and sheds are provided (below) as part of the site plan submission. It is also noted that there will be no construction of a new septic system; instead, the facility will utilize the existing septic system and well.



The petitioner has indicated that they intend to present a demonstration of unreasonable hardship or practical difficulty as required to grant this variance at the hearing for this request. No such unreasonable hardship or practical difficulty is readily identifiable through provided documents or accessible information.

The Department of Planning will defer all decision makings on this Special Exception request to the Administrative Law Judge. It should be noted that the Department requests detailed clarifications and guarantees, especially if the Administrative Law Judge approves the sought-after relief. The Department's concerns aim to safeguard the primary agricultural operations in the vicinity from any adverse effects, a commitment underscored in Section 1A01.2.C. The Department is particularly cautious about the commercial utilization envisioned for the project, given the scant details provided in the zoning petition about its intended use. The goal is to ensure that such commercial activities do not disrupt the area's agricultural focus.

Department of Planning Points of Concern:

1. **Location and Agricultural Preservation:** The property lies within the White Hall & Monkton Agricultural Priority Preservation Area, an area encircled by lands under preservation programs dedicated to protecting agricultural lands and resources.
2. **Building Permits and Temporary Structures:**
 - It is understood that permanent building permits are not required as the structures (tents) are temporary. However, a temporary tent permit is necessary.
 - Questions regarding the temporary tent permit include its parameters and the maximum duration these tents can remain erected.
3. **Seasonal Use and Operational Details:**
 - The property's use will be seasonal, with periods where it will not operate as a camp.
 - Clarifications are needed on several operational aspects, including:
 - The maximum length of stay for individuals in the tents.
 - The possibility of hosting events during the camp's operation.
 - The feasibility of a group renting the entire camp for a weekend.
 - The capacity of the proposed parking area in terms of the number of cars.
 - Whether the number of people on site will be restricted to those staying in the tents.
 - The presence of property management on site during the camp's operation.

These inquiries are crucial for ensuring that the project aligns with the agricultural priorities of the area and does not lead to any detrimental impact on the surrounding agricultural practices.

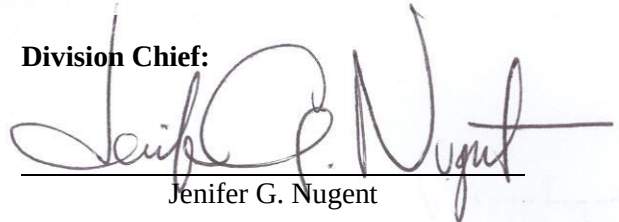
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bruce Doak, Bruce E. Doak Consulting LLC.
Megan Benjamin, Joseph Wiley and Abigail Rogers, Community Planners
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

GENERAL INFORMATION

1.

Ownership: John R. Maguire
3016 Guilford Avenue Baltimore, MD 21218
2.

Address: 2801 Lieb Road Parkton, MD 21120
3.

Deed references: 24191/815
4.

Areas (per SDAT): 25.2349 acres
5.

Tax Map / Parcel / Tax account #: 04 / 06 / 07-18-035185
6.

Election District: 7 Councilmanic District: 3
ADC Map: GIS tile: 004B3 & 008B1
Position sheet: 150NE7, 151NE7, 151NE8, 152NE7 & 152NE8
Census tract: 407002 Census block: 24005407002
Schools: Seventh District ES Hereford MS Hereford HS
7.

The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County.
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and the information provided by Baltimore County on the internet.
8.

Existing improvements: Single family dwelling, sheds and a pavilion.

OFFICE OF ZONING

Zoning: R.C.2 & RC 7 There are no previous zoning cases on the subject property.

R.C. 2 Setbacks for Residential Buildings

Front: 75 feet from the centerline of a public road
Side / Rear: 35 feet from any other property line

ENVIRONMENTAL

Watershed: Deer Creek URDL land type: 1

1.

The existing dwelling is currently served by a private well and septic system.
2.

The sheds do not have a septic system or well
3.

The existing well for the dwelling will be used for the camp
4.

The existing dwelling septic system will not be used and will be abandoned.
5.

There are no underground storage tanks on the subject property.
6.

The subject property is not in the Chesapeake Bay Critical Area.
7.

A portion of the subject property is located within a 100 year flood plain.
8.

Nothing will be built within the 100 year flood plain.

OFFICE OF PLANNING

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

1.

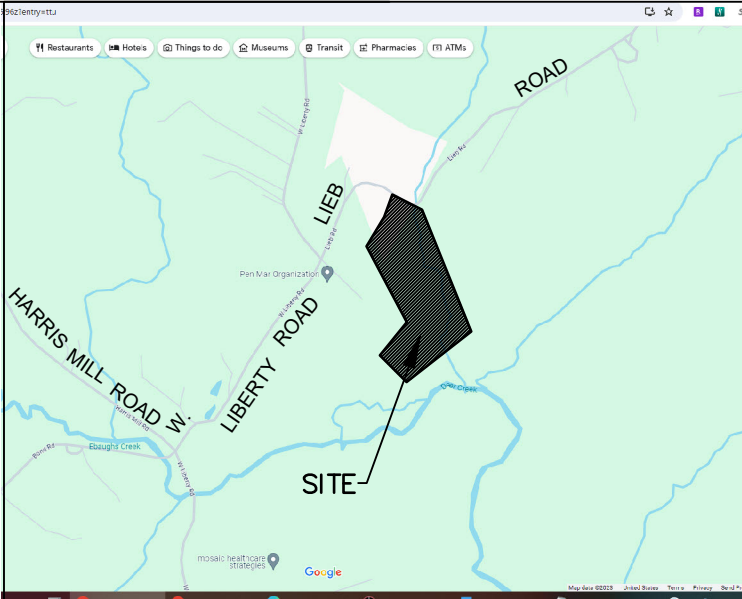
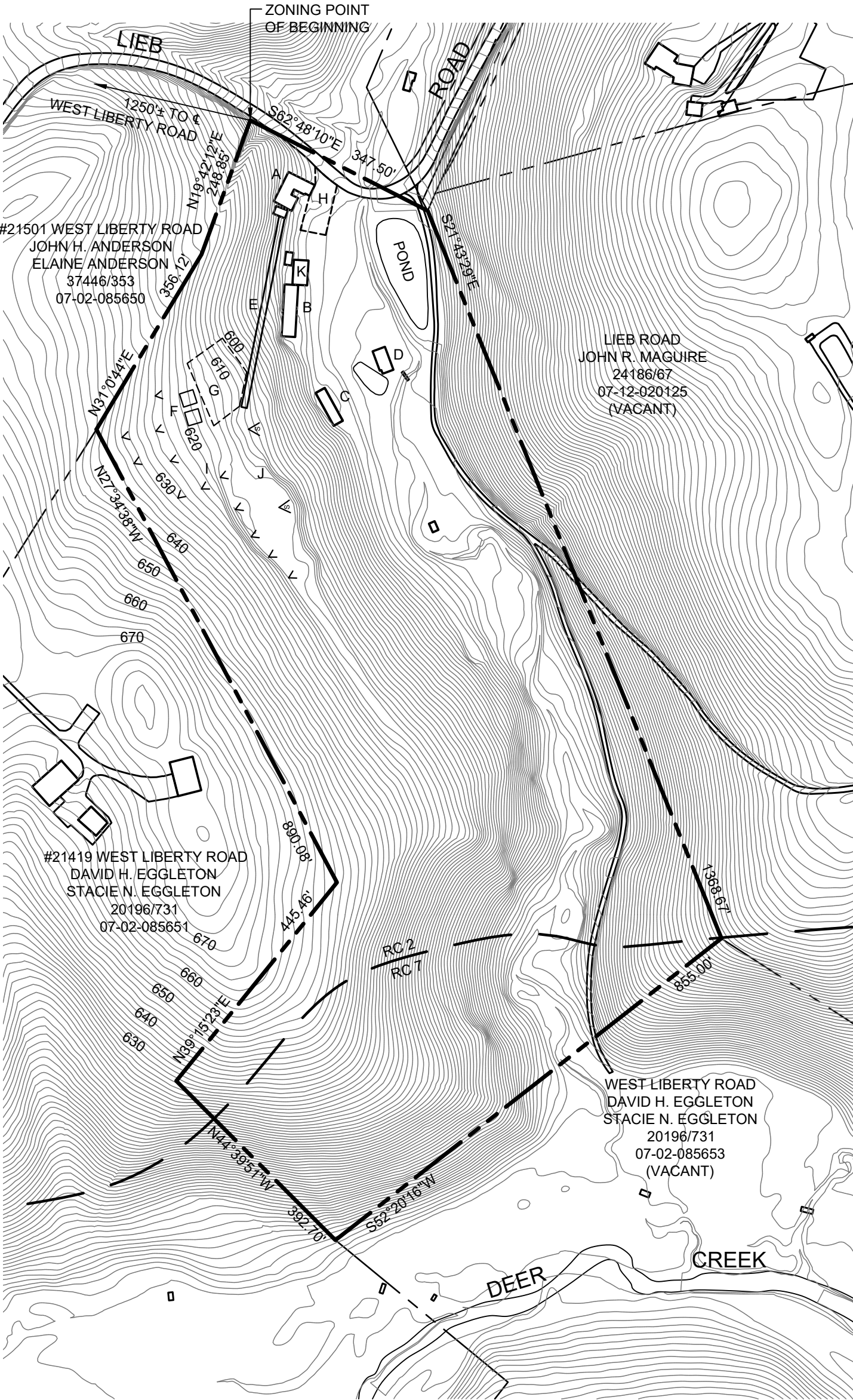
The subject dwelling is not historic. The subject property is not in a historic district.

PERMITTING

Baltimore County does not consider the proposed tents to be permanent structures since they do not have footings and they are only seasonal. Therefore building permits from Baltimore County are not required. A temporary tent permit from Baltimore County will need to be acquired for them.

PROPOSED DEVELOPMENT

To utilize the subject property as a camp (Section 1A01.2.C.5 BCZR)



Vicinity Map – Scale: 1” = 2000’

EXISTING IMPROVEMENTS

- A

(2) STORY WOOD FRAME DWELLING (TO BE RAZED)
- B

(1) STORY WOOD SHED (TO BE RAZED)
- C

(1) STORY WOOD SHED (TO BE RENOVATED IN THE FUTURE)
- D

(1) STORY WOOD PAVILLION (TO BE UTILIZED)
- E

STONE FARM ROAD (TO BE UTILIZED)

FUTURE IMPROVEMENTS

- F

(2) 10'x12' SHEDS ((1) SHOWERS / (1) TOILETS)
- G

SEPTIC RESERVE AREA
- H

STONE PARKING
- I

(12) TENTS (SEE PHOTOS)
- J

(2) SPA TENT LOCATIONS (SAME TENT DESIGN)
- K

(1) RECEPTION TENT

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
bdcak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#2801 LIEB ROAD

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

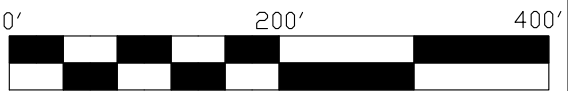
Date: 1/11/2024

Scale: 1”=200’



EXAMPLE OF TENTS

EXAMPLE OF SHEDS



REVISION

GENERAL INFORMATION

1.

Ownership: John R. Maguire
3016 Guilford Avenue Baltimore, MD 21218
2.

Address: 2801 Lieb Road Parkton, MD 21120
3.

Deed references: 24191/815
4.

Areas (per SDAT): 25.2349 acres
5.

Tax Map / Parcel / Tax account #: 04 / 06 / 07-18-035185
6.

Election District: 7 Councilmanic District: 3
ADC Map: GIS tile: 004B3 & 008B1
Position sheet: 150NE7, 151NE7, 151NE8, 152NE7 & 152NE8
Census tract: 407002 Census block: 24005407002
Schools: Seventh District ES Hereford MS Hereford HS
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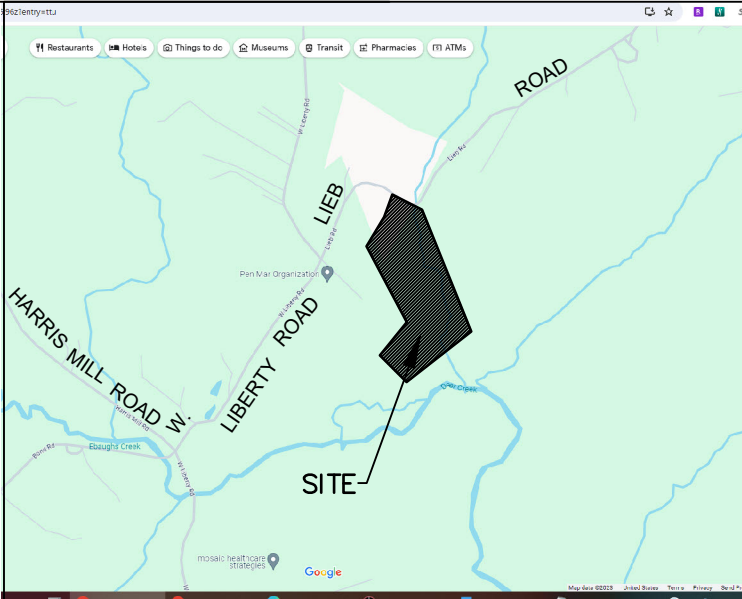
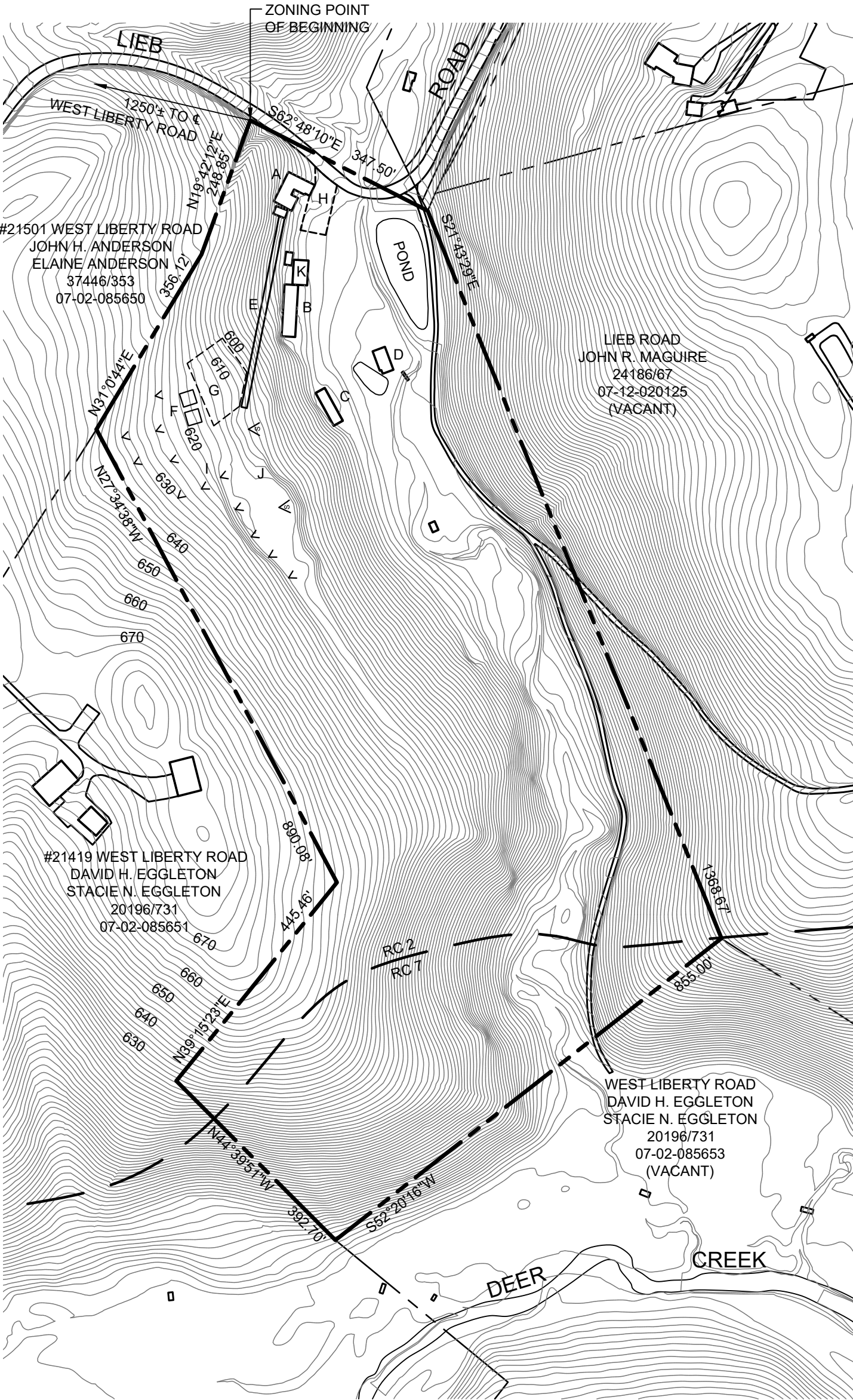
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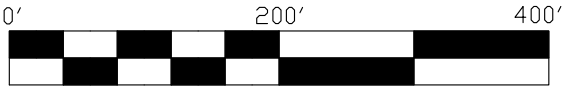
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