IN RE: PETITION FOR SPECIAL HEARING 1470' SW of intersection Priceville Road and Hunt Farms Court

8th Election District
3rd Councilmanic District
(West side Priceville Road,
north of Thornton Mill Road)

William G. Cumberland, Legal Owner and Lynn R. MacFarlane, Contract Purchaser

Petitioners

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 01-059-SPH

\* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, William Cumberland. The Petitioner is requesting a special hearing for property located at the west side of Priceville Road, north of Thornton Mill Road, which property is zoned RC 2. The special hearing request is from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a non-density transfer of 4.10128 acres from William Cumberland to adjacent property owner, Lynn MacFarlane.

Appearing at the hearing on behalf of the special hearing request were Ed Halle, Jr., attorney at law, representing the Petitioner and Lynn MacFarlane the recipient of the non-density transfer.

Testimony and evidence indicated that the owner of the property, William Cumberland, owns approximately 84 acres in this particular parcel of property. Apparently, Mr. Cumberland has other land holdings in this area of the County in addition to the property which is the subject of this special hearing request. Mr. Cumberland has negotiated with Ms. MacFarlane to transfer 4.10128 acres of his property to be added to Ms. MacFarlane's farm. She testified that she is in need of additional pasture land for her farm animals. The requested non-density transfer would be to further agricultural purposes and in no way would be requested to increase density with the property owned by Ms. MacFarlane. Furthermore, Mr. Halle indicated that the 4.10128 acre-parcel, which is to be transferred, will be placed into the Land Preservation Trust easement. After considering the

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testimony and evidence offered at the hearing, I find that the special hearing request should be granted.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R. Therefore, permission for a non-density transfer of the 4.10128 acre parcel of land zoned RC 2 is granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13 day of September, 2000, that the Petitioner's Request for Special Hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a non-density transfer of 4.10128 acres from William Cumberland to adjacent property owner, Lynn MacFarlane, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the terms and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Department of Permits and Development Management (PDM) for inclusion in the case file.
- 2. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.

TIMOTHY M! KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

September 14, 2000

Edward A. Halle, Jr., Esquire Fowley & Beckley, P.A. Executive Plaza I, Suite 502 11350 McCormick Road Hunt Valley, Maryland 21030

> Re: Petition for Special Hearing Case No 01-059-SPH

> > Property: West side Priceville Road, North of Thornton Mill Road

Dear Mr. Halle:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

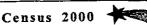
Timothy M. Kotroco

Deputy Zoning Commissioner

lunthy llotroco

TMK:raj Enclosure

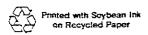












### Copies to:

Mr. William G. Cumberland 3550 Cross Creek Lane Malibu, CA 90265

Ms. Lynn R. MacFarlane 15018 Priceville Road Sparks, MD 21152

James Wright, Esquire Mercantile Bank Building 2 Hopkins Plaza, Suite 1800 Baltimore, MD 21202



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the prope	erty located at Priceville Road
	which is presently zoned RC 2
owner(s) of the property situate in Baltimore County and wi made a part hereof, hereby petition for a Special Hearing County, to determine whether or not the Zoning Commissio	mits and Development Management. The undersigned, legal hich is described in the description and plat attached hereto and g under Section 500.7 of the Zoning Regulations of Baltimore oner should approve A HOW DESSITE PARCEL (RC-
Pr be transferred from Cumberca.	ad to MACFAVAANE (4,10128 Acros),
Property is to be posted and advertised as prescribed by th , or we, agree to pay expenses of above Special Hearing, adver- coning regulations and restrictions of Baltimore County adopted p	tising posting etc. and further agree to and are to be bounded by the
	I/We do 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 Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Lynn R. Macfarlane, et al. Name Type or Print Signature Signature	Name-Type or Print Signature
15018 Priceville Road  Iddress Telephone No.	Name - Type or Print
Sparks MD 21152  City State Zip Code	Signature
Attorney For Petitioner:	3550 Cross Creek Lane CONTA
Edward A. Halle, Jr.	Address Telephone No.
lame - Type or Print	City State Zip Code
26/4/11/	Representative to be Contacted:
Fowley & Beckley, P.A.	James Wright, Esquire
manicutive Plaza I, Suite 502	Name Mercantile Bank Building
11350 McCormick Road (410) 771—990 Mcress Cormick Road (410) 771—990	2 Hopkins Plaza, Suite 1800 (410) 244-742
Hunt Valley MD 21031	Address Telephone No. Baltimore MD 21202
Ty State Zip Code	City State Zip Code
State Zip Code	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING /2 HR
Case No. 01-059-SPH	
	UNAVAILABLE FOR HEARING
Re	eviewed By VL Date 8/08/00

Hear with 060

A. L. Snyder Surveyor, Inc. 1911 Hanover Pike Hampstead, Maryland 21074

(410) 374-9695 phone/fax

(410) 239-7744

Zoning Description Non-Density Parcel No. 2 4.10128 Acres August 4, 2000

Staring at a point at the intersection of the centerline of Priceville Road and Hunt Farms Court, thence a bearing and distance of South 58 degrees West 1470 feet from said intersection to the point of beginning of Parcel Number Two; thence the following courses and distances,

- 1.) South 54 degrees 12 minutes 04 seconds West 100.71 feet,
- 2.) South35 degrees 47 minutes 06 seconds East 173.43 feet,
- 3.) South 54 degrees 12 minutes 26 seconds West 224.72 feet,
- 4.) North 24 degrees 59 minutes 50 seconds West 58.22 feet,
- 5.) North 79 degrees 34 minutes 03 seconds West 240.89 feet,
- 6.) North 84 degrees 55 minutes 14 seconds West 208.28 feet.
- 7.) North 03 degrees 05 minutes 16 seconds West 230.81 feet,
- 8.) North 80 degrees 38 minutes 28 seconds East 297.62 feet,
- 9.) South 83 degrees 07 minutes 10 seconds East 241.60 feet,
- 10.) South 73 degrees 01 minutes 02 seconds East 115.47 feet to the place of beginning.

Containing 4.10128 acres of land, more or less.

Being a part of that parcel of land conveyed by Belfast Farms Company to William G. Cumberland by deed dated December 28, 1978 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 5975 folio 426 etc. Located in the Eighth Election and Third Councilmanic District of Baltimore County, Maryland.

01-059-SPH



DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	FOR. RES SPA	RECEIVED YOUNG BELLECKY	DATE 5/08/00 ACCOUNT ROOTS O	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT 11.059 No. 083589
CASHIER'S VALIDATION	H45-650-10	LR ND. 083509  100.00 CK 100.00 CK 100.00 CA Balthmore Churty, Maryland		

# CERTIFICATE OF POSTING

RE Case No: 66-059 5PH Petitioner/Developer: Fowley, ETAL

FOWLEY & BECKLEY, ESD

Date of Hearing/Closing: 9/11/28

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen.

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at \_ OUSITE @ PRICEVILLE RD

The sign(s) were posted on

8/26/08 (Month, Day, Year)

Sincerely,

Patrick M. OKalo 8/27/00

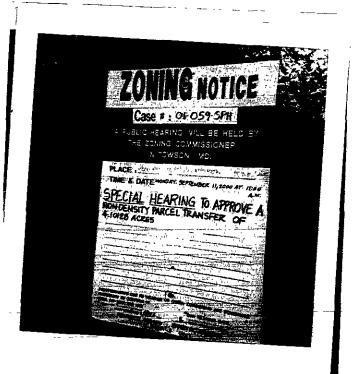
PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666-5366; CELL-410-905-8571 (Telephone Number)



# NOTICE OF ZONING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson Maryland on the property identified herein as follows:

Special Hearing: to approve a non-density parcel transfer of 4.10/28 acres. Hearing: Monday, September 11, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Boston, August 1988. 3rd Councilmanic District Legal Owner(s) William G. Cumberland Contract Purchaser: Lynn R. Case: #01-059-8PH
1470' SW of Intersection
Priceville Road and Hunt
Farms Court
Bth Election District

ley Avenue.

LAWRENCE E. SCHMIDT
Zohing Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handlospage Accessible: for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386;
(2) For information concerting: the Fille and/or
Hearing, Contact the Zoning
Review Office at (410) 8873381.

CERTIFICATE OF PUBLICATION TOWSON, MD,

weeks, the first publication appearing on \_ published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of THIS IS TO CERTIFY, that the annexed advertisement was 100 , 2000 successive

EFFERSONIAN, LXW

EGAL ADVERTISING

RE: PETITION FOR SPECIAL HEARING
West side Priceville Road, 1470' SW of intersection
Priceville Rd and Hunt Farms Ct
8th Election District, 3rd Councilmanic

Legal Owner: William G. Cumberland Contract Purchaser: Lynn R. Macfarlane Petitioner(s)

- \* BEFORE THE
- ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* Case No. 01-59-SPH

#### **ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

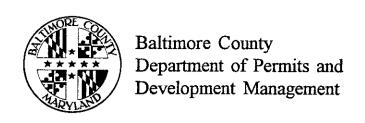
Towson, MD 21204

(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11th day of September, 2000 a copy of the foregoing Entry of Appearance was mailed to Edward A. Halle, Jr., Esq., Fowley & Beckley, 11350 McCormick Road, Suite 502, Hunt Valley, MD 21031, and to James Wright, Esq., 2 Hopkins Plaza, Baltimore, MD 21202, attorneys for Petitioner(s).

PETER MAX ZIMMERMAN



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

August 10, 2000

### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-059-SPH

1470' SW of intersection Priceville Road and Hunt Farms Court

8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: William G. Cumberland Contract Purchaser: Lynn R. Macfarlane

Special Hearing to approve a non-density parcel transfer of 4.10128 acres.

**HEARING:** 

Monday, September 11, 2000 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

C: Edward A. Halle, Jr., Esquire, Fowley & Beckley, P.A., Executive Plaza I, Suite 502, 11350 McCormick Road, Hunt Valley, MD 21031 William G. Cumberland, 3550 Cross Creek Lane, Malibu, CA 90265 Lynn R. Macfarlane, 15018 Priceville Road, Sparks, MD 21152 James Wright, Esquire, Mercantile Bank Building, 2 Hopkins Plaza, Suite 1800, Baltimore, MD 21202

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 27, 2000.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, August 24, 2000 Issue - Jeffersonian

Please forward billing to:

Fowley & Beckley, P.A. Executive Plaza I

11350 McCormick Road

Suite 502

Hunt Valley, MD 21031

410-771-9900, ext. 106 (Edward Halle, Jr.)

### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-059-SPH

1470' SW of intersection Priceville Road and Hunt Farms Court

8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: William G. Cumberland Contract Purchaser: Lynn R. Macfarlane

Special Hearing to approve a non-density parcel transfer of 4.10128 acres.

HEARING: Monday, September 11, 2000 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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 News	paper Advertising:
Item Numb	per or Case Number: 01-059-5PH
Petitioner:	INNA MARRIAGE WILLIAM G. CUMBERLAND
Address or	Location: West side Pricevine RD 10001 + North of Thomamice RD
PLEASE F	ORWARD ADVERTISING BILL TO:
Name:	FOWLEY & BECKLEY, P.A.
Address: _	umrijalė er mil
- Telephone	Number: (410) 771-9900 ert 106 - Edward A. Hause

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

September 6, 2000

Edward A. Halle, Jr., Esquire Fowley & Beckley, PA Executive Plaza I, Suite 502 11350 McCormick Road Hunt Valley, MD 21031

Dear Mr. Halle, Jr.:

RE: Case Number: 01-059-SPH, Priceville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 8, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richarde, Jr.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: gdz

**Enclosures** 

C: William G. Cumberland, 3550 Cross Creek Lane, Malibu, CA 90265 Lynn R. Macfarlane, 15018 Priceville Road, Sparks 21152 James Wright, Esquire, Mercantile Bank Building, 2 Hopkins Plaza, Suite 1800, Baltimore 21202 People's Counsel



Census 2000



For You, For Baltimore County



Census 2000



## BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Mgmt.

**DATE:** August 30, 2000

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 28, 2000

Item Nos. 058, 059, 060, 061, 062, 063,

064, 065, 066, 067, 068, 069,

and

Item No. 551 (Zoning Case 00-551-A)

318 Wye Road by TAG

and

Item No. 057 (2601 Old Court Road)

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

August 22, 2000

Department of Permits and Development Management (PDM) County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUGUST 21, 2000

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time, 8. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

058, 059, 060, 061, 064, 065, 066, 067, 068, 069,

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley pc/RBS

DATE:

September 11, 2000

SUBJECT:

**Zoning Petitions** 

Zoning Advisory Committee Meeting of August 21, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
057	2601 Old Court Road
058	4 Jacob Lee Court
059	Priceville Road/Hunt Farms Court
061	Tartan Hill Road
063	3737 Courtleigh Drive
064	7820 Ellenham Avenue
065	4 Silver Maple Court
066	5533 Emory Road
067	1007 Chesaco Avenue
068	6715 Ransome Drive

follo

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and' Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

AUG 2 2

**DATE:** August 21, 2000

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 01-058, 01-059, 01-060, 01-062 and 01-066

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief: (

AFK/JL:MAČ



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 8.21.00

Ms. Ronnay Jackson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

**Baltimore County** 

Item No. 059

JLL

Dear, Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.tnd.us).

Very truly yours,

P. J. Dredle

In Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

### LAND PRESERVATION TRUST, INC.

C/O MICHAEL D. HANKIN 19 SOUTH STREET BALTIMORE, MD 21202

August 15, 2000

Edward A. Halle, Jr., Esquire Executive Plaza I 11350 McCormick Road, Suite 502 Hunt Valley, MD 21031-1002

Re: William Cumberland Property: 12.3 acres and 4.10 acres

Dear Ned:

This is to confirm that the Board of Directors of the Land Preservation Trust, Inc. has approved acceptance of easements from Mr. Christopher Goelet and Ms. Lynn Macfarlane on the above referenced parcels should the non-density transfer be approved by Baltimore County.

Very truly yours,

Land Preservation Trust, Inc.

By: NWOH

Michael D. Hankin, Vice President

MDH/rll

01-059-SPH

