IN RE: PETITION FOR SPECIAL HEARING N & S/S Oakland Road, E & W/S Ridge Road, W/S Railroad Avenue (Tax Map 2, Parcel 18, Oakland Road) 6th Election District 3rd Council District Clifford A. Robinson, et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 04-410-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Clifford A. Robinson and his wife, Gina Marie Robinson. Petitioners request a special hearing to approve a reconfiguration of two existing parcels that were created before November 25, 1979. The subject property and requested relief are more particularly described on the four-paged site plan submitted which was accepted into evidence and marked as Petitioner's Exhibits 1A, 1B, 2 and 3.

Appearing at the requisite public hearing in support of the request were Cliff Robinson, property owner, and Dwight Little, the Professional Engineer who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a large tract of land located on the west side of Railroad Avenue and the northwest side of Oakland Road and Ridge Road in the Freeland area of northern Baltimore County. In fact, both Oakland Road and Ridge Road bisect the property. Testimony indicated that the property is comprised of two contiguous parcels containing a gross area of 83.297 acres, more or less, zoned R.C.2. The two parcels were created and in existence prior to November 25, 1979. This date is significant in that it is the date that the R.C.2 zoning regulations were adopted in Baltimore County. Presently, one parcel contains 52.082 acres and is generally the northwest portion of the side, while the second parcel contains 31.125 acres and is generally the southeast portion of the site.

ORDER RECEIVED FOR FILING
Date 3/12/04
By

The Petitioners have owned and resided on the property for several years. The Petitioners are desirous of reconfiguring the two parcels and essentially adjusting the lot line locations to reflect site conditions and the actual use of the property. It was indicated that each parcel would contain one right of subdivision so that two lots could be created on each parcel. As proposed, new Parcel One will be that portion of the site located on the northeast side of Ridge Road and Parcel Two will be located on the southwest side of Ridge Road. In this regard, Ridge Road serves as a natural line of demarcation between the two parcels to be created. Parcel One will contain 76.461 acres and the Petitioners' dwelling and several outbuildings. Parcel Two will contain 4.836 acres in area and it is anticipated that this smaller parcel will ultimately be subdivided into two single-family dwelling lots. Although Parcel One could be subdivided to create a second dwelling lot, the Petitioners do not propose any subdivision at this time. In this regard, they anticipate retaining the 78.461-acre parcel as one large tract to be used for agricultural purposes. Indeed, they have submitted an application for a land preservation easement under the Maryland Land Preservation Program.

Testimony was also received from Wallace Lippincott, a representative from the Department of Environmental Protection and Resource Management. Mr. Lippincott appeared in support of the proposal and submitted a favorable Zoning Advisory Committee comment from DEPRM, dated April 29, 2004. He indicated that the preservation of one large contiguous tract for agricultural purposes is consistent with the R.C.2 zoning regulations and that the potential development of the smaller parcel on the southwest side of Ridge Road would have minimal impact on this property and the agricultural use thereon.

Based upon the testimony and evidence offered, I find that the proposed reconfiguration is consistent with the R.C.2 zoning classification and will continue to foster the agricultural use of this property. There will be no adverse impact on agricultural operations in the area and no detriment to the health, safety and general welfare of the surrounding locale. Thus, the relief requested shall be granted.

ORDER RECEIVED FOR FILING
Date 5/12/04
By

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of May 2004 that the Petition for Special Hearing seeking approval of a reconfiguration of two existing parcels that were created before November 25, 1979, in accordance with Petitioner's Exhibits 1A, 1B, 2 and 3, be and is hereby GRANTED.

Any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 5/12/04
By

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

May 12, 2004

Mr. & Mrs. Clifford A. Robinson
1426 Oakland Road
Freeland, Maryland 21055

RE: PETITION FOR SPECIAL HEARING
N & S/S Oakland Road, E & W/S Ridge Road, W/S Railroad Avenue
(Tax Map 2, Parcel 18, Oakland Road)
6th Election District – 3rd Council District
Clifford A. Robinson, et ux - Petitioners
Case No. 04-410-SPH

Dear Mr. & Mrs. Robinson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Wallace Lippincott, DEPRM
People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Tax Map 2, Parcel 18, Oakland Road

which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A request to reconfigure two existing parcels created before November 25, 1979.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant 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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Clifford A. Robinson
Name - Type or Print

Signature

Gina Marie Robinson
Name - Type or Print

Signature

1426 Oakland Road — 443-386-1108
Address — Telephone No.

Freeland — MD — 21055
City — State — Zip Code

Representative to be Contacted:

G. Dwight Little, Jr. , Little & Associates, Inc.
Name

1055 Taylor Avenue, Suite 307 — 410-296-1636
Address — Telephone No.

Towson — MD — 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 3 hours

UNAVAILABLE FOR HEARING

Reviewed By — Date 3-08-04

Case No. 04-410-SPH

Revised 9/15/98

ORDER RECEIVED FOR FILING
Date 5/12/04
By

March 4, 2004

ZONING DESCRIPTION FOR
1426 OAKLAND ROAD

Beginning at a point on the north side of the existing paving of Oakland Road at the intersection of Oakland Road and Ridge Road thence **(1)** North 00 degrees 36 minutes 46 seconds West 473.10 feet; thence **(2)** North 37 degrees 38 minutes 07 seconds East 442.20 feet; thence **(3)** North 53 degrees 05 minutes 10 seconds East 662.71 feet; thence **(4)** South 62 degrees 24 minutes 50 seconds East 169.95 feet; thence **(5)** North 17 degrees 35 minutes 10 seconds East 660.00 feet; thence **(6)** South 41 degrees 09 minutes 50 seconds East 381.15 feet; thence **(7)** South 44 degrees 54 minutes 50 seconds East 356.40 feet; thence **(8)** South 48 degrees 37 minutes 21 seconds West 317.57 feet; thence **(9)** South 09 degrees 37 minutes 21 seconds West 298.65 feet; thence **(10)** South 25 degrees 06 minutes 39 seconds East 519.75 feet; thence **(11)** North 61 degrees 53 minutes 50 seconds East 687.08 feet; thence **(12)** South 13 degrees 29 minutes 34 seconds East 580.88 feet; thence **(13)** South 02 degrees 15 minutes 16 seconds East 713.63 feet; thence **(14)** South 71 degrees 29 minutes 44 seconds West 957.00 feet; thence **(15)** North 30 degrees 45 minutes 16 seconds West 933.90 feet; thence **(16)** South 53 degrees 29 minutes 44 seconds West 867.90 feet; thence **(17)** North 74 degrees 15 minutes 46 seconds West 498.30 feet; thence **(18)** North 24 degrees 29 minutes 14 seconds East 457.05 feet; thence **(19)** North 08 degrees 11 minutes 05 seconds East 164.92 feet to the place of beginning. As recorded in Deed Liber S.M. 17970 folio 03, containing 89.30 acres, more or less. Also known as 1426 Oakland Road and located in the 6th Election District, 3rd Councilmanic District.

STATE OF MARYLAND
LEONARD THOMAS BOHAGER
No. 10859
REGISTERED
PROFESSIONAL LAND SURVEYOR

3-5-04

410

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Trans No. 29931
04-410-SPH

DATE 3-08-04 ACCOUNT R-001-006-6150

AMOUNT $ 130.00

RECEIVED FROM: Little & Associates

FOR: Resident of Special Hearing / Dorlwood Rd Parcel 316 @ 463-2 Acres #18

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIPT
PAID RECEIPT

BUSINESS	ACTUAL	TIME	AGN
3/08/2004	3/08/2004	15:27:56	1

REG USO1 WILKIN JRC JRP
RECEIPT # 177207 3/08/2004 UFLR
DESC 5 520 ZONING VERIFICATION
CR NO. 029931
Accnt Tot $130.00
$130.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #04-410-SPH
Parcel 18, Oakland Road
N/side of Oakland Road, corner of Ridge Road
6th Election District
3rd Councilmanic District
Legal Owner(s): Clifford and Gina Marie Robinson
Special Hearing: request to reconfigure two existing parcels created before November 25, 1979.
Hearing: Tuesday, May 4, 2004 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 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.
JT/4/745 Apr20 C660789

CERTIFICATE OF PUBLICATION

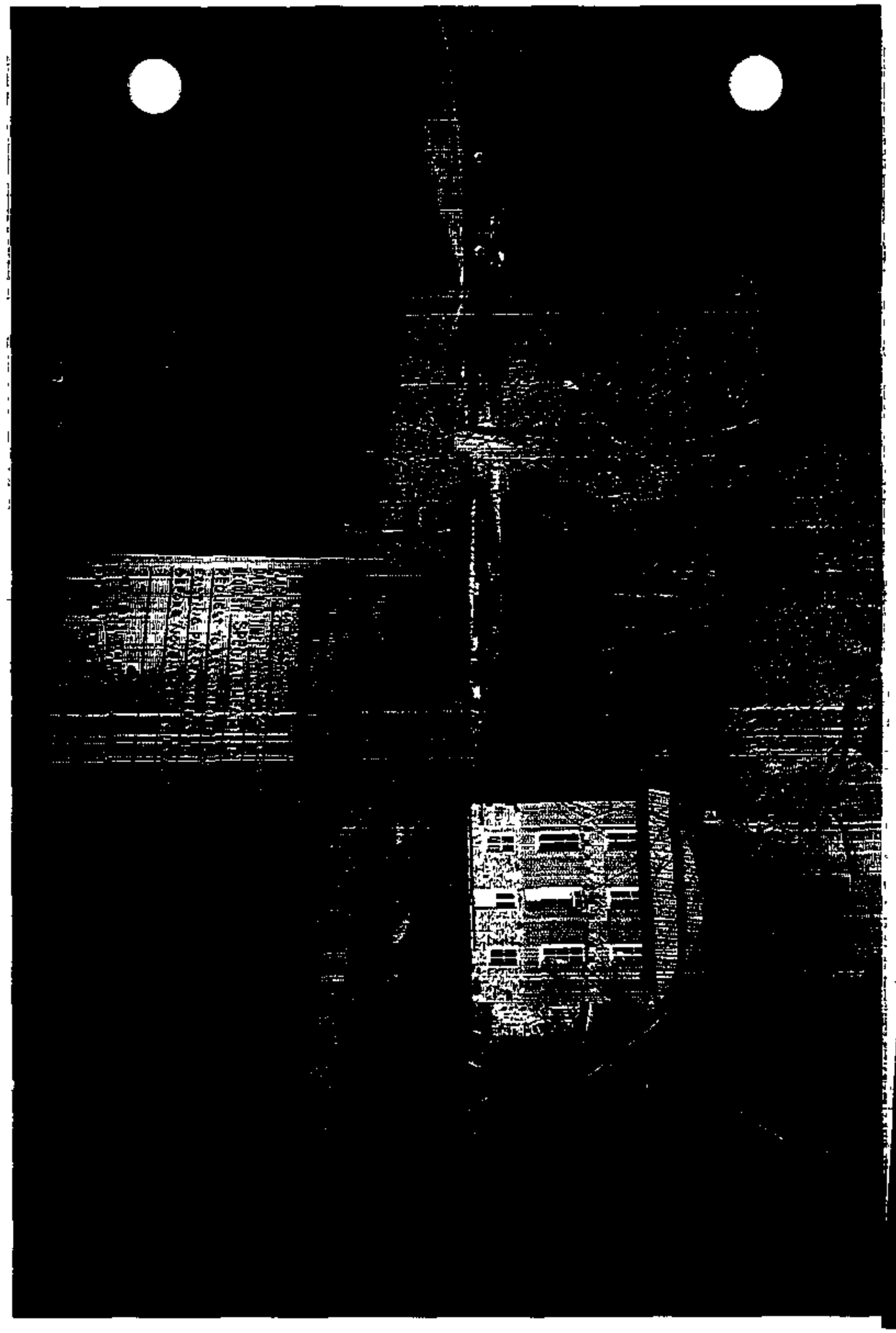
4/22/, 2004

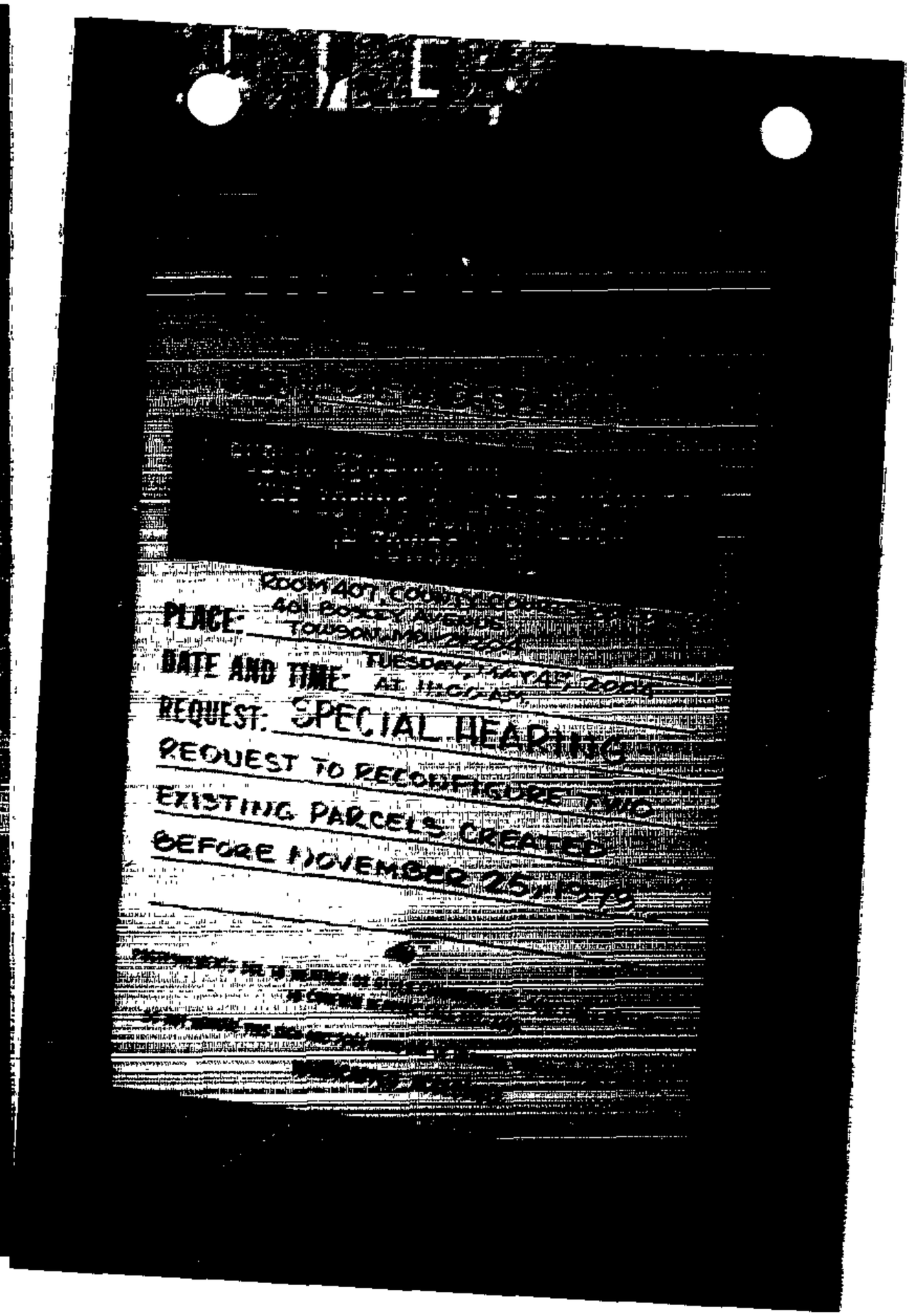
THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/20/, 2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING




PLACE:
DATE AND TIME:
REQUEST: SPECIAL HEARING
REQUEST TO RECONFIGURE THE
EXISTING PARCELS CREATED
BEFORE NOVEMBER 25, 1979

CERTIFICATE OF POSTING

RE: Case No.: 04-410-SPH

Petitioner/Developer: CLIFFORD & GINA MARIE ROBINSON

Date of Hearing/ Closing: MAY 5, 2004

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

Attention: Becky 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 N. SIDE OF OAKLAND ROAD, CORNER OF RIDGE ROAD

The sign(s) were posted on APRIL 16, 2004
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

RE:	PETITION FOR SPECIAL HEARING Parcel 18 Oakland Road; N/side Oakland Road, corner of Ridge Road 6th Election & 3rd Councilmanic Districts Legal Owner(s): Clifford & Gina Robinson Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-410-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 and documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 17th day of March, 2004, a copy of the foregoing Entry of Appearance was mailed to G. Dwight Little, Jr, Little & Associates, Inc, 1055 Taylor Avenue, Suite 307, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED
MAR 17 2004
Per.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 20, 2004 Issue - Jeffersonian

Please forward billing to:
Clifford Robinson
1426 Oakland Road
Freeland, MD 21055

443-386-1108

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: 04-410-SPH
Parcel 18, Oakland Road
N/side of Oakland Road, corner of Ridge Road
6th Election District – 3rd Councilmanic District
Legal Owners: Clifford and Gina Marie Robinson

Special Hearing request to reconfigure two existing parcels created before November 25, 1979.

Hearing: Tuesday, May 4, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence 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

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

March 17, 2004

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: 04-410-SPH
Parcel 18, Oakland Road
N/side of Oakland Road, corner of Ridge Road
6th Election District – 3rd Councilmanic District
Legal Owners: Clifford and Gina Marie Robinson

Special Hearing request to reconfigure two existing parcels created before November 25, 1979.

Hearing: Tuesday, May ~~5~~ 4, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Clifford & Gina Marie Robinson, 1426 Oakland Rd., Freeland 21055
G. Dwight Little, Little & Associates, 1055 Taylor Ave., Ste. 307, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 20, 2004.**
(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.

Printed on Recycled Paper

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: 04-410-SPH

Petitioner: Clifford Robinson

Address or Location: Oakland Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Clifford Robinson

Address: 1426 Oakland Road

Freeland, MD 21055

Telephone Number: 443-386-1108

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

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

April 27, 2004

Clifford A. Robinson
Gina Marie Robinson
1426 Oakland Road
Freeland, Maryland 21055

Dear Mr. and Mrs. Robinson:

RE: Case Number:04-410-SPH, Parcel 18 Oakland Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 8, 2004.

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

WCR: clb

Enclosures

c: People's Counsel
G. Dwight Little, Jr. Little & Associates 1055 Taylor Avenue, Ste. 307 Towson 21286

Printed on Recycled Paper

Fire Department

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

Baltimore County

James T Smith, Jr., County Executive
John J Hohman, Chief

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

March 15, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 15, 2004

Item No.: 341, 399-412 410

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.

6. 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

RECEIVED
MAR 16 2004
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: April 5, 2004

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For March 22, 2004
Item Nos. 341, 400, 401, 402, 403,
405, 406, 407, 408, 410, 411, and 412

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: April 14, 2004

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For March 15, 2004
Revised Plats for 04-410 SPH

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/JDD

DATE: April 5, 2004

SUBJECT: Zoning Item SPH 04-410
Address Tax Map 2, Parcel 18, Oakland Road

Zoning Advisory Committee Meeting of: March 8, 2004

The Department of Environmental Protection and Resource Management recommends that the request for a zoning variance **BE DENIED** based on the attached documentation submitted by Agriculture Preservation staff.

Reviewer: Wally Lippincott, Jr Date: March 25, 2004

BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

TO: Development Coordination DATE: March 25, 2004

FROM: Wally Lippincott, Jr.

SUBJECT: Special Hearing Request – Nondensity Transfer
Robinson Property – Sph 04-410

Code Reference: While the Zoning Code does not refer to nondensity transfer the Zoning Office policy manual in Section 1A01.3.B.1 refers to "Subdivision Existing Lots." In section d. it states, "If the intent is to reconfigure the existing lots, the main purpose must be for the protection and preservation of farm land and not to create "more uniform" lots for homesites.

Site Review: Property is located in a Master Plan designated Agricultural Preservation Area. Property is in the vicinity and adjacent to active agricultural operations. Parcel 2 was the farmstead for the two parcels and was improved with a barn and a house. The house has been recently renovated. Parcel 2 has a significant amount of prime and productive soils - the "best" land from a soils standpoint is the acreage identified for transfer to Parcel 1. Additionally, Parcel 1 contains a small area on west side of Ridge Road that should be considered for locating the second density unit from Parcel 1 – transfer of this acreage would eliminate this possibility.

Parcel 1 is a separate Lot of Record with two density units and has no road frontage. It has agricultural uses essentially on three sides with residential uses on the west side. It has two density units and no structures. It is almost entirely prime and productive soils.

Recommendation: The proposed nondensity transfer does not advance the protection and preservation of farm land and appears to be for residential purposes and given the explicit reference in the Policy Manual should be denied. Furthermore, the landowner should be advised of the Circuit Court and Court of Special Appeals Cases for Steven H. Gudeman et ux. All Parties v. People's Counsel for Baltimore County.

Justification for Recommendation: The RC 2 (Agricultural) Zone (BCZR 1A01.1) declares its purpose is to protect productive agricultural soils, foster the agricultural economy, and prevent continued conversion that will undermine the basic industry. In addition, Baltimore County has invested nearly $100 million dollars in State, Federal, County, and private funds to protect over 40,000 acres. The County's goal is to protect 80,000 acres in order to ensure the long term viability of agriculture in the County.

The purpose of the RC 2 zone is to foster conditions favorable to the agricultural industry and to prevent incompatible forms of development. To accomplish that the zone provides for a lot density of one dwelling per 50 acres. The County further reinforces this protection through the adoption of the Development Regulation 26-277c for the Protection of Prime and Productive Soils. This regulation charges DEPRM with instituting policies to guide subdivision. The policies state that lots created in the RC 2 should avoid placement on prime and productive soils and be either greater than 50 acres or less than 60,000 square feet.

The recommendation to oppose the request is because no justification that supports the purpose is for agriculture has been submitted. While conversations have been held with the landowner and recommendations discussed, no conclusions were reached. Therefore, the purpose does not meet the requirement provided for in the Zoning policies. While the request would create a larger Parcel 1 it would significantly reduce the agricultural capability of the "home farm" by removing approximately 20 acres of the best farmland from the property. The fact that the property is split by the road has no bearing on the usefulness of this acreage (RC 2 zone was amended in 1990 to specifically eliminate the consideration of additional subdivision or density for properties split by roads, etc.) The addition of more acreage to Parcel 1 without additional information could lead to the subdivision of the overall property into four 20 acre lots that would be inconsistent with the RC 2 zone, Baltimore County Master Plan and the land preservation efforts of the County.

In summary, the recommendation is to deny the petition because there is no evidence that it is for agricultural purposes, rather it appears to be for residential purposes and the requested accumulation would result in a transfer of density from Parcel 1 to Parcel 2.

If you have any questions about these comments, I can be reached at 410-887-3776.

Wsl/develop/robinson sph410

fig 5/4

BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

RECEIVED

APR 30 2004

ZONING COMMISSIONER

TO: Development Coordination DATE: April 29, 2004

FROM: Wally Lippincott, Jr. WSL

SUBJECT: Special Hearing Request – Nondensity Transfer
Robinson Property – Sph 04-410
Revised comments

Since submitting the comments dated March 25, 2004 for the Special Hearing, I have met with the petitioner and the petitioner's engineer to discuss their plans for the property. They are proposing to cluster two of the four available density units from the two parcels on small lots in an area that will have minimal impact on the farm. They are also proposing to combine the remaining acreage of the two parcels into one large farm lot that will retain two density units. The landowner has also submitted an application for a land preservation easement in order to preserve the remaining acreage as one farm unit.

The Department recommends approval with the following conditions:

That two of density units be clustered on the north side of Oakland Road.

That the remaining acreage from Parcel 1 and Parcel 2 and the remaining two density units be retained in single ownership.

That in the event the landowner does not place the farm in a land preservation program and proposes to subdivide the property, the landowner will comply with the DEPRM's prime and productive soil policies which among other things limits the lot size of the newly created lot to 60,000 square feet .

Wsl/develop/robinson sph410rev

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: March 17, 2004

RECEIVED

MAR 19 2004

ZONING COMMISSIONER

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case 4-410**

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

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

SHA
State Highway Administration
Driven to Excel
MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 3-16-04

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

RE: Baltimore County
Item No. 410 JJS

Dear. Ms.Matthews:

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,

K. A. McDonald

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

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

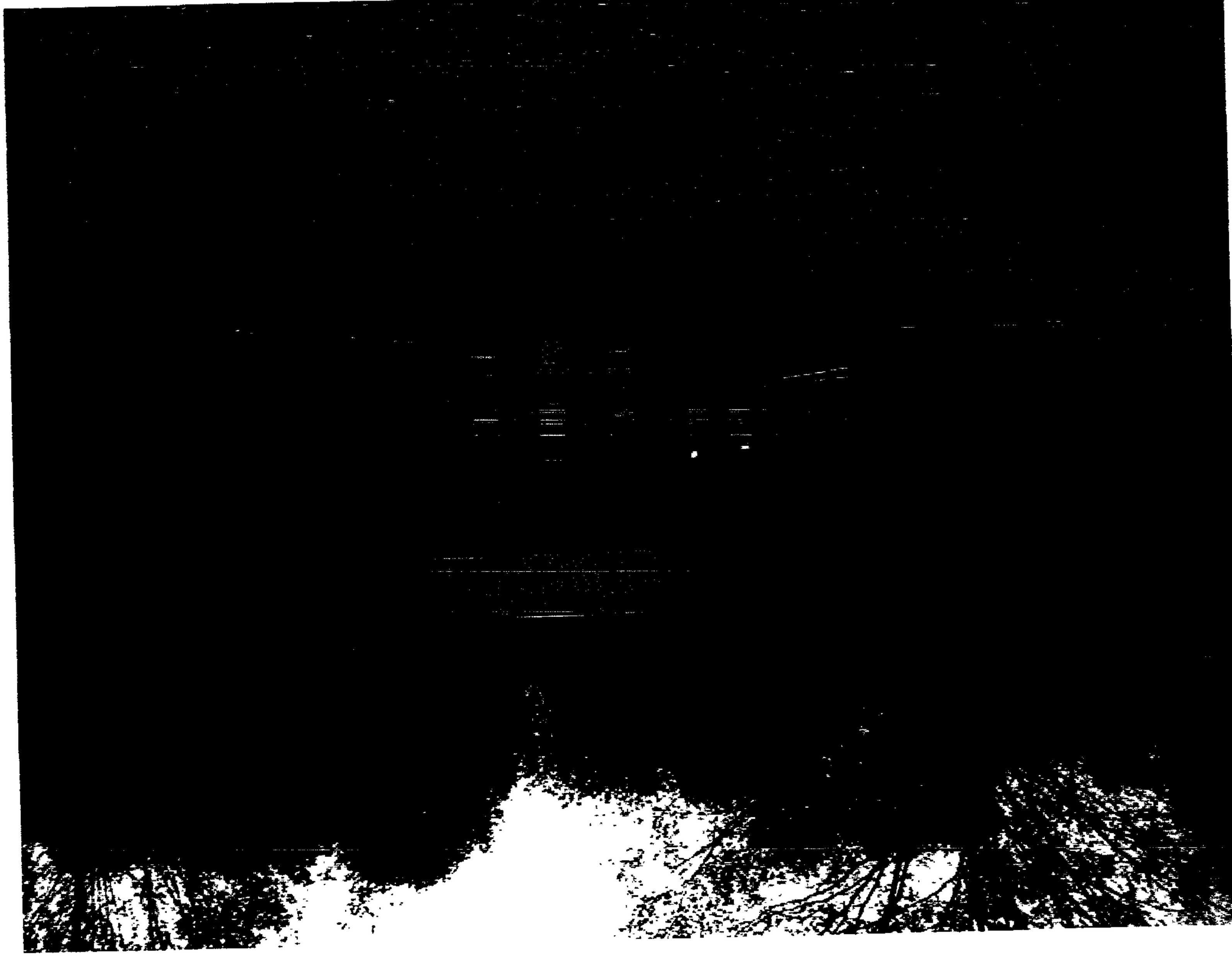
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Dwight Little	Little + Assoc., Inc. 1055 Taylor Ave, Suite 307	Towson, MD 21286	
CLIFF Robinson	8 Hedricks Ct	Parkton, MD 21120	

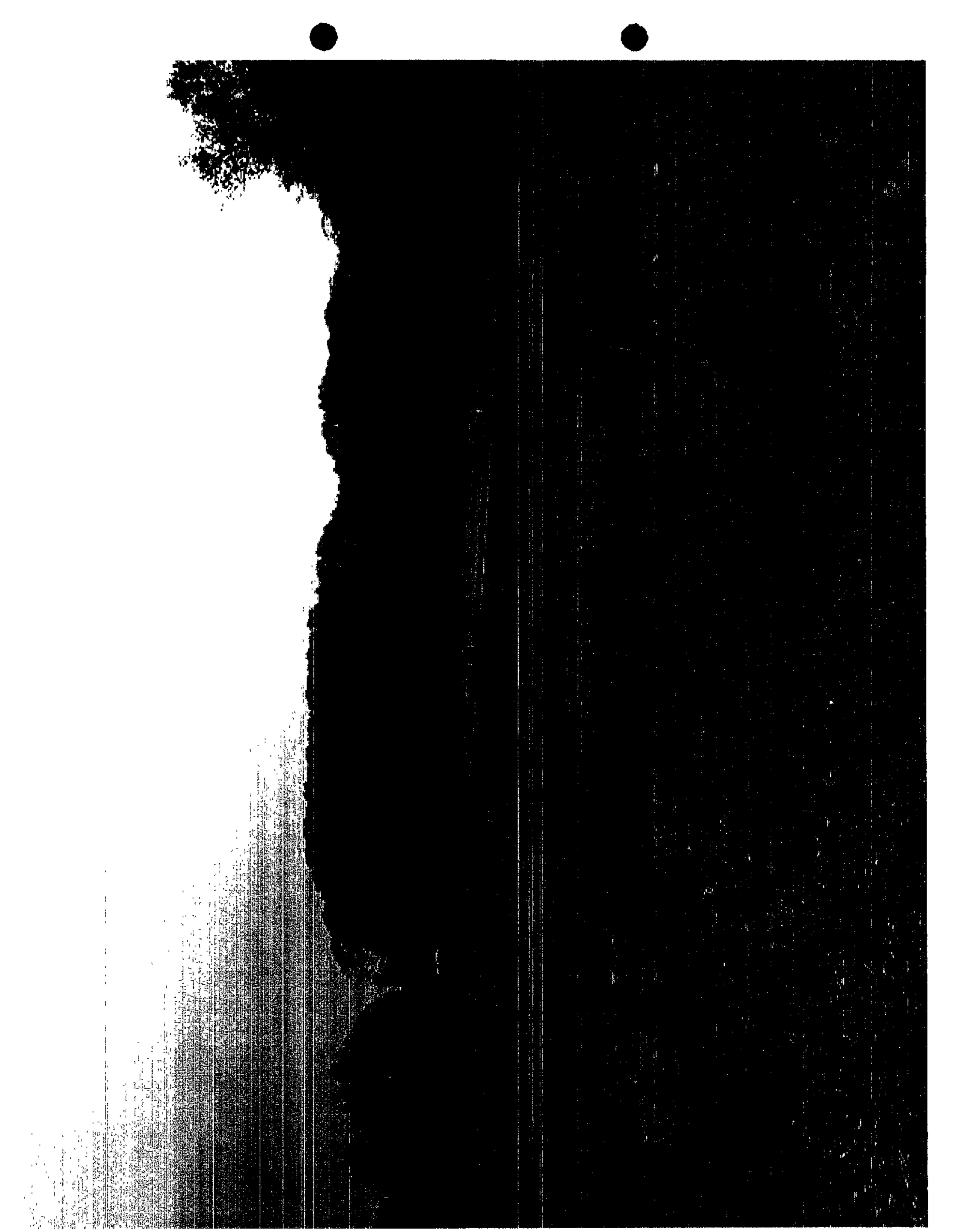
PLEASE PRINT CLEARLY

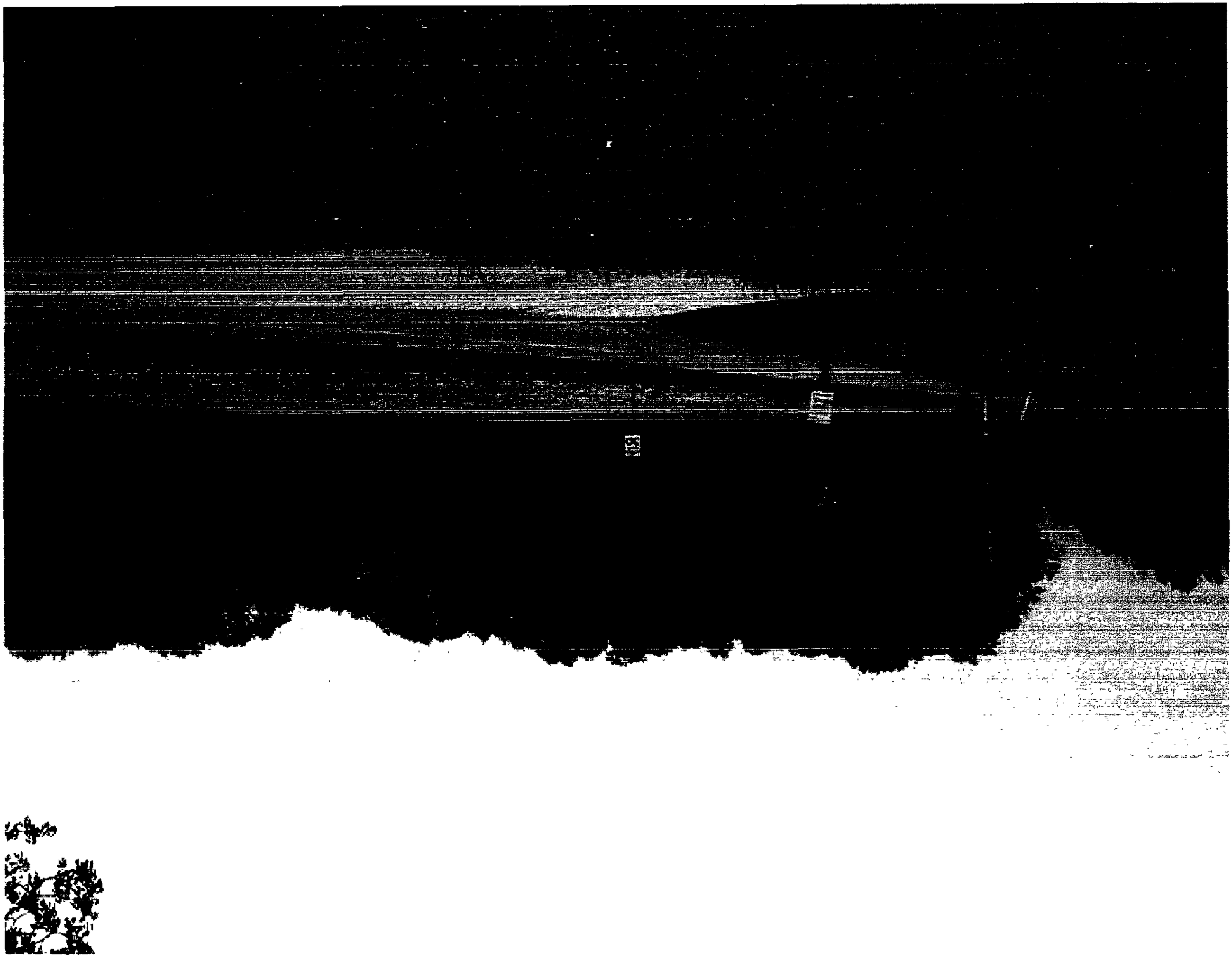
CASE NAME_____
CASE NUMBER_____
DATE_____

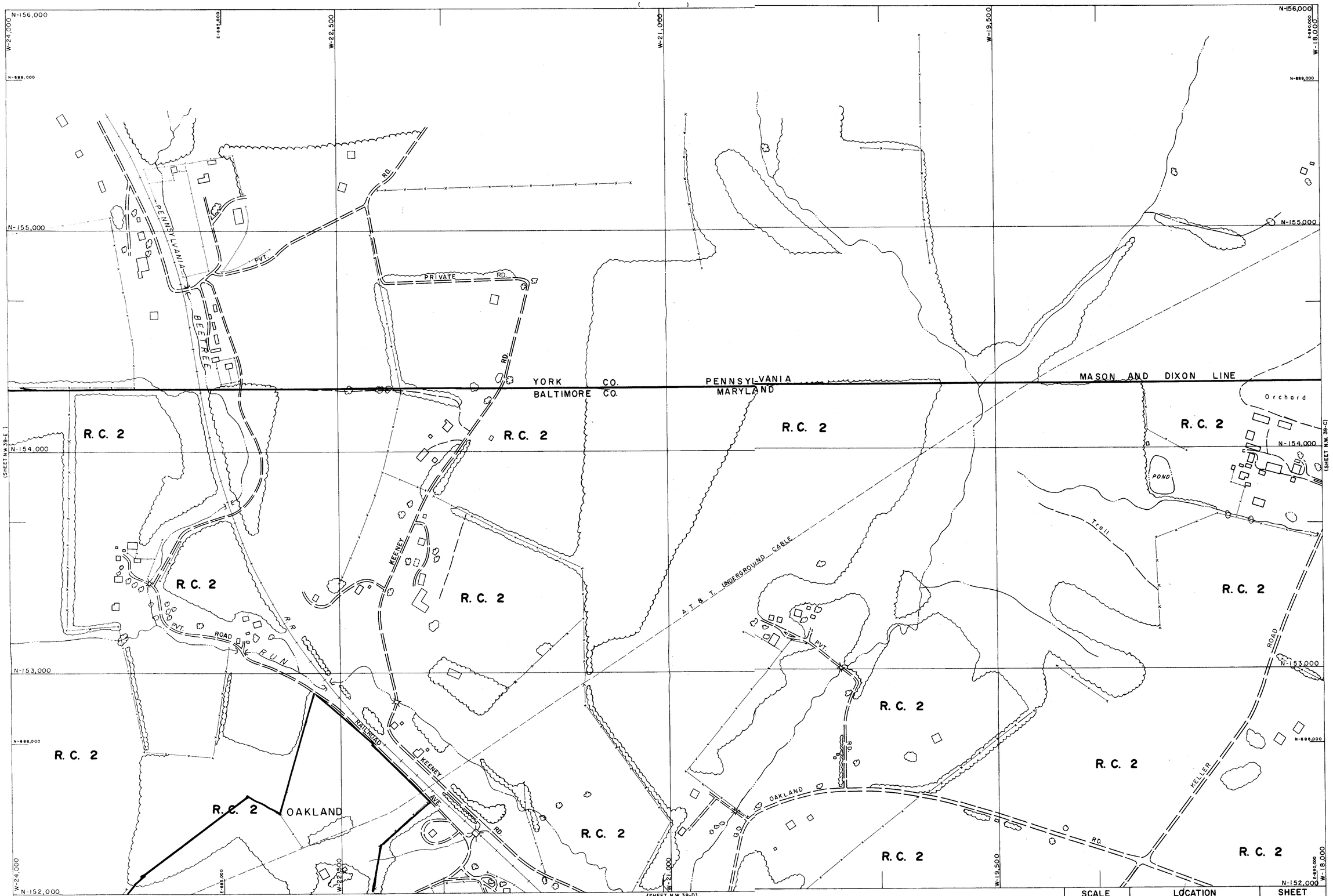
COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Wallace S. Lippincott, Jr	401 Bosley Ave, Rm 416	Towson, MD 21204	









RR-NW

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 16, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Chairman, County Council

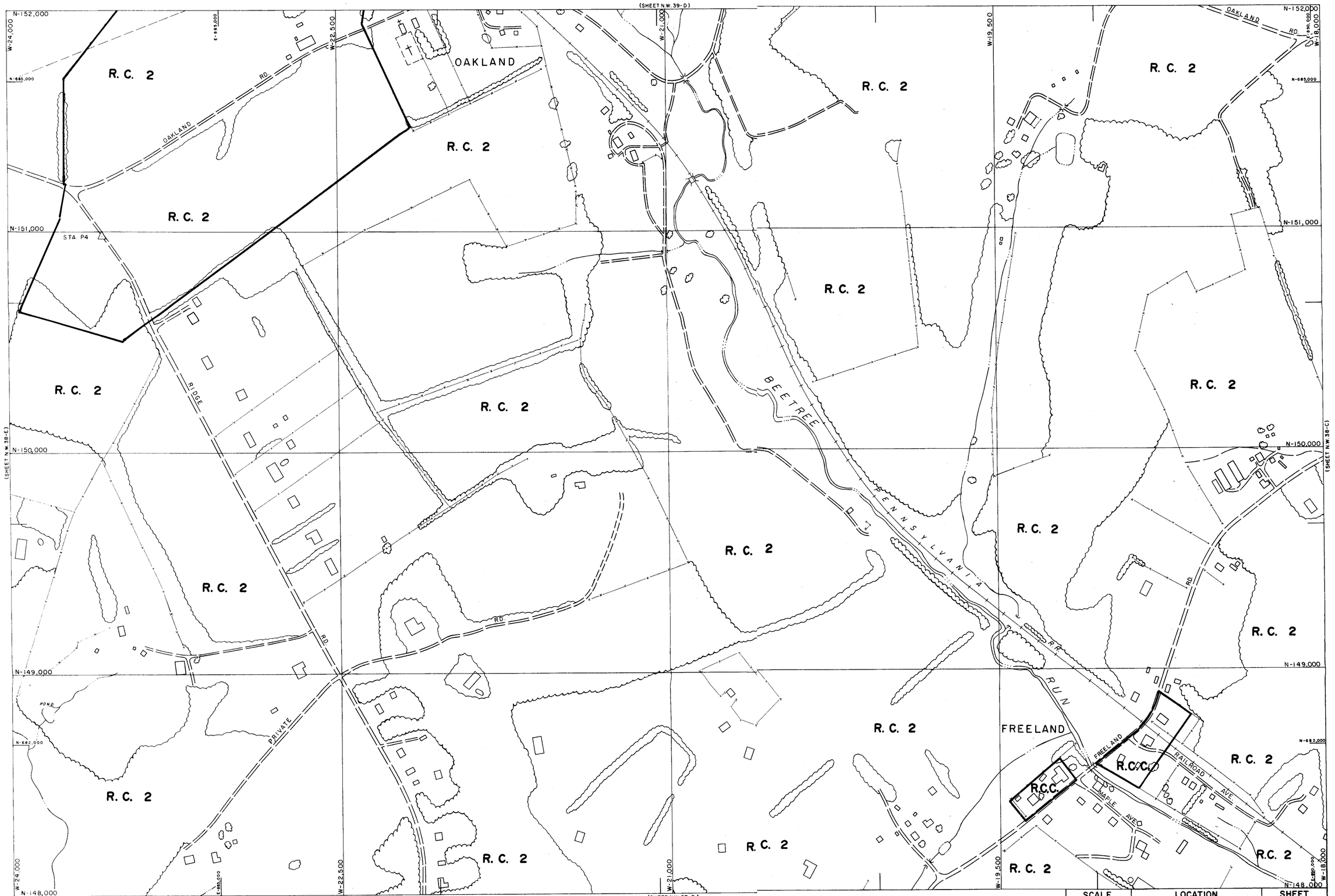
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	OAKLAND	N.W. 39-D
DATE OF PHOTOGRAPHY JANUARY 1986		

410
7-B

NW 39 D



RR-SW

RR-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 16, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

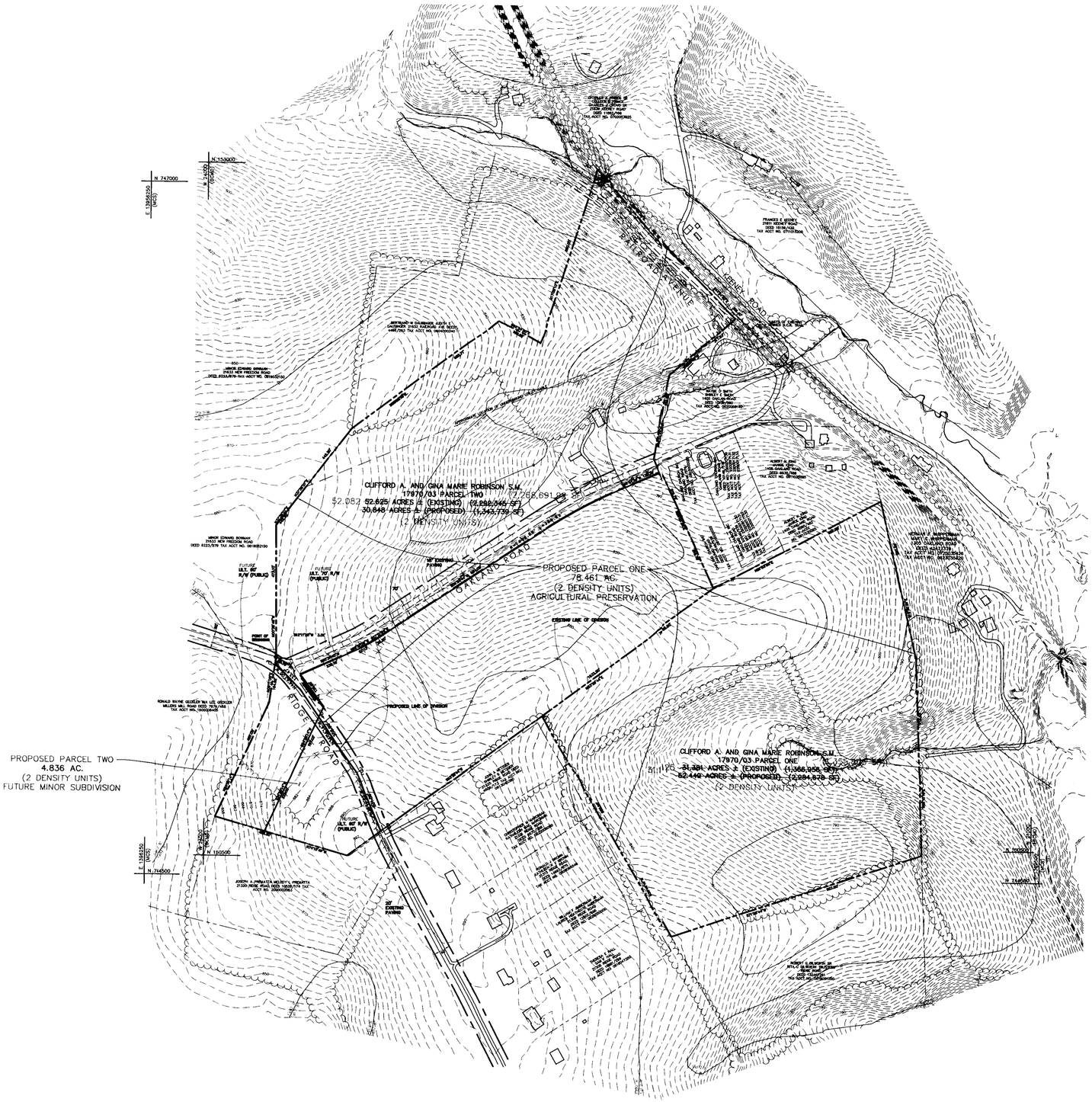
Joseph Bartenfelder
Chairman, County Council

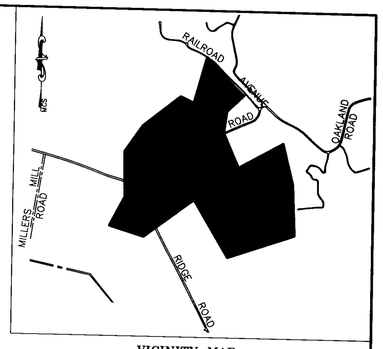
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	FREELAND	N.W. 38-D
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 38 D

410
142





VICINITY MAP

1"=1000'

GENERAL NOTES

1. APPLICANT/OWNER:
   CLIFFORD A. ROBINSON
   GINA MARIE ROBINSON
   1426 OAKLAND ROAD
   FREELAND, MARYLAND 21055-9649
   443-386-1108
   TAX ACCOUNT #:0607015075
   TAX MAP 2 PARCEL 18
   DEED REFERNCE: 14738/315
2. SITE DATA: 83.297 AC
   TOTAL SITE AREA: ~~83.00 AC+/-~~
   ELECTION DISTRICT: 6TH
   COUNCILMANIC DISTRICT: 3RD
   EXISTING USE: AGRICULTURE
   PROPOSED USE: AGRICULTURE
3. TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILES 2C3, 6C1.
4. EXISTING ZONING OF SITE IS RC 2 IN ACCORDANCE WITH THE 2000 COMPREHENSIVE ZONING MAPS NW 38D
5. PROPERTY OUTLINE SHOWN IS BASED ON A FIELD RUN BOUNDARY SURVEY.
6. THE SUBJECT SITE IS SERVED BY PRIVATE SEPTIC AND WATER SYSTEMS.
7. THERE ARE NO KNOWN CRITICAL AREAS, HAZARDOUS WASTE SITES, ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL OR HISTORICAL SITES ON THIS PROPERTY.
8. THERE ARE NO KNOWN COMMERCIAL PERMITS PREVIOUSLY APPLIED FOR ON SUBJECT SITE.
9. THERE IS NO KNOWN ZONING HISTORY ON SUBJECT SITE.
10. THE SUBJECT SITE LIES WITHIN AN AREA DESIGNATED AS ZONE 'C', AN AREA OF MINIMAL FLOODING, AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 240010 0050 B EFFECTIVE MARCH 2, 1981. THERE IS NO 100 YEAR FLOOD PLAIN ON SITE PER FIRM MAP.

REASON FOR HEARINGS

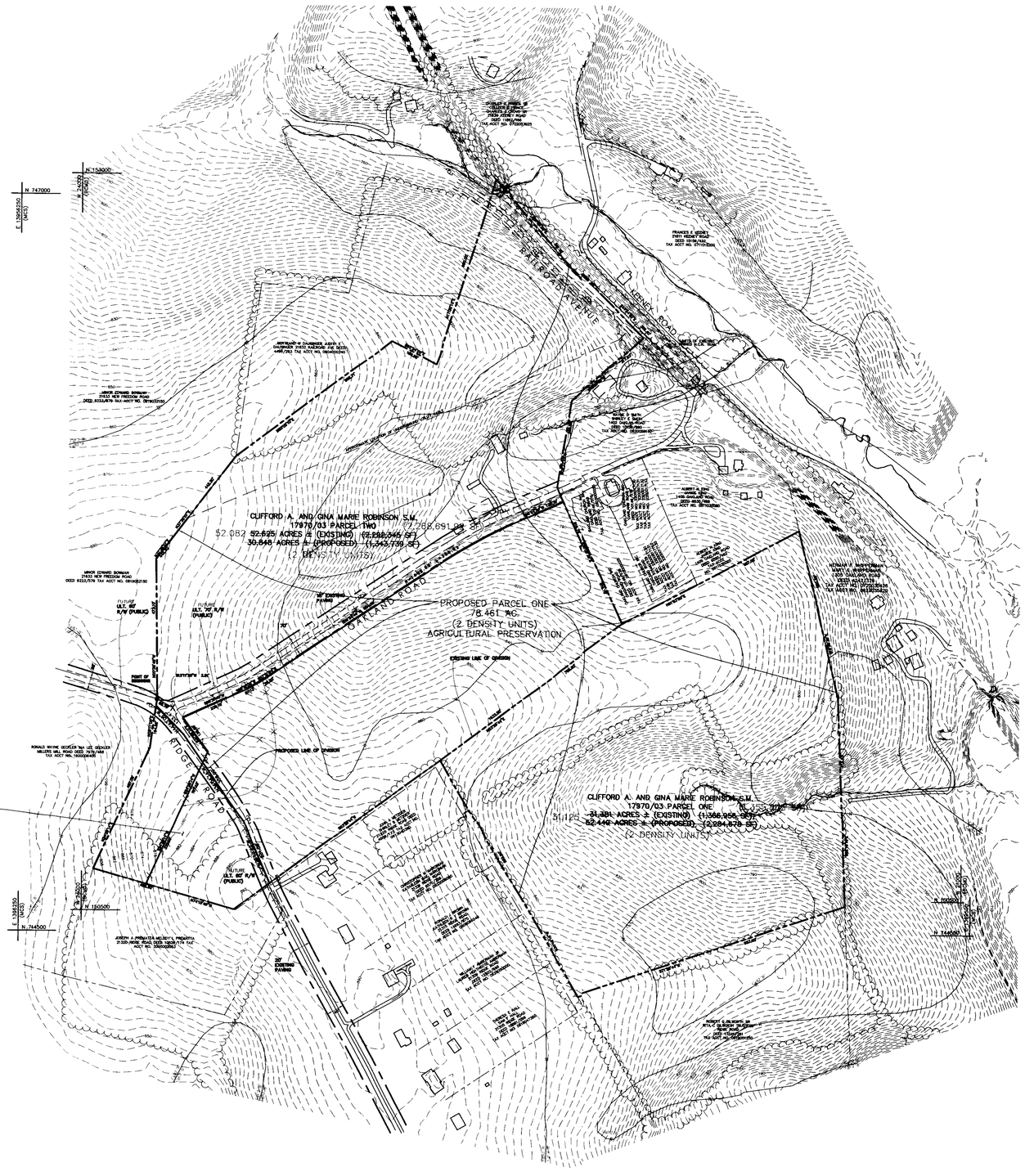
1. SPECIAL HEARING TO RECONFIGURE TWO EXISTING PARCELS CREATED BEFORE NOVEMBER 25, 1979.

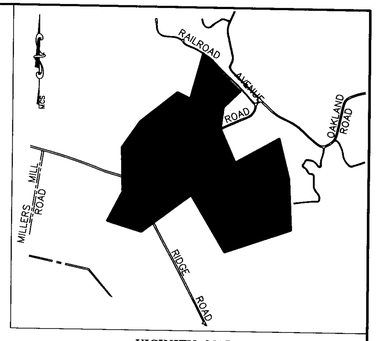
LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE:(410)296-1636 FAX:(410)296-1639

EXHIBIT
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
ROBINSON PROPERTY

DISTRICT 6C3 BALTIMORE COUNTY,MD
SCALE: 1"=200' APRIL 29, 2004

Pet. #3





VICINITY MAP

1"=1000'

GENERAL NOTES

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   CLIFFORD A. ROBINSON
   GINA MARIE ROBINSON
   1426 OAKLAND ROAD
   FREELAND, MARYLAND 21055-9649
   443-386-1108
   TAX ACCOUNT # 0607015075
   TAX MAP 2 PARCEL 18
   DEED REFERNCE: 14738/315
2. SITE DATA:
   TOTAL SITE AREA: ~~83.00 AC+/-~~ 83.297 AC
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   COUNCILMANIC DISTRICT: 3RD
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REASON FOR HEARINGS

1. SPECIAL HEARING TO RECONFIGURE TWO EXISTING PARCELS CREATED BEFORE NOVEMBER 25, 1979.

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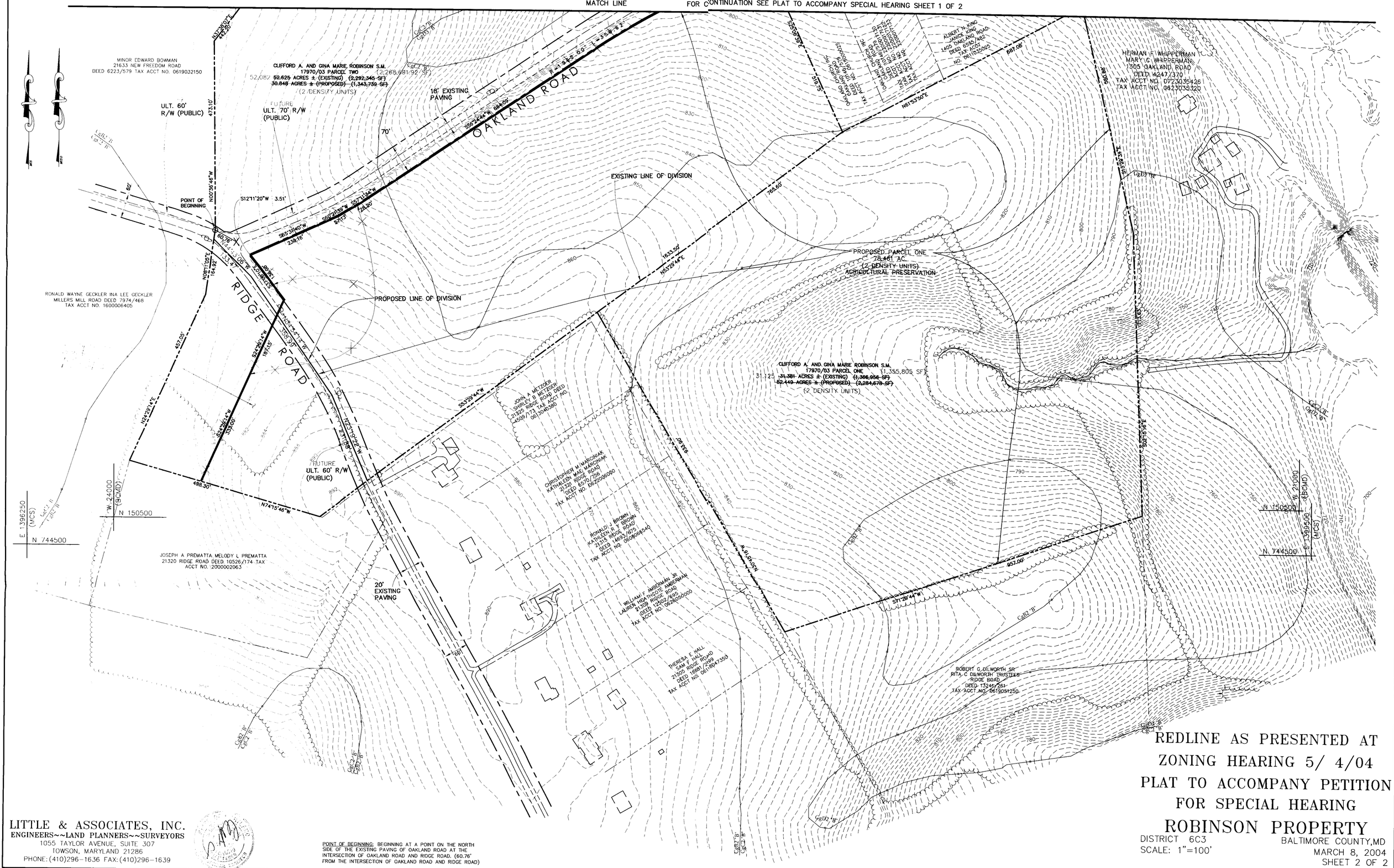
EXHIBIT
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
ROBINSON PROPERTY

DISTRICT 6C3 BALTIMORE COUNTY, MD
SCALE: 1"=200' APRIL 29, 2004

Pet. #2

MATCH LINE

FOR CONTINUATION SEE PLAT TO ACCOMPANY SPECIAL HEARING SHEET 1 OF 2



POINT OF BEGINNING: BEGINNING AT A POINT ON THE NORTH SIDE OF THE EXISTING PAVING OF OAKLAND ROAD AT THE INTERSECTION OF OAKLAND ROAD AND RIDGE ROAD. (60.76' FROM THE INTERSECTION OF OAKLAND ROAD AND RIDGE ROAD)

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PHONE: (410)296-1636 FAX: (410)296-1639

REDLINE AS PRESENTED AT ZONING HEARING 5/ 4/04

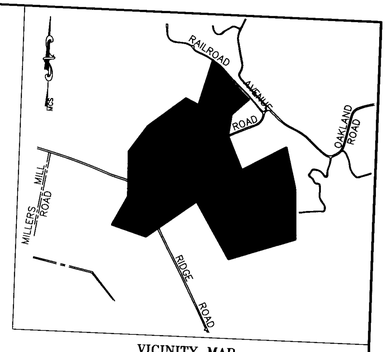
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

ROBINSON PROPERTY

DISTRICT 6C3
SCALE: 1"=100'

BALTIMORE COUNTY, MD
MARCH 8, 2004
SHEET 2 OF 2

Pet. # 1B



VICINITY MAP

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   1426 OAKLAND ROAD
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REDLINE AS PRESENTED AT ZONING HEARING 5/ 4/04

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PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING ROBINSON PROPERTY

DISTRICT 6C3
SCALE: 1"=100'

BALTIMORE COUNTY, MD
MARCH 8, 2004
SHEET 1 OF 2

Pet. # 1A