SECTION OF THINGS

IN RE: PETITION FOR SPECIAL HEARING

N/S Lodge Farm Road, 510' Southwest

c/l North Point Road

(2842 & 2846 Lodge Farm Road)

15th Election District 7th Council District

Justin S. & Irene E. Kirkpatrick and Wilbur E. & Gloria A. Roberts

Legal Owners/Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-479-SPH

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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, Justin S. Kirkpatrick, and his wife, Irene E. Kirkpatrick (Owners of 2846 Lodge Farm Road) and Wilbur E. Roberts, Jr., and his wife, Gloria A. Roberts (Owners of 2842 Lodge Farm Road). The Petitioners request a Special Hearing to approve a lot line adjustment between "2nd parcel" and "3rd parcel" to add part of "2nd parcel" into "3rd parcel"; to approve division of "3rd parcel" into parcels "A" and "B"; and to confirm that lot line adjustments do not effect overall density. Stated differently, the Petitioners, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) have requested approval to reconfigure certain lot lines of three (3) existing contiguous parcels/lots of record as defined in Section 101 thereof. The subject property and requested relief are more particularly described on the redlined site plan submitted which shows final conditions and was accepted into evidence and marked as Petitioners' Exhibit 5.

Appearing at the public hearing in support of the request were Wilbur E. Roberts, Jr., Justin S. and Irene E. Kirkpatrick, property owners; Paul Lee, Professional Engineer with Century Engineering, Inc., the consultants who prepared the site plan; and Arnold Jablon, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence presented indicated that the subject property is comprised of

three (3) separate contiguous parcels of record, located on the north side of Lodge Farm Road not far from its intersection with North Point Road in Sparrows Point. The property contains a combined gross area of 1.825 acres, more or less, zoned D.R.5.5 and improved with two (2) single family dwellings served by public water and sewer. Two of these parcels form an "L" shape and curl around the Kirkpatrick property and are currently owned by Mr. and Mrs. Roberts. The Kirkpatrick's property, also once owned by the Roberts, currently contains a gross area of 0.293 acres and is located to the south and east of the Roberts and is rectangularly shaped. The redlined plat submitted into evidence as Petitioners' Exhibit 5 reflects the results of an in-field boundary survey and more fully describes each of the parcels, its size, location of the improvements and permitted density of the properties. Mr. Lee testified that the proposal, while creating one additional building lot would reduce the total number of density units from nine, (8) - Roberts, 1 – Kirkpatrick) to seven. Moreover, it should be noted that Mr. and Mrs. Roberts have placed on the record before me that they have absolutely no intention of further dividing what will become "Parcel A" and contains 1.0215 acres so that "Parcel A" will not be further subdivided. As noted above, the Petitioners propose a reconfiguration of the parcels as more fully described below.

Due to the Kirkpatrick's growing family needs, they desire to build a larger home. They approached the Roberts inquiring if they would be interested in selling additional land so that they (Kirkpatrick's) could build a larger 2-story home and then, ultimately place for sale their small 1 ½-story existing home located at 2846 Lodge Farm Road where they have lived for years. The Roberts agreed and the parties engaged the services of Mr. Lee. In order to provide a wider building lot consistent with the surrounding community, the Petitioners are desirous of conveying 0.5106 acres from the Roberts tract(s). This conveyance will reduce the area of the Roberts property from 1.532 acres to 1.0215 acres. Additionally, the Kirkpatrick's will convey an 11.38' by 172' strip of land from the west side of their existing parcel to be added to what is shown as Parcel B on Petitioners' Exhibit 1. Stated another way, what is being asked for is that there are presently three (3) existing lots (each having its own deed and State of Maryland

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property tax identification number), they will keep three existing lots, but they want to expand and reduce the existing lots to allow for three dwelling units.

It is recognized that the conveyance will result in the loss of subdivision rights and density units from the Roberts tract. Nonetheless, the Petitioners desire to "even out" these respective parcels by the proposed lot line adjustments. The issues raised in the petition are pursuant to the authority granted in Section 500.7 of the B.C.Z.R. Thus, my decision in this matter is based on the zoning of the subject property, the proposed dimensions for each lot and other zoning defined issues. I do not have the authority, nor will this decision attempt, to determine issues of processing and limited exemptions from the Department Regulations which have been relegated by the County Council to the Development Review Committee. See Long Meadow Association, Inc., et al v. Druid Ridge LLP, et al. Court of Special Appeals No. 1801 (2005) and County Council Bill 54-05. However, a review of the facts, evidence and testimony presented in this case reveals that the Protestants are in agreement and they jointly request a reconfiguration of existing lots of record that will result in lots with frontage on and served by a public roadway. The lots as reconfigured on Petitioners' Exhibit 5 are more compatible with the existing pattern of development in the area than in their presently recorded size and width, and meet the requirements of the B.C.Z.R. Moreover, I find that the proposal will not be detrimental to the health, safety or general welfare of the surrounding locale, nor create congestion in the roads or interfere with public utilities.

Based upon the testimony and evidence offered, I am easily persuaded to grant the Petition for Special Hearing. Indeed, it appears that the reconfiguration of the lot lines is consistent with the D.R.5.5 zoning and will be mutually beneficial to both parties and their properties.

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 14 day of June 2006 that the Petition for Special Hearing seeking a determination.

pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve: (1) to adjust lot line between 2nd parcel and 3rd parcel to add part of 2nd parcel into 3rd parcel; (2) to approve division of 3rd parcel into parcels "A" and "B"; and (3) to confirm that lot line adjustments do not affect overall density, in accordance with Petitioners' Exhibit 5, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- Compliance with the ZAC comment submitted by DEPRM relative to the forest conservation regulations.
- 3) It is recognized that the conveyance will result in the loss of density rights and by agreement of the parties, there shall be no other density units available or accruing from the acreage consisting of Parcels A and B which are limited to one dwelling house on each of the subject property (Parcels A, B and Kirkpatricks) and that this condition shall bind the Petitioners, their successors and assigns.
- 4) The Petitioners are prohibiting from subdividing Parcels A and B.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:dlw

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

June 14, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Arnold Jablon, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, MD 21204

RE: PETITION FOR SPECIAL HEARING

N/S Lodge Farm Road, 510' Southwest c/l North Point Road

(2842 & 2846 Lodge Farm Road)

15th Election District — 7th Council District

Justin S. & Irene E. Kirkpatrick and Wilbur E. & Gloria A. Roberts —

Legal Owners/Petitioners

Case No. 06-479-SPH

Dear Mr. Jablon:

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

TCLLMAY, WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

c: Mr. Paul Lee, P.E., Century Engineering, Inc., 32 West Road, Towson, Md. 21204 Justin and Irene Kirkpatrick, 2846 Lodge Farm Road, Baltimore, Md. 21219 Wilbur and Gloria Roberts, 2840 Lodge Farm Road, Baltimore, Md. 21219 DEPRM; People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

2842	Lodge	Farm	Road
2846	Lodğe	Farm	Road

I/We do solemnly declare and affirm, under the penalties of

for the property located at _			
which is	presently zon	ned	

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

SEE ATTACHED

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.

			perjury, that I/we are the is the subject of this Per	e legal owner(s) of the tition.	property which
Contract Purchase	er/Lessee:		<u>Legal Owner(s):</u> Justin and Irene	•	
			2846 Lodge Farm	Road	
Name - Type or Print			Name - Type of Print	2	
Signature			Signature 2842 Kand Glar	ia Roberts	
Address	<u> </u>	Telephone No.	Name - Type or Pant		
City	State	Zip Code	Signature (Arnold	ab i on	<u> </u>
•		•	210 Allegheny	Ave 41() 494 6298
Attorney For Petiti	<u>oner:</u>		Address		Telephone No.
Arnold Jablom			Towson, Md 212	04	
Name - Type of Print			City	State	Zip Code
ail			Representative to	be Contacted:	
Signatule 11P			Paul Lee	······································	
company			Name		. ^ ^
Allegheny Ave	410.4	94.6298	32 West Rd	<u>416</u>	3 823-8070 Telephone No
Address :		Telephone No	Address		
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PETITION FOR SPECIAL HEARING

- 1. TO ADJUST LOT LINE BETWEEN "2nd PARCEL" AND "3rd PARCEL" to add part of "2nd PARCEL" into "3rd PARCEL";
- 2. TO APPROVE DIVISION OF "3rd PARCEL" IN TO PARCELS "A" AND "B";
- 3. TO CONFIRM THAT LOT LINE ADJUSTMENTS DO NOT EFFECT OVERALL DENSITY

DESCRIPTION 2842 LODGE FARM ROAD (3rd PARCEL)

ELECT. DIST. 15C7

BALTIMORE CO., MD

Beginning for the same at a point on the North side of Lodge Farm Road, said point also being located southwesterly $510'\pm$ from the center of North Point Road, thence running with and binding on said North side S 44° 01' 41" W – 140.28 to a point on said North side thence leaving said North side and running and binding along the property of Wilbur E. Jr. and Gloria A. Roberts as now surveyed the 7 following courses and distances viz;

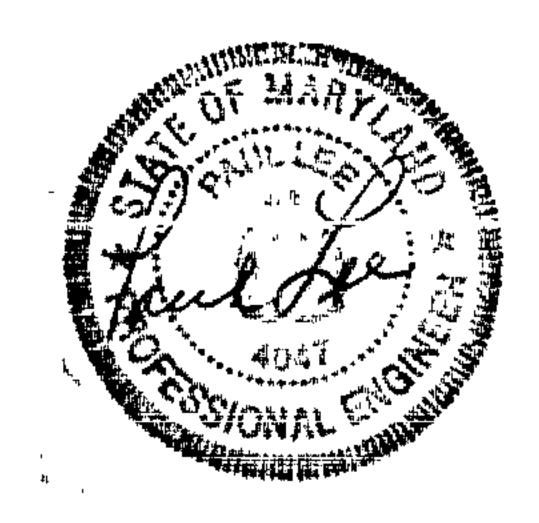
- 1. N 45° 52' 18" W 311.99'
- 2. N 44° 22' 14" E 212.31'
- 3. S 40° 17' 19" E 55.00'
- 4. N 59° 24' 58" E 108.56'
- 5. S 23° 58' 19" E 73.03'
- 6. S 44° 01' 41" W 80.00'
- 7. S 23° 58' 19" E 172.00'

To the North side of Lodge Farm Road and place of beginning.

CONTAINING 66,746 sq. ft. (1.532 Ac.) of land more or less.

Wfile\Login2\Land-Dev\LDO6\desc\LodgeFarmRd-pl-30-06

06-479-5PA



DESCRIPTION 2846 LODGE FARM ROAD (1st & 2nd PARCELS)

ELECT. DIST. 15C7

BALTIMORE CO., MD

Beginning for the same at a point on the North side of Lodge Farm Road, said point also being located southwesterly 430'± from the center of North Point Road, thence running with and binding on said North side S 44° 01' 41" W -60.00 to a point at the intersection of the 1st and 2nd parcels of the property of Justin S. & Irene E. Kirkpatrick as recorded in liber 17345 folio 029, thence continuing on the said North side S 44° 01' 41" W -20.00 to the end of the 2nd parcel of the Kirkpatrick property and at the intersection with the property corner of the Wilbur E & Gloria A. Roberts property; thence leaving said North side of Lodge Farm Road and running with and binding on the property line of the Roberts and the 2nd parcel line of the Kirkpatrick properties the 2 following courses and distances viz;

- 1. N 23° 58' 19" W 172.00'
- 2. N 44° 01' 41" E 20.00' to the intersection of the 2nd and 1st parcels of the Kirkpatrick property and continuing on the same line N 44° 01' 41" E 60.00' to a point at the end of the Roberts/Kirkpatrick boundary line, thence
- 3. S 23° 58' 19" E 172.00' to the North side of Lodge Farm Road and place of beginning.

CONTAINING 12,758 sq. ft. (0.293 Ac.±) of land more or less and referred to as Parcels 1 & 2 Kirkpatrick Property.

Wfile\Login2\Land-Dev\LDO6\desc\LodgeFarmRd2846-pl-4-23-06

06-479-5PH



The Zoning Commissioner of Battimore 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: #06-479-SPH

2842 Lodge Farm Road and 2846 Lodge Farm Road North side of Lodge Farm Road at the distance of 510 feet southwest from the centerline of North Point Road 15th Election District - 7th Councilmanic District Legal Owner(s): Justin & Irene Kirkpatrick and Wilbur & Gloria Roberts

Special Hearing: to adjust lot line between "2nd Parcel" and "3rd Parcel" to add part of "2nd Parcel" into "3rd Parcels cel", and to approve division of "3rd Parcel" into Parcels "A" and "B", and to confirm that lot line adjustments do not effect overall density.

Hearing: Tuesday, May 16, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue,

Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/301 Apr. 27

CERTIFICATE OF PUBLICATION

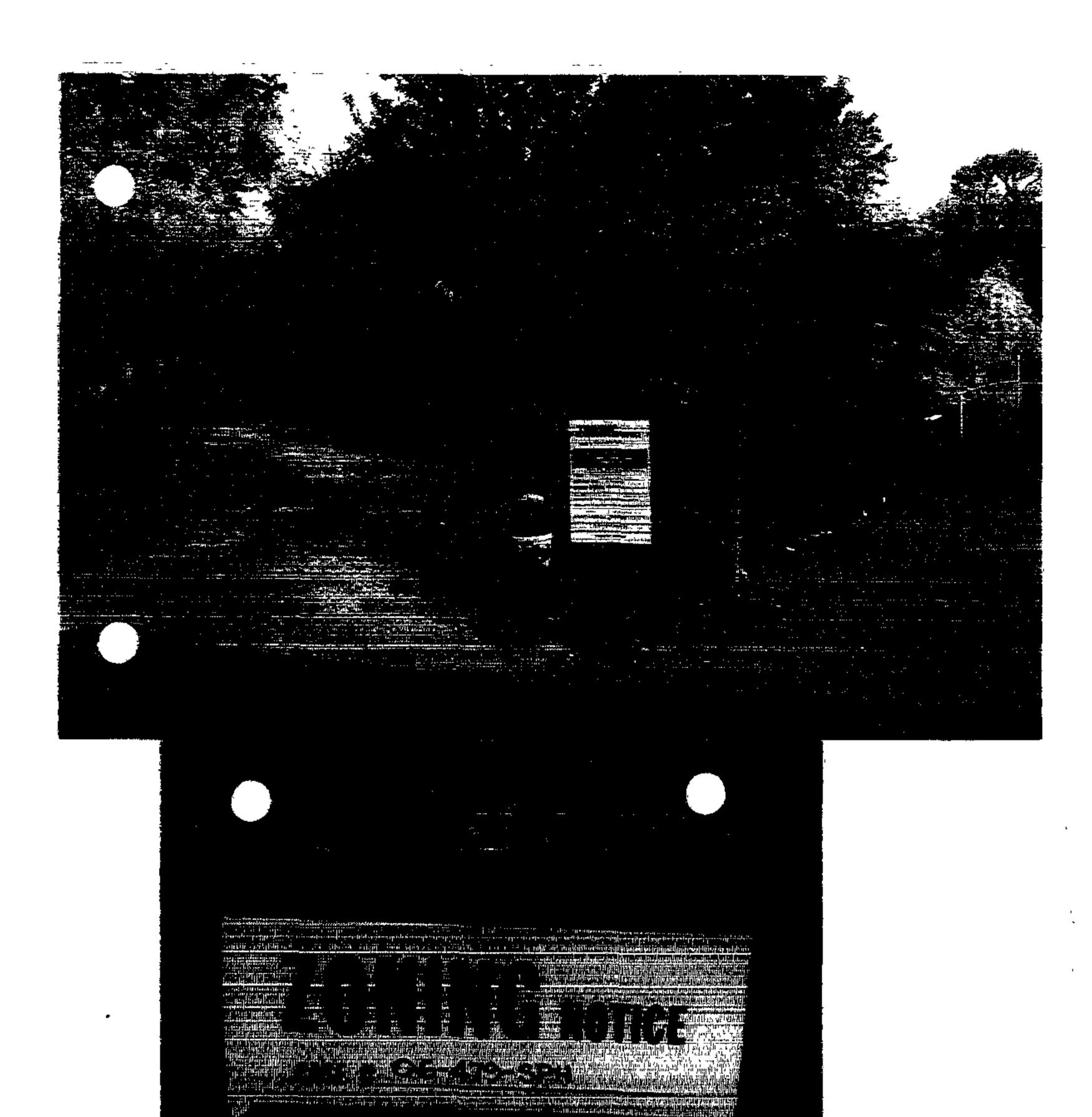
4/27,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on $427/2006$.
The Jeffersonian
The Jeffersonian Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LUGAL ADVERTISING

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CERTIFICATE OF POSTING

Date of Hearing/Closing: MAY 16, 2006
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204
Attention: Christen Matthews
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 propery located at # 2842/#2846 # 2844 -0066 FARM POAD
Provoses
The sign(s) were posted on
Sincerely,
Barleud & Moule (Signature of Sign Poster and Date)
CARLAGEDE, MOORE (Printed Name)
3225 RYERSON CIRCLE (Address)
BALTIMOIZE, MD, 21227 (City, State, Zip Code)
(410) 242-4263 (Telephone Number)

RE: Case No.: 06-479-SPH

KIRKPATRICK ARED

Petitioner/Developer: Doub FRTS

TO: PATUXENT PUBLISHING COMPANY Thursday, April 27, 2006 Issue - Jeffersonian

Please forward billing to:

Venable, Baetjer & Howard

(410) 494-6298

210 Allegheny Ave. P. O. Box 5517 Towson, MD 21204

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: 06-479-SPH

2842 Lodge Farm Road and 2846 Lodge Farm Road
North side of Lodge Farm Road at the distance of 510 feet southwest
from the centerline of North Point Road
15th Election District – 7th Councilmanic District
Legal Owners: Justin & Irene Kirkpatrick and Wilbur & Gloria Roberts

<u>Special Hearing</u> to adjust lot line between "2nd Parcel" and "3rd Parcel" to add part of "2nd Parcel" into "3rd Parcel", and to approve division of "3rd Parcel" into Parcels "A" and "B", and to confirm that lot line adjustments do not effect overall density.

Hearingy Tuesday, May 16, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bose Avenue, Towson, MD 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.

(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

April 10, 2006

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: 06-479-SPH

2842 Lodge Farm Road and 2846 Lodge Farm Road
North side of Lodge Farm Road at the distance of 510 feet southwest
from the centerline of North Point Road
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Legal Owners: Justin & Irene Kirkpatrick and Wilbur & Gloria Roberts

<u>Special Hearing</u> to adjust lot line between "2nd Parcel" and "3rd Parcel" to add part of "2nd Parcel" into "3rd Parcel", and to approve division of "3rd Parcel" into Parcels "A" and "B", and to confirm that lot line adjustments do not effect overall density.

Hearing: Tuesday, May 16, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco Director

Muthy Kotroco

TK:raj

C: Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, MD 21204 Justin & Irene Kirkpatrick, 2846 Lodge Farm Road, Baltimore, MD 21219-1316 Wilbur & Gloria Roberts, 2842 Lodge Farm Road, Baltimore, MD 21219-1316 Paul Lee, Century Engineering, 32 West Road, Towson, MD 21204

NOTES: (1)THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 1, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) 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 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.

Item Numb	per or Case Number. 06-479-5PH	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Petitioner:	WILBUR L. JR. & GLORIA A. ROBERTS - JUSTIN S. & ILENE E. KIR	KPATRICK
	r Location: 2842 4 2846 LODGE FARM 12040	
	ORWARD ADVERTISING BILL TO: ENABLE BAETJER & HOWARD	
Address:	ZIO ALLEGHENY AVE.	
	P.O. BOX 5517	<u></u>
	TENSEN, MARYLAND ZIZOT	<u> </u>
_		

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

May 12, 2006

Arnold Jablon Venable, LLP 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Jablon:

RE: Case Number: 06-479-SPH, 2842 Lodge Farm Road, 2846 Lodge Farm Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 31, 2006.

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)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

People's Counsel
 Justin and Irene Kirkpatrick 2846 Lodge Farm Road Baltimore 21219
 Wilbur and Gloria Roberts 2842 Lodge Farm Road Baltimore 21219
 Paul Lee 32 West Road Towson 21204





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

April 11,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 10, 2006

Item Numbers: 471-483

183 (17)

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 14, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 17, 2006

Item Nos. 471, 473, 476, 477, 478(479,) 480, 481, and 483

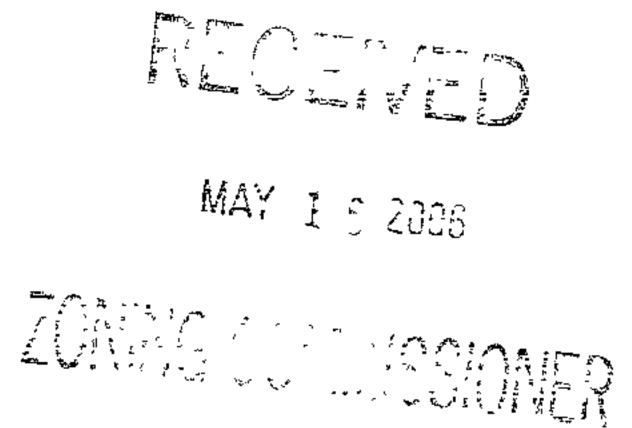
The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw ec Inic ZAC-NO COMMI N I S-041 4 2006 doc

13W 5/16

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence





TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination

DATE: May 18, 2006

SUBJECT: Zoning Item # 06-479

Address 2842 Lodge Farm Road

Baltimore, MD 21219

Zoning Advisory Committee Meeting of April 10, 2006

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and

Additional Comments:

If this lot line adjustment is considered a minor subdivision, then Forest Conservation Regulations would apply.

other Sections, of the Baltimore County Code).

Reviewer. Kevin Brittingham

Date. May 3, 2006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 19, 2006

RECEIVED

MAY 1 C 2006

ZONING COMESSIONER

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 2842 and 2846 Lodge Farm Road

INFORMATION:

Item Number: 6-479 (revised comment)

Petitioner: Justin and Irene Kirkpatrick

Zoning: DR 5.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and met with the petitioner. It is our understanding that no more than three lots within the area described in the subject petition will be improved therefore reaching the ultimate subdivision potential of the subject property. (The aforementioned is consistent with the decision of the Zoning Commissioner) Therefore this office supports the petitioner's request.

For further information concerning the matters stated here in, please contact Amy Mantay at 410-887-3480.

Division Chief: AFK/LL: CM

DATE: April 19, 2006

APR 2 : 2003

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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:

2842 and 2846 Lodge Farm Road

INFORMATION:

Item Number:

6-479

Petitioner:

Justin and Irene Kirkpatrick

Zoning:

DR 5.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and recommends that the petitioner submit the proposal to Baltimore County as a Minor Subdivision. The subject request appears to effect zoning density. As such the Office of Planning recommends denial of the subject request.

For further information concerning the matters stated here in, please contact Amy Mantay at 410-887-3480.

Prepared by:

AFK/LL: CM



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

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

Maryland Department of Transportation

Date: 4 . 102 . 271

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

RE: Baltimore County

Item No. 479 JRF

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,

Steven D. Foster, Chief

1.1. Sall

Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING * BEFO

(2842 & 2846 Lodge Farm Road) N/S Lodge Farm Road, 510' SW c/line North Point Rd *

Farm Road, 510' SW c/line North Point Rd * 15th Election & 7th Councilmanic Districts

Legal Owner(s): Justin & Irene Kirkpatrick *

and Wilbur & Gloria Roberts

Petitioner(s) *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-479-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 and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of April, 2006, a copy of the foregoing Entry of Appearance was mailed to, Paul Lee, 32 West Road, Towson, MD 21204 and to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

ASR 1 3 2006

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter May Jamennan

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at 2842_Lodge_Farm_Road_and_2846 Lodge_Farm_Rd, property we own.

Further, the undersigned are the owners of said property, and hereby and herewith authorize Mr. Jablon to be our attorney-in-fact and attorney-at-law and represent us in this matter.

Justin and Irene Kirkpatrick
2846 Lodge Farm Road

Wilbur E. Roberts Jr. and Gloria A. Roberts

2842 Lodge Farm Road

address

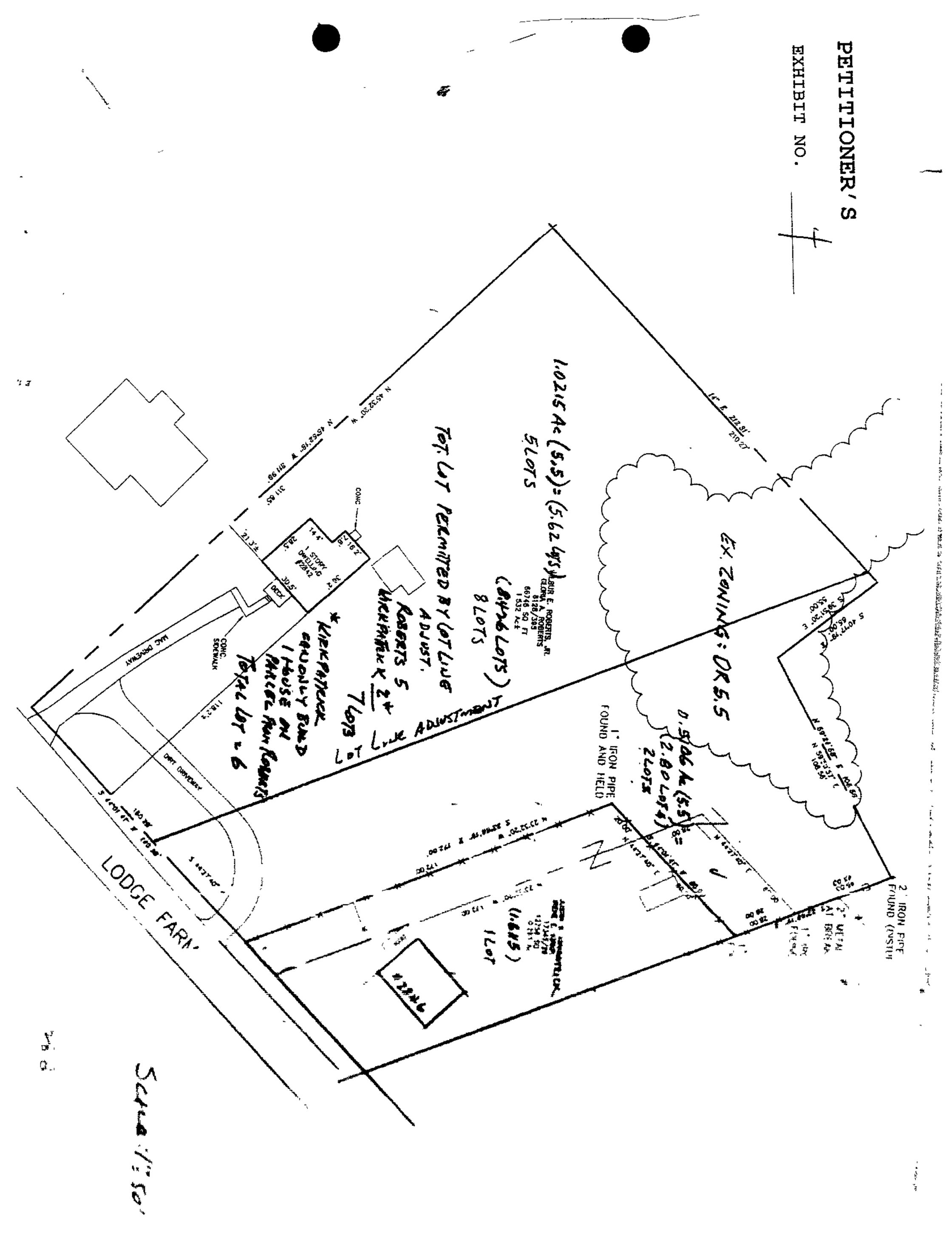
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Exhibit Sheet

Petitioner/Developer

Protestant

No. 1		
	SITE PLAN	
No. 2	COLORIZED SITE RAN	
No. 3	Lot hine ADJUSTMENT KIRKPATRICK PROPERTY	
No. 4	PLAT-CURRENT CONDITIONS	
No. 5	FINAL CONDITIONS WITH LOT LINE ANTICHES	
No. 6	LOT LINE ADJUSTMENT (BOTH PROPERTIES) KIN DEED DESCRIPTION - SA	Epatrick ung + Excepting Portion
No. 7	ZONING MAP	20' ptrop
No. 8		
No. 9		
No. 10		
No. 11		
No. 12	· ·	L



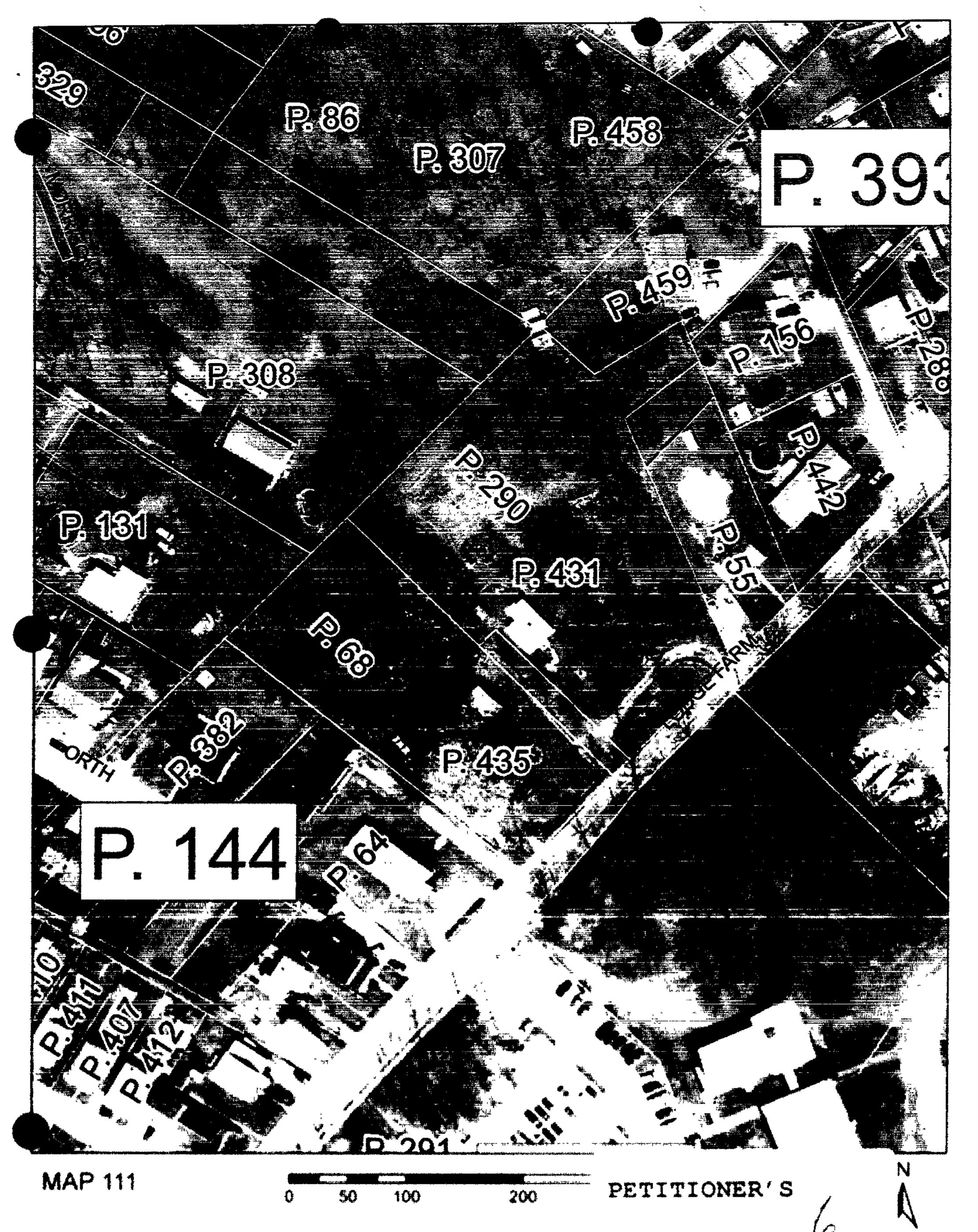


EXHIBIT NO.

File No. 32724-02DM

Parcel ID No. 15-1519511000

This Deed, MADE THIS 15[†] day of October, 2002, by and between Justin S. Kirkpatrick, Sole Owner, party of the first part, GRANTOR; and Justin S. Kirkpatrick and Irene Elizabeth Kirkpatrick, Husband and Wife, parties of the second part, GRANTEES.

WITNESSETH, That in consideration of the sum of NO AND 00/100 DOLLARS (\$.00), the receipt whereof is hereby acknowledged, and the love and affection between Husband and Wife, the said GRANTOR does grant and convey to the said Justin S. Kirkpatrick and Irene Elizabeth Kirkpatrick, Husband and Wife, their assigns, the survivor of them and the heirs, personal representatives and assigns of the survivor, in fee simple, as Tenants by the Entireties, all that lot of ground situate in Baltimore County, Maryland and described as follows. that is to say:

BEGINNING FOR THE FIRST AT A STONE ON THE NORTHWEST SIDE OF LODGE FARM ROAD AT THE BEGINNING OF THE 2 ACRE TRACT OF LAND WHICH BY DEED DATED JULY 26, 1949 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER T.B.S. NO. 1769 FOLIO 118 WAS CONVEYED BY CHARLES W. MINNICK, UNMARRIED, TO FLORENCE MINNICK AND RUNNING THENCE WITH AND BINDING ON PART OF THE FIRST LINE IN SAID DESCRIPTION NORTH 19 DEGREES WEST 200 FEET THENCE LEAVING THE OUTLINE OF SAID TRACT OF LAND FOR NEW DIVISION LINES THROUGH THE LAND OF SAID GRANTORS AS FOLLOWS: SOUTH 49 DEGREES 30 MINUTES WEST 60 FEET AND SOUTH 19 DEGREES EAST 200 FEET TO THE NORTHWEST SIDE OF LODGE FARM ROAD AND TO INTERSECT THE LAST LINE OF THE LAND IN DEED ABOVE REFERRED TO AND THENCE RUNNING WITH AND BINDING ON PART OF SAID LINE ON THE NORTHWEST SIDE OF LODGE FARM ROAD NORTH 49 DEGREES 30 MINUTES EAST 60 FEET TO THE PLACE OF BEGINNING.

SAVING AND EXCEPTING THEREFROM SO MUCH OF SAID PROPERTY AS DESCRIBED IN A DEED DATED OCTOBER 18, 1984 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER EHK, JR. 6861 FOLIO 321 FROM RUTH E. SMITH (NOW MULLENS) SURVIVING WIDOW OF THE LATE LEWIS R. SMITH WHO DIED ON THE 16TH DAY OF DECEMBER 1978 UNTO WILBER E. ROBERTS JR. AND GLORIA ROBERT HIS WIFE

BEGINNING FOR THE SECOND ON THE NORTH SIDE OF LODGE FARM AT A POINT ON THE FOURTH OR NORTH 49 DEGREES 30' EAST 13.35 PERCH LINE OF THE 2 ACRE PARCEL OF LAND WHICH BY DEED DATED SEPTEMBER 30, 1977 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER E.H.K. JR. 5847 FOLIO 805 WAS CONVEYED BY M. MICHAEL MASLAN PERSONAL REPRESENTATIVE OF THE ESTATE OF FLORENCE M. MINNICK TO THE EDGEMERE BAPTIST CHURCH: SAID POINT OF BEGINNING BEING 60 FEET MEASURED REVERSELY ALONG SAID FOURTH LINE FROM THE END THEREOF SAID POINT OF BEGINNING ALSO BEING AT THE END OF THE THIRD OR SOUTH 19 DEGREES 00' EAST FOOT LINE OF THAT PARCEL OF LAND WHICH BY DEED DATED JUNE 23, 1955 AND RECORDED AFORESAID IN LIBER 2723 FOLIO 451 WAS CONVEYED BY THE COMBINE HOLDING CO. OF FLORENCE M. MINNICK; THENCE LEAVING LODGE FARM ROAD AND BINDING REVERSLY ON PART OF SAID THIRD LINE AS NOW SURVEYED NORTH 23 DEGREES 32 20" WEST 1/2 FELT THENCE RUNNING FOR TWO LINES OF DIVISION THROUGH THE 2 ACRE PARCEL OF LAND FIRST ABOVE REFERRED TO AS FOLLOWS. SOUTH 44 DEGREES 27: 40" WEST 20 TEFT AND SOUTH 23 DEGREES 32: 20" FAST 172 THE TO THE NORTH SIDE OF LODGE FARM ROAD AND TO INTERSECT THE FOURTH. LINE OF NATION ACRE PARCEL OF LAND AND THENCE RUNNING WITH AND BINDING I ON PART OF SAID FOR RITHEINE ALONG THE NORTH SIDE OF FORGE FARM ROAD. NORTH A CHORGES 27 AO EAST TO FIFT TO THE PLACE OF HEGINNING.

THE PAPER VENUENTS CHEREON BEING NOW KNOWN AS NO 2846 LODGE FARM ROAD, SPARROWS POINT, MD 21219.

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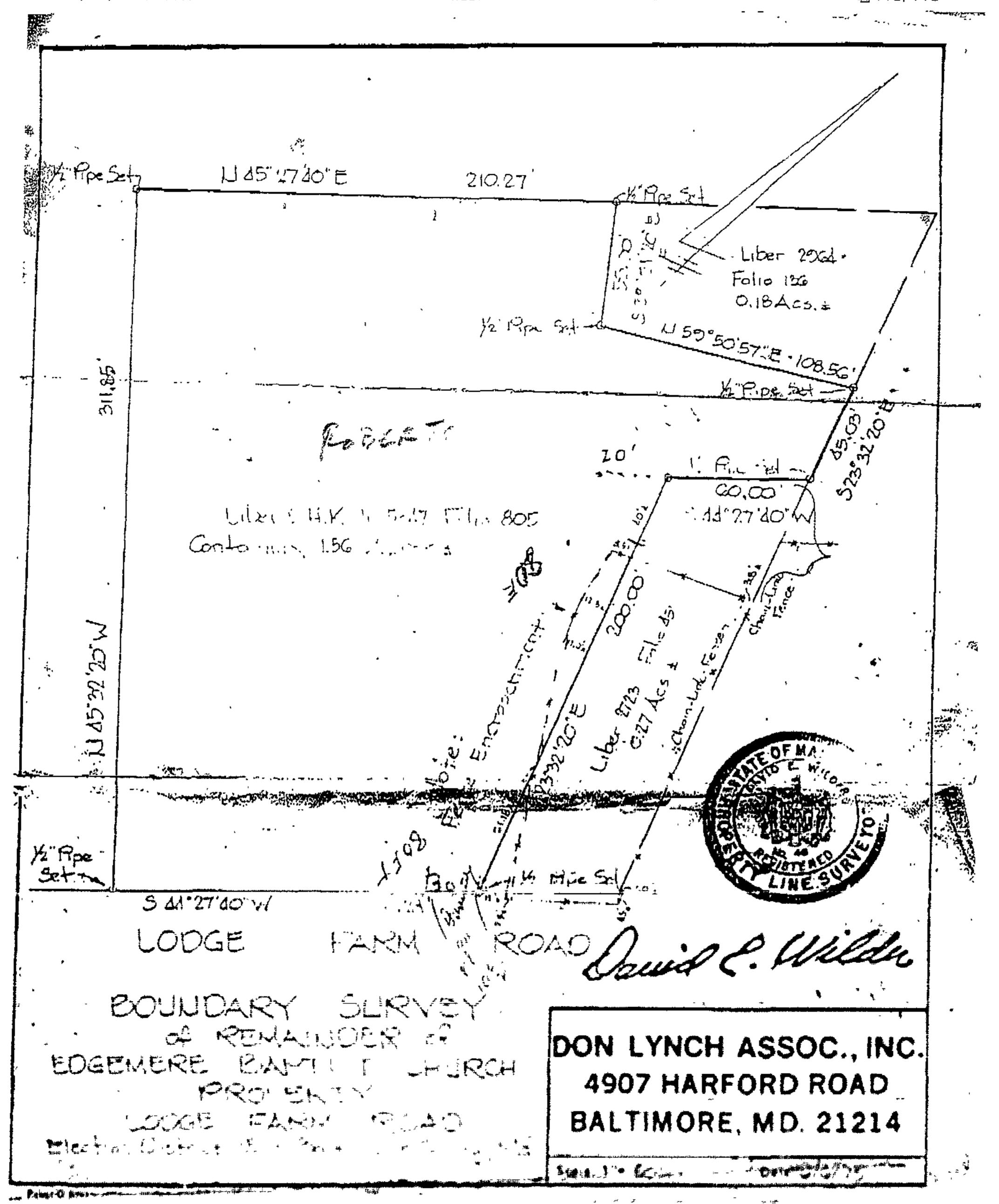
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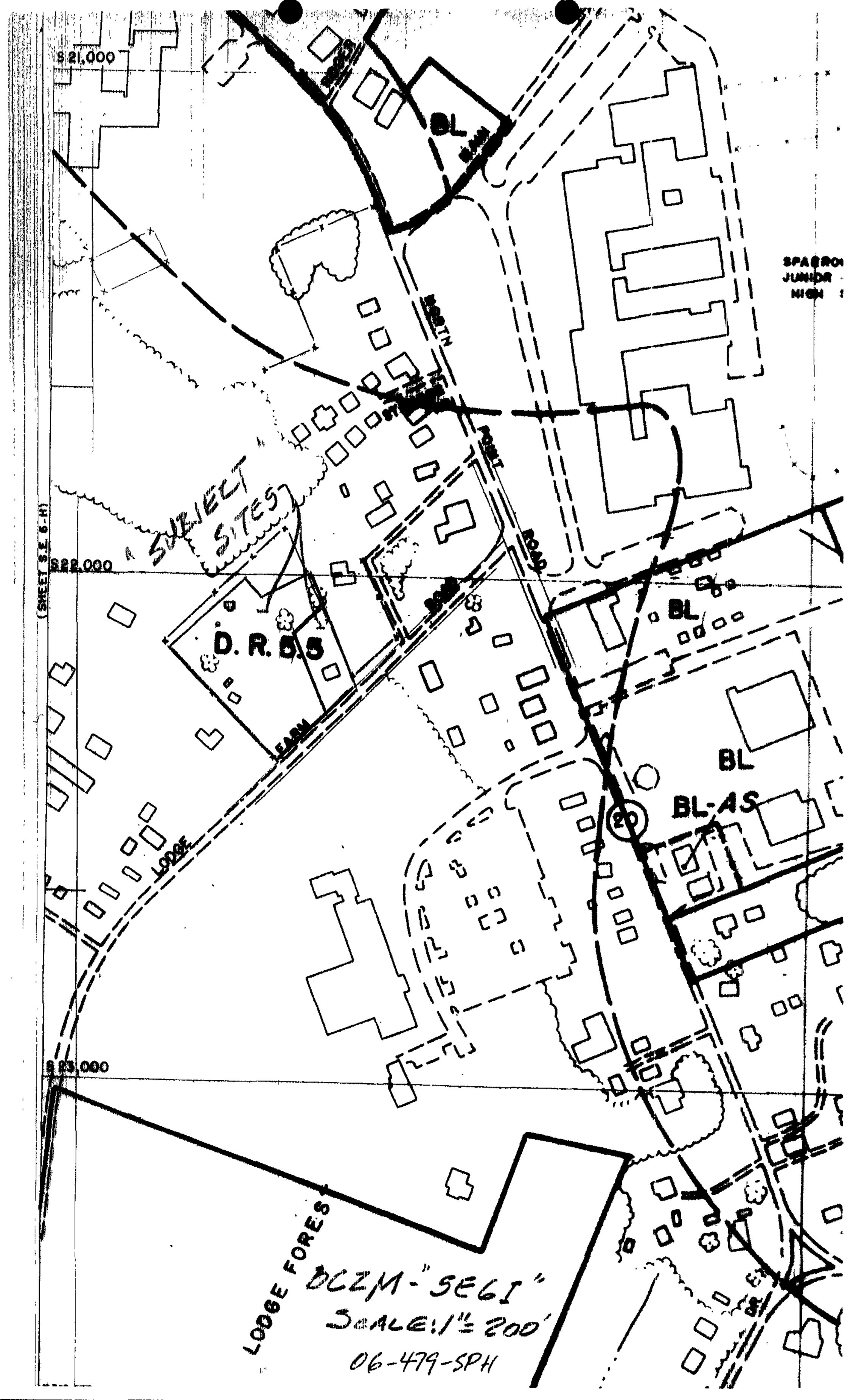
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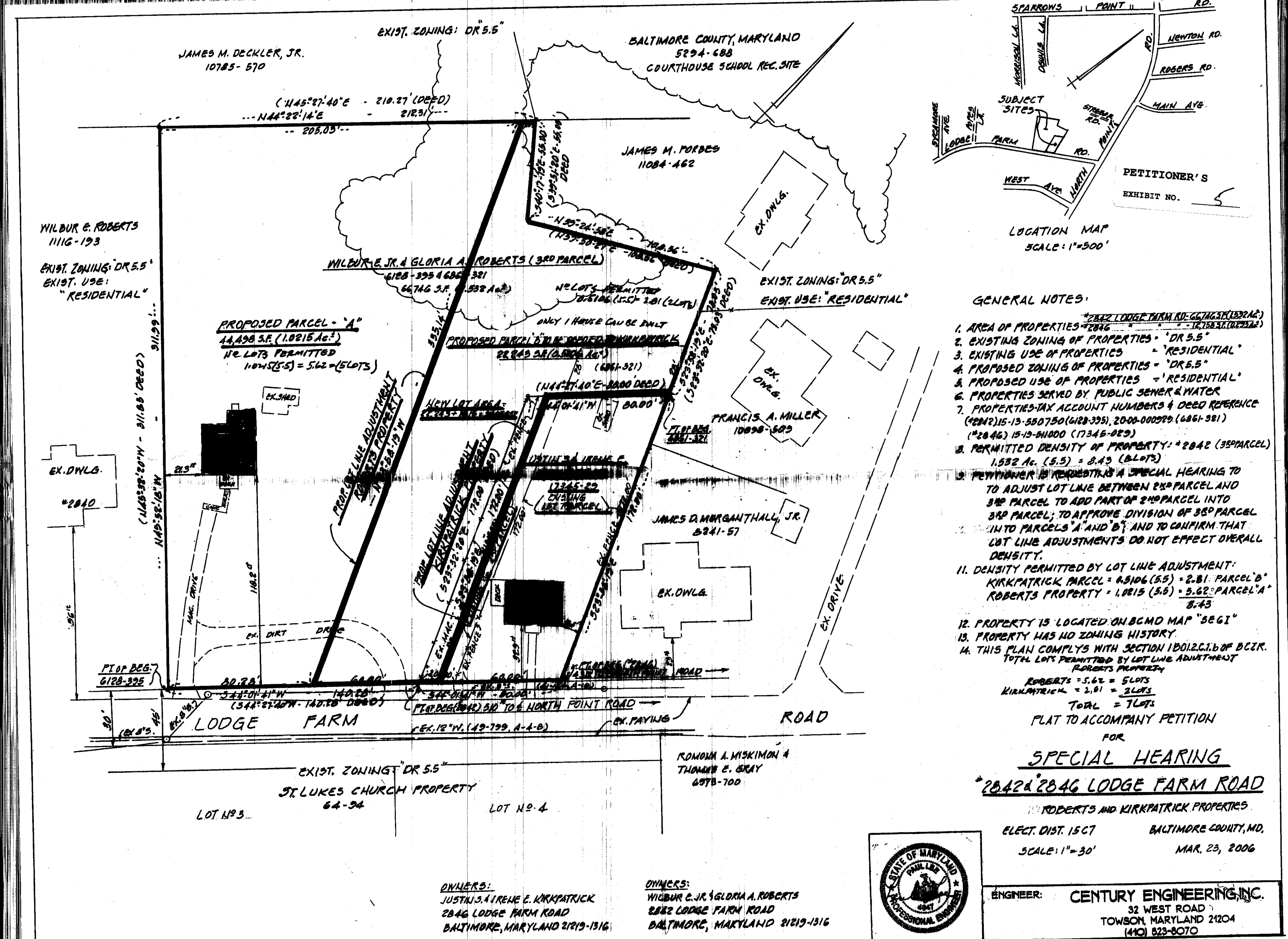
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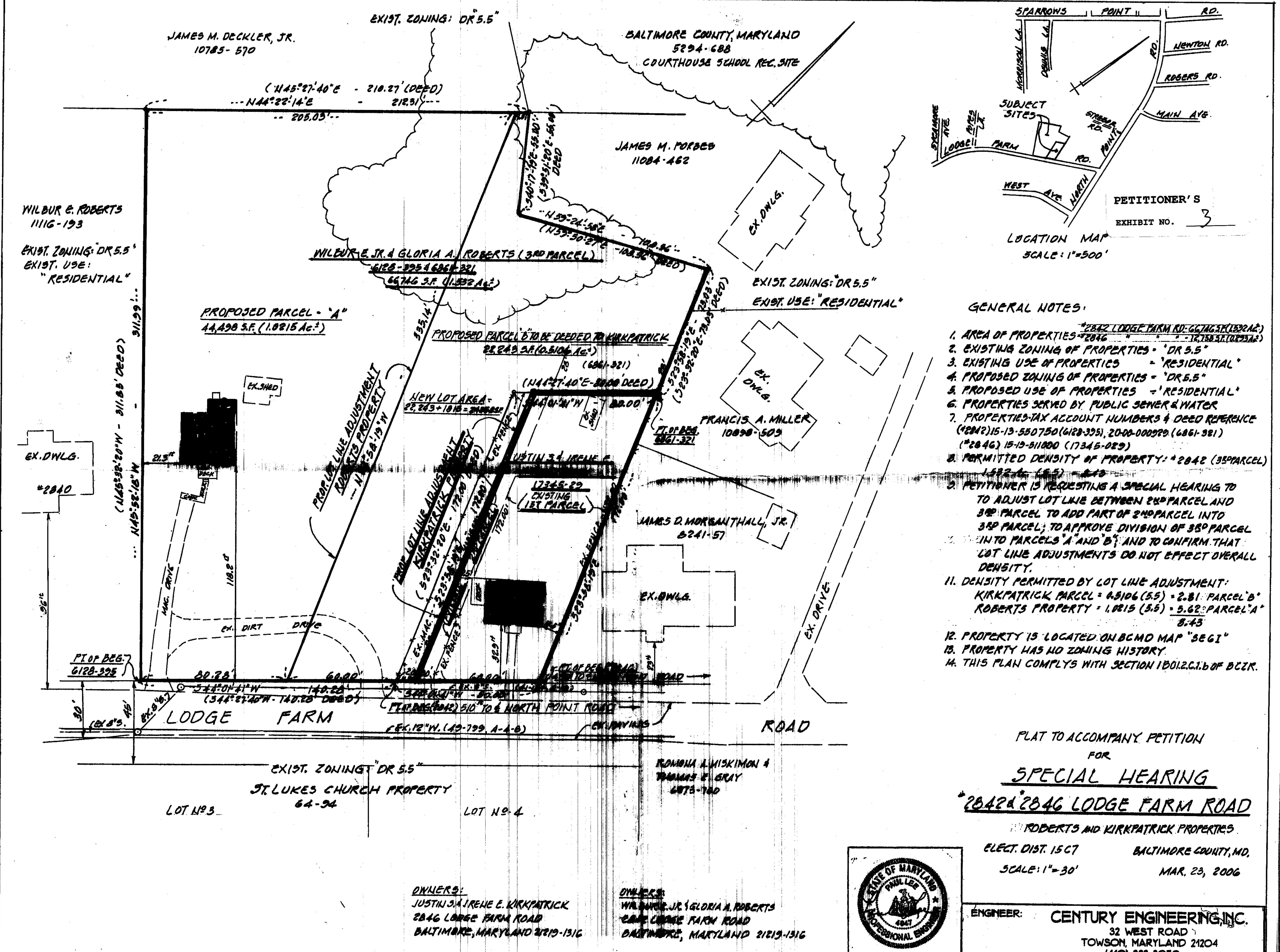
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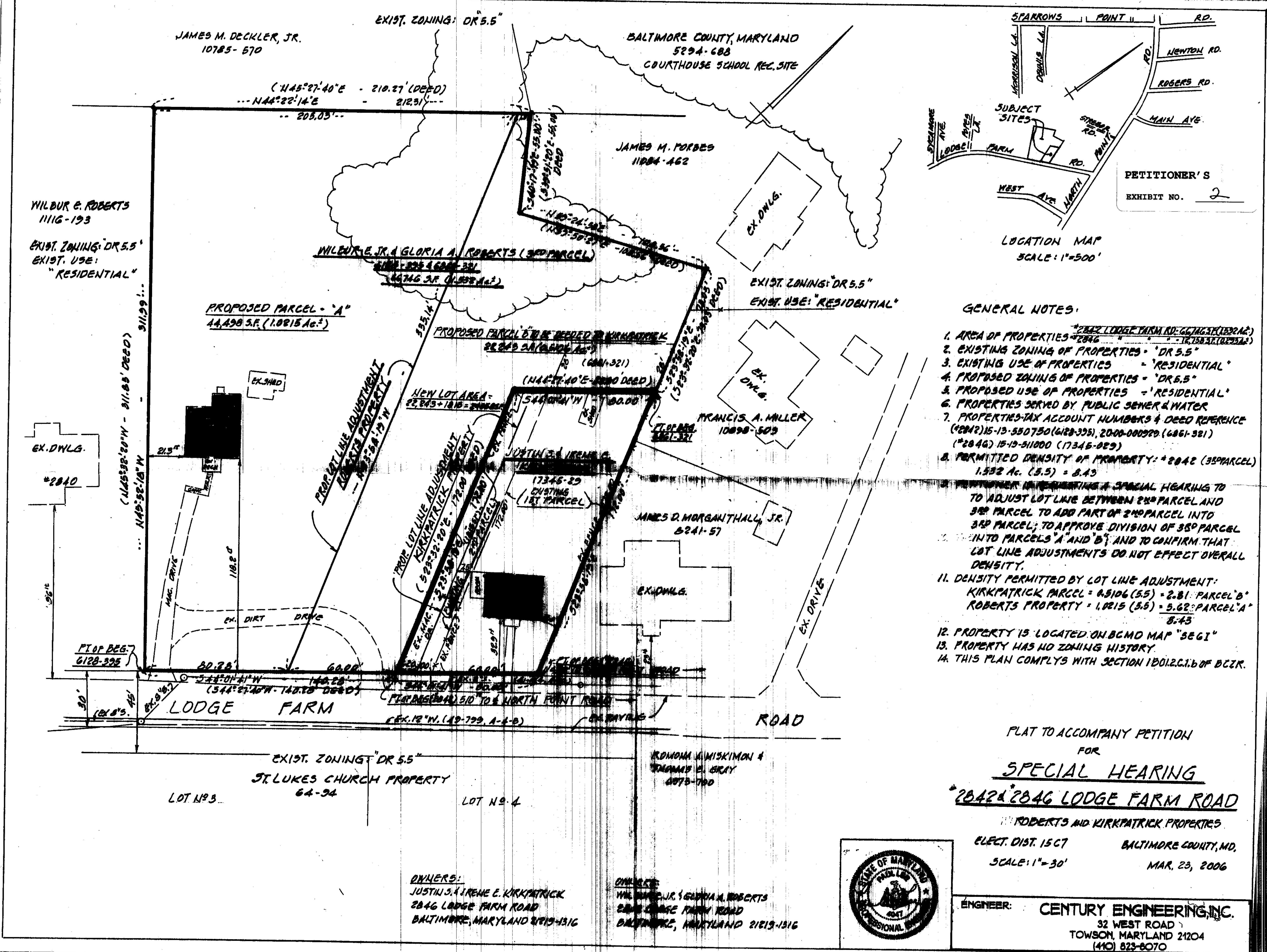


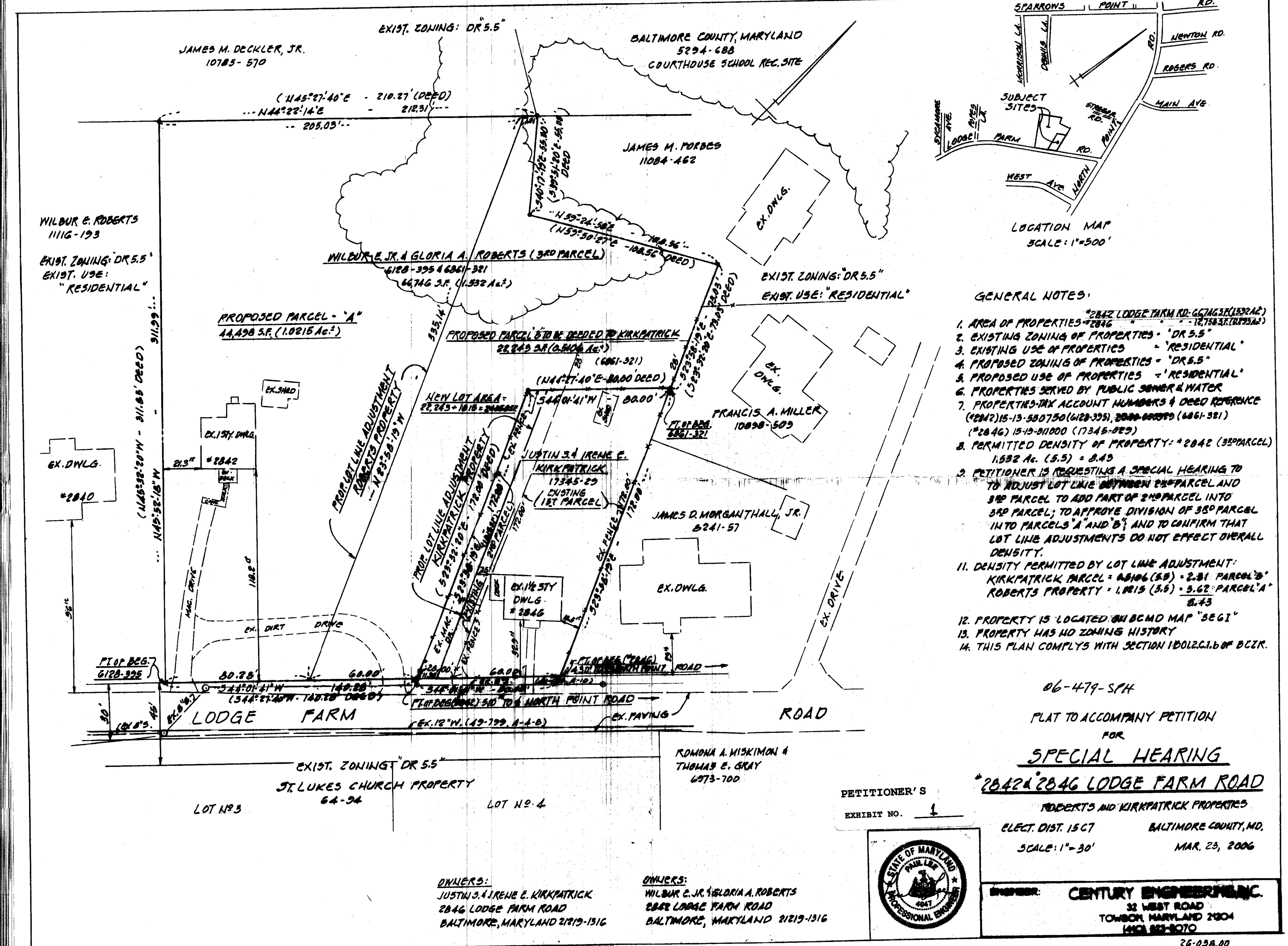
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