



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

December 4, 2024

Christopher M. DeCarlo, Esquire cdecarlo@rosenbergmartin.com
Rosenberg Martin Greenberg, LLP
25 St. Charles Street, 21st Floor
Baltimore, MD 21201

RE: Petition for Special Hearing
Case No. 2024-0229-SPH
Property: 10210 Liberty Road

Dear Mr. DeCarlo:

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

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

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm
Enclosure

c: John Forgash jforgash@solharvestenergy.com

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(10210 Liberty Road)		
2 nd Election District	*	OFFICE OF
4th Council District		
George Bopst, Denise Bopst, Ashley Bopst	*	ADMINISTRATIVE HEARINGS
and Robert Bopst		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Jacob's Place Solar, LLC		
<i>Lessee</i>	*	
Petitioners	*	Case No. 2024-0229-SPH
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed on behalf of George Bopst, Denise Bopst, Ashley Bopst and Robert Bopst (the “Bopst Family”), legal owners and Jacob’s Place Solar, LLC, lessee (“Petitioners”) for the property located at 10210 Liberty Road, Randallstown, (the “Property”). The Petition for Special Hearing was filed under Baltimore County Zoning Regulations (“BCZR”), §502.3, a 1-year extension to the 2-year time period to utilize the solar facility special exception approved on December 12, 2022 in Case No. 2022-0228-X.

A Webex Hearing was held on December 4, 2024. The Petition was properly advertised and posted. Josh Forgash and Jason Su, representatives with Jacob’s Place Solar attended the hearing in support of the Petition along with Edward Keohane, PE of DS Thaler & Associates, the civil engineering firm who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 1). Christopher DeCarlo, Esquire of Rosenberg Martin Greenberg, LLP represented the Petitioners. There were no Protestants or interested citizens that appeared at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Development Plans Review (“DPR”)/Department of Public Works and

Transportation (“DPWT”), and Department of Environmental Protection and Sustainability (“DEPS”) which agencies did not oppose the requested extension of time.

Procedural Background

In Case No.: 2022-0228-X, a Petition for Special Exception was granted on December 12, 2022 for a solar facility at the Property along with conditions as set forth therein (the “2022 Order”). At the hearing, Mr. Forgash testified that, since the 2022 Order, the Petitioners have received the following milestone County approvals:

- (1) Development Review Committee (DRC) approval March, 2023;
- (2) Phase I Development Plan Approval February 27, 2024;
- (3) Forest Conservation Plan Approval – July 10, 2024;
- (4) Final Landscape Plan approval – August 12, 2024

Additionally, he added that stormwater management (“SWM”) plan milars have been prepared and will be filed shortly. He indicated that if permits are issued as expected, construction can begin in March or April of 2025. However, notwithstanding that a 1-year extension was requested in the Petition, Mr. Forgash confirmed that a 2-year extension would prevent the Petitioners from having to request another extension if permits are not timely issued, or there are unforeseen circumstances that prevent the commencement of construction.

SPECIAL HEARING

A “special hearing” request under BCZR §500.7 “is, in legal effect, a request for a declaratory judgment.” *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). This regulation gives the Administrative Law Judge the authority to interpret the county zoning regulations and to grant appropriate relief based on those interpretations. Further, “the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing [request] would be compatible with the community and generally consistent with the spirit

and intent of the regulations.” *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

The applicable regulations in BCZR, §502.3 reads as follows:

§ 502.3. - Time limit for utilization of special exception; extensions.

A special exception which has not been utilized 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. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the foregoing limits the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. **After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same.**

(Emphasis Added). As expressly provided in BCZR, §502.3, the only standard to be applied to a request for Special Exception Extension is that it not exceed the maximum 5 year time period. In this Case, since the 2022 Order was issued, I find that the Petitioners have diligently pursued the requisite permits needed to begin construction of the solar facility. Given the time period for County review and approvals here, Petitioners need to secure an extension, which extension must be granted prior to December 12, 2024.

Based on the uncontroverted evidence presented at the hearing, I find that a 2-year extension is reasonable and in the best interest of the requested use, and will ensure the requisite permits will be issued and construction can commence. I further find that a 2-year extension will

also serve the interests of judicial economy in that it will alleviate the potential time delay and expense associated with filing a second request for an extension of the Special Exception.

THEREFORE, IT IS ORDERED this 4th day of **December, 2024** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to BCZR, §502.3 for an extension of time to utilize the Special Exception for a period of two (2) years from the date of this Order, be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that all of the Conditions set forth in the 2022 Order shall remain in effect.

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

A handwritten signature in cursive script that reads "Maureen E. Murphy". The signature is written in dark ink and is positioned above a horizontal line.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 10210 Liberty Road, Randallstown, Maryland 21133 Currently Zoned RC-5

Deed Reference 34979 / 00471 10 Digit Tax Account # 1900004016

Owner(s) Printed Name(s) George Bopst, Denise Bopst, Ashley Bopst, Robert Bopst

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

To approve, in accordance with BCZR Sec. 502.3, a 1 year extension to the 2 year time period to utilize the solar facility special exception approved on December 12, 2022 in Case No. 2022-0228X. A copy of the Opinion and Order is attached hereto.

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

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)

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

Jacob's Place Solar LLC

Name - Type or Print

Courtney Matsumoto

Signature 610 Nautius Solar

Mailing Address 396 Springfield Ave, 2nd Fl, Summit, NJ

City Summit State NJ

Zip Code 07901 Telephone # 310-436-5529 Email Address courtney@nautiussolar.com

Attorney for Petitioner:

Christopher M. DeCarlo, Rosenberg Martin Greenberg, LLP

Name - Type or Print

Christopher M. DeCarlo

Signature

25 S. Charles Street, 21st Floor, Baltimore, Maryland

Mailing Address 21201 City Baltimore State Md

Zip Code 21201 Telephone # 410-727-6690 Email Address pdecarlo@rosenbergmartin.com

City Baltimore State Md

Case Number 2024-0229-SPH Filing Date 10 / 24 / 24 Do Not Schedule Dates Reviewer JS

Legal Owners (Petitioners): * See attached Continuation Sheet for Owner signatures and contact information

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

Mailing Address

City

State

Zip Code

Telephone #'s (Cell and Home)

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

PETITION FOR ZONING HEARING

Special Hearing

10210 Liberty Road, Randallstown, MD 21133

Deed Reference 34979 / 00471

Tax Account # 1900004016

(Continuation Sheet for Owner/Petitioner Signatures)

Legal Owners:

George Bopst

Name #1

George Bopst
Signature

918 CINDY LANE
Mailing Address

Westminster Md 21157
City, State Zip Code

410-236-5299
Telephone Number

Bopst@AOL.com
Email Address

Denise Bopst

Name #3

Denise Bopst
Signature

10406 Liberty Road
Mailing Address

Randallstown, Md. 21133
City, State Zip Code

413-829-1388
Telephone Number

DLBopst12@gmail.com
Email Address

Ashley N. Bopst

Name #2

Ashley Bopst
Signature

1175 Pithers Lane
Mailing Address

Owings Mills MD 21117
City, State Zip Code

443-285-3378
Telephone Number

a.bopst277@gmail.com
Email Address

Robert Milton Bopst

Name #

Robert Milton Bopst
Signature

10406 Liberty Road
Mailing Address

Randallstown, MD 21133
City, State Zip Code

443-829-1387
Telephone Number

mailedxigurat@yahoo.com
Email Address

October 21, 2024

ZONING DESCRIPTION

Jacobs Place Solar

(for zoning purposes only)

Beginning for the same in the center of Liberty Road, MD Rte. 26,
northwesterly approximately 600 feet from the center of Windy Hill Road.

Thence running the following courses and distances, with all bearings
referenced to the Maryland Coordinate System, (NAD 83),

1. North 56°47'16" West 60.01 feet to a point; thence,
2. North 32°17'56" East 333.17 feet to a point; thence,
3. North 57°49'11" West 285.19 feet to a point; thence,
4. North 17°13'43" East 223.79 feet to a point; thence,
5. North 21°42'56" East 223.71 feet to a point; thence,
6. North 79°23'58" East 415.89 feet to a point; thence,
7. South 35°33'18" East 419.14 feet to a point; thence,
8. South 29°23'03" West 560.53 feet to a point; thence,
9. North 57°49'11" West 276.91 feet to a point; thence,
10. South 32°17'56" West 334.25 feet to the point of beginning.

Containing 9.92 acres of land, more or less.

Located in the Fourth Councilmanic District and the Second Election District of
Baltimore County, Maryland.

U:\Liberty Road 10234\300 Reports & Agreements\320 Planning\Zoning Description SAM gf 10 21 2024.docx

2024-0229-SP4



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

No. 235015

Date: 10/24/24

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

Rec From: ROSENBERG MARTIN GREENBERG, LLP

For: 2024-0229-SPH

10210 LIBERTY RD.
JACOB'S PLACE SOLAR

JSS 24-1017

DISTRIBUTION

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

CASHIER'S
VALIDATION



Rosenberg
Martin
Greenberg LLP

ATTORNEY OPERATING ACCOUNT
25 SOUTH CHARLES STREET, 21ST FLOOR
BALTIMORE, MARYLAND 21201
(410) 727-6600



60-1809/433

90530

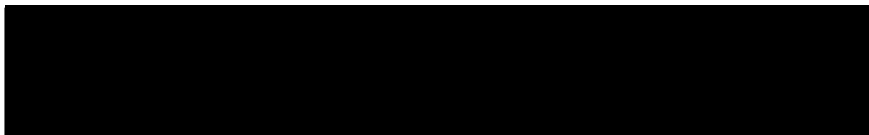
PAY: Five Hundred Dollars and 00/100

NUMBER	DATE	AMOUNT
90530	10/23/2024	500.00

TO THE
ORDER
OF
Baltimore County



VOID AFTER 90 DAYS
Ben Hink



**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

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

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

For Newspaper Advertising:

Case Number: 2024-0229-SPH
Property Address: 10210 LIBERTY ROAD
Legal Owners (Petitioners): BOPST (GEORGE, DENISE, ASHLEY + ROBERT)
Contract Purchaser/Lessee: JACOB'S PLACE SOLAR, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): CHRISTOPHER DECARLO / ROSENBERG MARTIN GREENBERG, LLP
Address: 25 S. CHARLES STREET, 21ST FLOOR
BALTIMORE, MD 21201

Telephone Number: 410-727-6690

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

IN RE: PETITION FOR SPECIAL EXCEPTION*	BEFORE THE
(10210 Liberty Road)	
2nd Election District	*
4th Council District	
George Bopst, Denise Bopst,	*
Ashley Bopst & Robert Milton Bopst	
<i>Legal Owners</i>	*
Jacob's Place Solar, LLC	
<i>Lessee</i>	*
	OFFICE OF
	ADMINISTRATIVE HEARINGS
	FOR BALTIMORE COUNTY
	Case No. 2022-0228-X

Petitioners

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Special Exception filed on behalf of George Bopst, Denise Bopst, Ashley Bopst, Robert Milton Bopst, legal owners (the "Bopst Family") and Jacob's Place Solar, LLC ("JPS"), lessee (collectively, the "Petitioners") for the property located at 10210 Liberty Road, Randallstown (the "Property"). The Petition for Special Exception was filed pursuant to Baltimore County Zoning Regulations ("BCZR"), §4F-102 *et seq.*, for a solar facility.

Due to COVID-19, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Josh Forgash attended the hearing on behalf of the Petitioners along with David Thaler, PE of DS Thaler & Associates. LLC, the engineering firm who prepared and sealed a site plan (the "Site Plan"). (Pet. Ex. 1). Christopher DiCarlo, Esquire of Talkin & Oh, LLP represented the Petitioners. No Protestants or interested citizens attended the hearing.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and from Development Plans Review ("DPR") in conjunction with Department of Public Works and Transportation ("DPWT") which comments will be addressed in the Order.

FINDINGS OF FACT

The case proceeded by way of modified proffer by Mr. DeCarlo. Mr. Thaler was accepted as an expert civil engineering. (Pet. Ex. 4). The Property is 12.9 acres +/- (561,923.4 sf +/-) of which 9.92 acres +/- (432,115.2 sf) is proposed as the Special Exception area for the proposed solar facility, and of which 2 acres +/- will be permanently preserved by a Forest Buffer Easement. The Property is undeveloped and was previously used as farmland by the Bopst Family. It sits 360 ft +/- off Liberty Rd. (MD Rt. 26). The Property grade is downhill from Liberty Rd. behind other commercial uses. The Property is zoned Rural Conservation and Residential (RC 5).

John Forgash was the first witness to testify for the Petitioners. (Pet. Ex. 2). He is a principal in Jacob's Place Solar, LLC ("JPS") with 15 years in renewable energy. His duties at JPS include finding and developing suitable properties to install solar facilities. JPS is a company whose principal office address is Medford, NJ. JPS will form and/or incorporate a single entity which will operate the solar facility under a 25-year lease with the Bopst Family. JPS is a subsidiary of Nautilus USA Power Holding Co., Inc., and is affiliated with Solharvest Energy of which Mr. Forgash the managing member.

Mr. Forgash testified that the Property was selected as an ideal site for a solar facility because it was already cleared farm land, involved no grading, and was located near a BGE power grid. The Property is located behind automotive uses and adjacent to a contractor's equipment storage yard which are situated along Liberty Rd. As such, this part of Liberty Rd. is not scenic. (Pet. Ex. 5). The aerial photograph shows the northern boundary of the Property is buffered from residential uses along Lyons Mill Rd. by dense forested areas. An aerial photograph taken from Lyons Mills Rd. toward Liberty Rd. also depicts a dense forested area along the western

boundary. (Pet. Ex. 6). The Special Exception area is 825 ft from Lyons Mill Rd., and is 700 ft from the closet house on Lyons Mill Rd.

Mr. Forgash explained that the proposed project will generate 1 megawatt of alternating current (AC) electricity to 300-400 homes within the grid. The solar facility will be a ground-mounted, single axis tracking facility with solar photovoltaic (PV) modules which have an anti-reflective coating. The panels will rotate with the sun throughout the day, face east in the morning and west in the evening, to absorb the maximum amount of solar rays. The panels are in keeping with the most recent technology. The solar rays will be converted into energy and transmitted to the BGE power grid. There is no noise or smell emanating from the solar panel rotation.

The Special Exception area will be accessed via the existing driveway from Liberty Rd. and will continue to surround the solar facility as shown on the Site Plan. Petitioners are proposing an 8 ft. high agricultural fence with a locked gate, rather than a black, vinyl coated fence as it is in keeping with the agricultural nature of the Property. (Pet. Ex. 10). It will be an unmanned facility and require only 2-3 people to provide landscaping and mowing services during Spring and Summer. No maintenance or cleaning of solar panels is needed or required; no chemicals or other flammable products associated with this use.

Mr. Forgash provided a Glare Analysis which was prepared using a computer program called 'Forgesolar Glare Analysis'. (Pet. Ex. 3). Mr. Forgash stated that he has submitted these Glare Analysis reports when testifying in both Howard and Prince George's Counties for solar projects. This Glare Analysis Report analyzed 18 observation points (OPs) around the Property and particularly from the residential homes located along the south side of Liberty Rd. and on the north side along Lyons Mills Rd. Additionally, 2 route receptors were analyzed from a viewpoint of drivers on Liberty Rd., and 8 viewpoints of drivers using Lyons Mill Rd. The result of the

report was that no glare was found from either the OPs, or from the routes analyzed. Further, it confirmed that both the existing landscape and topography will shield the view of the proposed solar facility even without the proposed additional landscaping.

David Thaler, PE was accepted as an expert in civil engineering and in land planning. (Pet. Ex. 8). Mr. Thaler testified that he is familiar with the Property and the surrounding area. He described the Special Exception area of 9.92 acres as cleared farm land which is shielded from residential uses along Lyons Mill Rd., but also located next to automotive uses and a contractor's equipment storage yard along Liberty Rd. In his view, the Property was the perfect location for a solar facility.

In regard to the requirements in BCZR, §4F-104. Mr. Thaler opined that the solar facility is not encumbered by an agricultural preservation easement, an environmental preservation easement, or a rural legacy easement, or located in a Baltimore County historic district or on a property that is listed on the Baltimore County Final Landmarks List. (BCZR, §4F-104.A.1 and 2). While 2 acres +/- of the Property is proposed to remain in a Forest Buffer Easement, the solar facility and Special Exception area are not within a Forest Buffer Easement, or within a Forest Conservation easement. (BCZR, §4F-104.A.3). On May 31, 2022, a Forest Buffer Variance was granted to permit a reduction of 29,220 sf of forest buffer area to accommodate the solar facility. The above-ground components of the solar facility, including solar collector panels, inverters, and similar equipment, are set back a minimum of 50 ft. from the tract boundary. (BCZR, §4F-104.A.4). Mr. Thaler testified that the height of the solar panels fully extended will be a maximum of 12 ft. in height. (BCZR, §4F-104.A.5).

In regard to the installation of a landscaped buffer for adjacent residentially used property and adjacent public streets, Mr. Thaler's firm prepared a Scenic Route Analysis showing

viewpoint with proposed landscaping, as well as a Landscape Compliance Plan. (Pet. Exs. 9, 12). A Final Landscape Plan will be filed with the County at a later stage. The Landscape Compliance Plan shows where the plantings will be specifically located on the Property. However, no contour or interior plantings are proposed to be located between the solar panels or within the Special Exception Area because such plantings would obstruct the absorption of the sun's rays. Consequently, the DOP and DPR recommended interior contour plantings, aka contour strip buffers, between the solar panels and/or within the Special Exception area, the Petitioners requests that no interior contour planting be required for the reason provided. Moreover, Mr. Thaler highlighted that the Glare Analysis Report confirms that additional landscaping is not in fact needed to screen adjacent residential properties or adjacent roadways as the existing vegetation provides the screening. Liberty Rd. is not 'scenic' where the Property is located due to the commercial uses. Mr. Thaler agrees that the proposed 8 ft. tall agricultural fence to be installed between the landscape buffer and the solar facility, is more appropriate for this Property than a black vinyl chain link fence. (BCZR, §4F-104.A.7). There is no lighting proposed for the solar facility. On behalf of the Petitioners, Mr. Thaler agreed that as a condition of the Order, a sign will be installed on the access gate to the solar facility providing the name, address and phone number of the owner and operator of the solar facility. Lastly, Mr. Thaler opined that the Site Plan complies with BCC, §33-1-108 (BCZR, §4F-104.A.9).

In regard to the Special Exception factors, Mr. Thaler opined that the solar facility will not be detrimental to the health, safety or general welfare of the locality involved and stated that other than the solar panels which are ground-mounted and will be removed at the end of the lease term, there are no impervious surfaces or lighting to be installed. The proposed use will not create congestion in roads, streets or alleys therein or tend to overcrowd the land or cause undue

concentration of population because there are at most, seasonal trips to the solar facility per month for landscaping and lawn maintenance. He mentioned that this is not a use which will generate people coming to the Property because the solar facility will be unoccupied.

He testified that the use will not create a potential hazard from fire, panic or other danger as all electrical equipment is sealed and does not emit heat. The solar facility will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. At 12 ft. maximum height and separated from residential properties, the solar facility will not cast shadows or block air flow, and therefore will not interfere with adequate light and air. Mr. Thaler opined that the proposed solar facility is consistent with the purposes of the property's zoning classification and not in any way inconsistent with the spirit and intent of BCZR, 4F as it is specifically permitted by Special Exception in an RC5 zone. The solar facility is also consistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations as rain water will flow off the solar panels and will sink into the ground. There is no impermeable surface which will increase water flow. The Site Plan notes that storm water management facilities will be in compliance with MDE Design Guidelines for Solar Panels. (Note 20).

Mr. Thaler testified that the use will not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an RC5 zone, as environmental resources will be protected by way of recorded easements, there are no wetlands or floodplains *within* the Special Exception area. He added that no chemicals will be used as rain water cleans the solar panels.

In regard to the DPR/DPWT ZAC comment questioning whether a road closing or some other hearing be required prior to the approval of this Petition due to the approval of a Final

Development Plan Entitled Fairview Farm dated June 5, 2007 in Case No. II-692 & 06-265-SPHA, he opined that the road(s) on the Fairview FDP were never dedicated and therefore never became public. As a result, no road closing is required. He also confirmed that the Bopst Family was abandoning the Fairview FDP in favor of this Petition.

With regard to DPR comment to have 'a chicane or bend(s)' in the proposed access driveway, Mr. Thaler opined that this proposal would be detrimental to emergency responders including the fire department. While a driveway with bends is typically used to provide screening from a scenic road, in this case the solar facility will sit 360 ft. back from Liberty Rd. Moreover, the access driveway proceeds up a hill and solar facility sits at the bottom of the hill. Thus, no chicane or bend should be required.

DECISION

On July 17, 2017, the County Council enacted Bill 37-17 permitting solar facilities by special exception in certain zones, including RC6. BCZR, §4F-102.A. The County Council imposed limits on the number of facilities per Councilmanic District (*i.e.* 10 per district), and on the maximum area for each facility (*i.e.* the amount of acreage that produces no more than 2 megawatts alternating current (AC) of electricity). BCZR, §4F-102.B.1 and 2. The Permits, Approvals and Inspections ("PAI") maintains a list of applications, Orders approving or denying solar facilities and number of building permits issued per Councilmanic District.

In addition to the Special Exception factors, there are 10 requirements set forth in BCZR, §4F-104.A:

1. The land on which a solar facility is proposed may not be encumbered by an agricultural preservation easement, an environmental preservation easement, or a rural legacy easement.
2. The land on which a solar facility is proposed may not be located in a Baltimore County historic district or on a property that is listed on the Baltimore County Final Landmarks List.

3. The portion of land on which a solar facility is proposed may not be in a forest conservation easement, or be in a designated conservancy area in an RC 4 or RC 6 Zone.

4. Aboveground components of the solar facility, including solar collector panels, inverters, and similar equipment, must be set back a minimum of 50 feet from the tract boundary. This setback does not apply to the installation of the associated landscaping, security fencing, wiring, or power lines.

5. A structure may not exceed 20 feet in height.

6. A landscaping buffer shall be provided around the perimeter of any portion of a solar facility that is visible from an adjacent residentially used property or a public street. Screening of state and local scenic routes and scenic views is required in accordance with the Baltimore County Landscape Manual.

7. Security fencing shall be provided between the landscaping buffer and the solar facility.

8. A solar collector panel or combination of solar collector panels shall be designed and located in an arrangement that minimizes glare or reflection onto adjacent properties and adjacent roadways, and does not interfere with traffic or create a safety hazard.

9. A petitioner shall comply with the plan requirements of § 33-3-108 of the County Code.

10. In granting a special exception, the Administrative Law Judge, or Board of Appeals on appeal, may impose conditions or restrictions on the solar facility use as necessary to protect the environment and scenic views, and to lessen the impact of the facility on the health, safety, and general welfare of surrounding residential properties and communities, taking into account such factors as the topography of adjacent land, the presence of natural forest buffers, and proximity of streams and wetlands.

There are also provisions regarding maintenance of the facilities:

§ 4F-106. - Maintenance.

A. All parties having a lease or ownership interest in a solar facility are responsible for the maintenance of the facility.

B. Maintenance shall include painting, structural repairs, landscape buffers and vegetation under and around solar panel structures, and integrity of security measures. Access to the facility shall be maintained in a manner acceptable to the Fire Department. The

owner, operator, or lessee are responsible for the cost of maintaining the facility and any access roads.

C. Appropriate vegetation is permitted under and around the solar collector panels, and the tract may be used for accessory agricultural purposes, including grazing of livestock, apiculture, and similar uses.

D. The provisions on this section shall be enforced in accordance with Article 3, Title 6 of the County Code.

A solar facility which has reached the end of its useful life must be removed in accordance with §4F-107.

In order to grant a request for a special exception under BCZR, §502.1, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
- 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;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
- 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.

In *Schultz v. Pritts*, 291 Md. 1, 22-23, 432 A.2d at 1331 (1981), the Court of Appeals held that “the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and therefore should be denied, is whether there are 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 such a special exception use irrespective of its location within the zone.”

The Court of Appeals in *People’s Counsel for Baltimore County v. Loyola College in Md.* 406 Md. 54, 106, 956 A.2d 166 (2008) upheld that longstanding *Shultz* analysis, explaining that a special exception use has “certain [inherent] adverse effects...[which] are likely to occur”. In its analysis, the *Loyola* Court observed that “[t]he special exception adds flexibility to a comprehensive legislative zoning scheme by serving as a ‘middle ground’ between permitted use and prohibited uses in a particular zone.” *Id.*, 406 Md. at 71, 956 A.2d at 176 (2008).

The *Schultz* and *Loyola* Courts, and more recently in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 285 (2017) have expressly recognized that “[a] special exception is presumed to be in the interest of the general welfare, and therefore a special exception enjoys a presumption of validity.” (See also *Loyola*, 406 Md. at 84, 88; 105 *Schultz*, 291 Md. at 11). Based on this standard, once an applicant puts on its *prima facie* evidence in support of a special exception, the opponents must then “set forth sufficient evidence to indicate that the proposed [use] would have any adverse effects above and beyond those inherently associated with such use under the *Schultz* standard.” *Attar*, 451 Md. at 287. (See *Montgomery County v. Butler*, 417 Md. 271, 276-77 (2010) (opponent must show “non-inherent adverse effects” to “undercut the presumption of compatibility enjoyed by a proposed special exception use”). (See also, *Clarksville Residents Against Mortuary Defense Fund, Inc. v. Donaldson Properties*, 453 Md. 516, 543 (2017) (“there is a presumption that the [special exception] use is in the interest of the general welfare, a presumption that may only be overcome by probative evidence of unique adverse effects”).

Without repeating the uncontroverted evidence provided above, I find that the Petitioners have met each of the requirements in BCZR, §4F-104.A.1-9, as well as each of the Special Exception factors in BCZR, §502.1. The Solarforge Glare Analysis Report confirmed that the proposed solar facility will not produce any glare on the adjacent homes or on adjacent roadways as discussed in BCZR, §4F-102.A.8. Based on the evidence presented, I find that the proposed solar facility here will be granted, subject to the conditions imposed in the Order.

THEREFORE, IT IS ORDERED this 12th day of **December, 2022** by this Administrative Law Judge, that the Petition for Special Exception from the BCZR, §502.1, §4F-102 *et seq.* and §4F-104 *et seq.*, for a solar facility as set forth on the Site Plan (Pet. Ex. 1), be, and it is hereby **GRANTED**.

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 its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

2. The Site Plan (Pet. Ex. 1) shall be incorporated into and made a part of this Opinion and Order.

3. Petitioners must comply with the DOP comments, a copy of which are attached hereto and made a part thereof, except as follows:

- A. No contour strip buffers or interior contour screening via landscaping in the solar facility area or near the solar panels shall be required as plantings near, between or around the solar panels will reduce or impede the absorption of solar rays needed to generate electricity.

- B. Petitioners shall install an 8 ft. agricultural style fence with a locked gate around the perimeter of the solar facility in lieu of the recommended black vinyl coated, chain-link fence. Attached to the entrance gate of the fence, in a conspicuous place, shall be a sign with the current contact information (name, address, telephone number, website and

email address) of the owner and the operator of the solar facility. The sign shall be updated as is necessary to provide current information until the solar facility is decommissioned.

C. There shall be no lighting installed for the solar facility and therefore no Lighting Plan will be filed to the extent that it is otherwise required.

4. Petitioners must comply with the DPR/DPWT ZAC comment, a copy of which are attached hereto and made a part thereof, except as follows:

A. No road closing or other zoning hearing is required prior to the approval of the Petition for Special Exception. The Fairview FDP is abandoned in favor of the relief granted herein. The roads proposed in the Fairview FDP were not dedicated to the public.

B. No contour strip buffers or interior contour screening via landscaping in the solar facility area or near the solar panels shall be required as plantings near, between or around the solar panels will reduce or impede the absorption of solar rays needed to generate electricity. (Comment No. 6).

C. Petitioners shall install an 8 ft. agricultural style fence with a locked gate around the perimeter of the solar facility in lieu of the recommended black vinyl coated, chain-link fence. (Comment 7). Attached to the entrance gate of the fence, in a conspicuous place, shall be placed a sign with the current contact information (name, address, telephone number, website and email address) of the owner and the operator of the solar facility. The sign shall be updated as is necessary to provide current information until the solar facility is decommissioned.

D. The proposed access driveway shall be durable and dustless but shall not be required to have any chicanes or bends. (Comment 9).

5. Petitioners shall submit for approval to Baltimore County Landscape Architect, a Landscape Plan for the Property demonstrating appropriate screening and vegetation is provided along adjacent public streets, as well as from the adjacent residentially used properties as required by BCZR, §4F-104.A.6. The Landscape Plan shall include an agreement that the owner/operator of the solar facility shall be required to maintain and/or replace as necessary all trees, shrubs and/or vegetation planted within the Landscape Buffer as shown on the Final Landscape Plan.

6. Prior to the issuance of a building permit, Petitioners must satisfy the environmental regulations set forth in BCC, §33-3-108 pertaining to the protection of water quality, streams, wetlands and floodplains and obtain approval of the Site Plan from DEPS as required by BCC, §33-3-108, as required by BCZR, §4F-104.A.9.

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

Order.


MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm

RECEIVED OCT 31 2022

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFC for VKD
DATE: October 26, 2022

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2022
Item No. 2022-0228-X

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

The T-turn around shown at the end of both legs of proposed 16-foot wide driveway shall be widened to 30'x70' and the entire access road shall be dustless and durable.

The Department of Public Works and Transportation (DPWT) Bureau of Engineering and Construction offers the following comment:

- 1.) A riverine flood plain that meets the qualifications of a Baltimore County regulated flood plain flows overland with the existing water course on the property. A riverine flood study based on ultimate land use conditions and suitable outfall study according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review Policy Manual and Department of Public Works and Transportation Design Manual must be submitted and "Accepted for Filing" by the Department of Permits, Approvals and Inspections Bureau of Development Plans Review before the approval of the Special Exception.
- 2.) A final development plan was approved entitled Fairview Farm dated 6/5/07. Is a road closing hearing or some other hearing required before approval of this Special Exception since a final development plan exists?

If Special Exception is granted a landscape plan is required per the requirements of the Landscape Manual, Bill No. 37-17 and the CMDP.

RECEIVED OCT 31 2022

Specific Landscape comments:

1. Liberty Road is a Baltimore County Scenic Route; Screening of state and local Scenic Routes and Scenic Views is required in accordance with the Baltimore County Landscape Manual.
2. Perimeter landscape buffers are required.
3. Must minimize tree and vegetation removal.
4. Perimeter landscape buffers needs to be designed to include a diversity of plant materials.
5. Solar panels are considered a utility and should be designed and located to harmonize with the surroundings and to create the least visual impact. (see comments # 8 & 9 below)
6. Additional landscape buffers (including contour strip buffers) may be required to address existing topography changes, Scenic Views, Scenic Routes, etc. depending on a number of items including the subject properties topography,
7. Proposed perimeter fence shall be black vinyl-coated chain-link fence,
8. Existing residential properties on 10236, 10130, and 10142 Liberty Road as well as 10109 through 10126 Lyons Mill Road need to be reviewed for possible landscape screening to be designed and installed between their property and the proposed solar facility to assure screening of the solar array facility.
9. The proposed access road from Liberty Road need to have a chicane or bends to assure screening of the solar array field from Liberty Road and adjacent property at 10209 Liberty Road if landscape screening does not adequately screen the facility.
10. More comments may be rendered during review of the landscape plan.

* * * * *

VKD: cen
cc: file



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 10210 Liberty Road, Randallstown, Maryland 21133 Currently Zoned RC-5

Deed Reference 34979 / 00471 10 Digit Tax Account # 1900004016

Owner(s) Printed Name(s) George Bopst, Denise Bopst, Ashley Bopst, Robert Bopst

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

To approve, in accordance with BCZR Sec. 502.3, a 1 year extension to the 2 year time period to utilize the solar facility special exception approved on December 12, 2022 in Case No. 2022-0228X. A copy of the Opinion and Order is attached hereto.

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

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)

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

Jacob's Place Solar LLC

Name - Type or Print

Courtney Matuszewska

Signature

610 Nautius Solar

396 Springfield Ave, 2nd Fl, Summit, NJ

Mailing Address City State

07901 310-436-5529 courtney@nautiussolar.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Christopher M. DeCarlo, Rosenberg Martin Greenberg, LLP

Name - Type or Print

Christopher M. DeCarlo

Signature

25 S. Charles Street, 21st Floor, Baltimore, Maryland

Mailing Address City State

21201 410-727-6690 cdecarlo@rosenbergmartin.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners): * See attached Continuation Sheet for Owner signatures and contact information

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

Mailing Address

City

State

Zip Code

Telephone #'s (Cell and Home)

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Case Number 2024-0229-SPH Filing Date 10 / 24 / 24 Do Not Schedule Dates Reviewer JS

PETITION FOR ZONING HEARING

Special Hearing

10210 Liberty Road, Randallstown, MD 21133

Deed Reference 34979 / 00471

Tax Account # 1900004016

(Continuation Sheet for Owner/Petitioner Signatures)

Legal Owners:

George Bopst

Name #1

George Bopst
Signature

918 CINDY LANE
Mailing Address

WESTMINSTER MD 21157
City, State Zip Code

410-236-5299
Telephone Number

Bopst@AOL.com
Email Address

Denise Bopst

Name #3

Denise Bopst
Signature

10406 Liberty Road
Mailing Address

Randallstown, MD 21133
City, State Zip Code

413-829-1388
Telephone Number

DLBopst12@gmail.com
Email Address

Ashley N. Bopst

Name #2

Ashley N. Bopst
Signature

1175 Ritters Lane
Mailing Address

Owings Mills MD 21117
City, State Zip Code

443-285-3378
Telephone Number

a.bopst277@gmail.com
Email Address

Robert Milton Bopst

Name #

Robert Milton Bopst
Signature

10406 Liberty Road
Mailing Address

Randallstown, MD 21133
City, State Zip Code

443-829-1387
Telephone Number

mauledxigurat@yahoo.com
Email Address

October 21, 2024

ZONING DESCRIPTION

Jacobs Place Solar

(for zoning purposes only)

Beginning for the same in the center of Liberty Road, MD Rte. 26,
northwesterly approximately 600 feet from the center of Windy Hill Road.

Thence running the following courses and distances, with all bearings
referenced to the Maryland Coordinate System, (NAD 83),

1. North 56°47'16" West 60.01 feet to a point; thence,
2. North 32°17'56" East 333.17 feet to a point; thence,
3. North 57°49'11" West 285.19 feet to a point; thence,
4. North 17°13'43" East 223.79 feet to a point; thence,
5. North 21°42'56" East 223.71 feet to a point; thence,
6. North 79°23'58" East 415.89 feet to a point; thence,
7. South 35°33'18" East 419.14 feet to a point; thence,
8. South 29°23'03" West 560.53 feet to a point; thence,
9. North 57°49'11" West 276.91 feet to a point; thence,
10. South 32°17'56" West 334.25 feet to the point of beginning.

Containing 9.92 acres of land, more or less.

Located in the Fourth Councilmanic District and the Second Election District of
Baltimore County, Maryland.

U:\Liberty Road 10234\300 Reports & Agreements\320 Planning\Zoning Description SAM gf 10 21 2024.docx

2024-0229-SP4





Certificate of Posting

Case# 2024-0229-SPH

Petitioner/Developer

Rosenberg Martin Greenberg

Chris DeCarlo

Date of Hearing/Closing

December 4, 2024

Baltimore County Department of Permits and Management

County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204

Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the property located at

10210 Liberty Road November 11, 2024. Signs 1A & 1B

Sincerely, Martin Ogle

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE MEMORANDUM

TO: Krystle Patchak
Development Review Section

DATE: November 14, 2024

FROM: Brett M. Williams
Planner, Development Review

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0229-SPH

INFORMATION:

Property Address: 10210 Liberty Road
Petitioner: George Bopst, Denise Bopst, Et al.
Zoning: RC 5
Requested Action: Special Hearing

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

Special Hearing - To approve, in accordance with BCZR Section 502.3, a 1-year extension to the 2-year time period to utilize the solar facility special exception approved on December 12, 2022 in Zoning Case No. 2022-0228-X.

The area is a mix of residential, rural residential and rural commercial uses. The proposed development conditions of a solar facility are currently existing. While the property does have two road frontages, the facility should only be visible from Liberty Road.

Planning previously had no objections to approval and made the following recommendations to the ALJ:

- Proposed perimeter fence shall be black vinyl coated chain-link fence
- The Department supports the Baltimore County Landscape Architect in planting requirements deemed necessary to include interior contour screening and other planting schemes that will mitigate the visual impact of the special exception proposal upon the neighboring properties and public road.
- Pursuant to BCZR §502.1.A, petitioners shall demonstrate to the satisfaction of the Administrative Law Judge that the facility will not be detrimental to the adjacent residential or commercial properties, or public roads as a result of glare emanating from the facility.
- Petitioners shall note on the plan that the proposed solar facility will be subject to BCZR §4f-107.
- Petitioners shall certify by note on the plan that the proposed solar facility will not exceed the maximum permitted number of facilities allowed in its respective councilmanic district. If approved, Petitioners shall submit to this Department at the time of building permit application the final fixed location and area of the facility by coordinate data so that an inventory may be kept.

Subject: ZAC #24-0229-SPH

Date: November 6, 2024

Page 2

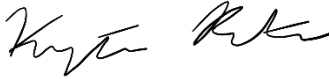
- Lighting shall be limited to what is required for security purposes only and will be sited in such a way as to have minimal spillage onto neighboring properties.
- Signage shall be limited to that which is necessary for safety and security purposes.
- No deliveries or outdoor maintenance which may generate excessive noise may occur on-site between the hours of 6 P.M. through 6 A.M.

The Department of Planning still does not have any objections to the approval of the above request conditioned upon the following:

- The conditions outlined in the Administrative Law Judge's ruling of Zoning Case no. 2022-0228-X will continue to be met.

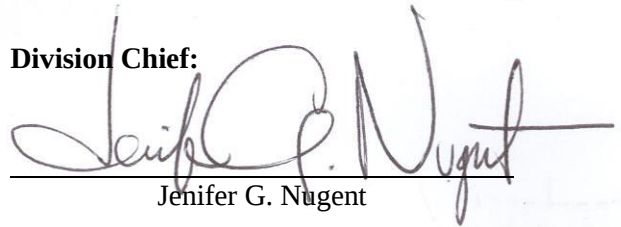
For further information concerning the matters stated herein, please contact Brett Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Christopher DeCarlo, Rosenberg Martin Greenberg, LLP
Yolanda Gregory, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: November 4, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0229-SPH

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

DPR: No comment.

DPW-T: An ultimate land use conditions riverine flood study meeting the Baltimore County Department of Public Works and Transportation (DPWT) Design Manual and the Baltimore County Department of Permits, Approvals and Inspections (PAI) Bureau of Development Plans Review is required and must be submitted to PAI to be "Accepted for Filing".

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

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: November 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0229-SPH
Address: 10210 LIBERTY ROAD
Legal Owner: Jacob's Place Solar, LLC

Zoning Advisory Committee Meeting of November 12, 2024.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

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 - 02 Account Number - 1900004016			
Owner Information					
Owner Name:		BOPST GEORGE BOPST DENISE ETAL		Use: AGRICULTURAL Principal Residence:NO	
Mailing Address:		918 CINDY LN WESTMINSTER MD 21157-		Deed Reference: /34979/ 00471	
Location & Structure Information					
Premises Address:		10234 LIBERTY RD 0-0000		Legal Description: 13.2241 AC NS LIBERTY RD 2800 NW DEER PARK RD	
Map: Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block:	Lot: Assessment Year: Plat No:
0066	0022	0148	2040051.04	0000	2025 Plat Ref:
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
Property Land Area		County Use		Stories	
13.2200 AC		05		Basement	
Type Exterior		Quality Full/Half Bath		Garage Last Notice of Major Improvements	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2024	07/01/2025
Land:	4,900	4,900		
Improvements	1,000	1,000		
Total:	5,900	5,900	5,900	
Preferential Land:	4,900			

Transfer Information

Seller: BOPST CAROLYN	Date: 05/19/2014	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /34979/ 00471	Deed2:
Seller: BOPST GEORGE J	Date: 05/14/1992	Price: \$1
Type: ARMS LENGTH IMPROVED	Deed1: /09172/ 00724	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2024	07/01/2025
County: 000	0.00	
State: 000	0.00	
Municipal: 000	0.00	0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

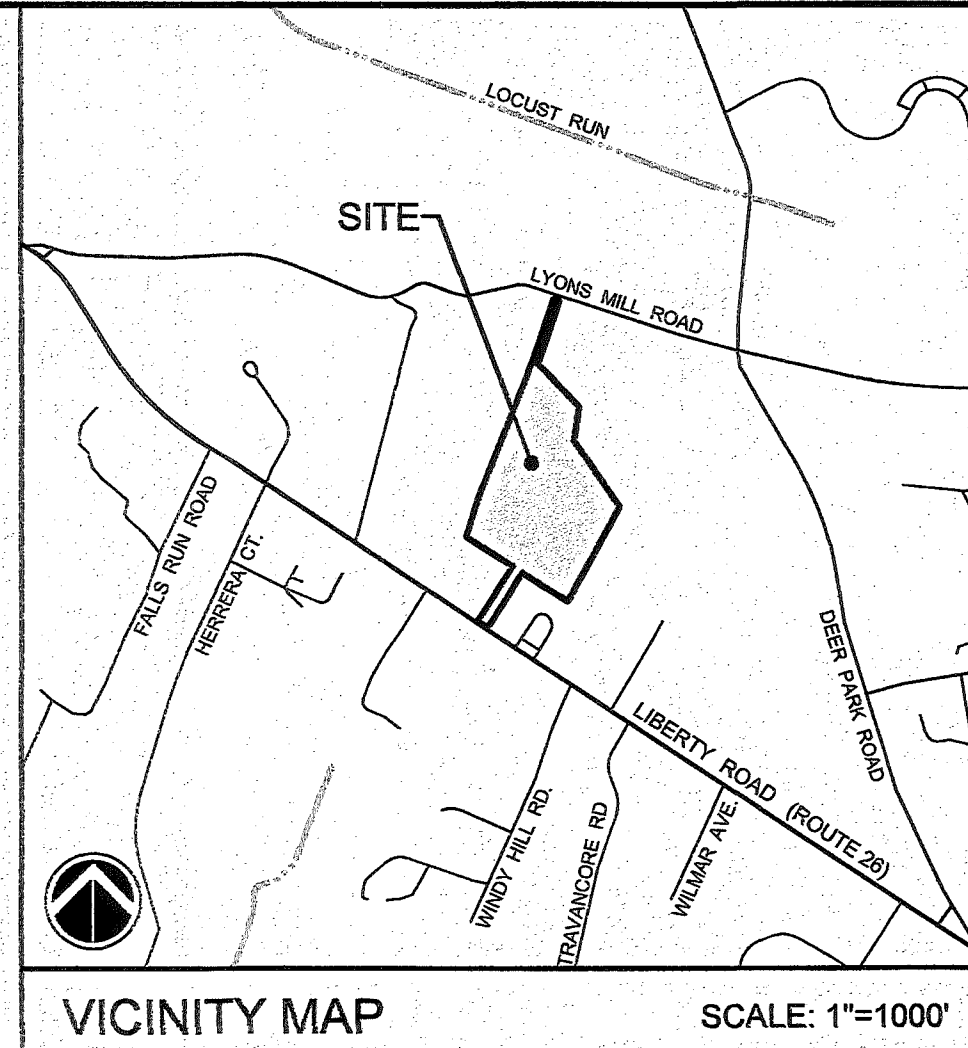
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING

JACOB'S PLACE SOLAR



ADJACENT OWNERS									
PARCEL	LOT	OWNER NAME	OWNER ADDRESS	CITY	STATE	ZIP CODE	TAX ACCOUNT	LIBER	FOLIO
23		BALTIMORE COUNTY MARYLAND	12-R-384	BALTIMORE	MD	21204	220028992	12468	512
23		BALTIMORE COUNTY MARYLAND	12-R-384	BALTIMORE	MD	21204	220028992	12468	512
149		RIVERA JOSE OSCAR	901 EUTAW ST	BALTIMORE	MD	21201	208000270	39393	120
160		THWELVE TREES ASSOCIATION INC	P O BX 535	RANDALLSTOWN	MD	21133	1800010125	6159	225
171	1A	BENSON MICHELLE Y	10225 LIBERTY RD	RANDALLSTOWN	MD	21133	2300008954	28717	408
172		RAJ INVESTMENTS LLC	1107 HANDY AVE	BALTIMORE	MD	21228	208100050	35884	367
173		ABDUL I ISLAM	11880 TRIADAPHA RD	ELLICOTT CITY	MD	21042	211150730	47226	180
174		ABDUL I ISLAM	11880 TRIADAPHA RD	ELLICOTT CITY	MD	21042	211150732	47226	190
175		SPARACO DAVID E	10205 LIBERTY RD	RANDALLSTOWN	MD	21133	212000880	41761	203
195		SCULSI JOHN & SCULSI BARBARA	10142 LIBERTY RD	RANDALLSTOWN	MD	21133	212400200	24586	230
198	1	SINGH HARSHMIRAN & SINGH SUSANA	10119 LYONS MILL RD	OWINGS MILLS	MD	21117	211150770	36199	417
198	2	HYATT JACQUELINE & HYATT MICHAEL	10115 LYONS MILL RD	OWINGS MILLS	MD	21117	211350220	24092	238
221	3	GREEN FROG PROPERTIES LLC	3220 HUNTING TWEED DR	OWINGS MILLS	MD	21117	2300012980	18082	284
324		URDANIVIA SUSANA SINGH HARSHMIRAN & SINGH AMAN KAUR	10119 LYONS MILL RD	OWINGS MILLS	MD	21117	2300008619	19893	303
349		LITTLE ROUNDTOP DEVELOPMENT LLC	30124 HERNWOOD RD	WOODSTOCK	MD	21193	208000090	32924	159
376		BOPOST GEORGE	918 CINDY LN	WESTMINSTER	MD	21157	1600009269	34973	193
634		EKO TOLURUNJI & EKO MORONKE OLUBUKOLA	10207 LIBERTY RD	RANDALLSTOWN	MD	21133	211150731	43359	435
664		LEDIG-SNYDER MICHAEL C & CANCEL-SATZ JANA S	10121 LYONS MILL RD	OWINGS MILLS	MD	21117	1600014193	32884	277
688		CHRIST DOMINION CHURCH OF GOD INTERNATIONAL	15445 DEPOT LN	UPPER MARLBORO	MD	20772	2000003949	42217	482
670		BOPOST GEORGE & BOPOST DENISE ETAL	918 CINDY LN	WESTMINSTER	MD	21157	2000009108	34973	471
880	2	LUCKIE CHARLES O & LUCKIE ONTERIA M	10130A LIBERTY RD	RANDALLSTOWN	MD	21133	2300012979	20580	592

SOILS CHART						
SYMBOL	NAME	HOMES W/ BASEMENT	HOMES W/O BASEMENT	AGRICULTURAL CAPABILITY	IO FACTOR	SEPTIC RESERVE AREA
GdS	Glentworth loam, 3 to 6 percent slopes	NOT LIMITED	NOT LIMITED	2s	0.24	VERY LIMITED
Gm	Glentworth loam, somewhat poorly drained, 0 to 3 percent slopes	VERY LIMITED	VERY LIMITED	2s	0.37	VERY LIMITED
QmS	Glentworth all loam, 3 to 5 percent slopes	VERY LIMITED	VERY LIMITED	2s	0.37	VERY LIMITED
Mac	Manor loam, 8 to 15 percent slopes	SOMEWHAT LIMITED	SOMEWHAT LIMITED	3s	0.28	VERY LIMITED
Mat	Manor loam, 16 to 25 percent slopes	VERY LIMITED	VERY LIMITED	4s	0.28	VERY LIMITED

NOTE:
The area and location of the requested special exception is as shown hereon. The area and location of the special exception includes that portion of the property on which the solar arrays and associated equipment will be located, as well as the contemplated connection point to the adjacent power grid operated by the public utility (BGE). The determination of the precise connection point is at the sole discretion of BGE and is subject to that utility's review and approval. Thus, the area and location of the special exception is subject to modification based upon that determination. Further, the area of the area of the special exception (9.92 acres) may be reduced/increased based upon advances in technology (e.g. more efficient array panels) and/or the determination by BGE that the amount of power produced/directed into the power grid is less than currently contemplated. Such final determination shall be made prior to the issuance of final permits allowing operation of the facility.

NOTE:
A VARIANCE FROM THE LAW FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS, AND FLOODPLAINS WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY ON MAY 31, 2022 TO ALLOW A 23,220 SQUARE FOOT REDUCTION TO THE FOREST BUFFER EASEMENT IN ORDER TO INSTALL A SOLAR FACILITY. THE FOREST BUFFER EASEMENT SHOWN HEREON IS REFLECTIVE OF THE FACT THAT THIS VARIANCE WAS GRANTED. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS INCLUDING INSTALLATION OF SIGNS AND SEEDING OF A DIVERSE NATIVE MIX OF GRASSES AND HERBACEOUS PLANTS PRIOR TO SITE GRADING.

GENERAL NOTES:

- Development Name: JACOB'S PLACE SOLAR
Owner: George Bopst, et al.
1916 Cindy Ln.
Westminster, MD 21157
Applicant: Jacob's Place Solar, LLC
c/o Nautilus Solar Energy, LLC
396 Springfield Ave.
Suite 200
Summit, NJ 07901
Attn: Jeffrey Cheng, CEO
Phone: 650-302-9315
Email: Jeff@NautilusSolar.com
Plan Prepared by: D.S. Thaler & Assoc., LLC
7115 Ambassador Road
P.O. Box 47428
Baltimore, MD 21244
ATTN: Stacey McArthur
410-944-3847
- Property Reference:

PARCEL	TAX ACCOUNT #	TAX MAP GRID	HELD SINCE	DEED	ADC MAP
148	1900004016	69/22	1982	34979471	23K6 23K9

Boundary: D.S. Thaler & Assoc., LLC
Zoning: Baltimore County, 2024
Zoning Map, GIS file 06683
Floodplain: There is riverine floodplain on site
DS Thaler & Assoc., LLC, Feb. 2005
- Site Area: 12.9 Ac.± (Net and gross) (561,923.4 SF)±
- Area of Special Exception: 9.92 Ac.± (432,115.2 SF)±
- Zoning: RC-5
- Parking: Required: 0
Provided: 1 sp (Vehicle Service)
- Existing Use is Vacant.
- The property has been held intact since 1982.
- The site is not located within the Chesapeake Bay Critical Area.
- The site is located beyond the Urban Rural Demarcation Line (URDL).
- There were no commercial permits or active zoning violations found on file with Baltimore County.
- Basic Services: N/A - Site is beyond the URDL.
- The proposed solar facility will be subject to BCZR §4F-102.
- The proposed solar facility will not exceed the maximum permitted number of facilities allowed in its respective councilmanic district. If approved, Petitioners shall submit to this Department at the time of building permit application the final fixed location and area of the facility by coordinate data.
- No Lighting is proposed.
- Signage shall be limited to that which is necessary for safety and security purposes only.
- No deliveries or outdoor maintenance which may generate excessive noise may occur on-site between the hours of 6 PM through 6 AM.
- There are slopes greater than 10% for areas adjacent to and within 500 feet of streams, wetlands or other bodies of water and slopes greater than 25% for all other areas on site.
- There are no known rare species, threatened species or endangered species habitat, historical or archeological areas on site.
- Stormwater management to be in compliance with MDE Design Guidance for Solar Panels.
- There shall be no clearing, grading, construction or disturbance of vegetation in the forest buffer, except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.



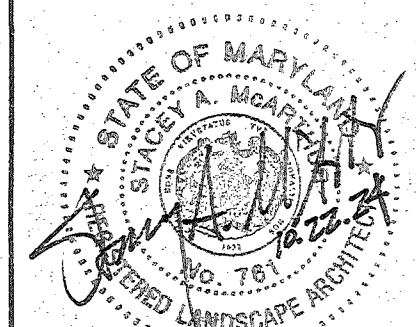
LEGEND	
	TRACT BOUNDARY
	ROAD
	TOPO MAJOR
	TOPO MINOR
	TREELINE
	ZONING LINE
	SOILS LINE
	FLOODPLAIN
	FOREST BUFFER
	ARRAY
	ACCESS DRIVE
	PERIMETER FENCE
	SLOPES > 25%
	EXISTING FRONT ORIENTATION
	LIGHT AND/OR UTILITY POLE

PROJECT NAME:
JACOB'S PLACE SOLAR
PLAN TITLE:
PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING
COUNCILMANIC DIST.: 4TH
ELECTION DIST.: 2ND
SITE ADDRESS: 10210 LIBERTY ROAD
APPLICANT:
Jacob's Place Solar, LLC
c/o Nautilus Solar Energy, LLC
396 Springfield Ave.
Suite 200
Summit, NJ 07901
Attn: Jeffrey Cheng, CEO
Phone: 650-302-9315
Email: Jeff@NautilusSolar.com

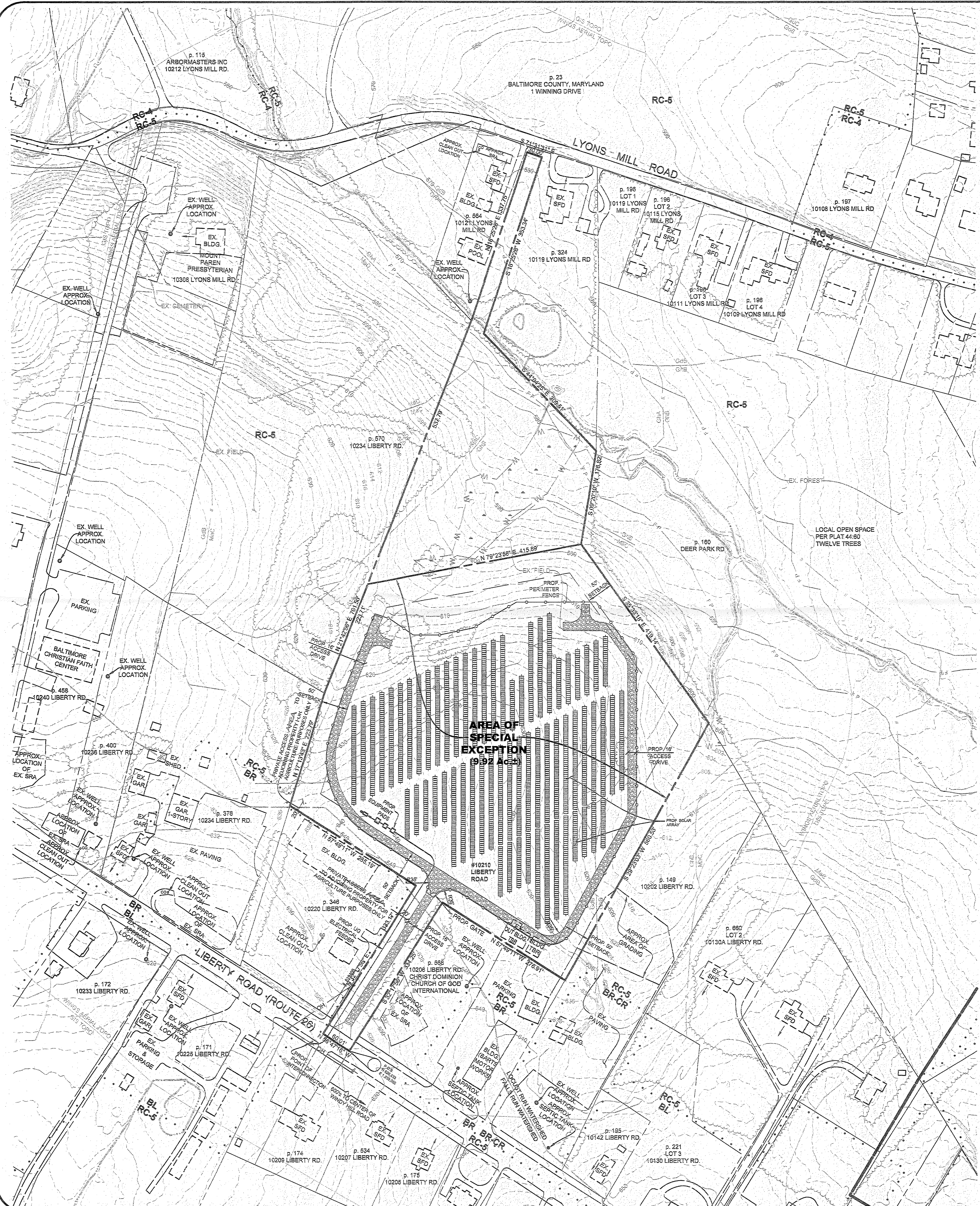
Special Hearing Relief:
1. To approve in accordance with BCZR Sec. 502.3 a 1 year extension to the 2 year time period to utilize the solar facility special exception approved on December 12, 2022 in Case No. 2022-0228X.

2024-0229-SPH

DSThaler & ASSOC., LLC
CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS
LANDSCAPE ARCHITECTS & LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
410-944-3847 www.dsthaler.com



DATE: 10-23-2024
SCALE: 1"=100'
C.I.: 2'
PROJ. NO.: 04723
SHEET 1 OF 2



• ALL APPROVALS FOR FAIRVIEW FARM HAVE BEEN
ABANDONED AND VOID.
DRC #022823A; Dist. 2C4



JOHN A. OLSEVSKI, JR.
County Executive

C. PETER GUZDAW, Director
Department of Permits,
Approvals & Inspections

March 1, 2023

Ms. Stacy McArthur, RLA
D.S. Thaler & Associates, LLC
7115 Ambassador Road
P.O. Box 47428
Windsor Mill, MD 21244

RE: Jacob's Place Solar
10210 Liberty Road
Tracking Number: DRC-2023-00014
DRC Number: 022823A Dist. 2C4

Dear Ms. McArthur:

Pursuant to Article 25A, §5(f) of the Annotated Code of Maryland and as provided in §0202(4) of the Baltimore County Charter and §32-4-101, §32-4-401, and §32-4-517 of the Baltimore County Code (BCC), this letter constitutes an administrative order and decision on the request for issuance, renewal or modification of a license, permit, approval, exemption, waiver or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of these departments involved in land-use decisions as designated by their directors to represent their respective departments. The purpose of the DRC is to ensure compliance with BCC §32-4-106 and §32-4-262 and to make recommendations to the Director of Department of Permits, Approvals and Inspections (PAI).

The DRC met in an open meeting via WebEx on February 28, 2023 and has determined that your project meets the requirements of a limited exception under BCC Section 32-4-106 (b)(8). Based upon the plan information as submitted, the DRC recommends that the proposed improvements are minimal and there are no unlawful aspects to the plan. The DRC confirms the requirements of BCC 32-4-106 (b)(8) have been met. I have reviewed the recommendations carefully and it is this 1st day of March 2023 ordered and decided that the recommendations of the DRC are hereby adopted.

In order to further process your development plan, submit two check prints of the plan, prepared in accordance with Sections 32-4-221 through 32-4-224 of the BCC, one completed, signed and sealed copy of the Development Plan Checklist, and a copy of this letter to this office to the attention of Shawn Fraktion.

Upon acceptance of the plan submission by the assigned Project Manager, the applicant will be instructed by e-mail on how to submit digital CAD file and PDF file of the development plan.

For detailed instructions go to:

http://baltimorecountymd.gov/agencies/permits/pdm_devmanage/bmdmfa/palplans.html#CAD_Standard

Any permits required for this project will be processed subject to the conditions set forth in this letter along with all plans, securities and/or non-county permits that may be required in accordance with County, State or Federal Regulations. Please be aware that the provisions of BCC §11-4-102 through §11-4-103 establishing a development impact surcharge will apply to this development. It will be the responsibility of the DRC applicants through the review process to confirm the applicability of any surcharge, the amount and any credits applied thereto. The surcharge, if applicable, shall be assessed and collected at the time of building permit application.

Sincerely,

C. Peter Guzda
Director

ORDER CASE NO'S II-692 & 06-256-SPHA

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Planning Officer for Baltimore County, this 1st day of April, 2006, that Developer's requests for "Fairview Farm" Variance relief as follows:

- Variance from the Baltimore County Zoning Regulations, Section 1A04.3B.2.b, for the existing building on Lot 12 to permit a building to use boundary setback of 10 feet +/- in lieu of the required 50 feet, and a principal building to the center line of a sidewalk setback of 22 feet +/- in lieu of the required 150 feet; and
- Variance from Baltimore County Zoning Regulations, Section 10C.2, for the existing building on Lot 12 to permit a minimum building to building setback of 18 feet +/- in lieu of the required 60 feet.

are DENIED as moot.

IT IS FURTHER ORDERED, that Developer's requests for Special Hearing relief as follows:

- Special Hearing in accordance with Baltimore County Zoning Commissioner's Policy Manual, Section 1A04.1, to approve the construction of the existing residential and commercial uses, the existing well and existing structures, and to approve the proposed agricultural uses, all on an R.C. lot which is split by RR zone lines; and
- Special Hearing in accordance with Baltimore County Zoning Regulations, Section 1A04.3B.1a, to determine that it is greater than 1.5 acres in size may be created with an R.C. 5 component of less than 1.5 acres; and

- To approve the non-conforming use and structures on Lot 12 of service garage, customer's storage yard and storage and sale of firewood as delineated on exhibit 1 C are GRANTED; and

IT IS FURTHER ORDERED that the Developer's request for special hearing to determine there is no conflict with Baltimore County Zoning Regulations, Section 10C.2 is DENIED as MOOT; and

IT IS FURTHER ORDERED that the Developer's request for Special Hearing to determine the use of the property for a new tea business is a non-conforming use is DENIED; and

IT IS FURTHER ORDERED that the Revised Redline Development Plan known as "Fairview Farm" submitted into evidence as "Developer's Exhibit Nos. 5 A, 5 B, and 1 C be and is APPROVED."

Any appeal from this decision must be taken in accordance with Section 32-4-261 of the Baltimore County Code and the applicable provisions of law.

MAUREEN E. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER CASE NO. 2022-0228-X

THEREFORE, IT IS ORDERED this 1st day of December, 2023 by this Administrative

Law Judge, that the Petition for Special Exception from the BCZR, §502.1, §4F-102 et seq. and §4F-104 et seq. for a solar facility as set forth on the Site Plan (Pet. Ex. 1), be, and it is hereby

GRANTED.

The relief granted herein shall be subject to the following:

- 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 its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

- The Site Plan (Pet. Ex. 1) shall be incorporated into and made a part of this Opinion and Order.

- Petitioners must comply with the DOP comments, a copy of which are attached hereto and made a part thereof, except as follows:

- No contour strip buffer or interior contour screening via landscaping in the solar facility area or near the solar panels shall be required as plantings near, between or around the solar panels will reduce or impede the absorption of solar rays needed to generate electricity.
- Petitioners shall install an 8 ft. agricultural style fence with a locked gate around the perimeter of the solar facility in lieu of the recommended black vinyl coated, chain-link fence. Attached to the entrance gate of the fence, is a conspicuous place, shall be a sign with the current contact information (name, address, telephone number, website and email address) of the owner and the operator of the solar facility. The sign shall be updated as is necessary to provide current information until the solar facility is decommissioned.
- There shall be no lighting installed for the solar facility and therefore no Lighting Plan will be filed to the extent that it is otherwise required.

- Petitioners must comply with the DPR/DPWT ZAC comment, a copy of which are attached hereto and made a part thereof, except as follows:

- No road closing or other zoning hearing is required prior to the approval of the Petition for Special Exception. The Fairview FDP is abandoned in favor of the relief granted herein. The roads proposed in the Fairview FDP were not dedicated to the public.
- No contour strip buffers or interior contour screening via landscaping in the solar facility area or near the solar panels shall be required as plantings near, between or around the solar panels will reduce or impede the absorption of solar rays needed to generate electricity. (Comment No. 6).
- Petitioners shall install an 8 ft. agricultural style fence with a locked gate around the perimeter of the solar facility in lieu of the recommended black vinyl coated, chain-link fence. (Comment 7). Attached to the entrance gate of the fence, is a conspicuous place, shall be a sign with the current contact information (name, address, telephone number, website and email address) of the owner and the operator of the solar facility. The sign shall be updated as is necessary to provide current information until the solar facility is decommissioned.
- The proposed access driveway shall be durable and dustless but shall not be required to have any chicanes or bonds. (Comment 9).

- Petitioners shall submit for approval to Baltimore County Landscape Architect, a Landscape Plan for the Property demonstrating appropriate screening and vegetation is provided along adjacent public streets, as well as from the adjacent residentially used properties as required by BCZR, §4F-10A.6.5. The Landscape Plan shall include an agreement that the owner/operator of the solar facility shall be required to maintain and/or replace as necessary all trees, shrubs and/or vegetation planted within the Landscape Buffer as shown on the Final Landscape Plan.

- Prior to the issuance of a building permit, Petitioners must satisfy the environmental regulations set forth in BCC, §33-3-108 pertaining to the protection of water quality, streams, wetlands and floodplains and obtain approval of the Site Plan from DEPS as required by BCC, §33-3-108, as required by BCZR, §4F-10A.6.5.

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

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Peter Guzda
Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 22-0228-X

DATE: 11/15/2023

RECEIVED
NOV 16 2023
OFFICE OF THE
CLERK OF THE
COURT

INFORMATION:
Property Address: 10210 Liberty Road
Petitioner: George Bopst, Denise Bopst, Ashley Bopst, and Robert Milne Bopst
Zoning: RC 2
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception for a solar facility.

The area is a mix of Residential, Rural Residential and Rural Commercial Use. The property is currently vacant. While the property does have two road frontages, the facility should only be visible from Liberty Road.

The Department of Planning has no objections to the special exception with the following conditions:

- The proposed perimeter fence shall be black vinyl coated chain-link fence.
- The Department supports the Baltimore County Landscape Architect in planning requirements deemed necessary to include interior contour screening and other planting schemes that will mitigate the visual impact of the special exception proposal upon the neighboring properties and public road.
- Pursuant to BCZR §502.1.A, the petitioners shall demonstrate to the satisfaction of the Administrative Law Judge that the facility will not be detrimental to the adjacent residential or commercial properties, or public roads as a result of glare emanating from the facility.
- The petitioners shall note on the plan that the proposed solar facility will be subject to BCZR §4F-101.
- The petitioners shall certify by note on the plan that the proposed solar facility will not exceed the maximum permitted number of facilities allowed in its respective Councilmatic district. If approved, the Petitioners shall submit to this Department at the time of building permit application the final fixed location and area of the facility by coordinates data so that an inventory may be kept.
- Lighting shall be limited to what is required for security purposes only and will be sited in such a way as to have minimal spillage onto neighboring properties.
- Signage shall be limited to that which is necessary for safety and security purposes.
- No deliveries or outdoor maintenance which may generate excessive noise may occur on-site between the hours of 9 P.M. through 5 A.M.

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

Division Chief

Jennifer G. Nix

SLG/NV

cc: Joe Wiley, Northern Sector Planner
John Fergat, Jacob's Place Solar LLC
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Peter Guzda, Director
Department of Permits, Approvals
and Inspections

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2022
Item No. 2022-0228-X.

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

The T-turn around shown at the end of both legs of proposed 18-foot wide driveway shall be widened to 30X/0' and the entire access road shall be dustless and durable.

The Department of Public Works and Transportation (DPWT) Bureau of Engineering and Construction offers the following comment:

- A riverine flood plain that meets the qualifications of a Baltimore County regulated flood plain (Zone 1) overlaid with the existing water course on the property. A riverine flood study based on ultimate land use conditions and suitable outlet study according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review Policy Manual and Department of Public Works and Transportation Design Manual must be submitted and "Accepted for Filing" by the Department of Permits, Approvals and Inspections Bureau of Development Plans Review before the approval of the Special Exception.
- A final development plan was approved entitled Fairview Farm dated 6/5/07. Is a road closing hearing or some other hearing required before approval of this Special Exception since a final development plan exists?

If Special Exception is granted a landscape plan is required per the requirements of the Landscape Manual, B1 No. 57-17 and the C/OPT.

Specific Landscape comments:

- Liberty Road is a Baltimore County Scenic Route. Screening of state and local Scenic Routes and Scenic Views is required in accordance with the Baltimore County Landscape Manual.
- Perimeter landscape buffers are required.
- Must minimize tree and vegetation removal.
- Perimeter landscape buffers needs to be designed to include a diversity of plant materials.
- Solar panels are considered a utility and should be designed and located to harmonize with the surroundings and to create the least visual impact (see comments # 8 & 9 below)
- Additional landscape buffers (including contour strip buffers) may be required to address existing topography changes, Scenic Views, Scenic Routes, etc. depending on a number of items including the subject property's topography.
- Proposed perimeter fence shall be black vinyl-coated chain-link fence.
- Existing residential properties on 10208, 10130, and 10142 Liberty Road as well as 10108 through 10120 Lyons Mill Road need to be reviewed for possible landscape screening to be designed and installed between their property and the proposed solar facility to assure screening of the solar array facility.
- The proposed access road from Liberty Road need to have a chicane or bonds to assure screening of the solar array field from Liberty Road and adjacent property at 10208 Liberty Road if landscape screening does not adequately screen the facility.
- More comments may be rendered during review of the landscape plan.

SPIRIT AND INTENT

September 20, 2024

RE: Spirit and Intent Hearing
Zoning Case 2022-0228-X
10210 Liberty Rd. Jacob's Place Solar
Tax No. 1003000016

Dear Christopher DeCicco:

This response refers to your September 17, 2024 letter to Mr. Jeffrey Cheng, Chief of Zoning. Your letter requests confirmation that the new proposed operation of the solar panels are within the Spirit and Intent of the approved Special Exception. The solar panels will be:

- Situated to the southeast, further away from Lyons Mill Road
- Outside of the required 50-foot setback from the property line
- Within the approved Special Exception area
- Within the approved buffer and hearing area

Please be advised that the documents and your request have been reviewed. Based on the information provided it has been determined that the Zoning Office can approve the operation of the solar panels without additional zoning relief being required.

This letter is strictly limited to the application of the BCZR as applied to the S&I request presented in your letter and does not represent verification or approval for any other local, State or other Regulations that may apply to this property. The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and it is not legally binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or its interpretation thereof.

We trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact us at 410-687-3301.

Sincerely,

Christina Frink

Christina Frink
Planner II, Zoning Review

PLAN APPROVALS:

DEVELOPMENT PLAN: 02/27/2024

FINAL LANDSCAPE PLAN: 08/12/2024

FINAL FOREST CONSERVATION & FOREST
BUFFER PROTECTION PLAN: 07/10/2024

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING
JACOB'S PLACE SOLAR

PROJECT NAME:
JACOB'S PLACE SOLAR

PLAN TITLE:
PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING

COUNCILMANIC DIST.: 4TH
ELECTION DIST.: 2ND
SITE ADDRESS: 10210 LIBERTY ROAD

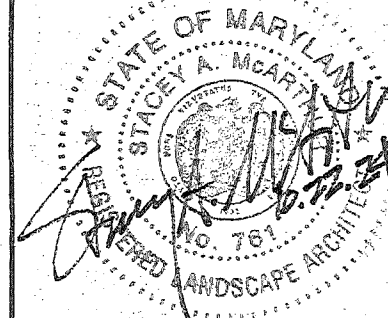
APPLICANT:
Jacob's Place Solar, LLC
c/o Nautilus Solar Energy, LLC
388 Springfield Ave.
Suite 200
Summit, NJ 07901
Attn: Jeffrey Cheng, CEO
Phone: 650-302-6315
Email: Jeff@NautilusSolar.com

Special Hearing Relief:

- To approve in accordance with BCZR Sec. 502.3 a 1 year extension to the 2 year time period to utilize the solar facility special exception approved on December 12, 2022 in Case No. 2022-0228X.

DSThaler
& ASSOC., LLC

CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS
LANDSCAPE ARCHITECTS & LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
410-944-3847 www.dsthaler.com



DATE: 10-23-2024
SCALE: AS SHOWN
C.I.:
PROJ. NO.: 04723
SHEET 2 OF 2

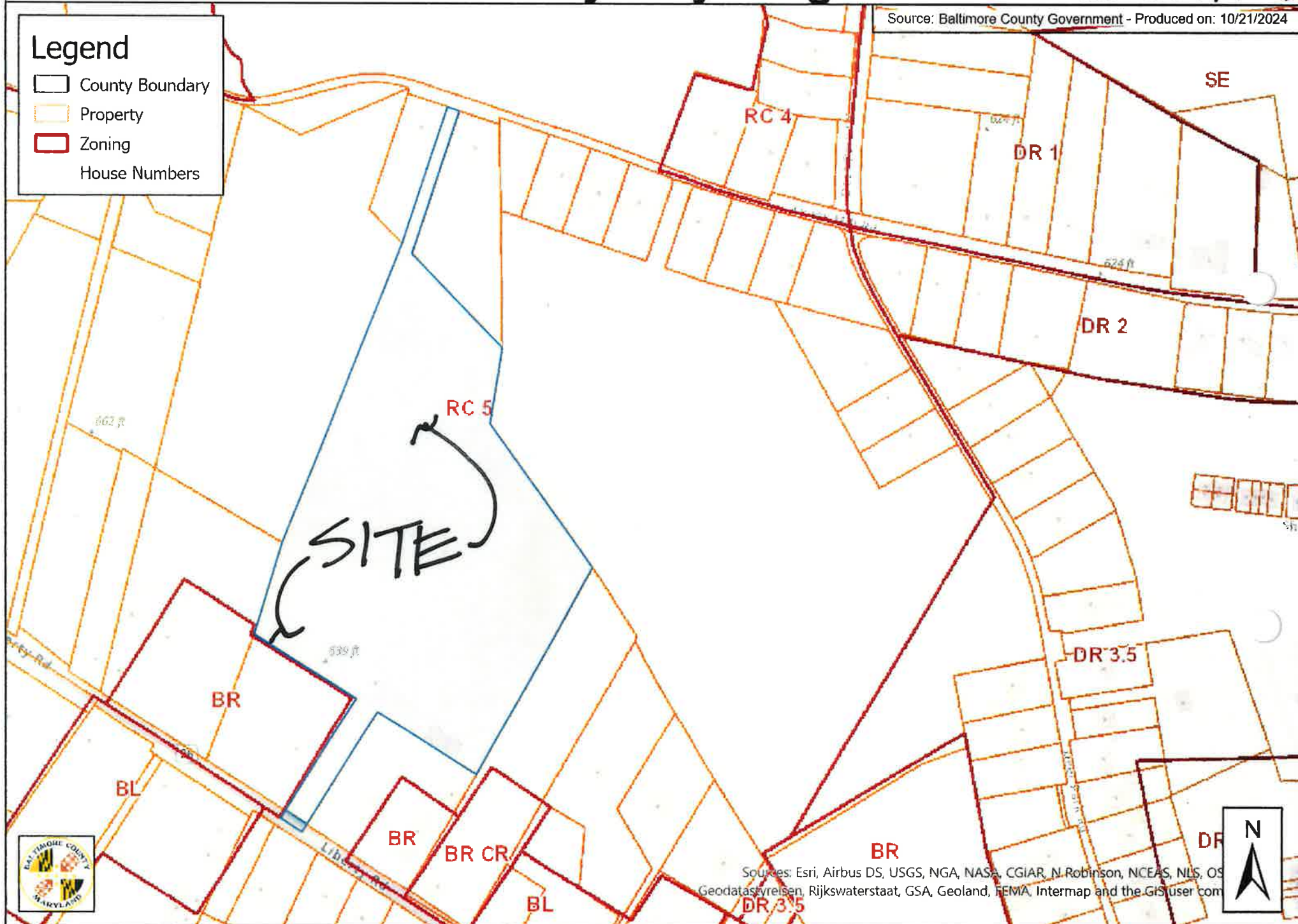
Baltimore County - My Neighborhood

JACOBS PLACE ROAD
10210 LIBERTY ROAD

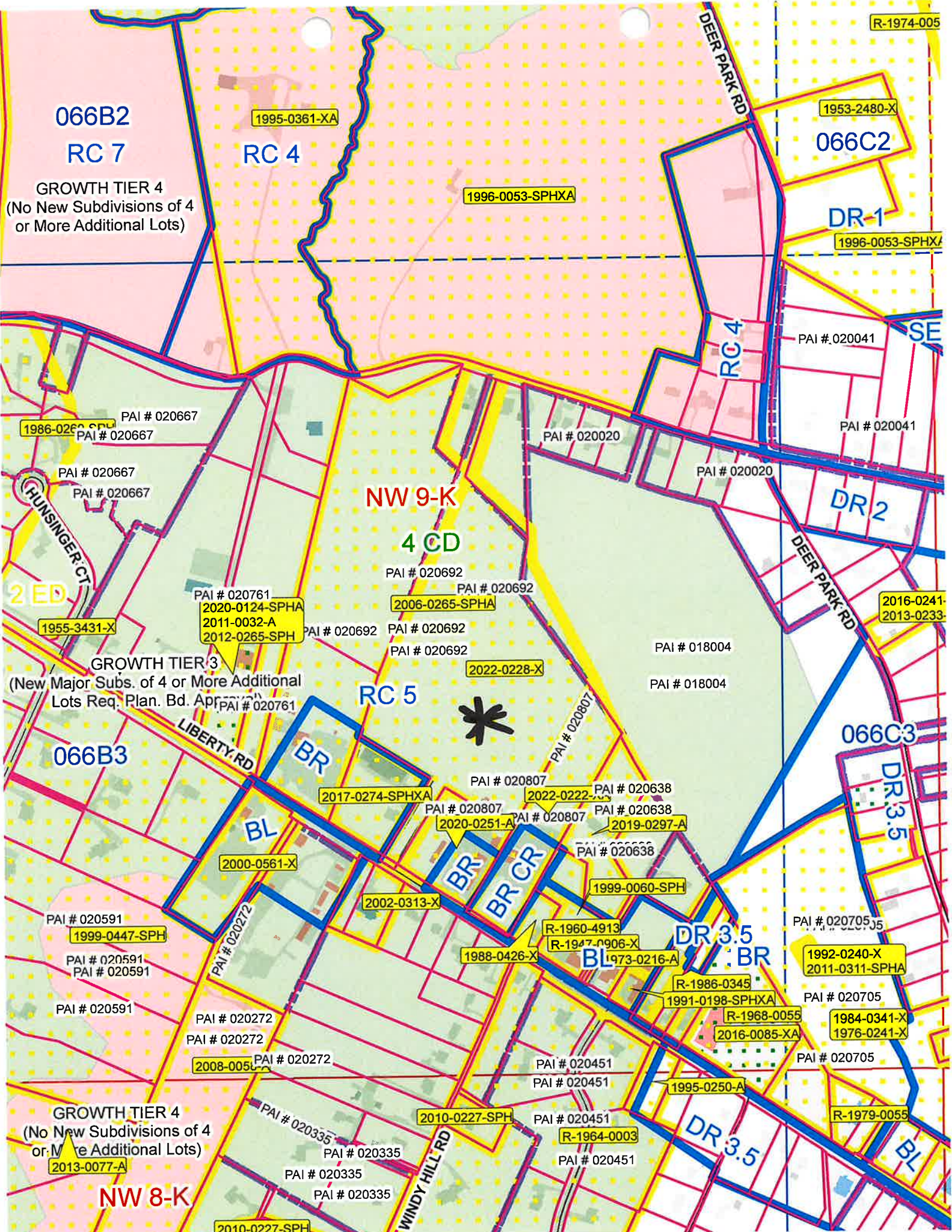
Source: Baltimore County Government - Produced on: 10/21/2024

Legend

- County Boundary
- Property
- Zoning
- House Numbers







R-1974-005

066B2
RC 7

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

1995-0361-XA

RC 4

1996-0053-SPHXA

1953-2480-X

066C2

DR-1

1996-0053-SPHXA

PAI # 020041

PAI # 020041

PAI # 020667
1986-0265-SPH
PAI # 020667

PAI # 020667
PAI # 020667

PAI # 020020

PAI # 020020

DR 2

2016-0241-X
2013-0233-X

NW 9-K

4 CD

PAI # 020692

PAI # 020692

2006-0265-SPHA

PAI # 020692

PAI # 020692

PAI # 020692

2022-0228-X

PAI # 018004

PAI # 018004

2 ED

1955-3431-X

GROWTH TIER 3

(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Appr.)

PAI # 020761
2020-0124-SPHA
2011-0032-A
2012-0265-SPH

PAI # 020761

RC 5



066B3

BR

BL

2017-0274-SPHXA

PAI # 020807

PAI # 020638

2022-0222-X

PAI # 020807

PAI # 020807

PAI # 020638

2019-0297-A

PAI # 020638

1999-0060-SPH

066C3

DR 3.5

2000-0561-X

2002-0313-X

1988-0426-X

R-1960-4913

R-1947-0906-X

1973-0216-A

DR 3.5

BR

PAI # 020705

1992-0240-X
2011-0311-SPHA

PAI # 020705

1984-0341-X
1976-0241-X

PAI # 020705

PAI # 020591
1999-0447-SPH

PAI # 020591
PAI # 020591

PAI # 020591

PAI # 020272

PAI # 020272

2008-0051-X
PAI # 020272

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

2013-0077-A

NW 8-K

PAI # 020335

PAI # 020335

PAI # 020335

PAI # 020335

2010-0227-SPH

PAI # 020451

PAI # 020451

PAI # 020451

R-1964-0003

PAI # 020451

1995-0250-A

DR 3.5

R-1979-0055

BL