2011 Comprehensive Plan & Zoning Review - Property Owner Requests - ADOPTED September 13, 2012

MIDDLETOWN REGION

CASE INFORMATION	*PROPERTY*		*Pre-2010*	*Existing*	*Requested*	*BOCC*	*Staff Comments*
CPZ11-MD-01 APPLICANT: Daniel Blum	TAX MAP: 76 PARCEL: 478, Lot 12 ACRES: 13 LOCATION: W/S Old Swimming Pool Road, Braddock Heights	COMP PLAN	**LDR**	**Natural Resource**	**Rural Residential**	BY motion to restore. KD second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: LDR plan and R-1 zoning. NR/RC appropriate for this parcel on the eastern slope of Braddock Mountain. Parcel contains a tributary to Ballenger Creek, a pond, moderate and steep slopes with some forest cover. 50% of parcel (6.5 ac.) has RoB [Rohrersville-Lantz silt loam] soil associated with the stream system where on-site sewage disposal is prohibited.
		ZONING	**R-1**	**RC**	**R-1**		
~~**CPZ11-MD-02**~~ APPLICANT: Maynard/Betty Gaver **Withdrawn 4/10/2012**	TAX MAP: 30 PARCEL: 221 ACRES: 13 LOCATION: E/S Wolfsville Rd., south of Delauter Rd.	COMP PLAN	**Resource Con.**	**Ag/Rural**	**None Specified**	BY motion to restore. KD second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: RC plan and zoning Property is cleared, open land and not connected to, nor part of, forested western slopes of Catoctin Mountain. Parcel is original tract and could yield 3 + R Ag. lots, but only 2 RC lots. Staff does not support request.
		ZONING	**RC**	**A**	**RC**		
CPZ11-MD-03 APPLICANT: Lewis/Deirdre Bruchey	TAX MAP: 65 PARCEL: 210, lot 1 ACRES: 26 LOCATION: South side MD 17. 1,500 feet west of Old Middletown Road	COMP PLAN	**LDR**	**Ag/Rural**	**LDR**	PS motion to restore. KD second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: LDR Plan and A zoning Property is located within the County's and Town of Middletown's CGA. Staff supports development on public water/sewer and annexation into Middletown. Staff supports the LDR plan designation with zoning to remain A.
		ZONING	**A**	**A**	**A**		
CPZ11-MD-04 APPLICANT: Ronald/Nancy Walz	TAX MAP: 55 PARCEL: 182, Lot 24 ACRES: 16 LOCATION: NE side Hollow Rd., S/S US Rt. 40; 1,500 ft. south of Hawbottom Rd.	COMP PLAN	**Ag./Rural (14.7 ac) Rural Sub. (1.3 ac)**	**Ag/Rural**	**Rural Sub. (1.5 ac)**	PS motion to restore. BY second. Vote: 5-0 ***5/31 - Confirmed prior action to restore zoning***	Pre 2010 Plan: Ag,Rural (14.7 ac.) & Rural Subd.(1.3 ac.)/Ag. zoning (14.7 ac)& R-1 zoning(1.3 ac.) Staff supports the request to restore the 1.3 ac. of R-1 zoning. A 2001 plat added 1.3 acres of land (zoned R-1 at the time) to this lot (24) from adjacent residential parcel for a future 1-lot subdivision of lot 24.
		ZONING	**A (14.7 ac) R-1 (1.3 ac)**	**A**	**R-1 (1.5 ac)**		
CPZ-11-MD-05 APPLICANT: Karl Barron	TAX MAP: 23 PARCEL: 297, Lots 1 & 2 ACRES: Lot 1: 2.5 ac; Lot 2: 2.6 ac. LOCATION: E/S Wolfsville Rd., 1 mile north of Martin Road.	COMP PLAN	**General Industrial**	**Limited Industrial**	**General Industrial**	PS motion to restore. KD second. Vote 4-0-1 (BS abstained)	Pre-2010 Plan: GI plan and zoning. The parcel has exisitng buildings and contractor use. Zoning on 2.5 acres (total on both lots combined) was changed from GI to LI during 2010 Plan update. Staff does not object to restoring GI zoning on 2.5 acres (on both lots combined).
		ZONING	**GI**	**LI**	**GI**		

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CPZ11-MD-06 APPLICANT: John/Brenda Shafer	TAX MAP: 54 PARCEL: 124 ACRES: 4.73 LOCATION: W/S Reno Monument Rd., 400 ft. north of Bolivar Rd.	COMP PLAN	**Res. Con. (4.58 ac) Ag./Rural (0.15 ac)**	**Natural Resource**	**Ag/Rural**	BY motion to restore RC/A split. KD second. Vote: 4-1 (DG opposed) ***5/31 - approve A zoning for entire parcel.***	Pre-2010 Plan: RC plan and zoning on majority of parcel. Property is wooded with a stream, FEMA floodplain plus some steep & moderate slopes on western edge. Property had 1.3 acres rezoned from A to RC, and 0.15 acres changed from Ag/Rural to NR on the 2010 Plan. Agricultural activities are permitted in the RC zoning district. Staff does not support request
		ZONING	**RC (3.43 ac) A (1.3 ac)**	**RC**	**A**		
CPZ11-MD-07 APPLICANT: Richard Blickenstaff	TAX MAP: 65 PARCEL: 70 ACRES: 0.92 ac. LOCATION: N/S Old National Pike, 400 ft. west of Beechtree Drive	COMP PLAN	**Low Density Res.**	**Low Density Res.**	**Gen. Commercial**	BY motion to deny. BS second. Vote: 5-0.	No change from 2010 Plan. Staff supports maintaining the split GC/R-3 zoning on this property to distinguish the business portion of property from the residential portion. The R-3 on this parcel is adjacent to and buffers the residential dwellings to the east and north. Changing the residence to GC will make it a non-conforming use.
		ZONING	**GC (0.35 ac) R-3 (0.57 ac)**	**GC (0.35 ac) R-3 (0.57 ac)**	**GC**		
CPZ11-MD-08 APPLICANT: Robert Short/Ronald Chen	TAX MAP: 30 PARCEL: 25 ACRES: 63 LOCATION: E/S Pleasant Walk Road, 1300 ft north of Easterday Road	COMP PLAN	**Resource Con.**	**Ag/Rural**	**Ag/Rural**	BY motion to restore. PS second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: RC plan and zoning. Property is cleared, open agricultural land and doesn't possess characteristics consistent with RC zoning. Parcel could yield 3 or 4 Ag. subdivision lots per Development Review Office (see File S-1134). Staff does not support request for RC zoning. A 5-lot subdivision was conditionally approved by the FcPc in 2005; FRO easements recorded; Common driveway plans approved in 2007. Property grandfathered for continuation of 5-acre lots in RC after 10-acre lot size established. Property retains 3 + Remainder subdivision lots with current Agricultural zoning.
		ZONING	**RC**	**A**	**RC**		
CPZ-11-MD-09 APPLICANT: Mid-North Partners (Philip Topper, Jr.)	TAX MAP: 55 PARCEL: 92 & 46 ACRES: P.92: 105 ac; P.46: 13 ac. LOCATION: W/S MD Rt. 17, adjacent to Town of Middletown	COMP PLAN	**Low Density Res.**	**Ag/Rural**	**Low Density Res.**	BY motion to restore. KD second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: LDR plan, Ag. zoning Within Town of Middletown's Growth Boundary and identified on Town's Master Plan for low density resdiential uses. Staff supports expansion of County CGA to mirror the Town's growth boundary and would support the LDR plan designation.
		ZONING	**A**	**A**	**A**		
CPZ-11-MD-10 APPLICANT: Herbert and Marilynn Dennison	TAX MAP: 56 PARCEL: 230 & 438 ACRES: P. 230: 8 ac.; P.438: 4 ac. LOCATION: W/S Ridge Rd, adjacent to I-70 in Braddock Heights	COMP PLAN	**Low Density Res.**	**Natural Resource**	**Rural Residential**	BY motion to restore. KD second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: LDR plan and R-1 zoning. Property is completely wooded and located on slopes of Braddock Mountain . Established County policies (WR-P-04, MG-P-04, AG-P-03, MG-G-06) do not support residential growth areas that utilize individual wells and private septic systems and expansion into NR designated areas. RC zoning would help to maintain contiguous block of forestland along this part of Catoctin Mountain.
		ZONING	**R-1**	**RC**	**R-1**		

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CPZ11-MD-11 APPLICANT: Donald Easterday	TAX MAP: 37 PARCEL: 52, 53, 20 ACRES: P. 52: 23 ac.; P.53: 6 ac.; P. 20: 8 ac. LOCATION: N/S Canada Hill Road at Easterday Road	COMP PLAN	**Ag/Rural**	**Ag/Rural**	**Low Density Res. and in Myersville CGA**	PS motion to approve the request. BY second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: Ag/Rural plan and Ag zoning. Within Town of Myersville's Growth Boundary and identified on Town's Master Plan for low density resdiential uses. Staff supports expansion of County CGA to mirror the Town's growth boundary with LDR plan designation.
		ZONING	**A**	**A**	**A**		
CPZ-11-MD-12 APPLICANT: Kass, LLC (Ken/Stephanie Jordan)	TAX MAP: 76 PARCEL: 516 ACRES: 5.8 LOCATION: end of Witmers Lane, Frederick in Braddock Heights	COMP PLAN	**Rural Community**	**Natural Resource**	**Rural Residential**	PS motion to restore. KD second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: Rural Community plan and R-1 zoning 4.4 acres of developed property is fully wooded with 1 acre of moderate slopes on the eastern side of Braddock Mountain. Parcel is accessed by a 25-ft wide panhandle to Maitland Terrace through the Poplar Ridge subdivision. R-1 zoning would allow for one additional lot.
		ZONING	**R-1**	**RC**	**R-1**		
CPZ11-MD-13 APPLICANT: Mason-Dixon Development Corp.	TAX MAP: 56 PARCEL: 476 ACRES: 43 LOCATION: E/S Ridge Road, adjacent to US Rt. 40, Braddock Heights	COMP PLAN	**Low Density Res.**	**Natural Resource**	**Rural Residential**	PS motion to restore. KD second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: LDR plan and R-1 zoning Property is part of forested ridge and slope area along Braddock Mountain and contains 11.2 acres of moderately sloped land. Established County policies (WR-P-04, MG-P-04, AG-P-03, MG-G-06) do not support residential growth areas that utilize individual wells and private septic systems and expansion into NR designated areas.
		ZONING	**R-1**	**RC**	**R-1**		
CPZ-11-MD-14 APPLICANT: Rudy Hollow LLC (Ken/Carol Rudy)	TAX MAP: 76 PARCEL: 85 ACRES: 26 LOCATION: W/S Mt. Philip Rd, south of Fulmer Road in Braddock Heights	COMP PLAN	**LDR (3.2 ac) Ag/Rural (22.8 ac)**	**Natural Resource**	**Rural Residential**	BY motion to restore. KD second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: LDR (3.2 ac.), Ag/Rural (22.8 ac)/ R-1 zoning (26 ac). Property situated on eastern forested slope of Braddock Mountain with 9.1 acres of moderate slopes. Property is land-locked and current access for house traverses 4 parcels, severely compromising future subdivision. Current RC zoning would permit one additional lot if access is secured. Established County policies (WR-P-04, MG-P-04, AG-P-03, MG-G-06) do not support residential growth areas that utilize individual wells and private septic systems and expansion into NR designated areas.
		ZONING	**R-1**	**RC**	**R-1**		
CPZ11-MD-15 APPLICANT: Rudy Acres, LLC (Ken/Carol Rudy)	TAX MAP: 76 PARCEL: 81 ACRES: 19 LOCATION: W/S Mount Phillip Rd. at Fulmer Rd in Braddock Heights	COMP PLAN	**Rur. Neighborhood**	**Rural Residential Natural Resource**	**Rural Residential**	BS motion to restore. PS second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: Rural Neighborhood plan and R-1 zoning. 8.8 acres of parcel is forested with moderate slopes and zoned RC; remainder of developed parcel (10.2 ac.) has gentle slopes, no forest cover and zoned R-1. The 10 ac. of exsiting R-1 would likely yield all that could be subdivided given the street frontage and configuration of the parcel. Established County policies (WR-P-04, MG-P-04, AG-P-03, MG-G-06) do not support residential growth areas that utilize individual wells and private septic systems and expansion into NR designated areas.
		ZONING	**R-1**	**R-1 (10.2 ac) RC (8.8 ac)**	**R-1**		

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CPZ11-MD-16 APPLICANT: Ken/Carol Rudy	TAX MAP: 76 PARCEL: 426 ACRES: 3 LOCATION: N/S Fulmer Rd, west of Mount Philip Rd. in Braddock Heights	COMP PLAN	**Rur. Neighborhood**	**Natural Resource**	**Rural Residential**	BY motion to restore. KD second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: Rural Neighborhood plan and R-1 zoning. Property is developed and contains 2 acres of woodlands associated with larger forest complex on Braddock Mountain. Parcle is currently landlocked though owners also have adjoining parcel. Established County policies (WR-P-04, MG-P-04, AG-P-O3, MG-G-06) do not support additional residential growth on well/septics nor expansion of such areas into NR designated areas.
		ZONING	**R-1**	**RC**	**R-1**		
CPZ11-MD-17 APPLICANT: A.C. Jets, LLC and Edison Dick, trustee	TAX MAP: 65 PARCEL: 12 ACRES: 152 LOCATION: E/S, and W/S Hollow Road, N/S Old National Pike	COMP PLAN	**Gen. Com. LDR, HDR Resource Con.**	**Gen. Com. Ag/Rural (in CGA)**	**Gen. Com. (24.5 ac) LDR (102.8 ac)**	BY motion to restore w/ analysis. KD second. Vote: 4-1 (DG opposed) ***5/31 - Confired prior action to restore zoning and plan***	Pre 2010 Plan: GC, HDR, LDR, RC plan and R-3, Ag zoning. Property is located within the Town of Middletown's Community Growth Area. Town Plan designates frontage as Commercial w/ remainder low density residential Staff supports application of LDR and Commercial plan designation to be consistent with Town Plan. Zoning should remain A to facilitate annexation into Middletown.
		ZONING	**A (114 ac) R-3 (37.9 ac)**	**A**	**A (114 ac) R-3 (37.9 ac)**		
CPZ11-MD-18(A) APPLICANT: Braddock Heights Estates (David Yinger)	TAX MAP: 66 PARCEL: 219 ACRES: 12 LOCATION: S/S Old National Pike, near terminus of Schley Avenue in Braddock Heights	COMP PLAN	**Low Density Res.**	**Natural Resource**	**High Density Res.**	BY motion to restore. BS second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: LDR plan and R-1 zoning Property is forested and contains significant (4.5 ac.) steep slopes. High Density Residential is not appropriate for a Rural Community that only has limited public water available. Staff would not object to some R-1 zoning on the western portion of parcel adjacent to the Braddock Inn.
		ZONING	**R-1**	**RC**	**R-1**		
CPZ11-MD-18(B) APPLICANT: Braddock Springs Tollhouse (David Yinger)	TAX MAP: 66 PARCEL: 401 ACRES: 16 LOCATION: S/S Old National Pike in Braddock Heights	COMP PLAN	**Low Density Res.**	**Rur. Com. (12.9 ac) Nat. Res. (3.1 ac)**	**High Density Res.**	BY motion to restore. BS second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: LDR plan and R-1 zoning Property is mostly zoned R-1 , which would likely support maximum development potential given access issues and physical constraints of the site. High Density Residential is not appropriate for a Rural Community that has limited public water available.
		ZONING	**R-1**	**R-1 (12.9 ac) RC (3.1 ac)**	**R-1**		
CPZ11-MD-18(C) APPLICANT: Braddock Heights Estates (David Yinger),	TAX MAP: 66 PARCEL: 781 ACRES: 46 LOCATION: Schley Avenue and old Swimming Pool Rd in Braddock Heights	COMP PLAN	**Low Density Res.**	**Rur. Com. (6.1 ac) Nat. Res. (39.9 ac)**	**High Density Res.**	BY motion to restore w/ analysis. BS second. Vote: 4-1 (DG opposed) ***5/31 - approve additional 6 ac. of VC zoning & keep existing VC***	Pre-2010 Plan: LDR plan and R-1 zoning Property is forested and contains significant (27 ac.) steep slopes. Six acres of property is not wooded, has VC zoning and is within water service area. The VC zoning would allow for greater flexibiity, including residential and/or commercial uses, than the requested R-1. Staff supports maintaining the current split between the VC and RC zoning.
		ZONING	**R-1**	**VC (6.1 ac) RC (39.9 ac)**	**R-1**		

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~~**CPZ11-MD-18(D)**~~ APPLICANT: David Yinger **Withdrawn**	TAX MAP: 66 P. 782 ACRES: 1 LOCATION: E/S Old Swimming Pool Rd in Braddock Heights	COMP PLAN	**Low Density Res.**	**Rural Community**	**High Density Res.**	BY motion to restore w/ analysis. KD second. Vote: 4-1 (DG opposed)	Pre-2010 Plan: LDR plan and R-1 zoning Property has VC zoning, which provides greater flexibility and density than the requested R-1 .
		ZONING	**R-1**	**VC**	**R-1**		
CPZ11-MD-19 APPLICANT: Pam O'Brien, Frederick Montessori School	TAX MAP: 66 P. 464 ACRES: 7,640 sq ft. LOCATION: E/S Jefferson Blvd.	COMP PLAN	**Low Density Res.**	**Rural Community**	**Rural Community**	***5/31 - approve request for VC. Vote: 5-0***	
		ZONING	**R-3**	**R-3**	**VC**		