IN RE: PETITION FOR SPECIAL HEARING

SW/S of Oakland Road, opposite Keller Road

7th Election District

3rd Councilmanic District

(1101 Oakland Road)

Frederick L. Fulco, Sr. Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-138-SPH

ORDER ON MOTION FOR RECONSIDERATION

WHEREAS, this matter came before this Deputy Zoning Commissioner as a Special Hearing Request filed by the legal owner of the property, Frederick L. Fulco, Sr. After a public hearing held on the matter, the special hearing request was granted by Order dated November 21, 2003. The Petitioner (in a facsimile dated December 19, 2003) is requesting clarification of this Commission's Order of November 21, 2003 in regard to forest and agricultural impacts of the proposed plan. Specifically, the Petitioner requests that I clarify that the Petitioner must submit and DEPRM must consider both forest conservation areas and forest buffers as locations for the proposed dwellings. My original Order only specified that "forest" information was to be supplied and considered. The requested change is to be made on page 5, paragraph 1, line 3 of The word "forest" should be changed to read "Forest Conservation and Forest Buffer";

Applicable Law

Appendix G, Rule 4 K

K. Motion for reconsideration. A party may file a motion for reconsideration of an order issued by the Zoning Commissioner. Such a motion must be made in writing, within 30 days of the date of the original order. The motion must state, with specificity, the grounds and reasons for the request. The filing of a motion for reconsideration shall stay all further proceedings in the matter, including the time limits/deadlines for the filing of an appeal. The Zoning Commissioner shall rule on the motion within 30 days from the date which the motion is accepted for filing. A ruling by the Zoning Commissioner on the motion for reconsideration shall

A FILING WITH AMOENED be considered the final decision in accordance with Section 26-209 or 26-132 of the Baltimore County Code. At his discretion, the Zoning Commissioner may convene a hearing to receive testimony and/or argument on the motion. Each party shall be limited to that which is the subject matter of the motion.

Findings of Fact and Conclusions of Law

I find that the Petitioner's request is reasonable and will lead to the resolution of the issues in this case and therefore I will grant his request to clarify the Order of November 21, 2003.

THEREFORE, IT IS ORDERED, this __5_ day of January, 2004, by the Deputy Zoning Commissioner for Baltimore County, that Petitioner's Motion for Reconsideration be granted and my previous Order dated November 21, 2003, be amended to change the word "forest" to read "Forest Conservation and Forest Buffer";

IT IS FURTHER ORDERED, that the special hearing requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the transfer of one density unit between two parcels which make up the overall tract is hereby continued for 60 days to allow additional evidence in this matter including that the Petitioner submit and that DEPRM consider both forest conservation areas and forest buffers as locations for the proposed dwellings.

IT IS FURTHER ORDERED, that all other terms and conditions of my previous decision shall remain in full force and effect.

(VM:rai

ORDER RECEIVED FO

JOHNAY, MURPHY
DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

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

January 5, 2004

Mr. Frederick L. Fulco, Sr. 1095 Oakland Road Freeland, Maryland 21053

Re: Order on Motion for Reconsideration

Case No. 04-138-SPH

Property: 1095 & 1101 Oakland Road

Dear Mr. Fulco:

Enclosed please find the order on motion for reconsideration rendered in connection with the above-captioned case.

Should you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

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



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





IN RE: PETITION FOR SPECIAL HEARING

SW/S of Oakland Road, opposite Keller Road 7th Election District 3rd Councilmanic District (1101 Oakland Road)

Frederick L. Fulco, Sr. Petitioner

BEFORE THE

* DEPUTY ZONING COMMISSIONER

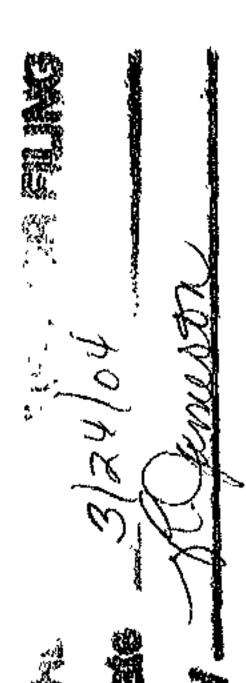
* OF BALTIMORE COUNTY

* CASE NO. 04-138-SPH

ORDER ON MOTION FOR RECONSIDERATION

This matter came before this Deputy Zoning Commissioner as a continuation of the Special Hearing Request filed by the legal owner of the property, Frederick L. Fulco, Sr. The Petitioner owns adjacent 38 and 17 acre lots, both of which are zoned RC 2. For clarity, I will call the 38 acre lot the "west lot" and the 17 acre lot the "east lot". The Petitioner requested in the original petition to transfer one density unit from the 17 acre (east) lot to the 38 acre (west) lot, to allow the Petitioner to have two new buildable lots on a 3.2 acre portion of the west acre lot north of Oakland Road. At present, both the east and west lots are improved with a home. All together there would be four dwellings on the two lots. DEPRM and the Office of Planning requested the petition be denied because the 3.2 acre area is being used for agricultural purposes. They recognized that ultimately four homes could be located on these two lots but wanted them placed in less prime agricultural locations.

On November 21, 2003, I issued an Order essentially continuing the case for further discussions between DEPRM and the Petitioner. A minor Order on the Petitioner's Motion for Reconsideration was issued on January 5, 2004 clarifying that DEPRM and the Petitioner should consider both forest buffers and forest conservation in their deliberations. The file contains letters from DEPRM and the Petitioner regarding information supplied and missing in what clearly was an ongoing discussion. Finally, the Petitioner requested a hearing that was conducted on March 24, 2004.



At the final hearing, the Petitioner and Mr. Lippincott and Lykens from DEPRM related that they had reached a compromise and settlement of the dispute. This recognized that the Petitioner could place one new home on the 3.2 acre portion of the west lot through the minor subdivision process, which would not require a special hearing or approval by this Commission. The parties agreed, however, that preservation of agriculture would best be served by creating two more lots. The first would have approximately 2.5 acres, which would encompass the farm buildings on the west lot. The remaining land in this parcel (approximately 33 acres) would be transferred to the adjoining east lot in a nondensity transfer. After all appropriate approvals were obtained, new deeds reflecting this arrangement would be recorded. This would leave almost all the agricultural land in the resulting 50 acre east lot (17 acre + 33 acre).

The Petitioner amended his petition accordingly and filed Redline Exhibit No. 5 that reflects the details of this arrangement. Representatives from DEPRM supported the amended petition and arrangement shown in Exhibit No. 5. The Petitioner cautioned that the exact location of the lot lines would not take place until perc tests and the minor subdivision occurred. All agreed that Exhibit No. 5 showed the concept of the agreement, which would be subject to further refinement. Finally, this Commissioner pointed out in accepting the compromise that the only approval granted was accepting the amended petition, accepting Exhibit No. 5 which reflects the concept of the agreement, and approval of the nondensity transfer of 33.1 acres +/-from the west lot to the east lot.

Findings of Fact and Conclusions of Law

I find that the amended petition reasonably fosters conditions favorable to a continued agricultural use of productive agricultural areas in furtherance of the spirit and intent of the RC 2 legislation as shown on the Petitioner's Redline Exhibit No. 5 accepted into evidence. This office has historically approved nondensity transfers that support continued agricultural uses

under Section 500.7 of the B.C.Z.R. There is no increase in density which would not otherwise be allowed under the zoning regulations. This is the final decision in this matter.

THEREFORE, IT IS ORDERED, this A day of March, 2004, by the Deputy Zoning Commissioner for Baltimore County, that Petitioner's request for approval of the nondensity transfer of 33.1 acres of land from the west lot to the east lot, as given in the Amended Petition and shown by the Redline Exhibit No. 5, be and is hereby GRANTED.

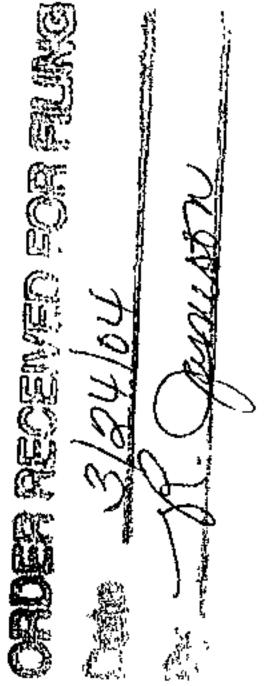
IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

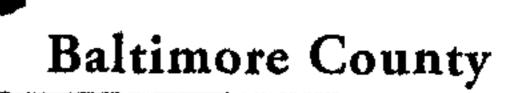
JVM:raj



Zoning Commissioner

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





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

March 24, 2004

Mr. Frederick L. Fulco, Sr. 1095 Oakland Road Freeland, Maryland 21053

Re: Petition for Special Hearing
Case No. 04-138-SPH

Property: 1095 & 1101 Oakland Road

Dear Mr. Fulco:

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

John V. Murphy

Deputy Zoning Commissioner

Joan Murphy

JVM:raj Enclosure

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

Wally Lippincott, Jr., DEPRM David Lykens, DEPRM



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

IN RE: PETITION FOR SPECIAL HEARING SW/S of Oakland Road, opposite Keller Road 7th Election District 3rd Councilmanic District (1101 Oakland Road)

Frederick L. Fulco, Sr. *Petitioner*

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 04-138-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

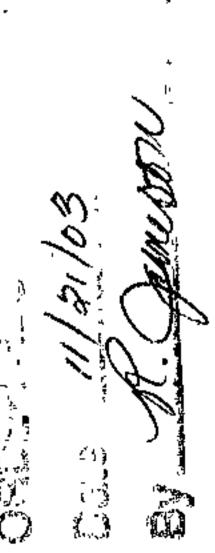
This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Frederick L. Fulco, Sr. The Petitioner is requesting special hearing relief for property he owns at 1095 & 1101 Oakland Road in the Freeland area of Baltimore County. Pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), a special hearing is requested for the transfer of one density unit between two parcels which make up the overall tract, said transfer will not result in any increases in the number of lots permitted.

The property was posted with Notice of Hearing on October 28, 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 October 30, 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: ZAC comments received from the Office of Planning dated November 5, 2003, a copy of which is attached hereto indicate that the request should be denied as negatively impacting the scenic character of Oakland Road. ZAC comments from the Department of Environmental Protection & Resource Management (DEPRM) dated November 12, 2003, a copy of which is attached hereto indicate that the request should be denied as impacting prime and productive agricultural soils in this RC 2 zone.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief was Frederick Fulco, owner of the property and Bruce E. Doak of Gerhold, Cross & Etzel, the professional land surveying company that prepared the site plan of the property. There were no protestants or citizens attending the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Notice is taken that the property, which is the subject of this special hearing request, consists of a 38 acre parcel and a 17 acre parcel both of which are owned by the Petitioner and zoned R.C.2. Testimony and evidence proffered by Mr. Doak indicated that the proposal is to transfer one density unit from the 38 acre parcel and one from the 17 acre parcel to a 3.2 acre portion of the 38 acre parcel located across Oakland Road. Having accomplished this transfer the Petitioner would like to build two homes at this location and reconfigure the lot lines as shown on Petitioner's Exhibit No. 1. One home would then by occupied by the Petitioner's sister and one would be sold to the public. The basis for this request is that both the 17 and 38 acre lots are now occupied by one single family home and that the parcels on which these homes are located were recorded in the land records prior to 1979 when the R.C.2 zoning was imposed.

As such, each parcel can be divided thereby creating a total of four lots. Again, all parcels are in common ownership. The only issue is where to locate the two new lots.

Comments from the agriculture arm of DEPRM (agri DEPRM) requests that the petition be denied. Based upon an on-site inspection, agri DEPRM finds the location proposed for the two lots is presently being farmed and is on prime and productive soils. Agri DEPRM contends that this would be in violation of the Master Plan and purpose of R.C.2 zoning. They suggest that clustering the two homes on locations more internal to the site would satisfy their concerns. The Office of Planning also requests that the petition be denied based upon the location of two homes on Oakland Road which is a scenic highway.

The Petitioner's photographs showed that the location of the proposed new homes would be on land presently farmed. The Petitioner readily admits that this would be in violation of the purposes of the R.C.2 zoning, but says that he has no other reasonable place to locate the lots. While portions of the site have existing agricultural uses, it is also heavily forested. When asked why the lots could not be located in the wooded area of the site, the Petitioner explained that the owner would have to plant twice as many acres of trees as he removed to build the new homes because of other DEPRM requirements to conserve the forest (forest DEPRM). The Petitioner contends that these trees can only be placed on prime agricultural land, and as a result there would be actually less agricultural land left after the tree planting than if the homes were located as proposed.

A simple mathematical exercise may show this problem more clearly. The Petitioner proposes to divide the land north of Oakland Road into two lots with two homes. Thus, a total of 3.2 acres of prime agricultural land will be lost. However, if those homes are located in the wooded area of the site, Mr. Doak contends each home will require 1 acre of woods to be cleared. Forest DEPRM would, in Mr. Doak's opinion, impose a requirement to plant two acres of trees for each acre removed. Thus, the Petitioner would have to plant 4 acres of trees. Even

though there is a stream valley which might be a suitable location to plant these four acres of trees, the Petitioner contends that the forest DEPRM will not allow the four acres of trees to be planted here contending that this would interfere with stream valley buffering. Consequently, the Petitioner's only location for these trees will be again on prime and productive agricultural soils. Whereas the proposed location consumes 3.2 acres of agricultural land, the alternative consumes 4.0 acres of agricultural land. Thus, the proposed location is ultimately superior to any other location on the site.

Mr. Doak is a very experienced site designer with many years of dealing with the various arms of DEPRM. I do not doubt that this worse case scenario could happen. However, the real problem at this stage of the process is that because this request is for zoning relief, agri DEPRM engages fully and as seen above recommends denial. However, forest DEPRM is actually not engaged until the subdivision process which follows. At that time the Petitioner would submit detailed studies of the forested portions of the site. It may well be that the worse case scenario outlined by Mr. Doak will come to be in a full clash of agri DEPRM versus forest DEPRM, or it may be that forest DEPRM will allow the trees replacing those lost by the two homes to be located in non agricultural locations. I do not know.

I do know that if forest DEPRM triggers that worse case scenario, I would have enough information to make a decision and could weigh forest DEPRM and agri DEPRM recommendations along with Mr. Doak's evidence. But today forest DEPRM input is missing. I also realize that in order to trigger forest DEPRM's input, the Petitioner must submit studies regarding the quality and location of forest on the site. These studies are expensive and rightfully no landowner will want to undergo them without knowing whether or not the zoning is approved. Ordinarily, I would not ask that these studies be submitted out of sequence but here Mr. Doak has raised issues on which I simply can not speculate. I need input from forest DEPRM.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be continued for 60 days to give the Petitioner time to submit forest information to DEPRM and for that agency to look at both the forest and agricultural impact of the proposal. If a location for the two homes is found which is acceptable to all, I will accept an amendment to the plan which reflects same and make my decision on that basis. If no suitable location for the two homes can be found, I request both arms of DEPRM to submit comments and will make my decision based upon evidence available at that time. I will also entertain a request from Mr. Doak for a hearing on the revised comments from DEPRM should he feel that it is necessary to explain his position more fully.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of November, 2003, that the special hearing requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the transfer of one density unit between two parcels which make up the overall tract is hereby continued for 60 days to allow additional evidence as above in this matter.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

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





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

November 21, 2003

Mr. Frederick L. Fulco, Sr. 1095 Oakland Road Freeland, Maryland 21053

Re: Petition for Special Hearing Case No. 04-138-SPH

Property: 1095 & 1101 Oakland Road

Dear Mr. Fulco:

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

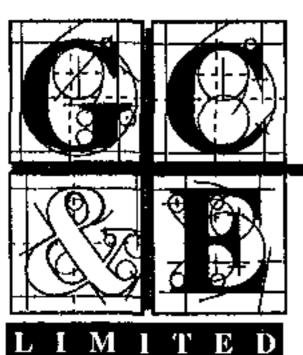
c: Bruce Doak Gerhold, Cross & Etzel 320 E. Towsontown Boulevard Towson, MD 21286

David Lykens & Wally Lippincott, DEPRM



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

Pertion fo	r Special Hearing
	ning Commissioner of Baltimore County
	ty located at 1095 4-1101 CARLANN ROAD. which is presently zoned RCZ
	Its and Development Management. The undersigned, legal ch is described in the description and plat attached hereto and under Section 500.7 of the Zoning Regulations of Baltimore er should approve
THE TRANSFAC OF AND DOWN	USITY UNITED STRUGEN TWO PURCELS
COUNTY AND THE OVERIAL	L TRACT, SAID TRANSFER WILL NUT
MESOLI IN ANY INCREASES 1	N THE NUMBER OF LOTS PERMITTED
	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):
The second secon	
Name - Type or Print	Name - Type or Print
Signature	Signature
Address Talephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	1075 04KLAND ROAD 410-343 30460 Address Telephone No.
Name - Type or Print	「一尺EはLMの)
Signature	Representative to be Contacted:
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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

September 4, 2003

ZONING DESCRIPTION FULCO PROPERTY 1101 OAKLAND ROAD BALTIMORE COUNTY, MARYLAND

All that piece or parcel of land situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the paving of Oakland Road, being distant 8 feet, more or less, southeasterly from the center of the intersection of Oakland Road and Keller Road, thence running and binding along the center line of Oakland Road, the following course and distance, viz: (1) South 69 degrees 45 minutes 22 seconds East 796.32 feet, to the side of Oakland Road, thence running and binding on the following six courses and distances, viz: (2) South 49 degrees 38 minutes 35 seconds West 484.76 feet, (3) South 19 degree 10 minutes 35 seconds East 438.90 feet, (4) South 66 degrees 06 minutes 22 seconds West 438.26 feet, (5) North 35 degrees 28 minutes 12 seconds West 468.50 feet, (6) North 12 degrees 27 minutes 01 seconds East 938.40 feet, and (7) South 85 degrees 59 minutes 34 seconds East 227.70 feet to the zoning point of beginning.

Containing 17.67 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

100

NOTICE OF ZONING HEARING

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

Case. # 04-138-SPH
1095 and 1101 Oakland Avenue
S/west side of Oakland Avenue
S/west side of Oakland Road, opposite of Keller Road
7th Election District-3rd Councilmanic District
Legal Owner(s): Frederick Fulco, Sr.

Special Hearing: to permit the transfer of one density unit between two parcels which make up the overall tract, said transfer will not result in any increases in the total number of lots permitted.

Hearing: Tuestay, November 18, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

bestay, November 18, 2003 at 10:00 a.m. in 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.

10/396 Oct. 30

Contact the Zoning Review Office at (410) 887-3391.

OF PUBLICATION

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L 20 03

that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, $O_{O_{i}}^{20}$ once in each of O H O

X The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times Towson Times

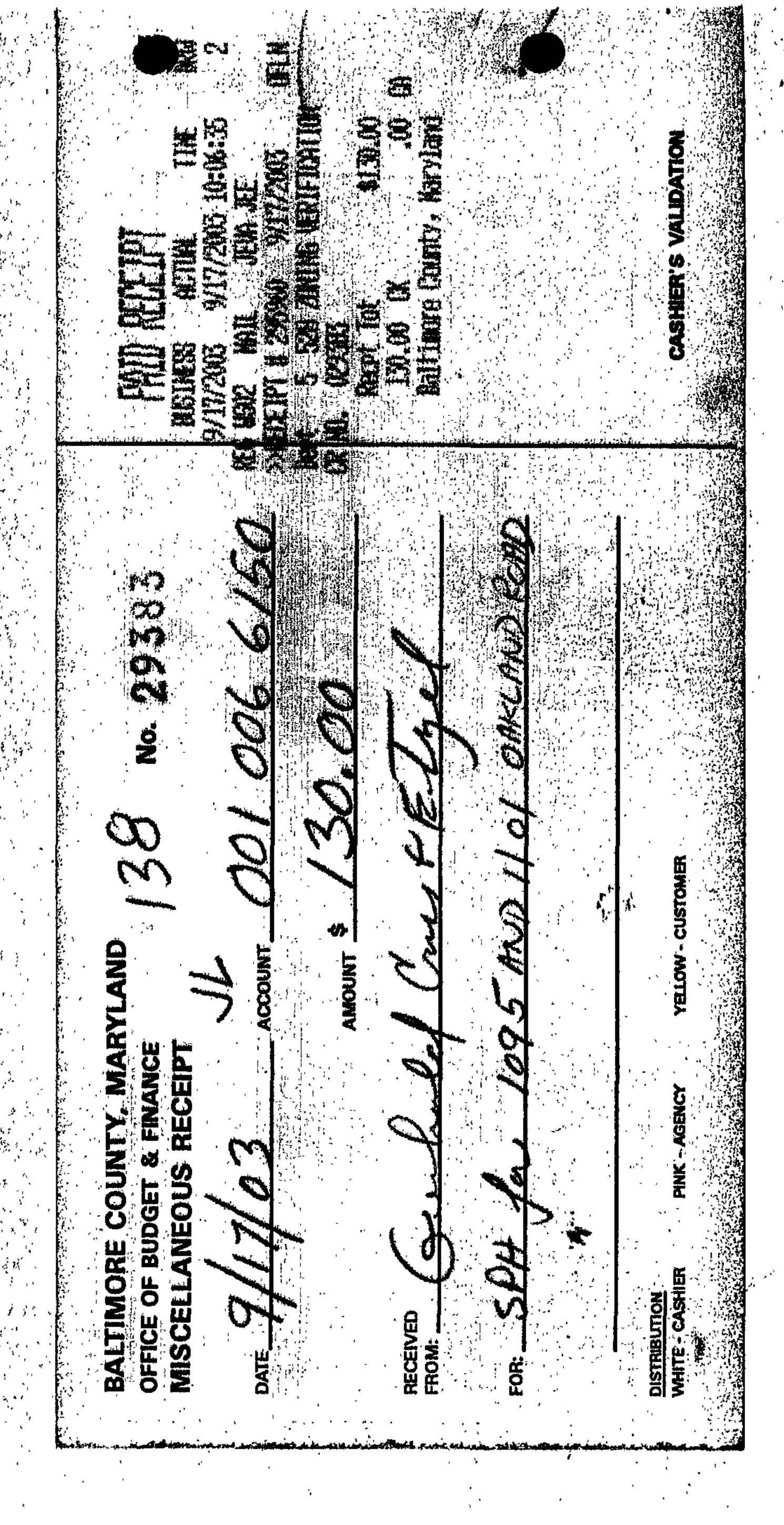
Owings Mills Times

NE Booster/Reporter

North County News

Muling

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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 NO. 04-138-SPH PETITIONER/DEVELOPER: FREDERICK FULCO, SR.

DATE OF HEARING: NOVEMBER 18,

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

ZONING NOTICE

CASE #:04-138-SPH

A PUBLIC IN ARRING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

FLACE SCOTIAT COUNTY COUNTS BUTHAND
ALL BOOMY WORTHLY TO TOWN THE PUBLIC BETT TO THE BOOM TH

LOCATION:

Intersection of Oakland and Keller Roads

DATE: 11/29/03

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

POSTED ON: October 28, 2003

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 7, 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: 04-138-SPH 1095 and 1101 Oakland Avenue S/west side of Oakland Road, opposite of Keller Road 7th Election District – 3rd Councilmanic District Legal Owner: Frederick Fulco, Sr.

Special Hearing to permit the transfer of one density unit between two parcels which make up the overall tract, said transfer will not result in any increases in the total number of lots permitted.

Hearings:

Tuesday, November 18, 2003, at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco
Pirector

TK:klm

C: Frederick Fulco, Sr., 1095 Oakland Rd., Freeland 21053 Bruce Doak, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 3, 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.



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

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 30, 2003 Issue - Jeffersonian

Please forward billing to:

Frederick Fulco, Sr. 1095 Oakland Road Freeland, MD 21053

410-343-3060

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: 04-138-SPH

1095 and 1101 Oakland Avenue S/west side of Oakland Road, opposite of Keller Road 7th Election District – 3rd Councilmanic District Legal Owner: Frederick Fulco, Sr.

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James E. Schmidt

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

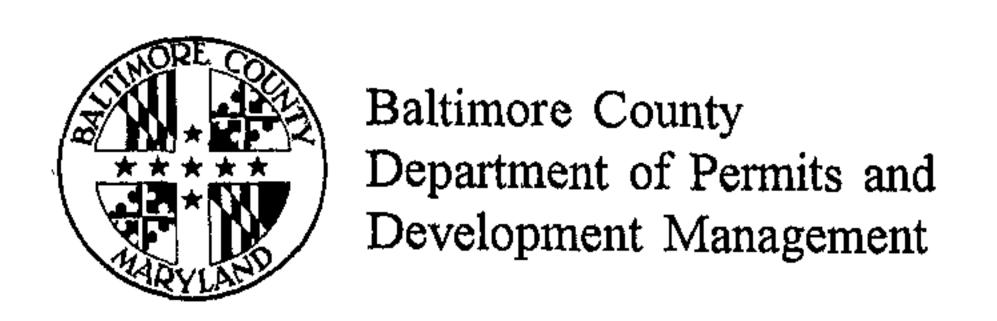
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: 04 138 SPH				
Petitioner: FREDERICK L. FULCO SC.				
Address or Location: 1095, OAKLAND ROAD, FREELAND MD 21053				
PLEASE FORWARD ADVERTISING BILL TO:				
Name: FREDERICK L. FULCO Sr.				
Address: 1095 OAKLAND ROAD				
FREELAND, MD 21053				
Telephone Number: <u>410-343-3060</u>				

Revised 2/20/98 - SCJ



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

November 14, 2003

Frederick Fulco, Sr. 1095 Oakland Road Freeland, MD 21053

Dear Mr. Fulco:

RE: Case Number: 04-138-SPH, 1095 & 1101 Oakland Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 17, 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,

U. Callibal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

November 12, 2003

RECEIVED

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ZONING COMMISSIONER

SUBJECT:

Zoning Item

04-138

Address

1095 and 1101 Oakland Road

Fulco Property

Zoning Advisory Committee Meeting of October 6, 2003

The Department of Environmental Protection and Resource Management recommends **DENIAL** of the request for a density transfer in the referenced Petition for Special Hearing. Please see the attached memorandum from Wally Lippincott dated October 23, 2003.

Reviewer:

Wally Lippincott

Date:

October 23, 2003

Attachments

ZONING COMMENT SHELL 9-24-03.doc



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

October 7, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 7, 2003

Item No.:

130 - 141, 143, 144, 147 - 150

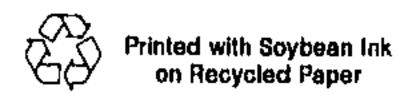
Dear Ms. Hart:

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.7.03

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

RE:

Baltimore County

Item No. 138

JLL

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,

4

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

Ach a

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

SUBJECT:

1095 & 1101 Oakland Road

INFORMATION:

Item Number:

04-138

Petitioner:

Frederick L. Fullo, Jr.

Zoning:

RC 2

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request for a transfer of density. It is the position of this office that the subject transfer of density, as shown, would negatively impact the scenic character of Oakland Road, which is a designated scenic route in the 2010 Master Plan.

Prepared by:

Section Chief:

AFK/LL:MAC:

DATE: November 5, 2003

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70NING COMMON

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 21, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 13, 2003

Item Nos. 130, 131, 132, 133, 134, 135, 138, 139, 142, 143, 145, 146, 149, and 150

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
	1095 and 1101 Oakland Road; SW/side
	Oakland Road, opposite Keller Road
	7 th Election & 3 rd Councilmanic Districts
	Legal Owner(s): Frederick L Fulco, Sr.
	Petitioner(s)

Per....

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * 04-138-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

RECEIVED Model Com

OCT 0 9 2003

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 Otal day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to to Bruce E Doak, Gerhold, Cross & Etzel, 320 E.

Towsontown Boulevard, Towson, MD 21286, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT EIVED

Inter-Office Correspondence

TO:

Jack Murphy

DATE: February 2, 2004

FEB - 2 2004

Deputy Zoning Commissioner

DATE. February 2, 200

ZONING COMMISSIONER

FROM:

Wally Lippincott, Jr.

SUBJECT:

Fulco Property- Case 04-138 SPh

This memorandum is a follow up to your request that the Department of Environmental Protection and Resource Management review the petitioner's submittal of a more detailed analysis of the forest resources.

As indicated in the letter from Mr. Lykens to Mr. Doak dated January 22, 2004, the information submitted by Mr. Doak was not complete. It appears the forest buffers as shown are greater than required. Furthermore, if the forest buffer resources are so great on the property, it is questionable whether it should be retained in farming. And if the area south of Oakland is not to be retained in farming, it is better to locate the two density units on that side of the road and not disturb the lands without constraints on the north side of Oakland.

Alternatively, we must wait until there is agreement on where the resources are and the correct forest buffer areas. With this information, perhaps all concerned can meet again to discuss alternatives including those that were recommended by this office to the surveyor and petitioner before the hearing took place.

As it stands, however, the proposal as a whole conflicts with the protection of agriculture and does not appear to promote agricultural purposes. It is contrary to DEPRM's prime and productive policies based upon Sec 26-277a of the County Code. While there may be other valid purposes, this plan in the whole does not support agriculture. The proposal to transfer density for the purpose of locating two lots in an open field adjacent to a large block of farmland would be detrimental to the farm resources of the area. The proposal to subdivide off the existing farmhouse and farm buildings and 4.1 acres of farmland in the middle of a farm would be detrimental to the farm itself. It would be better for the protection of farmland overall if each parcel subdivides in accordance with the Zoning Regulations.

Thank you for your time and consideration of this issue, a very important one for agriculture.

cc. Bruce Doak

BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

TO:

Development Coordination

DATE: October 23, 2003

FROM:

Wally Lippincott, Jr

SUBJECT:

Zac #138, Oakland Road 1095

Site Analysis: The existing parcels are located in a Master Plan designated Agricultural Preservation Area and are zoned RC 2. The property has a mixture of woods and farm fields. The north and northeastern portion of the property is adjacent to extensive open cropland that is characterized by Prime and Productive Soils and is currently in cultivation. The area where the developer is proposing to transfer the density and locate another development unit is on prime and productive soils and is surrounded by open fields in agricultural uses.

Resource Protection Regulations: The Master Plan states on page 236, "1) the county must have development controls to assure that agricultural resources are not developed;" and in part to accomplish this on page 237, "4. In general, zoning changes made in the agricultural preservation area should protect the county's agricultural industry so that the area maintains its importance as an industrial base for the farming industry." This guidance and the County's adoption of the Prime and Productive Soil Regulations (Sec. 26-277 and policies) provide guidance on the review and approval of subdivision of agricultural lands.

Resource Conservation Agricultural Preservation (RC 2) Zone: The findings and purposes of the zone are clearly express, "established pursuant to the legislative finding above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County..." (BCZR 1A01.1.B.). Furthermore, although the Zoning Regulations do not provide for the transfer of density and this has been supported by the opinion in the Gudeman Circuit Court Case, Baltimore County Zoning policies do provide for transfer when beneficial to agricultural and owned by same landowner.

Conclusions and Recommendations: The proposal to transfer the density should be denied. While the concept of creating two small lots adjacent to one another is supported the location proposed for the two lots is inappropriate. The location has prime and productive soils, is surrounded by existing agricultural uses. The developer should reconsider the proposal and look to clustering the units more internal to the site, on lesser quality soils, and adjacent to woodland or small fields that are of less agricultural value.

Sec. 26-276. Floodplain and wetland protection.

- (a) No development in any riverine floodplain shall be permitted, except the establishment of property subdivision lines and the installation of any pond, culvert, bridge, street, utility or drainage facility that the county finds not detrimental to floodplain management programs. If the floodplain is shown on the FIRM, any increase in the existing base flood elevation shall be limited to one (1) foot maximum, except no encroachment in the floodway causing any increase in the existing base flood elevation shall be permitted. No dredging, filling or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination. It is the purpose of this section to reduce losses to life and property from flooding, to obviate the need for public expenditures for flood protection, and to protect or enhance the environmental quality of watersheds.
- (b) In areas where the base flood elevation has not been established, the 100-year floodplain and flood elevation shall be determined by means of a flood study prepared in accordance with the requirements of the department of public works design manual and sealed by a registered professional engineer prior to the issuance of a permit or the recording of a subdivision plat.

(Code 1978, § 22-98; Bill No. 173-93, § 3, 11-17-93) Cross reference—Flood damage prevention, § 14-96 et seq.

Sec. 26-277. Slope protection and soils.

- (a) No plan or plat may be approved unless the county finds that the proposed development would include protective measures adequate to prevent erosion or sloughing of any steep or unstable slope and would promote the preservation of the natural topographic features of such a slope.
- (b) No plan or plat may be approved on soils that present a severe or moderate limitation to development unless the county finds that adequate measures have been taken to mitigate the effects of such limitations.
- (c) On prime and productive soils within the RC-2 zone, no plan or plat may be approved unless the county finds that construction, excavations, buildings, structures, pavements, grading, clearing or other disturbances of the soils will be

limited or restricted in accordance with policies established by the department of environmental protection and resource management to promote agricultural uses and protect the county's soil resources.

(Code 1978, § 22-99; Bill No. 18, 1990, § 2; Bill No. 113, 1992, § 5)

Sec. 26-278. Preservation of natural or historic features.

Natural features (including watercourses, waterfalls, beaches and significant vegetation) and historic structures or sites identified on any of the lists referred to in section 26-203(c)(8) must be preserved. In particular, the county must find that an adequate method of protecting any known habitat of an endangered species has been proposed. (Code 1978, § 22-100; Bill No 29.0°, 1, 5-21-95)

Sec. 26-279. Street layout generally.

The proposed street layout must adequately separate dwelling units from adjacent arterial streets. In addition, the approval authority may require curvilinear, cul-de-sac or U-shaped streets where necessary to meet the purposes of these regulations. Any cul-de-sac or dead-end street (including any permitted temporary dead-end street) must have adequate paved turning space, and the county may limit the length of such a street. (Code 1978, § 22-101)

Cross reference-Roads, bridges and sidewalks tit 31.

Sec. 26-280. Names of development and streets.

The county may require a change in the proposed name of any streets or of a proposed development.

(Code 1978, § 22-102)

Cross reference-Roads, bridges and sidewalks, tit. 31.

Sec. 26-281. Designated areas.

- (a) For those improvements described in sections 26-263, 26-264 and 26-265, the county may require specifications for materials and design that further the objectives of revitalization areas, growth areas and rural agricultural areas.
- (b) A design review panel shall provide the county with analysis and comments on site design re-

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTERIM APPLICATION OF BALTIMORE COUNTY COUNCIL BILL No. 134-89

April 1, 1990 (Revised June 4, 1990)

County Council Bill No. 134-89 requires this agency to establish policies "to promote agricultural uses and protect Baltimore County's soil resources. In other to prevent unnecessary and/or unwarranted delays in processing plans and/or plats and for the purpose of avoiding uncertainty in regard to the effect of this legislation in general, the following interim policy is effective immediately.

Any plan and/or plat submitted to this agency for development approval that involves RC-2, RC-3 or RC-4 zoning needs to be reviewed by the Baltimore County Department of Environmental Protection and Resource Management to determine its consistency with the interim policy detailed below. All other existing requirements of the Baltimore County Zoning Regulations continue to be applicable.

RC-2 and RC-4 zoned land within the "Agricultural Preservation Areas" as established in the draft <u>Baltimore County Master Plan</u>, 1989-2000 shall be subject to the following additional requirements. (No RC-3 exists within "Agricultural Preservation Areas".)

- 1. Lots created within RC-2 zoned areas shall be 60,000 square feet or less or greater than 50 acres in size except that exceptions can be made in regard to these standards based on sewerage and water system requirements; unique physical characteristics of the site; adjacent development characteristics; and other factors which create practical difficulties in catiofying these lot size requirements as determined by the Department of Environmental Protection and Resource Management.
- 2. Lots created within RC-2 and RC-4 zoned land shall not be located on prime and productive soils as referenced in the Baltimore County Soil Survey unless it is demonstrated that no other suitable area for lot placement exists and the location of lots shall not seriously impact the utility of a farming operation or significantly diminish the agricultural land resources.
- 3. In regard to prime and productive soils within RC-4 zoned land, the residential density calculated shall be the same as for RC-2. In addition, provisions for lot size and location in regard to all lots allowed within RC-4 zoned areas shall be similar to #1 and #2 above.

DOES not Apply to WOODLAND CI-SKES

* 3 * S

Department of Environment tection and Resource Management

401 Bosley Avenue, Suite 416 Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive David A.C. Carroll, Director

January 22, 2004

Mr. Bruce Doak Gerhold, Cross & Etzel, Ltd. Suite 100 320 East Towsontown Boulevard. Towson, Maryland 21286

Re: Fulco Property
Petition for Special Hearing
04-138 SPH

Dear Mr. Doak:

The Environmental Impact Review Section is in receipt of a steep slope/erodible soils analysis (SSA) for the Fulco Property located on Oakland Road. The SSA was submitted on December 19, 2003 in part, to comply with an order issued by the Deputy Zoning Commissioner, John V. Murphy in the above-referenced case. Your submittal included a copy of Mr. Murphy's order, requesting that you "submit forest information to DEPRM and for that agency to look at both the forest and agricultural impact of the proposal".

I have reviewed the SSA and found it to be incomplete and incorrect. The analysis requires that you identify the streams and delineate the wetlands before you can accurately conduct a SSA. No wetlands were identified on the plan submitted. There are wetlands on site that will affect the outcome of the SSA. Even if the streams were properly identified, the SSA is still incorrect. Based on what you submitted, the final forest buffer easement would be much smaller than the one shown on the plan.

Regarding the forest information referenced in Mr. Murphy's order, I have received no plans or other information to review. I have asked you for additional information on several occasions, but have yet to receive any. Therefore, I have no additional information to comment on that will assist Mr. Murphy regarding where to locate the additional density units.

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JAN 2 3 2004

ZONING COMER



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

Mr. Bruce Doak January 22, 2004 Page 2

If you have any questions regarding this project, please call me at 410-887-3980.

Sincerely,

David Lykens

Natural Resource Specialist

CC;

John V. Murphy, Deputy Zoning Commissioner

Wally Lippincott Patricia Farr





Gerhold, Cross & Etzel, Ltd. Registered Professional Land Surveyors • Established 1906

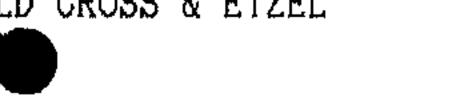


Suite 100 * 320 Bast Towsomown Boulevard * Towson, MD 21286 Phonet (410) 823-4470 • Pax: (410) 823-4473 • www.gcelimhed.com

FACSIMILE TRANSMITTAL SHEET				
To John Murphy	гном: Bruce E. Doak			
COMPANY:	DATE: 2/2/2004			
FIE: SPH 04-138	TOTAL NO. OF PAGES INCLUDING COVER:			
FAX NUMBER: 410-887-3468	PHONE NUMBER:			
☐ URGENT	T FOR REVIEW	PLEASE COMMENT	X PLEASE REPLY II F.Y.I.	
NOTES/COMMENTS:	Rein	Lulca Proj	perty	

Thank you for your attention to this matter. Call me with any questions you may have.







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.gcclimited.com

John V. Murphy, Deputy Zoning Commissioner Baltimore County Zoning Commissioner's Office 401 Bosley Avenue Towson, MD 21204

February 2, 2004

Re:

Petition for a Special-Hearing 04-138-SPH

Fulco Property

Dear Mr. Murphy:

As you may remember, you gave us 60 days to have DEPRM review the environmental issues on the property so that a determination can be made as to the placement of two additional lots. We submitted all of the plans and a steep slopes analysis to Dave Lykens of DEPRM. After the submittal, I met with Mr. Lykens. He asked for a clarification of your order and said that he did not know what kind of recommendation he could give with no field delineation performed. We explained to him that a full wetlands and forest stand delineation would cost our client a great deal of money. Mr. Lykens said he would try and work with what he was given. Since that meeting, a forest stand delineation was performed, at the request of Dave Lykens, and needs to be reviewed by him. I can see that you are in receipt of a letter from Mr. Lykens concerning this matter. This letter is requesting that a complete wetlands delineation be performed.

With all due respect, I feel that Mr. Lykens of DEPRM will never give us a recommendation that will answer your questions and validate my position on the loss of farm land, without thousands of dollars of expense to my client. I feel that this requirement is an undo hardship and a complete case was made, and made well enough, that this additional time and expense should not be necessary. Other than the zoning advisory comments, there were no protestants and no one from Baltimore County attending the hearing to make a case for their comments. If the reviewing agencies with negative comments felt strongly about this project they should have attended the hearing.

I first ask that you extend the study period and then I ask that you consider one of the following:

- Grant the non-density transfer based on the merits and testimony of the hearing or
- Schedule a new hearing where we and each of the reviewing agencies can attend and make a case it front of you.

If you wish to discuss this further, please feel free to contact me at 410-823-4470 or 443-803-4474. I thank you very much for your attention to this matter.

Sincerely,

Bruce E. Doak Principal FOR JOHN MURPHY

FAX NO. 4108234473 P. 01 BUFFER

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be continued for 60 days to give the Petitioner time to submit forest information to DEPRM and for that agency to look at both the forest and agricultural impact of the proposal. If a location for the two homes is found which is acceptable to all, I will accept an amendment to the plan which reflects same and make my decision on that basis. If no suitable location for the two homes can be found, I request both arms of DEPRM to submit comments and will make my decision based upon evidence available at that time. I will also entertain a request from Mr. Doak for a hearing on the revised comments from DEPRM should be feel that it is necessary to explain his position more fully.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Bultimore County, this 31 day of November, 2003, that the special hearing requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the transfer of one density unit between two parcels which make up the overall tract is hereby continued for 60 days to allow additional evidence as above in this matter.

IVM:m) Re204-138-5941

Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors * Established 1906

BRUCE E. DOAK Principal.

MR MURPHY

320 East Towsontown Boulevard Stite 100 Towson, Maryland 21286

Phone: (410) 833-4470 Pax: (410) 823-4473 www.gcelimitett.com

PLEASE REVISE THE ABOVE WORDING AND GOT A REVISION ORDER BACK. TO ME # TO DAVE LYKEUS OF DEPRM.

THANK



James T. Smith, Jr., County Executive

Lawrence E. Schmidt, Zoning Commissioner.

Zoning Commissioner

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



February 11, 2004

Mr. Frederick L. Fulco, Sr. 1095 Oakland Road Freeland, Maryland 21053

Re: Hearing Date: 3/24/04 @ 9:00 a.m.

Case No. 04-138-SPH

Property: 1095 & 1101 Oakland Road

Dear Mr. Fulco:

This letter is to notify all concerned parties that the above-captioned matter has been scheduled for an additional hearing on Wednesday, March 24, 2004 @ 9:00 a.m. in Room 407 of the County Courts Building in Towson. The hearing is being scheduled in order to resolve some outstanding DEPRM issues. It will not be necessary to have the property re-posted or readvertised.

Should anyone have any questions concerning the rescheduling of this matter, please do not hesitate to call me.

Very truly yours,

Deputy Zoning Commissioner

JVM:raj Enclosure

Printed An Deamlad Const

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

> Wally Lippincott, Jr., DEPRM David Lykens, DEPRM

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

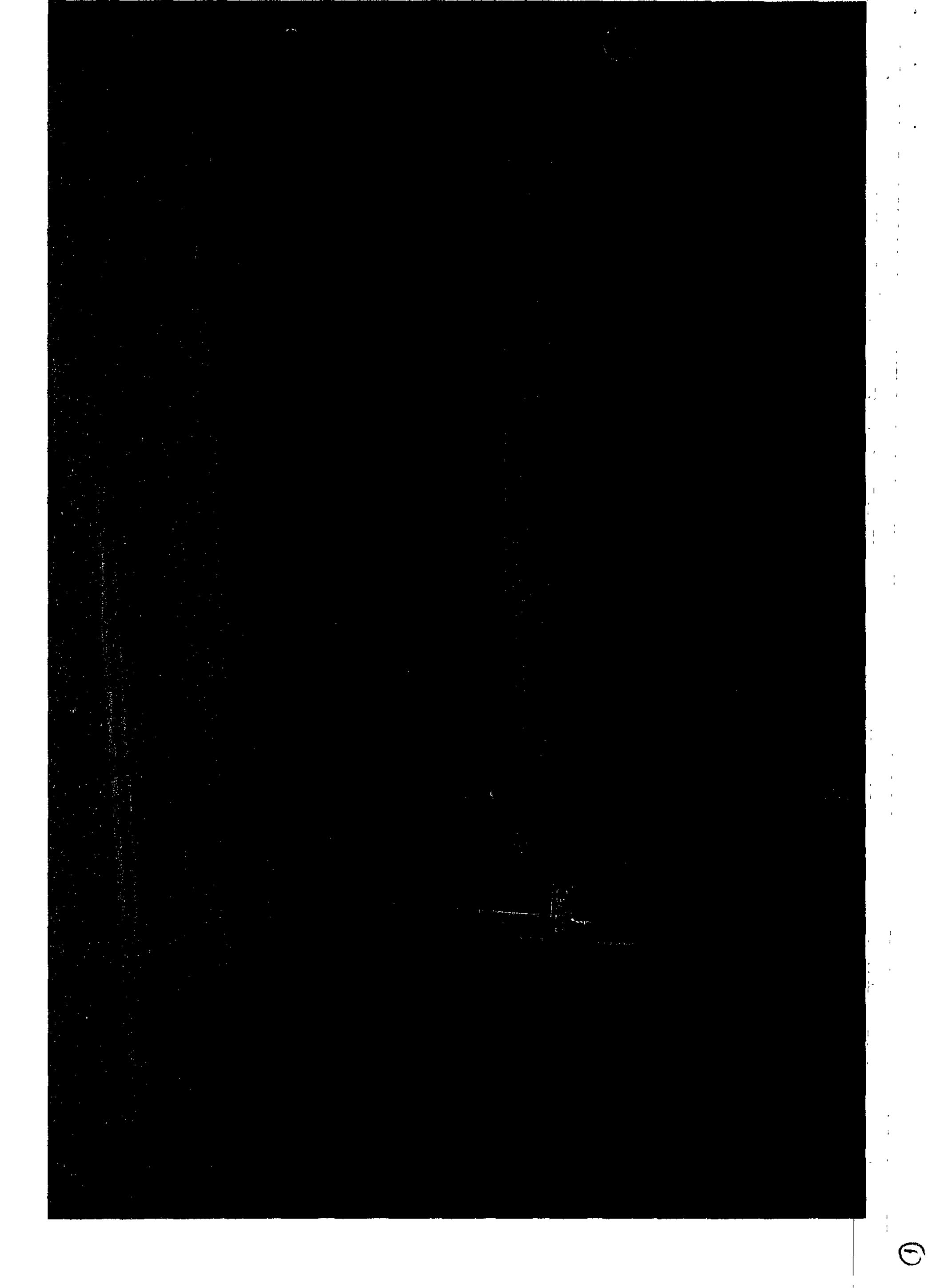
PLEASE PRINT CLEARLY

CASE NAME FOLCE (1101 Oakland Rd.)
CASE NUMBER 04-138-59H
DATE 3/24/14

-1170 -1770

IGN-IN
R'S
NE
ITIO
PETIT

E- MAIL												
CITY, STATE, ZIP	Towson 1110 21286		Freihut mid 21053									
ADDRESS	320 E. Towson Town Buro.		1095 DAKIAWI RI									
NAME	BROCE E. DOSU	Grande Caoss : Erret	K L A			-						



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