



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 Old Hanover Road, Upperco, MD 21155 (Parcel: 350) Currently Zoned RC-2 Agriculture
Deed Reference 49172 / 00057 10 Digit Tax Account # 2200025673
Owner(s) Printed Name(s) Benjamin J. Carson, Ladena R. Carson

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

2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
a solar facility in a RC-2 zone.

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

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

To be presented at hearing.

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

I/ 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:

Upperco Hanover West, LLC c/o Nexamp
Name - Type or Print

Erick Alves de Sa
Signature

101 Summer St - 2nd Floor, Boston, MA
Mailing Address City State

02110 / 202-527-8402 / ealvesdesa@nexamp.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Benjamin J Carson / Ladena R Carson
Name #1 - Type or Print Name #2 - Type or Print

[Signature] / [Signature]
Signature #1 Signature #2

25117 Old Hanover Rd Upperco MD
Mailing Address City State

21155 / 443-604-6900 / bcarsonsr@gmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Petitioner:

Benjamin S. Wechsler
Name - Type or Print

[Signature]
Signature

185 Admiral Cochrane Dr. Ste 130, Annapolis, MD
Mailing Address City State

21401 / 443-949-3041 / bwechsler@yvslaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Benjamin S. Wechsler
Name - Type or Print

[Signature]
Signature

185 Admiral Cochrane Dr. Ste 130, Annapolis, MD
Mailing Address City State

21401 / 443-949-3041 / bwechsler@yvslaw.com
Zip Code Telephone # Email Address

Case Number 2025-0023-X Filing Date 1 / 28 / 25 Do Not Schedule Dates Reviewer [Signature]

Zoning Property Description for Special Hearing Petition
Old Hanover Road (P. 350)

Beginning at a point located on the northeast side of Old Hanover Road which has a right of way width of 20 feet at the distance of 432' to the centerline of the nearest improved intersecting street Byerly Road which has a right of way width of 20 feet. **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

1. South 38 degrees 57 minutes 48 seconds East, 1000.69' to a point;
2. North 62 degrees 55 minutes 37 seconds East, 537.40' to a point;
3. South 80 degrees 47 minutes 44 seconds East, 225.09' to a point;
4. North 61 degrees 21 minutes 48 seconds West, 366.26' to a point;
5. North 36 degrees 31 minutes 48 seconds West, 735.46' to a point;
6. South 70 degrees 57 minutes 23 seconds West, 603.78' to a point and place of beginning.

Containing an area of 539,402 square feet or 12.38 acres of land, more or less and being located in the 4th Election District and 4th Councilmanic District of Baltimore County Maryland.



2025-0023-X

**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: 2025-0023-X

Property Address: 15117 Old Hanover Road, Upperco, MD 21155

Legal Owners (Petitioners): Benjamin S. Carson Sr. & Lacena R. Carson

Contract Purchaser/Lessee: Upperco Hanover West Solar, LLC c/o Nexamp

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Erick Alves de Sa (Nexamp)

Address: 101 Summer Street, 2nd Floor
Boston, MA 02110

Telephone Number: 202-527-8402

*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.



Benjamin S. Wechsler ✦ 443-949-3041 ✦ bwechsler@yvslaw.com

December 16, 2024

VIA ELECTRONIC MAIL

Baltimore County
Department of Permits, Approvals and Inspections
111 W Chesapeake Ave # 105,
Towson, MD 21204

Re: Cover Letter to Special Exception Application
Special Exception for a Solar Facility
15117 Old Hanover Rd Upperco, MD 21155 (the "Property")
Tax Map 31, Grid 5, Parcel 113 and Tax Map 31, Grid 11, Parcel 350

To Whom it May Concern:

This Firm represents Upperco Hanover West Solar LLC (the "Applicant"), on behalf of the landowners Dr. Benjamin S. Carson, Sr. and Lacena R. Carson (the "Property Owners"), with regard to the enclosed special exception application to allow the use of portions of the above-referenced Property as a Solar Facility (the "Facility" or the "Project"). The Applicant has acquired rights (through a ground lease) from the Property Owner to develop a Solar Facility on the Property.

Should you have any questions regarding the enclosed special exception application, please contact me at (410) 916-7345 or bwechsler@yvslaw.com. Thank you for your assistance with this matter.

Very truly yours,

YVS LAW, LLC

A handwritten signature in blue ink that reads "Benjamin S. Wechsler". The signature is written in a cursive, flowing style.

Benjamin S. Wechsler

Attachments

2025-0023-X

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 11, 2025

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2025-0023-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:

If Special Exception is approved a Landscape Plan is required per the Baltimore County Landscape Manual, Bill No. 37-17 and the CMDP.

Specific landscape comments:

1. Perimeter landscape buffers are required, and need to be designed to include a diversity of plant materials,
2. Must minimize tree and vegetation removal,
3. If there are existing overhead power lines, the planting needs to be set back from the existing overhead power lines to allow the diversity of screen plant materials to mature and not be affected by standard vegetation maintenance typically associated with existing overhead power lines. This planting should also be located and follow higher contours to capitalize and maximize screening potential, (if applicable),
4. 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 Comment # 6 below),
5. Proposed perimeter fence shall be black vinyl-coated chain-link fence,
6. Perimeter landscape buffers should address adjacent property views to provide maximum screening potential when it relates to the proposed solar facility. Including but not limited to 15115, 15117, 15119, 15121 & 15123 Old Hanover Road.
7. Proposed access road(s) may need to have a chicane or bends to assure screening of the solar array field from Adjacent Road(s) views if landscape screening does not (if applicable),
8. More comments may be rendered during review of the landscape plan and additional landscape 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, (if applicable),

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



Benjamin S. Wechsler ✦ 443-949-3041 ✦ bwechsler@yvslaw.com

April 23, 2025

VIA ELECTRONIC MAIL: dwiley@baltimorecountymd.gov

Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: **Notice of Withdraw of Special Exception Applications**
Case No. 2024-0279-X and Case No. 2025-0023-X
15117 Old Hanover Rd Upperco, MD 21155 (the "Property")

To Whom it May Concern:

Upperco Hanover East Solar LLC and Upperco Hanover West Solar LLC (the "Applicants"), on behalf of the landowners Benjamin S. Carson, Sr. and Lacena R. Carson (the "Property Owners"), hereby formally withdraw special exception applications 2024-0279-X and 2025-0023-X without prejudice to refile in the future.

Thank you for your assistance with this matter.

Very truly yours,

YVS LAW, LLC

A handwritten signature in blue ink, appearing to read "Benjamin S. Wechsler", written in a cursive style.

Benjamin S. Wechsler

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 25, 2025

SUBJECT: DEPS Comment for Zoning Item # 2025-0023-X
Address: OLD HANOVER ROAD
Legal Owner: Benjamin & Lucena Carson

Zoning Advisory Committee Meeting of February 18, 2025.

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:

Reviewer: Jannifer Anderson

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/24/2025

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2025-0023-X

INFORMATION:

Property Address: 15117 Old Hanover Road
Petitioner: Benjamin J. Carson/Lacena R. Carson
Zoning: RC 2
Requested Action: Special Exception

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

Special Exception - To approve the use of a solar facility in a RC-2 Zone.

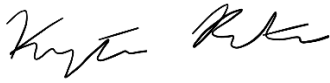
The proposed site is a 35.53-acre property zoned RC 2. It is surrounded by mostly rural agricultural properties and is currently improved with existing structures. The applicant proposes a solar facility on approximately 8 acres of land, in which the area is proposed to be fenced.

The existing land use is currently an agriculture property. The plan shows both powerlines and a right-of-way going through the Baltimore County Agricultural Easement. The Deed of Easement (22876/615) Article II, section H states “No other easements including, but not limited to, rights-of-ways to other properties, oil, gas, mineral, power line, microwave towers, forest mitigation, or other similar servitudes may be conveyed, or permitted to be established in, on, under or through the above-described property without the grantee’s express permission.” As of the date of this comment, the Baltimore County Agricultural Land Preservation Advisory Board has not reviewed or approved any rights of way or overlay easements on the County easement.

Given the restrictions outlined in the Deed of Easement, Planning does not support the requested Special Exception for the solar facility. We recommend that the petitioner contact the Baltimore County Agricultural Land Preservation Advisory Board to address these concerns and seek any necessary approvals or modifications.

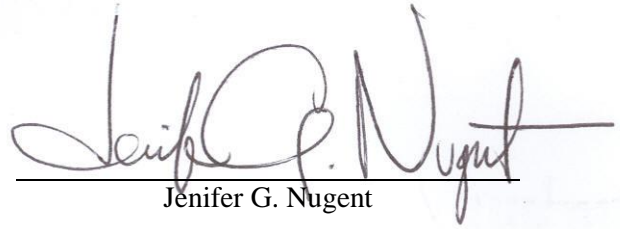
For further information concerning the matters stated herein, please contact the Department of Planning’s Agricultural Preservation Division at 410-887-3482.

Prepared by:



Krystle Patchak

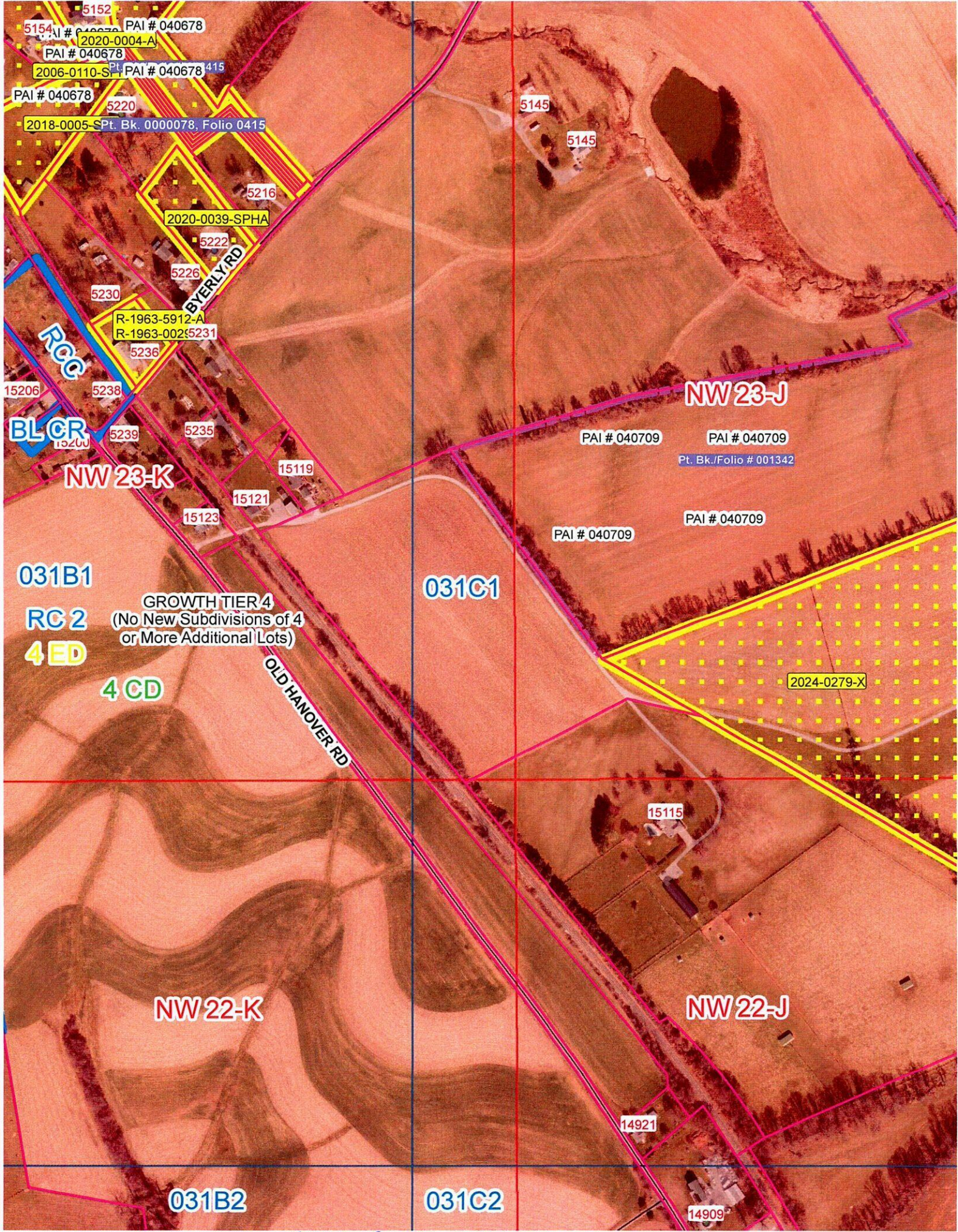
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

C; Benjamin J. Wechsler
Yolanda Gregory, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



5152 PAI # 040678
5154 PAI # 2020-0004-A
PAI # 040678
2006-0110-S PAI # 040678 415
PAI # 040678
5220
2018-0005-S Pt. Bk. 0000078, Folio 0415

2020-0039-SPHA

R-1963-5912-A
R-1963-0025231

NW 23-J

NW 23-K

PAI # 040709
PAI # 040709
Pt. Bk./Folio # 001342

PAI # 040709

PAI # 040709

031B1

031C1

RC 2
4 ED

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

4 CD

OLD HANOVER RD

2024-0279-X

NW 22-K

NW 22-J

031B2

031C2

~~2024~~ 2025-0023-X

