IN RE: PETITION FOR SPECIAL HEARING

N & S sides of Corbett Road

150 ft. N of Falls Road

8th Election District

3rd Councilmanic District

(1822 Corbett Road)

(1827 Corbett Road)

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-020-SPH

Michael J. Ewing & Ethan Ewing

Petitioners

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

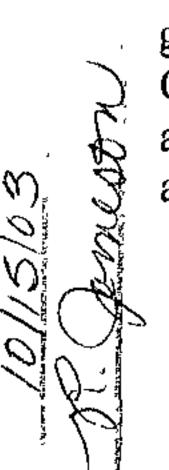
This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by Michael J. Ewing requesting special hearing relief for property located at 1822 and 1827 Corbett Road in the Monkton area of Baltimore County. The subject property is zoned R.C.4 and R.C.7. The special hearing request is to approve the non-density transfer of a 5-acre parcel of land (Parcel A) and a 3-acre parcel of land (Parcel B) to an adjoining land owner (Michael J. Ewing, #1732 Corbett Road).

The property was posted with Notice of Hearing on September 1, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 31, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.



Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: (1) ZAC comment dated August 28, 2003 and revised comment dated September 17, 2003 from the Department of Environmental Protection & Resource Management (DEPRM), copies of which are attached hereto and made a part hereof. Both comments recommended denial of the request but for different reasons.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were Michael J. Ewing Petitioner and Ethan Ewing. Also appearing was Bruce Doak on behalf of Gerhold, Cross & Etzel, the professional land surveyors who prepared the site plan of the property. There were no Protestants or others attending the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Procedure

The revised DEPRM ZAC comments (September 17, 2003) were received after the hearing on this matter and were sent by this office to the Petitioner on the day of the hearing. This office requested that the Petitioner review and reply in writing, or recommended that a new hearing be scheduled for this matter. The Petitioner responded in two letters, September 25, 2003 and October 6, 2003, both of which is made part of the record of this case. The Petitioner understandably complains that DEPRM's later comments should not be considered. He did not request a new hearing.

Testimony and Evidence

Testimony and evidence indicated that Michael Ewing owns both 1732 and 1822 Corbett Road, each of which property has a dwelling and various agricultural uses. He resides at 1732

and would like to sell 1822 Corbett Road, which contains 16 acres. However, he is concerned that his home at 1732 Corbett Road be protected from possible uses by the new owner of 1822 Corbett Road. Consequently, he proposes to separate a 3 acre tract (Parcel B) from the 16 Acre lot nearest his home and, in a non density transfer, have it attach to 1732 Corbett Road. See Petitioner's Exhibit No. 1.

DEPRM's revised comments pointed out that this would entail fragmenting existing forest and recommended denial of this request. The Petitioner disputed this assertion in his September 26, 2003 letter. However, he withdrew the request to transfer Parcel B in his October 6, 2003 letter explaining that he can accomplish the same purpose by private restrictive covenant when he sells 1822 Corbett Road. Consequently this request will be denied as moot.

Mr. Ewing also wished to protect 1732 Corbett Road on the south side by exercising an option to purchase Parcel A from Ethan Ewing. This would be a 5 acre parcel, which again would attach 1732 Corbett Road in a non density transfer. Mr. Michael Ewing presently uses this area to pasture his horses. DEPRM also opposed this non density transfer citing that the R.C.7 zoning regulations purpose is to protect remaining prime and productive soils. See Section 1A08.1 B 6.

Findings of Fact and Conclusions of Law

Petitioner's Exhibit No. 1 seems to contain a method to accomplish the goals of both DEPRM and Petitioner. DEPRM objects to the 9 acre property owned by Mr. Ethan Ewing being divided into 5 acre and 4 acre parcels. However, Petitioner's Exhibit No. 1 shows that Michael Ewing also owns a 3.67 lot west of Parcel A whose deed is recorded in the land records of Baltimore County at liber 6321 folio 226, herein after called "Ewing South Lot". If instead of transferring Parcel A to the property associated with 1732 Corbett Road, Parcel A would be

transferred to Ewing South Lot, the resulting property would be 8.67 acres, more or less, which

is almost identical in size to the existing 9 acre Ethan Ewing Lot. Consequently, I will approve

this transfer with the condition that the South Ewing Lot and Parcel A be described as one lot

and its use be restricted to agricultural purposes.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore

County, this 15 day of October, 2003, that the request to transfer Parcel B in a non density

transfer to 1732 Corbett Road is DENIED as moot due to the Petitioner's withdrawal of this

issue; and it is further

ORDERED, that the Petitioner's request to transfer Parcel B to 1732 Corbett Road is

DENIED; and it is further

ORDERED, that Lot A may be transferred to the Ewing South Lot in a non density

transfer subject to the following conditions:

1. That Parcel A shall be combined with Ewing South Lot extinguishing the lot line separating same and a new deed be recorded in the land records of Baltimore County

reflecting this combination of 8.67 acres more or less;

2. That Parcel A and Ewing South Lot be used for agricultural purposes only; and

3. That no new density or lots are hereby created by this transfer.

OHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

4

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

October 14, 2003

Michael J. Ewing 1822 Corbett Road Monkton, Maryland 21111

> Re: Petition for Special Hearing Case No. 04-020-SPH Property: 1822 & 1827 Corbett Road

Dear Mr. Ewing:

Enclosed please find the decision rendered in the above-captioned case.

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,

John V. Murphy

Deputy Zoning Commissioner

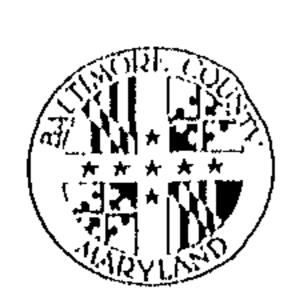
John murphy

JVM:raj Enclosure

c: Bruce E. Doak Gerhold, Cross & Etzel 320 E. Towsontown Boulevard Towson, MD 21286



Visit the County's Website at www.baltimorecountyonline.info



Petition for Special Hearing

for the property located at 1827 Corbett Roso

to the Zoning Commissioner of Baltimore County

1822 CORBETT ROAD

which is presently zoned RCA! RC7

owner(s) of the property situate in Baltimore County and wh	nits and Development Management. The undersigned, legal nich is described in the description and plat attached hereto and under Section 500.7 of the Zoning Regulations of Baltimore ner should approve
THE MON- DENSITY TRANSFER OF.	A SACRE PARCEL OF LAND (PARCEL A)
AND A 3 ACRE PARCEL OF LAND	(PARCEL B) TO AN ADSOINING LAND
OWNER (MICHAEL J. EWNG #1732	CORBETT ROAD)
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertised as prescribed by the II and II an	ising, posting, etc. and further agree to and are to be bounded by the ursuant to the zoning law for Baltimore County. 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:	<u>Legal Owner(s):</u>
Name - Type or Print Signature	Name - Type or Print Signature Signature
	ETHAN EWAG # 1827 CORBETT ROAD
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	1732 Со <i>рвет Родо</i> 410-771-4780 Address Telephone No.
	MONKTON MO 2/11/
Name - Type or Print	City State Zin Code
Signature	Representative to be Contacted:
	BRUCE E. DONIC GENHOLD CROSS & ETZEL, LAW
Company	Name
Address Telephone No.	220 E. 70W50~70W4 BLVD. 410.823-4170 Address Telephone No.
8	Towson 1910 21286
City State Zip Code	City State Zip Code
N A	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. 04-020-5PH	UNAVAILABLE FOR HEARING
E	
Revisions Re	viewed By JNP Date 110/03

BALTIMORE COUNTY, MA OFFICE OF BUDGET & FINANCI MISCELLANEOUS RECEIPT	-	No. 2309		PAID RECE Mainess ac	
	ACCOUNT_R-0		ITO RE	V/11/2003 7/10 W301 W4 XIH CEIPT # 143133	0/2003 11:00:07 1 JRIG JW
RECEIVED Michael J.	Ewing	0.00	, S / / / / / / / / / / / / / / / / / /	0. 023092 Recet Tot 130.00 CK	\$170.00 .00 Ch
FOR: 1827	1 27 . 10		2 SPA)		
DISTRIBUTION WHITE - CASHIER PINK - AGENCY	YELLOW - CUSTOMER			CASHIER	'S VALIDATION

7/10/2003 IFIK. VERIFICATION

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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

Case: #04-020-SPH
1822 & 1827 Corbett Road,
North & South sides of Corbett Road,
150 feet north of
Falls Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): Michael and Ethan Ewing
Special Hearing: to approve the non-density transfer of a
5 acre parcel of land (parcel A) and a 3 acre parcel of land
(parcel B) to an adjoining land owner (Michael J. Ewing
#1732 Corbett Road)
Hearing(s): Tuesday, September 16, 2003 at 9:00 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 accommodations 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.

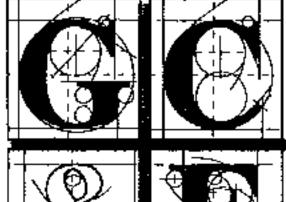
7/396 July 31

C617978

CERTIFICATE OF PUBLICATION

<u> </u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on71311,2003.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
Dulking.

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906



Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax. (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE #04-020-SPH
PETITIONER/DEVELOPER:
Michael & Ethan Ewing
DATE OF HEARING:
September 16, 2003

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: REBECCA HART

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

2003

23

August

ä

POSTED

ZUNING NOTIC **ADMINISTRATIVE** SPECIAL HEARING CASE # · 04-020-SPH SPECIAL HEARING TO APPROVE THE NON-DENSITY TRANSFER OF A 5 ACRI PARCEL OF LAND (PARCEL A) AND A 1 ACRC PARCEL OF LAND (PARCEL B) TO AN ADJOINING LAND OWNER IMICHAEL J CWING # 1732 CORRET! PURSUANT TO SECTION 26-127(5)(1) BALT MORE COUNTY COLE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4 30 pm ON SPETEMBER 16 2003 ADDITIONAL INFORMATION IS AVAILABLE AT ZON NO ADMINISTRATION AND DEVELOPMENT MANAGEMENT I IN CHESAFERKEN E TEL 410-887 3391 በባት ያቀው መን ቆነታ ፋ HI ASINGS ARE HAND AFFI D'ACCESS IN C

LOCATION:

1822 & 1827 Corbett Road

DATE:

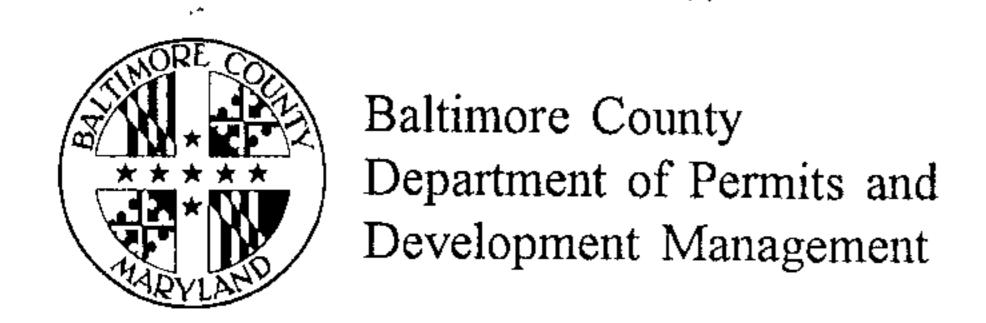
September 1, 2003

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD SUITE 100 320EAST TOWSONTOWN BLVD TOWSON, MARYLAND 21286 410-823-4470 PHONE 410-823-4473 FAX





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

Fax: 410-887-5708

July 23, 2003

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: 04-020-SPH

1822 & 1827 Corbett Road

North & South sides of Corbett Road, 150 feet north of Falls Road

8th Election District – 3rd Councilmanic District

Legal Owner: Michael and Ethan Ewing

Special Hearing to approve the non-density transfer of a 5 acre parcel of land (parcel A) and a 3 acre parcel of land (parcel B) to an adjoining land owner (Michael J. Ewing #1732 Corbett Road)

Hearings:

Tuesday, September 16, 2003, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Michael & Ethan Ewing, 1732 Corbett Road, Monkton, 21111
Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, 30, 2003.

(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 28, 2003 Issue - Jeffersonian

Please forward billing to:

Michael J. Ewing 1732 Corbett Road Monkton, MD 21111

410-771-4780

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: 04-020-SPH

1822 & 1827 Corbett Road

North & South sides of Corbett Road, 150 feet north of Falls Road

8th Election District – 3rd Councilmanic District

Legal Owner: Michael and Ethan Ewing

Special Hearing to approve the non-density transfer of a 5 acre parcel of land (parcel A) and a 3 acre parcel of land (parcel B) to an adjoining land owner (Michael J. Ewing #1732 Corbett Road)

Hearings:

Tuesday, September 16, 2003, at 9:00 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

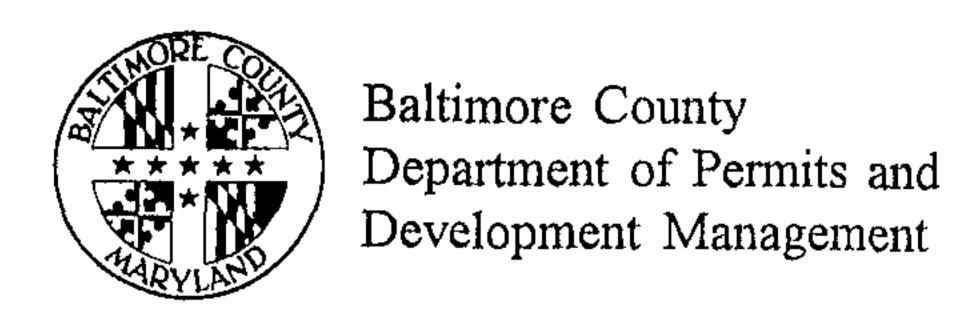
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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 Newspaper Advertising:
Item Number or Case Number: 04-020-5PH
Petitioner: MICHAEL J EWING
Address or Location: # 1822 = # 1827 Corbett Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: Michael J Ewille
Address: 1732 CORBETT ROAP
MONKTON, MP 21111



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

September 12, 2003

Michael Ewing Ethan Ewing 1732 Corbett Road Monkton, MD 21111

Dear Mr. Ewing:

RE: Case Number: 04-020-SPH, 1822 & 1827 Corbett Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 10, 2003.

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 Richards, Jr.

Supervisor, Zoning Review

u. Callilal D

WCR:klm

Enclosures

People's Counsel Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., 21286



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

July 21, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 21, 2003

Item No.:

015+020,

022-026

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

JHP

MARYLAND DEPARTMENT OF TRANSPORTATION

RE:

Date: 7.22.03

Baltimore County

Item No. 220

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

Dear. Ms. Hart:

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.md.us).

Very truly yours,

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

f. f. Andh

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley MS

DATE:

August 28, 2003

REVISED September 17, 2003

SUBJECT:

Zoning Item

20

Address

1822 and 1827 Corbett Road

Zoning Advisory Committee Meeting of July 21, 2003

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

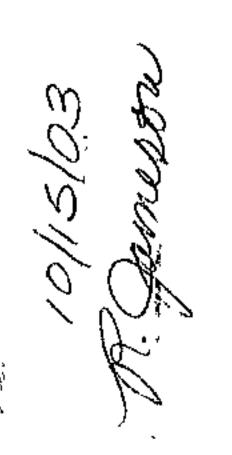
The request for this variance is denied.

1. The transfer of parcel B (3 acres) from a larger 16 acre RC-7 parcel would further fragment an already relatively small wooded parcel to the point that it may significantly diminish the forest's value. This proposal is in direct conflict with the Baltimore County Zoning Regulations (BCZR 1A08.1.B.8).

2. Similarly, transferring 5 acres from a 9 acre parcel would also appear to conflict with a purpose of RC-7 which is to support agriculture by retaining properties of larger sizes which contain prime and productive soils.. This proposal conflicts with the BCZR Section 1A08.1.B.6.

Reviewer: Wally Lippincott

Date: August 8, 2003



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley RB/727

DATE:

August 28, 2003

SUBJECT:

Zoning Item 20

Address

1822 and 1827 Corbett Road

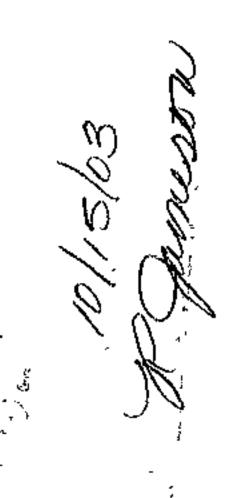
Zoning Advisory Committee Meeting of July 21, 2003

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

The request for this variance is denied. The transfer of parcel B(3 acres) from a larger 16 acre RC-2 parcel would reduce the size of an already relatively small wooded parcel to the point that it may significantly diminish the forests value. Similarily, transfering 5 acres from a 9 acre parcel would also appear to conflict with the basic purpose of RC-2 which is to support agriculture by retaining properties of larger sizes.

Reviewer: Wally Lippincott

Date: August 8, 2003



fill

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

PATE: July 22, 2003

ME CEIVED

JUL 2 3 2003

ZUNNG COMMISSIONED

SUBJECT:

Zoning Advisory Petition(s): Case 04-020 and 04-25

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 12, 2003

TO:

**3

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 28, 2003 Item Nos. 015, 017, 018, 020 022, 023, 024, 025, and 026

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING BEFORE THE 1822 & 1827 Corbett Road; NS/side of Corbett Rd, 150 N Falls Rd ZONING COMMISSIONER 8th Election & 3rd Councilmanic Districts Legal Owner(s): Michael J & Ethan Ewing FOR Petitioner(s) **BALTIMORE COUNTY** 04-020-SPH

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 Day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to Bruce E Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED	Peter Mays Li
JUL 2 5 2003	PETER MAX ZIMMERMAN People's Counsel for Baltimore

People's Counsel for Baltimore County

Per....



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

RECEIVED

ZONING COMMISSIONER

0CT - 6 2003

October 1, 2003

John V. Murphy
Deputy Zoning Commissioner
Zoning Commissioner's Office
Suite 405, County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Case No. 04-020-SPH

Dear Sir,

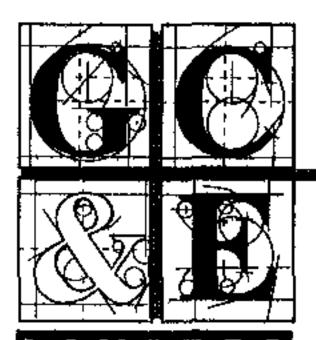
I am writing this letter to provide a possible solution to the concerns of Wally Lippenincott. Mr. Ewing has decided that he will withdraw the portion of the special hearing request for the non-density transfer of the 3acre parcel of land. His reason for wanting the transfer was to have a buffer area for the protection of his house and to provide additional pasture. He feels that he can accomplish what he wants by placing restrictive easements on the 3 acre area. As to the 5 acre transfer, this still is very important to him. Therefore he does not want to withdraw that portion of the request.

I still feel, as I stated in my September 25, 2003 letter, that the RC 7 zoning regulations do not restrict the transfer of agricultural land from one adjoining owner to another.

Once again I thank you for your consideration of this matter.

Bruce E. Doak

Principal



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • 10wson,
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CEIVED

SEP 2 6 2003 ZONING COMMISSIONER

September 25, 2003

John V. Murphy Deputy Zoning Commissioner Zoning Commissioner's Office Suite 405, County Courts Building 401 Bosley Avenue Towson, MD 21204

Re: Case No. 04-020-SPH

Dear Sir,

Thank you for your letter of September 17, 2003. I have read the recommendations from Wally Lippincott and have spoken with him concerning them. I can understand his position, but I believe he is incorrectly interpreting the zoning regulations for the RC 7 zone as to restrict the transfer of property for the protection of forested and agricultural lands. The zoning regulations state that the RC 7 zone was created for certain purposes, but no where in those regulations does it state that there are restrictions on the conveyance of non-density parcels of land to provide for those protections. Whether my client can do what he is proposing or not, can only be decided by the RC 7 zoning regulations, which makes this a zoning issue and therefore your decision should not be influenced by comments rendered by DEPRM. We did not receive any negative comments from the office of zoning on our proposed transfers, therefore I believe that your decision as the deputy zoning commissioner can only be based on the applicable zoning regulations.

As I stated in the hearing, Mr. Ewing will be using the parcels of land he is to be conveyed for pasture and hay. Both of these uses are agricultural. My client would be willing to have certain restrictions placed on the non-density parcels to assure the use of them for agricultural purposes.

The last general request I would like you to consider is the submission of comments from a county agency after the hearing. It is bad enough that we do not receive the county's comments prior to the hearing so we can prepare a rebuttal to them, but to have them submitted after the hearing is something that should not be allowed or may not be allowed under county statute. It would be one thing if the agency was represented in the hearing by someone presenting their position. In that case we could have addressed their concerns and issues in front of you. But to recommend denial through comments after the fact is apprehensible.

I thank you for your consideration of these matters.

Principal

Z:\Business\Letters\Ewing Corbett zoning letter.doc

CASE NAME 1827 Corbett Rd.

CASE NUMBER 04-020-SPH

DATE 9/16/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
BRUCE DOAK	320 E- TOWSONTOWN	Towson Ms 21286	
Gronyour CROSS & ETZ	EL BUD		
	1732 CORBETT ROAD	MONKSON, MD 21111	MJEWING @WJEINC. COM
· · · · · · · · · · · · · · · · · · ·			
	<u> </u>		
		<u></u>	
	<u> </u>		
	<u> </u>	 	
· · · · · · · · · · · · · · · · · · ·			
	<u> </u>		
			<u> </u>
	<u> </u>		
	<u></u>	<u></u>	
	-		-]
_ -	 		
	· · · · · · · · · · · · · · · · · · ·	<u> </u>	

