

07-256-SPH

~~2/13/2008 @ 10 am Ppl etc~~

~~3/19/08 @ 10 a.m. Ppl~~

~~5/22/08 @ 10 ^{am} a.m. Ppl and Hold.~~

~~November 5, 2009 @ 10 am~~
petition WD

Order of Divorcement "A" 07-256-SPH
Issued 8/26/09

20070256 "A"

supplemental

07-256-SPH

BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING
Old Hanover Road, opposite Piney Grove
Road

4th Election District
3rd Councilmanic District

Fred S. Schaefer,

Petitioner/Owner

Case No.: **2007-0256-SPH**

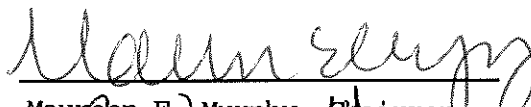
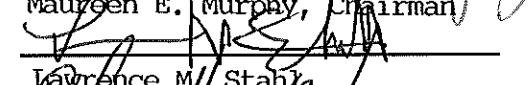
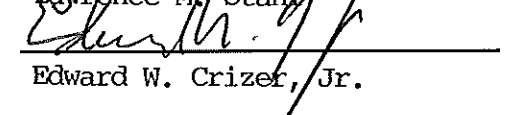
ORDER

Upon consideration of the Petitioner's Withdrawal of Petition for Special Hearing in this case, filed more than fifteen (15) days in advance of the Board's scheduled hearing date as required by Rule 3.b.2 of this Board's *Rules of Practice and Procedure*, it is this 26th day of August, 2009.

ORDERED, that the Petition for Special Hearing filed in this case be and the same is hereby withdrawn without prejudice; and it is

FURTHER ORDERED, that all materials in this case shall be returned to the Office of Zoning, within the Department of Permits and Development Management.

BOARD OF APPEALS


Maureen E. Murphy, Chairman

Lawrence M. Stahl

Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

PMZ
W
RECEIVED BY

AUG 27 2009

People's Counsel
for Baltimore County

August 26, 2009

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
502 Washington Ave, 8th Floor
Towson, MD 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Fred S. Schaefer-Petitioner/Legal Owner*
Case No.: 07-256-SPH

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

Duplicate Original Cover letter

c: Fred S. Schaefer
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
William J. Wiseman, III, Zoning Commissioner
John E. Beverungen, County Attorney

BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING
Old Hanover Road, opposite Piney Grove
Road

4th Election District
3rd Councilmanic District

Fred S. Schaefer,

Petitioner/Owner

Case No.: **2007-0256-SPH**

WITHDRAWAL OF PETITION WITHOUT PREJUDICE

Fred S. Schaefer, Petitioner/Owner in the above-captioned case, by and through his undersigned legal counsel, and in strict accord with Rule 3.b.2 of the *Rules of Practice and Procedure* promulgated by this Board, hereby withdraws without prejudice his Petition for Special Hearing in the above-referenced case. This withdrawal is more than fifteen (15) days in advance of the Board's hearing on this matter, scheduled for Thursday, November 5, 2009 at 10:00 a.m.



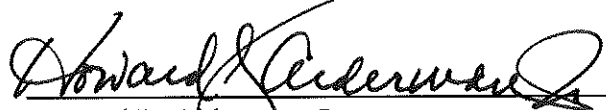
Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]
Attorneys for Fred S. Schaefer, Petitioner/Owner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of August, 2009, a copy of the foregoing Withdrawal of Petition Without Prejudice and the proposed Order attached thereto, was mailed via First-Class, United States Mail to: i) Peter Max Zimmerman, Esquire and Carole S. Demilio, Esquire, both of the Baltimore County Office of People's Counsel, The Jefferson Building, Suite 204, 105 West Chesapeake Avenue, Towson, Maryland 21204; and ii) Mr. Fred S. Schaefer, 15722 Dover Road, Reisterstown, Maryland 21136.

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AUG 21 2009

BALTIMORE COUNTY
BOARD OF APPEALS



Howard L. Alderman, Jr.

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

August 20, 2009

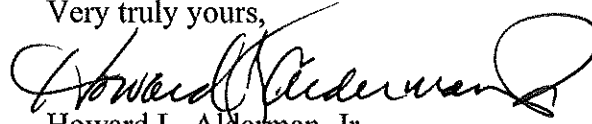
County Board of Appeals for Baltimore County
Attn: Ms. Theresa R. Shelton, Administrator
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: *Fred S. Schaefer, Petitioner/Owner*
Case No. 2007-0256-SPH
Withdrawal of Petition Without Prejudice

Dear Ms. Shelton:

Enclosed, please accept for filing on behalf of the above-named Petitioner his Withdrawal of Petition Without Prejudice and proposed Order. Should you or any member of the Board desire additional information in this regard, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk

c: Mr. Fred S. Schaefer
Peter Max Zimmerman, People's Counsel

RECEIVED
AUG 21 2009
BALTIMORE COUNTY
BOARD OF APPEALS

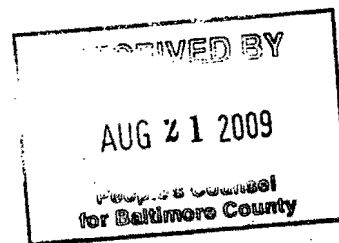
HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
500 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0800
TELEFAX 410-296-2801

August 20, 2009

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)



County Board of Appeals for Baltimore County
Attn: Ms. Theresa R. Shelton, Administrator
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: ***Fred S. Schaefer, Petitioner/Owner***
Case No. 2007-0256-SPH
Withdrawal of Petition Without Prejudice

Dear Ms. Shelton:

Enclosed, please accept for filing on behalf of the above-named Petitioner his Withdrawal of Petition Without Prejudice and proposed Order. Should you or any member of the Board desire additional information in this regard, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

c: Mr. Fred S. Schaefer
Peter Max Zimmerman, People's Counsel

IN RE: PETITION FOR SPECIAL HEARING
NW side Old Hanover Road, opposite of
Piney Grove Road
4th Election District
3rd Councilmanic District
(Old Hanover Road at Piney Point Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

Fred Schaefer
Petitioner

* CASE NO. 07-256-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at Old Hanover Road at Piney Grove Road. The Petition was filed by Fred Schaefer, legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to transfer one density right from 3.77 acre parcel to 14.163 acre parcel.

The property was posted with Notice of Hearing on January 17, 2007, 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 January 16, 2007, 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 were received from the Department

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of Environmental Protection and Resource Management dated January 25, 2007 which contains restrictions, and the Bureau of Development Plans Review dated December 15, 2006 which contains restrictions. DEPRM recommends denial of the request. The site is located in the Piney Run Rural Legacy Area and Baltimore County Agricultural Preservation Area. As such, there has been significant public funding to protect and foster the conditions suitable for future agricultural operations. Adding additional development conflicts with the purpose. Copies of these comments are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were Fred Schaefer, Petitioner, Bruce Doak with Gerhold, Cross & Etzel, Ltd., who prepared the site plan, and James Wolf, an adjacent property owner. Appearing in opposition to the request was Wally Lippincott and David Lykens from the Department of Environmental Protection and Resource Management. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property is composed of two parcels off Old Hanover Road owned by the Petitioner as shown in exhibit 1. The parcel with frontage on Old Hanover Road contains 14.163 acres while the triangular shaped parcel behind contains 3.71 acres. Both are zoned RC 2. The 14.163 acres parcel is actively farmed for the most part by the Petitioner. The 3.71 acre parcel is wooded, contains a stream, has steep slopes and wetlands.

Mr. Doak proffered that both parcels were lots of record prior to November 1979 and since both exceed two acres in size each parcel has two lot densities (density units) for a total of four lots. He explained the Petitioner would like to subdivide the 14 acre parcel into three lots as shown on exhibit 1 by transferring one lot density from the 3 acre parcel to the 14 acres parcel. Three new homes would be built with access to the public road along a panhandle driveway ending at Old Hanover Road. He opined the lots would meet all zoning regulations, are clustered

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PB

and minimize the effect on agriculture. He presented an aerial photograph of the area in exhibit 2 and a flood plain map of the area as exhibit 3.

Mr. Doak noted that the Petitioner has farmed the adjacent farm and the 14 acre parcel all his life, knows the land and uses, and what is best for agriculture. The area is primarily agricultural with some dwellings on small lots. Sale of the three lots will allow the Petitioner to continue farming.

Mr. Doak noted that the proposed three lot subdivision was presented to the Hanover Road Community Association who support the request, to the Valleys Planning Council who take no position regarding the request and to Mr. Thomas, the adjacent property owner to the north and person most affected by the proposal who has no objection to the request.

Finally Mr. Doak proffered that if the transfer is approved as requested the Petitioner will put the 3 acre parcel into a land preservation program eliminating the remaining lot density unit so that no home would be built on the parcel. He noted that building homes on the three acre parcel would not be a good idea from a preservation standpoint as these homes would need road access to Old Hanover Road necessitating building a road over farm fields.

Mr. Lippincott, the author of the DEPRM comment recommending the request be denied, indicated that there is no authority in the Code or regulations allowing transfer of lot densities. He did not dispute the parcels were created prior to November 1979 or that the total lot density was two for each parcel.

However he noted that the 3 acre parcel is wooded, contains a stream, has steep slopes etc and as such has minimal agricultural capability. On the contrary the 14 acre parcel is actively farmed and consequently has high agricultural capability. He opined that it would be against the spirit and intent of the RC 2 zoning to transfer a lot density from a low capability parcel to a high capability parcel. He opined that the 3 acre parcel is not buildable due to the stream, wetlands

and steep slopes. In addition such a transfer is against the master plan for the area, would violate the rural legacy program goals and damage this important agricultural area of the County.

He noted that if the request to transfer is denied, the Petitioner can subdivide the 14 acre parcel into two lots which likely will be very similar to the lot of 1.6 acres on Old Hanover Road and a second lot of 12 acres which would support a small farm of 12 acres. He opined no road from Old Hanover Road to the 3 acre parcel could be built on the Petitioner's property as the two parcels touch only at a point.

In rebuttal Mr. Doak noted the Montanyen case where a lot density was transferred from a 3 acre parcel very similar to the present request. In addition he opined that his preliminary analysis of the development potential of the 3 acre parcel shows that the Petition can get one buildable lot. He opined that it would be better for agriculture to continue to farm the remaining land outside the three proposed lots as part of the Petitioner's 75 acre farm than to have a small farm on the 12 acre parcel proposed by Mr. Lippincott. He indicated the support from the local community association, the fact that the Thomas farm is not a preservation program and that the Petitioner will erect a fence around the new lots with dwellings to avoid conflict between the dwelling owners and farm uses surrounding them.

Mr. Shaefer indicated that Mr. Lippincott once agreed that the configuration proposed by the Petitioner was the best for agriculture. Mr. Lippincott repeated that having lot no. 1 and a 12 acre small farm would be best for agriculture. Mr. Wolf, an adjacent property owner and spokesperson for the Hanover Road Community Association, supported the Petitioner's request as the most responsible plan provided the remaining lot density on the 3 acre parcel is eliminated as proposed. Mr. Lykens from DEPRM opined the 3 acre parcel can not be divided and that at most one dwelling would result. Mr. Doak observed that developing that one lot would damage the resource of the forest on the parcel which is also required to be preserved by the RC 2

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regulations. Mr. Wolf opined that the Petitioner could achieve two lot densities on the 3 acre parcel by lot line adjustment.

Findings of Fact and Conclusions of Law

This Commission has regularly interpreted Section 500.1 of the BCZR to give jurisdiction to grant non density transfers of RC 2 zoned land where it is clear that the over all result would benefit agriculture. We have even approved density transfers on rare occasions where it is crystal clear, the reshuffling of lot density would do likewise.

A central issue of this case is the degree to which the 3 acre parcel can practically be developed. If this parcel could be developed with two new homes which if added to the two new dwellings on the 14 acre parcel, there would be 4 dwellings total. This would clearly be the worse case from an RC 2 spirit and intent perspective as the active agricultural uses on the 14 acre parcel and the woods on the 3 acre parcel would be most impacted. If this were the situation, I should approve the Petitioner's request.

However all agree that the 14 acre parcel can be developed with two dwellings and there is almost agreement that the 3 acre parcel could be developed with one dwelling. Assuming (but certainly not finding) for this portion of the argument that the 3 acre parcel can have one dwelling, I am to weigh the spirit and intent of the RC 2 regulations of three lots on the 14 acre parcel with no development on the 3 acre parcel due to voluntary land preservation, against two dwellings on the 14 acre parcel and one dwelling on the 3 acre parcel. Again there are three total dwellings in either scenario.

Most of the 14 acre parcel is presently being farmed as shown in exhibits 1 and 2. If three dwellings are constructed as proposed by the Petitioner, the three lots would eliminate 6.420 acres from active farming ($2.64 + 2.14 + 1.64$ acres). If Mr. Lippincott's plan is adopted, I assume the 1.64 acre parcel on Old Hanover Road and a 12 acre small farm will result. I further assume that the 12 acre small farm will contain a dwelling which will eliminate 2.14 acres of

active agriculture, (lot 2) and the rest would be farmed. So the Lippincott proposal eliminates 3.78 acres of active agriculture. The difference between the proposals is that the Petitioner's proposal would eliminate the area of lot 3 (2.64 acres) more from active agriculture than the Lippincott proposal. However the Lippincott proposal would also eliminate some area of woodland for the new dwelling on the 3 acre parcel. I will assume for this comparison that the loss of woodland will be 2.64 acres, the size of lot 3, which includes the access road. The bottom line of this exercise is that I must weigh the loss of 2.64 acres of woodlands against the lost of 2.64 acres of active agriculture.

The RC 2 regulations specify :

Legislative statement of findings.

1.Declaration of findings. It is found:

a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;

b. That the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry;

c. That scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;

d. That continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;

e. That heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;

f. That Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the bay's biotic life; and

g. That Baltimore County possesses numerous areas which are highly suitable for urban development, including residential subdivisions which are not located in areas of productive agricultural land.

B. Purposes. The R.C.2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

1A01.2Use regulations.

A. Preferred use permitted as of right. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C.2 Zones. (emphasis supplied)

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2-7-07
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It is clear that continued use of productive agricultural areas and preferential treatment for agricultural uses defines the most important aspects of the spirit and intent of the regulations. Based on the above described scenario, the Petitioner's proposal eliminates more agriculture use than Mr. Lippincott's proposal and therefore must be denied.

One could certainly argue that the above scenario is flawed by the assumption that the new dwelling on the 3 acre parcel will eliminate 2.64 acres of woodland including access road. The facts may be there could be less woodland lost for the new dwelling in the 3 acre parcel which would make the ultimate choice between the two proposals more difficult. However there was no information presented at the hearing to indicate that this may be the case so I will continue with the above comparison and conclude Mr. Lippincott's proposal is the better choice from an RC 2 spirit and intent standpoint.

In addition I am not sure how even one dwelling could actually be accomplished on the 3 acre parcel. Besides the very serious environmental constraints, there is no way for this Petitioner to construct a road to the parcel from Old Hanover Road on the two parcels that make up the subject property. The parcels touch only at a point. There is nothing in the record to indicate the Parris family, who own the intervening property, would approve such a road. Perhaps the Petitioner could swing the road to the south to cross a portion of his 75 acre farm but this appears to be rugged terrain from exhibits 1 and 2.

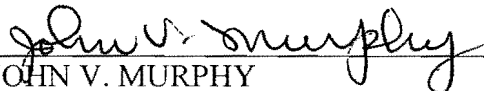
What I cannot judge is how denying this request will affect the Petitioner's ability to continue farming his far larger property to the south. One could perhaps make an argument that only the income from the three proposed lots will allow the much larger parcel to continue to be farmed and so serve a greater good. While there is no evidence of this factor in this record, generally we have denied requests to introduce economics into zoning cases.

2-7-07
EB

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' request for special hearing should be denied.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 7th day of February, 2007, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to transfer one density right from 3.77 acre parcel to 14.163 acre parcel is hereby DENIED.

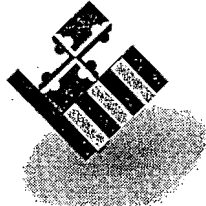
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

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2-7-07
P3



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 6, 2007

FRED SCHAEFER
15277 DOVER ROAD
REISTERSTOWN MD 21136

Re: Petition for Special Hearing
Case No. 07-256-SPH
Property: Old Hanover Road at Piney Point Road

Dear Mr. Schaefer:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz

Enclosure

c: Bruce Doak, P.E., Gerhold, Cross & Etzel, LTD, 320 E. Towsontown Blvd., Suite 100, Towson MD 21286
James Wolf, 5133 Frye Road, Upperco MD 21155
Wallace Lippincott, Department of Environmental Protection and Resource Management



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at OLD HANOVER 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

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.

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):

FRED SCHAEFER
Name - Type or Print

Fred Schaefer
Signature

Name - Type or Print

Signature

15277 DOVER ROAD
Address Telephone No.

REISTERSTOWN MD 21136
City State Zip Code

Representative to be Contacted:

Scott Hodgkins c/o G.C. & E.
Name

320 E. TOWSONTOWN BLVD
Address Telephone No.

TOWSON, MD 21286
City State Zip Code

410-823-4470

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 07-256-SPH

Reviewed By LTN Date 12/4/06

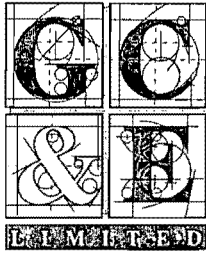
REV 9/15/98

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SPECIAL HEARING REQUESTED

TO TRANSFER ONE DENSITY RIGHT FROM 3.77 ACRE€
PARCEL TO 14.163 ACRE€ PARCEL.



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

November 27, 2006

**ZONING DESCRIPTION
SCHAEFER PROPERTY
Old Hanover Road
Baltimore County, Maryland**

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

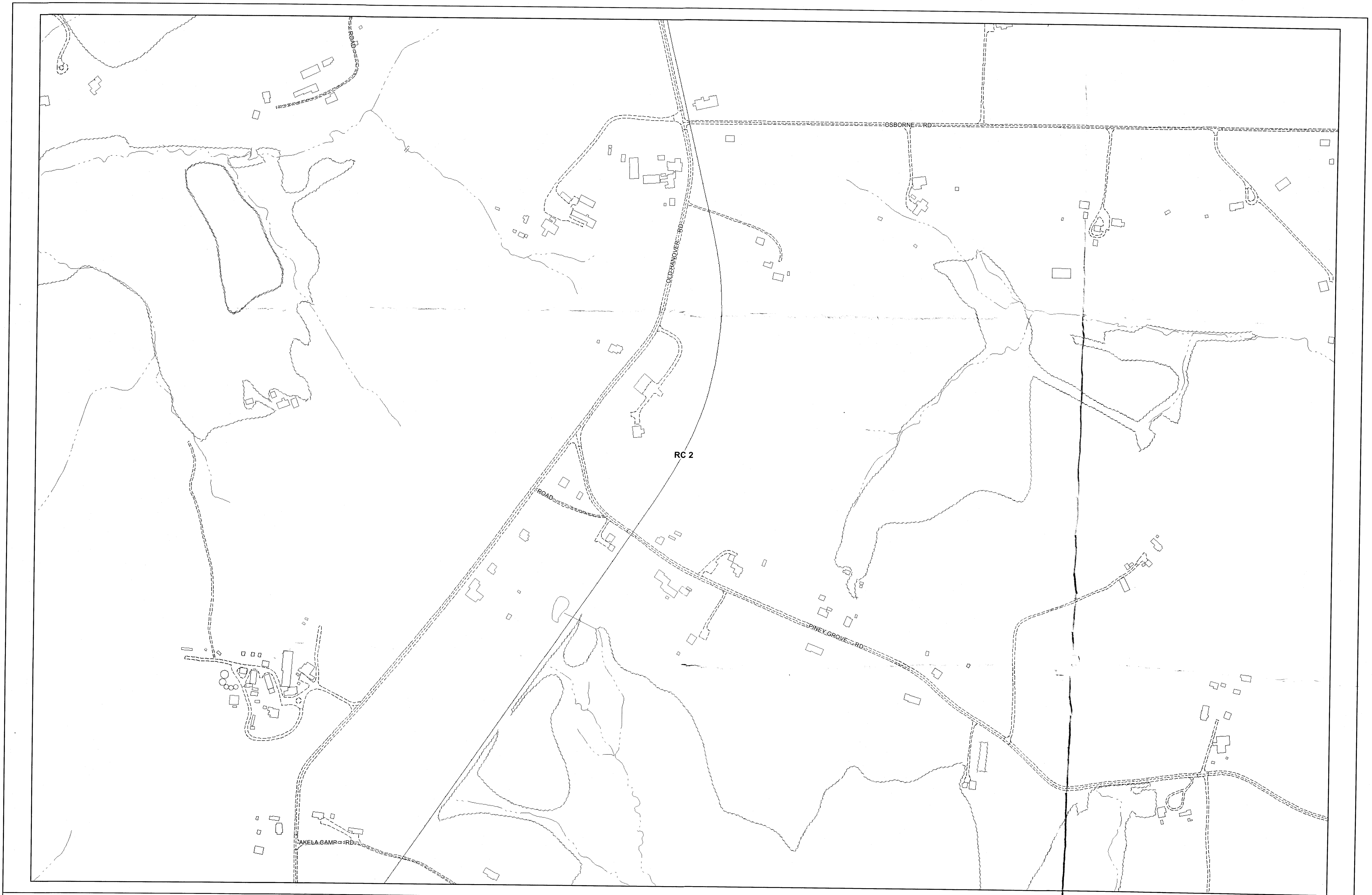
Beginning for the same at a point on the centerlines of Old Hanover Road and Piney Grove Road, thence southwesterly 43 feet along the centerline of Old Hanover Road, thence running along the centerline of Old Hanover Road,

- 1) North 47 degrees East 272.3 feet (16.5 Perches),
- 2) North 47 degrees West 726.0 feet (44 Perches),
- 3) North 53 degrees West 679.8 feet (41.2 Perches),
- 4) South 38 degrees West 602.3 feet (36.5 Perches),
- 5) Straight line southeasterly to the Point of Beginning

Containing 14.163 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.

Ben E. Ohl
12/04/06



Plan Sheet: 031C3

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Buildings
- Streams
- Vegetation
- Zoning
- Roads
- Rail Lines

**Baltimore County
Office of Planning and Zoning
Official Zoning Map**

031A2	031B2	031C2	032A2	032B2
031A3	031B3	031C3	032A3	032B3
039A1	039B1	039C1	040A1	040B1

Scale

1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22612

DATE 3/1/07 ACCOUNT 001-01010-1050

AMOUNT \$ 175.00

RECEIVED FROM: Levin + Gann

FOR: Appeal

07-256-SPH

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

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: # 07-256-SPH

Old Hanover Road
Northwest side Old
Hanover Road opposite of
Piney Grove Road
4th Election District
3rd Councilmanic District
Legal Owner(s): Fred
Schaefer

Special Hearing: To transfer one density right from 3.77-acre parcel to 14.163-acre parcel.

Hearing: Friday, February 2, 2007 at 10:00 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 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.

JT 1/708 Jan 16 121682

CERTIFICATE OF PUBLICATION

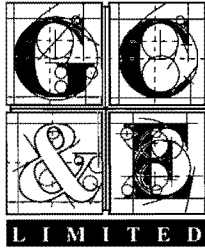
1/18/, 2007

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 1/16/, 2007.

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

J. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

CERTIFICATE OF POSTING

RE: CASE# 07-256-SPH
PETITIONER/DEVELOPER:
Fred Schaefer
DATE OF HEARING: 2/02/07

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

ATTENTION: KRISTEN 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 PROPERTY LOCATED AT**

(see page 2 for full size photo)

LOCATION:
Old Hanover Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

POSTED ON: 1/17/07

ZONING NOTICE

CASE: 07-256-SPH

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

Room 407 County Courts Building
PLACE: 401 Bosley Avenue, Towson, MD
TIME: 10:00 am Friday, February 2, 2007

Special Hearing:

To transfer one density right from
3.77-acre parcel to 14.163-acre
parcel.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE.

ZONING NOTICE

CASE # :07-256-SPH

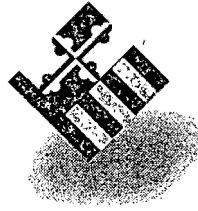
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

Room 407 County Courts Building
401 Bosley Avenue, Towson, MD

PLACE: TIME: 10:00 am Friday, February 2, 2007

Special Hearing:

To transfer one density right from
3.77-acre parcel to 14.163-acre
parcel.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

December 27, 2006
TIMOTHY KOTROCO, Director
Department of Permits and
Development Management

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: 07-256-SPH

Old Hanover Road

Northwest side Old Hanover Road opposite of Piney Grove Road

4th Election District – 3rd Councilmanic District

Legal Owner: Fred Schaefer

Special Hearing to transfer one density right from 3.77-acre parcel to 14.163-acre parcel.

Hearing: Friday, February 2, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Fred Schaefer, 15277 Dover Road, Reisterstown 21136
Scott Hodgkins, 320 E. Towsontown Blvd., Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 17, 2007.**
- (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.**

Requested:

6/21/07

10-B-11

APPEAL SIGN POSTING REQUEST

CASE NO. 07-256-SPH

OLD HANOVER ROAD

4th ELECTION DISTRICT

APPEALED: 2/27/2007

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 07-256-SPH

LEGAL OWNER: OLD HANOVER ROAD - FRED SCHAEFER

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

OLD HANOVER ROAD
NW/S Old Hanover Road, opposite of Piney Grove Road

The sign was posted on 8/24, 2007.

By: [Signature]
(Signature of Sign Poster)

Chen, Jerry
(Print Name)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

*Rescheduled to
2/19/08 - in-house
schedule conflict*

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

December 3, 2007

NOTICE OF ASSIGNMENT

CASE #: 07-256-SPH

IN THE MATTER OF: FRED SCHAEFER –Legal Owner /Petitioner
Old Hanover Road, opposite Piney Grove Road.
4th Election District; 3rd Councilmanic District

2/07/2007 – D.Z.C.'s Order in which requested zoning relief was DENIED.

ASSIGNED FOR:

WEDNESDAY, FEBRUARY 13, 2008 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner
Appellant /Petitioner

: Howard L. Alderman, Jr., Esquire
: Fred Schaefer

Bruce Doak /Gerhold, Cross & Etzel
James Wolf

Office of People's Counsel
Wally Lippincott /DEPRM
David Lykens /DEPRM
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

*pp'd by reg. of
P.C. w/ agree by
Cm. Alderman;
present to
5-22-08*

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

January 2, 2008

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 07-256-SPH

IN THE MATTER OF: FRED SCHAEFER –Legal Owner /Petitioner
Old Hanover Road, opposite Piney Grove Road.
4th Election District; 3rd Councilmanic District

2/07/2007 – D.Z.C.'s Order in which requested zoning relief was DENIED.

which was scheduled to be heard on 2/13/08 has been REASSIGNED to the following hearing date due to a scheduling conflict; and has been

REASSIGNED FOR:

TUESDAY, FEBRUARY 19, 2008 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner
Appellant /Petitioner

: Howard L. Alderman, Jr., Esquire
: Fred Schaefer

Bruce Doak /Gerhold, Cross & Etzel
James Wolf
Christopher Williamson

Office of People's Counsel
Wally Lippincott /DEPRM
David Lykens /DEPRM
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



From: Kathleen Bianco
To: People's Counsel
CC: halderman@LevinGann.com
Date: 2/11/2008 2:37 PM
Subject: Re: Fred Schaeffer 07-256-SPH

Dear Mr. Zimmerman:

This will confirm that the subject matter has been pulled from Tuesday, February 19th, and will be reassigned to a later date on the Board's schedule. At this time, it would appear that the time frame for reassignment would be late May to early June.

I will get a notice out this afternoon, and will also fax a copy to Mr. Alderman.

Kathleen C. Bianco, Administrator
County Board of Appeals
Room 49, Old Courthouse
Towson, MD 21204
410-887-3180
410-887-3182 (FAX)
kbianco@baltimorecountymd.gov

>>> People's Counsel 2/11/2008 1:36 PM >>>
Ms. Bianco,

This is to confirm our office's request for postponement of the above case scheduled for February 19, 2008. Petitioner's Attorney, Howard Alderman, has agreed to the postponement. We hope the Board will also find this agreeable.

Peter Max Zimmerman

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

From: "Howard Alderman" <halderman@levingann.com>
To: "People's Counsel" <peoplescounsel@baltimorecountymd.gov>, "Kathleen Bia...
Date: 2/11/2008 1:54 PM
Subject: RE: Fred Schaeffer 07-256-SPH

Ms. Bianco,

I discussed this request with Mr. Zimmerman and am in agreement. I indicated to Mr. Zimmerman that I did not think a formal, written request was necessary unless required by the Board. I have advised my clients, the Petitioners, of the postponement and they would only request that the hearing be rescheduled as promptly as possible.

Thank you,
Howard

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
E-Mail Address: halderman@LevinGann.com
Website: www.LevinGann.com

This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

NOTE: If a file in Adobe/PDF format is attached to this message and you do not have the software to open it, you may download and install the software at no cost from the following:
<http://www.adobe.com/products/acrobat/readstep2.html>

-----Original Message-----

From: People's Counsel [mailto:peoplescounsel@baltimorecountymd.gov]
Sent: Monday, February 11, 2008 1:36 PM
To: Kathleen Bianco
Cc: Howard Alderman
Subject: Fred Schaeffer 07-256-SPH

Ms. Bianco,

This is to confirm our office's request for postponement of the above case scheduled for February 19, 2008. Petitioner's Attorney, Howard Alderman, has agreed to the postponement. We hope the Board will also find this agreeable.

Peter Max Zimmerman

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

February 11, 2008

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 07-256-SPH

IN THE MATTER OF: FRED SCHAEFER – Legal Owner /Petitioner
Old Hanover Road, opposite Piney Grove Road.
4th Election District; 3rd Councilmanic District

2/07/2007 – D.Z.C.'s Order in which requested zoning relief was DENIED.

which was reassigned to be heard on 2/19/08 has been POSTPONED at the request of the Office of People's Counsel and by agreement with Counsel for Petitioner; and has been

REASSIGNED FOR:

THURSDAY, MAY 22, 2008 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner
Appellant /Petitioner

: Howard L. Alderman, Jr., Esquire
: Fred Schaefer

Bruce Doak /Gerhold, Cross & Etzel
James Wolf
Christopher Williamson

Office of People's Counsel
Wally Lippincott /DEPRM
David Lykens /DEPRM
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

*PP'd - and
had pending
resolution*



COUNTY BOARD OF APPEALS

ROOM 49, OLD COURTHOUSE •
400 WASHINGTON AVENUE • TOWSON, MD 21204
PHONE: 410-887-3180 • FAX: 410-887-3182

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

HOWARD ALDERMAN, JR., ESQUIRE
410-296-2801

FROM:

KATHLEEN BIANCO
FAX: 410-887-3182

TELEPHONE: 410-887-3180

DATE:

FEBRUARY 11, 2008

TOTAL NO. OF PAGES INCLUDING
COVER:

TWO (2)

RE: CASE NO. 07-256-SPH /FRED
SCHAEFER

URGENT

FOR REVIEW

FOR YOUR RECORDS

PLEASE REPLY

PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

HOWARD:

**ATTACHED IS A COPY OF THE NOTICE THAT WENT OUT THIS AFTERNOON
POSTPONING THE FRED SCHAEFER MATTER FROM 2/19/08 TO 5/22/08.**

kathi

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

March 24, 2008

RECEIVED

MAR 25 2008

**BALTIMORE COUNTY
BOARD OF APPEALS**

Kathleen Bianco, Administrator
County Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: Fred Schaefer, Petitioner
Case No. 07-256-SPH
Joint Request for Continuance

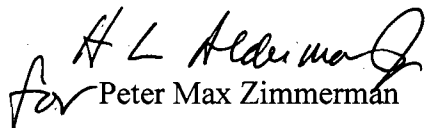
Dear Ms. Bianco:

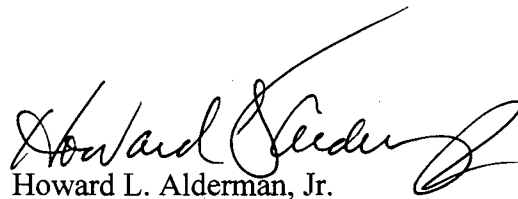
On behalf of my client, Fred Schaefer, Petitioner, and the Office of People's Counsel for Baltimore County, we respectfully request that the Board place the above-referenced case on its inactive docket. This case is presently scheduled for hearing on May 22, 2008.

The parties are pursuing a resolution that will address the Petitioner's issue, while at the same time ensuring the overall goal of the promotion of agriculture and agricultural activities in the County. If resolution is reached, Mr. Zimmerman and I would present revised relief and a proposed Order for the Board's consideration. Certainly, if for some presently unknown reason the attempts at resolution fall apart, we would request from the Board a new date for hearing of the Petition as submitted.

Should you or any member of the Board need any additional information in consideration of this request please do not hesitate to call Mr. Zimmerman (410-887-2188) or me at the number above.

Very truly yours,


for Peter Max Zimmerman


Howard L. Alderman, Jr.

HLA/gk

c: Mr. Fred Schaefer
Peter Max Zimmerman, People's Counsel for Baltimore County
Mr. Wallace S. Lippincott



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Petitioner WJ

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

July 22, 2009

SECOND RE-ASSIGNMENT NOTICE

CASE #: 07-256-SPH

IN THE MATTER OF: FRED SCHAEFER –Legal Owner /Petitioner
Old Hanover Road, opposite Piney Grove Road.
4th Election District; 3rd Councilmanic District

2/07/2007 – D.Z.C.'s Order in which requested zoning relief was DENIED.

which was reassigned to be heard on 5/22/08 and was postponed by joint request of Counsel for Petitioner and People's Counsel for Baltimore County; is re-assigned as follows:

RE-ASSIGNED FOR: THURSDAY, NOVEMBER 5, 2009 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton
Administrator

c: Counsel for Appellant /Petitioner
Appellant /Petitioner

: Howard L. Alderman, Jr., Esquire
: Fred Schaefer

Bruce Doak /Gerhold, Cross & Etzel
James Wolf
Christopher Williamson

Office of People's Counsel
Wally Lippincott /DEPRM
David Lykens /DEPRM
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

jm 2/2

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 26 2007

PLANNING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JAL*

DATE: January 25, 2007

SUBJECT: Zoning Item # 07-256-SPH
Address NW side Old Hanover Rd opposite Piney Grove Road)
(Schaefer Property)

Zoning Advisory Committee Meeting of December 11, 2006

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

X Development of the property may be required to 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). — *J. Russo; Environmental Impact Review*

X Development of this property may be required to comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). — *J. Russo; Environmental Impact Review*

Additional Comments:

Recommend denial of this petition. The transfer of density is not permitted in the BCZR. This request is for the purposes of achieving additional development that might not otherwise be achievable due to the configuration and site constraints. There is no guarantee in the BCZR that the density of the zone is to be maximized, particularly if it conflicts with the purposes of the Zone, Master Plan and other public purposes — preservation of the area. This site is located in the Piney Run Rural Legacy Area and Baltimore County Agricultural Preservation Area. As such, there has been significant public funding to protect and foster the conditions suitable for future agricultural operations. Adding additional development conflicts with the purpose. This petition should be denied.

I will make every effort to attend the hearing in order to answer any questions that these comments may raise. — *Wallace Lippincott; Agricultural Preservation*

S:\Devcoord\I ZAC-Zoning Petitions\ZAC 2007\ZAC 07-256-SPH.doc

Jan
2/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 26, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-256- Special Hearing**

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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Chris Murray

Division Chief:

Pat Keller

CM/LL

JAN 01 2007

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

February 26, 2007

HAND DELIVERED

Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 111
Towson, Maryland 21204

RE: Piney Grove Road
Frederick S. Schaefer, Petitioner
Case No. 07-256-SPH
Notice of Appeal

**Stamp here and initial indicating date
appeal was filed:**

RECEIVED

FEB 27 2007

Per. *[Signature]*

Dear Mr. Kotroco:

On behalf of my client, Frederick S. Schaefer, owner of the above-referenced property, an appeal of the February 7, 2007, decision of the Deputy Zoning Commissioner for Baltimore County denying the relief requested by the Petitioner is hereby noted to the County Board of Appeals for Baltimore County. This appeal is authorized by *Baltimore County Code* §32-3-401 and I have enclosed this firm's check in the amount of \$225 as the requisite filing fee that representatives of your department (per Rose in your office) advised would be charged. If the enclosed fee is incorrect, please contact my office immediately so that the correct amount can be submitted.

Upon the docketing of this appeal, please transmit all required papers, exhibits and other evidence to the Board of Appeals. Should you or your staff need additional information to enable the prompt processing of this appeal, as always, do not hesitate to contact me at your convenience.

Very truly yours,

[Signature]
Howard L. Alderman, Jr.

HLA/gk
Enclosure

c: Mr. Frederick S. Schaefer
Peter Max Zimmerman, Peoples' Counsel
Bruce E. Doak, PLS

APPEAL

Petition for Special Hearing
Old Hanover Road
Northwest side Old Hanover Road, opposite of Piney Grove Road
4th Election District – 3rd Councilmanic District
Legal Owner(s): Fred Schaefer

Case No.: 07-256-SPH

- ✓ Petition for Special Hearing (December 4, 2006)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (December 27, 2006)
- ✓ Certification of Publication (January 18, 2007)
- ✓ Certificate of Posting (January 17, 2007) by Bruce E. Doak
- ✓ Entry of Appearance by People's Counsel (December 19, 2006)
- ✓ Petitioner(s) Sign-In Sheet – 1 Sheet
- ✓ County Representative(s) Sign-In Sheet – 1 Sheet
- ✓ Citizen(s) Sign-In Sheet – 1 Sheet
- ✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plan to accompany a Petition for a Special Hearing
2. Overview of area
3. Flood Insurance Rate Map

Protestants' Exhibits:

Miscellaneous (Not Marked as Exhibit)

- ✓ 1. Letter to John Murphy from Daniel Colhoun
- ✓ Deputy Zoning Commissioner's Order (DENIED in accordance w/order – February 7, 2007)
- ✓ Notice of Appeal received on February 27, 2007 from Howard L. Alderman, Jr.

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Bruce Doak Gerhold, Cross & Etzel 320 E. Towsontowne Blvd Towson 21286
James Wolf 5133 Frye Road Upperco 21155
Wallace S. Lippincott, Jr. 401 Bosley Avenue Room 416 Towson 21204
Fred Schaefer 15277 Dover Road Reisterstown 21136
Howard L. Alderman, Jr. Levin & Gann 502 Washington Avenue, 8th Floor Towson 21204

date sent 4/18/07, amf

Christopher Williamson
913 Litchfield Rd
21239

CASE #: 07-256-SPH

IN THE MATTER OF: FRED SCHAEFER –Legal Owner /Petitioner
Old Hanover Road, opposite Piney Grove Road.
4th Election District; 3rd Councilmanic District

SPH – To transfer one density right from 3.77-acre parcel to 14.163-acre parcel.

2/07/2007 – D.Z.C.'s Order in which requested zoning relief was DENIED.

12/03/07 --Notice of Assignment sent to following; assigned for hearing on Wednesday, February 13, 2008 at 10 a.m.:

Howard L. Alderman, Jr., Esquire
Fred Schaefer
Bruce Doak /Gerhold, Cross & Etzel
James Wolf
Office of People's Counsel
Wally Lippincott /DEPRM
David Lykens /DEPRM
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

1/02/08 – T/C to H. Alderman; scheduling conflict discovered with 2/13/08 hearing date; confirmed with him that this matter could be reassigned to 2/19/08; notice to be sent out this date so that he may notify his client of 2/19 date.

-- Notice of PP and Reassignment sent to parties this date; case reassigned to Tuesday, February 19, 2008 at 10:00 a.m. Included Christopher Williamson on 913 Litchfield Road, 21239.

2/08/08 – T/C from Office of People's Counsel – will be requesting a postponement of hearing scheduled for 2/19/08; has spoken with Counsel for Petitioner regarding this postponement.

2/11/08 – E-mail from Office of People's Counsel requesting postponement of 2/19/08 hearing; also received e-mail this date from Mr. Alderman confirming same, with request that the case be reassigned a hearing as promptly as possible.

-- Second Notice of PP and Reassignment sent out this date; case reassigned to Thursday, May 22, 2008 at 10:00 a.m. Copy sent to Mr. Alderman via FAX this date.

3/25/08 – Letter from Howard Alderman, Jr., Esquire, requesting a postponement in this matter on behalf of his client and the Office of People's Counsel (confirmed with PC); to be reset only upon request; pursuit of resolution may resolve this matter without need for hearing; do not reset for hearing unless requested by either party.

July 2009 Reviewed file with People's Counsel – request matter be set in for a hearing in mid-November 2009.

7/22/09 Hearing scheduled for Thursday, November 5, 2009. Re-assignment Notice sent to all parties.

8/24/09 Received Withdrawal of Petition and Order from Mr. Alderman. Order to Panel for signature.

From: Linda Fliegel
To: Mark Gawel
Date: 08/27/07 12:33 PM
Subject: Sign Posting Complaint

Dear Mr. Gawel,

I received a call from Mr. Schaefer, located at Old Hanover Road - Case No. 07-256-SPH, who said that his neighbor was quite upset because his appeal sign was posted on his neighbors property and not his. Apparently the sign is now lying on the ground. Would someone kindly re-post the sign in Mr. Schaefer's yard instead of his neighbor's yard.

Daniel W. Colhoun
16301 Trenton Church Road
Upperco, Maryland 21155

H10 239 0252

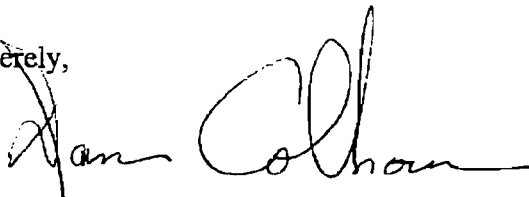
To: Mr. John Murphy
From: Dan Colhoun

I became aware that my name was used at the hearing Friday, February 2, 2007, concerning a lot line adjustment for Mr. Fred Shafer, case # 7 - 256. SPH, Baltimore County, special hearing.

I met with Mr. Fred Shafer the day before, February 1, 2007 to explain the different options available to him through land preservation programs with the State of Maryland.

At no time did I comment on his lot line adjustment case or ever discuss the issue with his engineer. Please correct the record as necessary.

Sincerely,



RECEIVED

FEB 06 2007

CASE NAME 07-256 SP4
CASE NUMBER _____
DATE 2/2/07

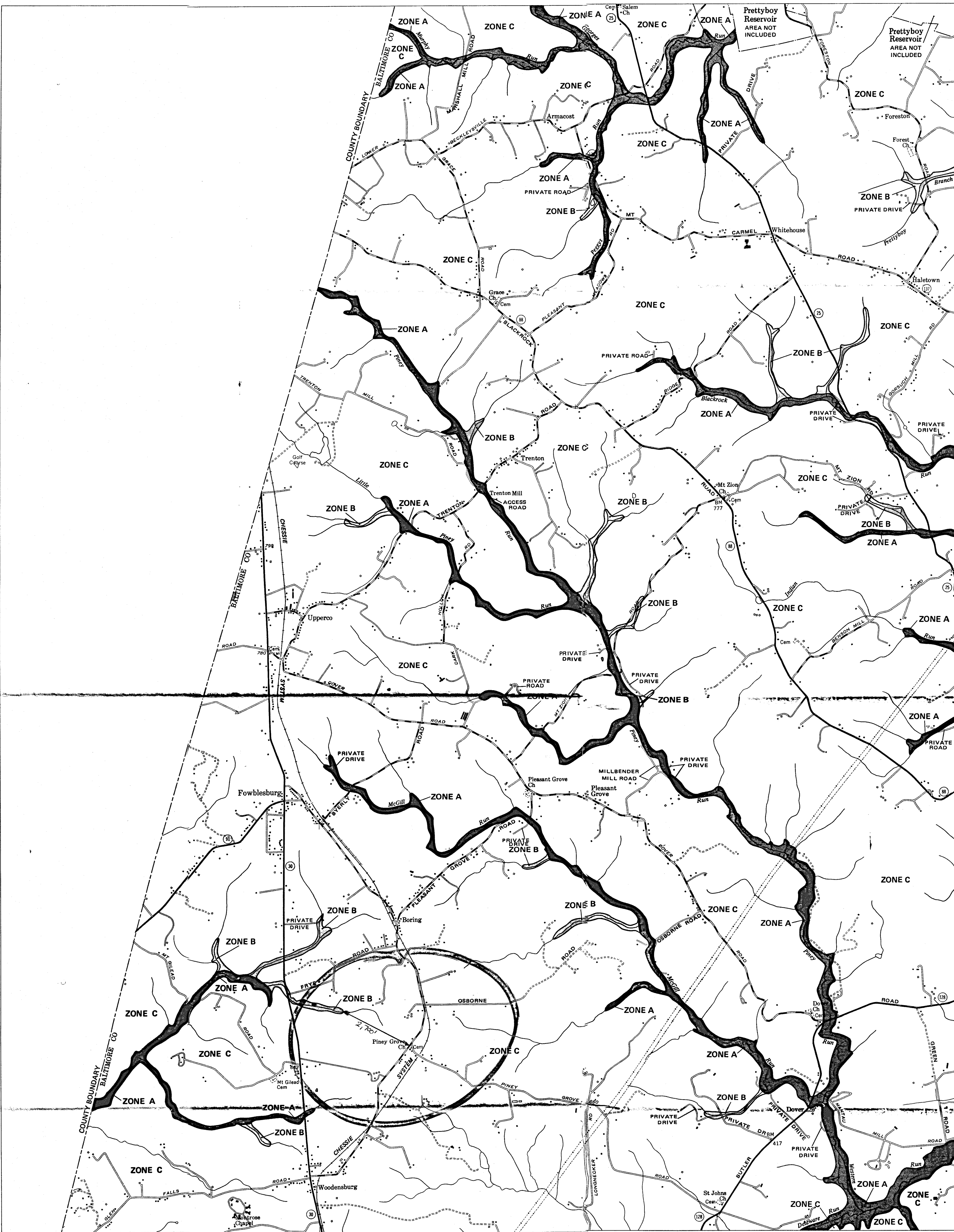
[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]



KEY TO MAP

100-Year Flood Boundary
100-Year Flood Boundary
Zone Designations* With
Date of Identification
e.g., 12/2/74
100-Year Flood Boundary
500-Year Flood Boundary

Base Flood Elevation Line
With Elevation In Feet**

Base Flood Elevation In Feet
Where Uniform Within Zone**

Elevation Reference Mark

River Mile

**Referenced to Baltimore County Datum

ZONE B

ZONE B

513

(EL 987)

RM7x

M1.5

***EXPLANATION OF ZONE DESIGNATIONS**

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.

This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

For adjoining map panels, see separately printed Index To Map Panels.

INITIAL IDENTIFICATION:
APRIL 18, 1975

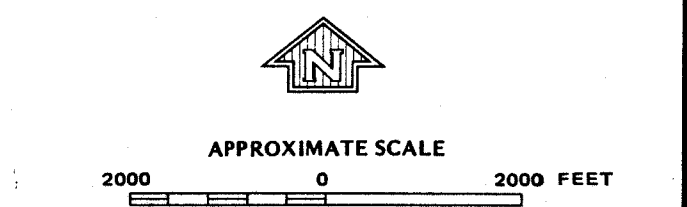
FLOOD HAZARD BOUNDARY MAP REVISIONS:
JUNE 4, 1976

FLOOD INSURANCE RATE MAP EFFECTIVE:
MARCH 2, 1981

FLOOD INSURANCE RATE MAP REVISIONS:

Refer to the FLOOD INSURANCE RATE MAP EFFECTIVE date shown on this map to determine when actuarial rates apply to structures in the zones where elevations or depths have been established.

To determine if flood insurance is available in this community, contact your insurance agent, or call the National Flood Insurance Program at (800) 638-6620, or (800) 424-8872.



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

BALTIMORE COUNTY, MARYLAND
(UNINCORPORATED AREAS)

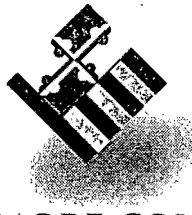
PANEL 100 OF 575
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
240010 0100 B

EFFECTIVE DATE:
MARCH 2, 1981

federal emergency management agency
federal insurance administration

Det #3



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

January 25, 2007

Fred Schaefer
15277 Dover Road
Reisterstown, MD 21136

Dear Mr. Schaefer:

RE: Case Number: 07-256-SPH, Old Hanover Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 4, 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,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Scott Hodgkins Gerhold, Cross & Etzel 320 E. Towsontowne Blvd. Towson 21286

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

December 12, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: December 11, 2006

Item No.: 252, 253, 254, 255, 256, 257, 258, 259, 261, 262, 263, 264 and 265.

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.

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



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

Date: 12-13-2006

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

RE: Baltimore County
Item No. 7-256-SPH
OLD HANOVER ROAD
FRED SHAEFER PROPERTY
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-256-SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 15, 2006

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 18, 2006
Item No. 07-256

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We have no objection to the proposed density transfer provided that note number 9 is revised and provided that the proposed subdivision is subsequently approved in accordance with all development regulations.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-256-12132006.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
Old Hanover Road; NW/S Old Hanover Road *
opposite Piney Grove Road * ZONING COMMISSIONER
4th Election & 3rd Councilmanic Districts *
Legal Owner(s): Fred Schaefer * FOR
Petitioner(s) * BALTIMORE COUNTY
* 07-256-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

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

RECEIVED

DEC 19 2006

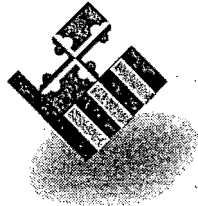
Per...*LM*...

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of December, 2006, a copy of the foregoing Entry of Appearance was mailed to, Scott Hodgkins, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

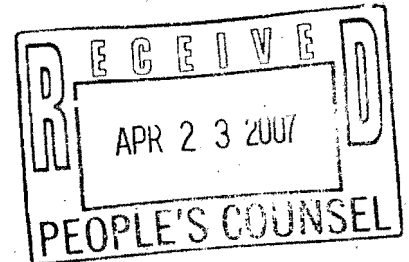
GO
PC may have
to defend
check w/
Wally
who
opposes

April 18, 2007

Fred Schaefer
15277 Dover Road
Reisterstown, MD 21136

Dear Mr. Schaefer:

RE: Case: 07-256-SPH, Old Hanover Road



Please be advised that an appeal of the above-referenced case was filed in this office on February 27, 2007 by Howard L. Alderman, Jr. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco
Director

TK:amf

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Bruce Doak Gerhold, Cross & Etzel 320 E. Towsontowne Blvd Towson 21286
James Wolf 5133 Frye Road Upperco 21155
Wallace S. Lippincott, Jr. 401 Bosley Avenue Room 416 Towson 21204
Howard L. Alderman, Jr. Levin & Gann 502 Washington Avenue 8th Floor Towson 21204

APPEAL

Petition for Special Hearing
Old Hanover Road
Northwest side Old Hanover Road, opposite of Piney Grove Road
4th Election District – 3rd Councilmanic District
Legal Owner(s): Fred Schaefer

Case No.: 07-256-SPH

Petition for Special Hearing (December 4, 2006)

Zoning Description of Property

Notice of Zoning Hearing (December 27, 2006)

Certification of Publication (January 18, 2007)

Certificate of Posting (January 17, 2007) by Bruce E. Doak

Entry of Appearance by People's Counsel (December 19, 2006)

Petitioner(s) Sign-In Sheet – 1 Sheet

County Representative(s) Sign-In Sheet – 1 Sheet

Citizen(s) Sign-In Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plan to accompany a Petition for a Special Hearing
2. Overview of area
3. Flood Insurance Rate Map

Protestants' Exhibits:

Miscellaneous (Not Marked as Exhibit)

1. Letter to John Murphy from Daniel Colhoun

Deputy Zoning Commissioner's Order (DENIED in accordance w/order – February 7, 2007)

Notice of Appeal received on February 27, 2007 from Howard L. Alderman, Jr.

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Bruce Doak Gerhold, Cross & Etzel 320 E. Towsontowne Blvd Towson 21286
James Wolf 5133 Frye Road Upperco 21155
Wallace S. Lippincott, Jr. 401 Bosley Avenue Room 416 Towson 21204
Fred Schaefer 15277 Dover Road Reisterstown 21136
Howard L. Alderman, Jr. Levin & Gann 502 Washington Avenue, 8th Floor Towson 21204

date sent 4/18/07, amf

From: People's Counsel
To: Lippincott, Wallace
Date: 05/02/2007 11:28 AM
Subject: 07-256-SPH

Wally,

We just wanted to let you know that the above-mentioned case has been appealed. We saw your office's comment recommending denial of the petition concerning this property and thought you would be interested to know that it was appealed. We will let you know when a hearing date is set.

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

March 24, 2008

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204

RE: Fred Schaefer Property
Old Hanover Road, Opposite Piney Grove Road
Case No. 07-256-SPH

Dear Peter:

On behalf of my client, Fred Schaefer, I want to thank you and Wally Lippincot for meeting with us in advance of the appeal hearing before the County Board of Appeals to discuss how my client's issue might be resolved and, at the same time, address the overall purpose of preservation of agricultural activities, land and opportunities in the County. As discussed, I have set out below a brief summary of the resolution that has been reached.

Parcel 386:	presently 14.163 $\pm$ acres	['density' for two lots]
Parcel 387:	presently 3.77 $\pm$ acres	['density' for two lots]
Parcel 58 [Farm Lot]:	presently 75 $\pm$ acres	['density' for two lots]

The Special Hearing relief pending before the Board requests that 'density' for one lot be moved from Parcel 387 to Parcel 386, thereby allowing a total of three residential lots on Parcel 386. The remainder of Parcel 386 (presently described as approximately 7.743 $\pm$ acres) i.e. the land area not included in the three lots, may increase somewhat if any of the three proposed lots are reduced from the size as shown on the plan which accompanied the Special Hearing Request.

Parcel 58 [Farm Lot] retains the right for two residential lots. My client would offer for easement purchase, Parcel 58, with the 'density' for two lots being reserved, the remainder of Parcel 386 (no remaining lot 'density') and Parcel 387 – including the remaining 'density' for one lot.

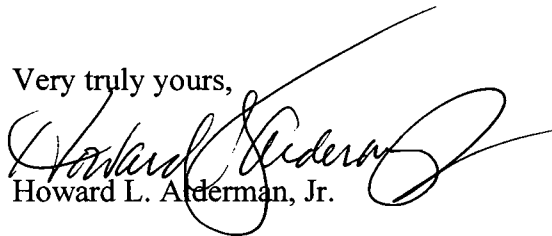
After settlement on the easement purchase, my client would execute a deed of merger combining Parcel 58 [Farm Lot] (with the reserved right for two residential lots), Parcel 387 and the remainder of Parcel 386.

Peter Max Zimmerman, Esquire
March 24, 2008
Page 2

With respect to the case pending before the Board of Appeals, we would prepare modified relief consistent with the conditions outlined above and submit to the Board for its review and approval and execution of a jointly prepared Order embodying this compromise. You and I have agreed that testimony will be presented to the Board of the preservation of agricultural land and activities that will be achieved by the modified relief. The Board's final Order will be required and the minor subdivision plan approved to modify Parcel 386 in advance of settlement on the easement purchase. My client would execute the easement to be held in escrow, pending completion of settlement on the easement purchase. This advance execution will provide the assurances necessary to allow the Special Hearing relief and minor subdivision to be approved.

Thank you and Wally for working with my client and me to resolve my client's issues, while at the same time ensuring that additional agricultural land will be protected for future generations. Please call me with any questions.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk

c: Mr. Fred Schaefer
Mr. Wallace S. Lippincott



County Board of Appeals of Baltimore County *will be reset /*
HEARING / NOVEMBER 2008

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180

Hearing Room #2, Second Floor FAX: 410-887-3182
Jefferson Building, 105 W. Chesapeake Avenue

March 27, 2008

THIRD NOTICE OF POSTPONEMENT /ON HOLD DOCKET

CASE #: 07-256-SPH

IN THE MATTER OF: FRED SCHAEFER –Legal Owner /Petitioner
Old Hanover Road, opposite Piney Grove Road.
4th Election District; 3rd Councilmanic District

2/07/2007 – D.Z.C.'s Order in which requested zoning relief was DENIED.

which was reassigned to be heard on 5/22/08 has been POSTPONED by joint request of Counsel for Petitioner and People's Counsel for Baltimore County; **TO BE ASSIGNED FOR HEARING ONLY UPON REQUEST.**

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : Howard L. Alderman, Jr., Esquire
Appellant /Petitioner : Fred Schaefer

Bruce Doak /Gerhold, Cross & Etzel
James Wolf
Christopher Williamson

Office of People's Counsel
Wally Lippincott /DEPRM
David Lykens /DEPRM
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

SPH – To transfer one density right from 3.77-acre parcel to 14.163-acre parcel.

2/07/2007 – D.Z.C.'s Order in which requested zoning relief was DENIED.

12/03/07 --Notice of Assignment sent to following; assigned for hearing on Wednesday, February 13, 2008 at 10 a.m.:

Howard L. Alderman, Jr., Esquire
Fred Schaefer
Bruce Doak /Gerhold, Cross & Etzel
James Wolf
Office of People's Counsel
Wally Lippincott /DEPRM
David Lykens /DEPRM
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

1/02/08 – T/C to H. Alderman; scheduling conflict discovered with 2/13/08 hearing date; confirmed with him that this matter could be reassigned to 2/19/08; notice to be sent out this date so that he may notify his client of 2/19 date.

-- Notice of PP and Reassignment sent to parties this date; case reassigned to Tuesday, February 19, 2008 at 10:00 a.m. Included Christopher Williamson on 913 Litchfield Road, 21239.

2/08/08 – T/C from Office of People's Counsel – will be requesting a postponement of hearing scheduled for 2/19/08; has spoken with Counsel for Petitioner regarding this postponement.

2/11/08 – E-mail from Office of People's Counsel requesting postponement of 2/19/08 hearing; also received e-mail this date from Mr. Alderman confirming same, with request that the case be reassigned a hearing as promptly as possible.

-- Second Notice of PP and Reassignment sent out this date; case reassigned to Thursday, May 22, 2008 at 10:00 a.m. Copy sent to Mr. Alderman via FAX this date.

3/25/08 – Letter from Howard Alderman, Jr., Esquire, requesting a postponement in this matter on behalf of his client and the Office of People's Counsel (confirmed with PC); to be reset only upon request; pursuit of resolution may resolve this matter without need for hearing; do not reset for hearing unless requested by either party.

From: "Howard Alderman" <halderman@levingann.com>
To: "People's Counsel" <peoplescounsel@baltimorecountymd.gov>
CC: "Wallace Lippincott" <wlippincott@baltimorecountymd.gov>
Date: 01/29/2009 5:32 PM
Subject: FW: Fred Schafer

Pete,

You may recall the meeting that you, Wally and I had with my client, Fred Schafer, in the Hearing Room down the hall from your office on March 20, 2008. Since that meeting, my client done what he agreed to do and with Wally's help has been attempting to find an environmental/conservation easement program that would produce a reasonable amount for Fred and his family in return for the perpetual easement. You will see from the email trail below that despite Wally's best efforts a reasonable offer hasn't been found yet.

Fred wants to move forward so that the lots can be created. I've suggested to Wally (I have not yet discussed this with Fred) that we could, perhaps, add an enforceable note to the plan as set forth in draft below. Wally asked that I forward this to you so that you and he could discuss it.

Thanks,
Howard

~~~~~  
Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA  
Nottingham Centre, 8th Floor  
502 Washington Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
E-Mail Address: halderman@LevinGann.com  
Website: www.LevinGann.com

This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

NOTE: If a file in Adobe/PDF format is attached to this message and you do not have the software to open it, you may download and install the software at no cost from the following:  
<http://www.adobe.com/products/acrobat/readstep2.html>

-----Original Message-----

**From:** Wallace Lippincott [mailto:wlippincott@baltimorecountymd.gov]  
**Sent:** Thursday, January 29, 2009 5:03 PM  
**To:** Howard Alderman  
**Subject:** RE: Fred Schafer

Howard,  
Please send this suggestion to Pete and he and I can talk about it.

Thanks

Wally Lippincott, Jr.  
Balto County DEPRM  
(410)887-3776

>>> "Howard Alderman" <halderman@levingann.com> 1/29/2009 4:58 PM >>>

Wally,

Thanks for the update. How can we move forward with the minor subdivision plan? Can we address it by note on the plan?

Perhaps something like:

Note \_\_\_\_ Owner agrees that for a period of \_\_\_\_ (\_\_\_\_) years following final approval of this plan and the recordation of the deeds among the Land Records of Baltimore County creating the lots shown hereon, Owner shall work diligently and in good faith with Baltimore County to place Parcel \_\_\_\_ in an environmental or other conservation easement, upon terms acceptable to Owner and Baltimore County and upon compensation acceptable to Owner therefor, either directly or through tax incentives.

~~~~~  
Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
E-Mail Address: halderman@LevinGann.com
Website: www.LevinGann.com

This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

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<http://www.adobe.com/products/acrobat/readstep2.html>

-----Original Message-----

From: Wallace Lippincott [mailto:wlippincott@baltimorecountymd.gov]
Sent: Thursday, January 29, 2009 4:52 PM
To: Howard Alderman
Subject: Re: Fred Schafer

Howard,

We got a low number on the appraisal from Steve Muller. Am looking at some other options that include looking at the value based on County formula or in the alternative trying to challenge the Federal methodology. The latter is obviously a very long term proposition. So let me come up with numbers and

get back to you.
Wally

Wally Lippincott, Jr.
Balto County DEPRM
(410)887-3776

>>> "Howard Alderman" <halderman@levingann.com> 1/29/2009 4:39 PM >>>
Wally,

Happy New Year!!

Fred Schafer is calling me and I wanted to have any update from you before I returned his call. The last item I took care of was dealing with Steve Muller regarding the accumulation of density agreement, lot layout, etc.

Can you please bring me up to date on where this matter rests today?
I'm supposed to call Fred tomorrow morning.

Thanks,

Howard

~~~~~  
Howard L. Alderman, Jr., Esquire

Levin & Gann, PA

Nottingham Centre, 8th Floor

502 Washington Avenue

Towson, Maryland 21204

410-321-0600 (voice)

410-296-2801 (fax)

E-Mail Address: halderman@LevinGann.com  
<mailto:halderman@LevinGann.com>

Website: www.LevinGann.com <http://www.levingann.com/>

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<<http://www.adobe.com/products/acrobat/readstep2.html>>

**From:** "Howard Alderman" <halderman@levingann.com>  
**To:** "People's Counsel" <peoplescounsel@baltimorecountymd.gov>  
**Date:** 03/20/2008 12:51 PM  
**Subject:** Fred Schaefer  
**Attachments:** Fred Schaefer - Peter Zimmerman.doc; Bianco - Continue Fred Schaefer case.doc

Peter,

Attached are two, draft, unedited letters (both of which have been converted from WordPerfect format to MS Word). Both have been scanned and are virus free. I am sending them electronically so that you can modify them as you deem necessary and send them back and we will finalize them.

Thanks again for all of the efforts in this case,

Howard

---

Howard L. Alderman, Jr., Esquire

Levin & Gann, PA

Nottingham Centre, 8th Floor

502 Washington Avenue

Towson, Maryland 21204

410-321-0600 (voice)

410-296-2801 (fax)

E-Mail Address: halderman@LevinGann.com  
<mailto:halderman@LevinGann.com>

Website: www.LevinGann.com <<http://www.levingann.com/>>

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<<http://www.adobe.com/products/acrobat/readstep2.html>>

HOWARD L. ALDERMAN, JR.  
halderman@LevinGann.com

DIRECT DIAL  
410-321-4640

LAW OFFICES  
**LEVIN & GANN**

A PROFESSIONAL ASSOCIATION  
NOTTINGHAM CENTRE  
502 WASHINGTON AVENUE  
8<sup>th</sup> Floor  
TOWSON, MARYLAND 21204  
410-321-0600  
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)  
CALMAN A. LEVIN (1930-2003)

March 20, 2008

Peter Max Zimmerman, Esquire  
People's Counsel for Baltimore County  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, Maryland 21204

RE: Fred Schaefer Property  
Old Hanover Road, Opposite Piney Grove Road  
Case No. 07-256-SPH

Dear Peter:

On behalf of my client, Fred Schaefer, I want to thank you and Wally Lippincot for meeting with us in advance of the appeal hearing before the County Board of Appeals to discuss how my client's issue might be resolved and, at the same time, address the overall purpose of preservation of agricultural activities and opportunities in the County. As discussed, I have set out below a brief summary of the compromise that has been reached.

|                       |                              |                          |
|-----------------------|------------------------------|--------------------------|
| Parcel 386:           | presently 14.163 $\pm$ acres | [>density= for two lots] |
| Parcel 387:           | presently 3.77 $\pm$ acres   | [>density= for two lots] |
| Parcel 58 [Farm Lot]: | presently 75 $\pm$ acres     | [>density= for two lots] |

The Special Hearing relief pending before the Board requests that >density= for one lot be moved from Parcel 387 to Parcel 386, thereby allowing a total of three residential lots on Parcel 386. The remainder of Parcel 386 (presently described as approximately 7.743  $\pm$  acres) i.e. the land area not included in the three lots, may increase somewhat if any of the three proposed lots are reduced from the size as shown on the plan which accompanied the Special Hearing Request.

Parcel 58 [Farm Lot] retains the right for two residential lots. My client would offer for easement purchase, Parcel 58, with the >density= for two lots being reserved, the remainder of Parcel 386 (no remaining lot >density=) and Parcel 387 B including the remaining >density= for one lot.

After settlement on the easement purchase, my client would execute a deed of merger combining Parcel 58 [Farm Lot] (with the reserved right for two residential lots), Parcel 387 and the remainder of Parcel 386.

Peter Max Zimmerman, Esquire  
March 20, 2008  
Page 2

LEVIN & GANN,

With respect to the case pending before the Board of Appeals, we would prepare modified relief consistent with the conditions outlined above and submit to the Board for its approval and execution a jointly prepared Order embodying this compromise. The Board's final Order will be required and the minor subdivision plan approved to modify Parcel 386 in advance of settlement on the easement purchase. My client would execute the easement to be held in escrow, pending completion of settlement on the easement purchase. This advance execution will provide the assurances necessary to allow the Special Hearing relief and minor subdivision to be approved.

Thank you and Wally for working with my client and me to resolve my client's issues, while at the same time ensuring that additional agricultural land will be protected for future generations. Please call me with any questions.

Very truly yours,

**DRAFT      DRAFT      DRAFT**

Howard L. Alderman, Jr.

HLA/gk

c: Mr. Fred Schaefer

HOWARD L. ALDERMAN, JR.  
halderman@LevinGann.com

DIRECT DIAL  
410-321-4640

LAW OFFICES  
**LEVIN & GANN**  
A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE  
502 WASHINGTON AVENUE  
8<sup>th</sup> Floor  
TOWSON, MARYLAND 21204  
410-321-0600  
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)  
CALMAN A. LEVIN (1930-2003)

March 20, 2008

Kathleen Bianco, Administrator  
County Board of Appeals for Baltimore County  
Old Courthouse, Suite 49  
400 Washington Avenue  
Towson, Maryland 21204

RE: Fred Schaefer, Petitioner  
Case No. 07-256-SPH  
*Joint Request for Continuance*

Dear Ms. Bianco:

On behalf of my client, Fred Schaefer, Petitioner, and the Office of People=s Counsel for Baltimore County, we respectfully request that the Board place the above-referenced case on its inactive docket. This case is presently scheduled for hearing on May 22, 2008.

The parties are pursuing a resolution that will address the Petitioner=s issue, while at the same time ensuring the overall goal of the promotion of agriculture and agricultural activities in the County. If resolution is reached, Mr. Zimmerman and I would present revised relief and a proposed Order for the Board=s consideration. Certainly, if for some presently unknown reason the attempts at resolution fall apart, we would request from the Board a new date for hearing of the Petition as submitted.

Should you or any member of the Board need any additional information in consideration of this request please do not hesitate to call Mr. Zimmerman (410-887-2188) or me at the number above.

Very truly yours,

Peter Max Zimmerman

Howard L. Alderman, Jr.

HLA/gk

c: Mr. Fred Schaefer  
Peter Max Zimmerman, People=s Counsel for Baltimore County

PMZ

**From:** "Howard Alderman" <halderman@levingann.com>  
**To:** "People's Counsel" <peoplescounsel@baltimorecountymd.gov>, "Kathleen Bia...  
**Date:** 02/11/2008 1:54 PM  
**Subject:** RE: Fred Schaeffer 07-256-SPH

Ms. Bianco,

I discussed this request with Mr. Zimmerman and am in agreement. I indicated to Mr. Zimmerman that I did not think a formal, written request was necessary unless required by the Board. I have advised my clients, the Petitioners, of the postponement and they would only request that the hearing be rescheduled as promptly as possible.

Thank you,  
Howard

~~~~~  
Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
E-Mail Address: halderman@LevinGann.com
Website: www.LevinGann.com

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-----Original Message-----

From: People's Counsel [mailto:peoplescounsel@baltimorecountymd.gov]
Sent: Monday, February 11, 2008 1:36 PM
To: Kathleen Bianco
Cc: Howard Alderman
Subject: Fred Schaeffer 07-256-SPH

Ms. Bianco,

This is to confirm our office's request for postponement of the above case scheduled for February 19, 2008. Petitioner's Attorney, Howard Alderman, has agreed to the postponement. We hope the Board will also find this agreeable.

Peter Max Zimmerman

07-256

PMR
CD

From: Wallace Lippincott
To: Muller, Stephen
CC: Alderman, Howard; bdoak; Counsel, People's
Date: 10/27/2008 12:49 PM
Subject: Re: FW: Fred S. Schaefer Property

Steve,

I agree with your information that there are three separate parcels. To my knowledge none of these have been subdivided since Nov. 1979 and they all exceed 2 acres but are less than 149. With this information, I would conclude that there are a total of 6 density rights available.

As you have indicated the request to reallocate the density was denied by the Hearing Officer but appealed by Schaefer. In a discussion between Mr. Schaefer, Mr. Alderman, myself and Pete Zimmerman for the People's Counsel, Mr. Schaefer proffered to place his farm acreage under an agricultural easement with the exception of an area large enough to build three homes. He would thus utilize 3 development rights and the remaining would be extinguished through the building of one dwelling and the sale of an easement. All agreed that this would be a reasonable resolution to the situation.

Wally

>>> "Stephen Muller" <smuller@muller-casella.com> 10/16/2008 10:27 AM >>>

Stephen H. Muller

Muller-Casella Associates, Inc.

7400 York Road Suite 103

Towson, Maryland 21204

410-832-0081

410-303-6838-Cell

410-832-5781-Fax

From: Stephen Muller [<mailto:smuller@muller-casella.com>]
Sent: Wednesday, October 15, 2008 2:50 PM
To: Wally Lippincott (wlippincott@co.ba.md.us)
Cc: Robert Kline (rkline@baltimorecountymd.gov)
Subject: Fred S. Schaefer Property

Wally, I have been working through the Fred S. Schaefer property and have a question as to the number of density rights before and under what scenario the after value should be examined.

In the before scenario, there are 5 density rights on the larger parcel. I will rely on Bruce Doak's testimony before the Deputy Zoning Commissioner that his preliminary analysis of the development potential of the 3.86 acre parcel shows that it can get one buildable lot.

The questions is, in the after case, do I view the property subject to the proposed plan offered by the property owner showing the transfer of the density right of Parcel 387 onto parcel 386 which has been rejected by the Deputy Zoning Commissioner, or should the property be analyzed as if the proposed plan does not exist. In ignoring the plan, there is the risk that an additional density right will be evaluated but then if the plan is eventually adopted the owner will retain the right. In short, paying for 2 when only 1 is given up.

On the other hand, if we analyze the property under the hypothetical condition the proposed plan has been adopted as of the effective date and it is subsequently not adopted, the after figure will not reflect the 2nd density right surrendered.

Parcel

of Density -Before

Density After - without plan

Density After - with plan

Parcel 386 - 14.16 ac

2

2

3

Parcel 387 - 3.80

1*

0

0

Parcel 58

2

1 + child lot

1 + child lot

Total

5

3 + child lot

4 + child lot

Number of lots surrendered

2

1

* Assuming Parcel 387 - 3.80 acres which has physical limitations can support 1 single family home.

Stephen H. Muller

Muller-Casella Associates, Inc.

7400 York Road Suite 103

Towson, Maryland 21204

410-832-0081

410-303-6838-Cell

410-832-5781-Fax

Wally Lippincott, Jr.
Balto County DEPRM
(410)887-3776

PMZ

07-256

From: Wallace Lippincott
To: Alderman, Howard
CC: Counsel, People's
Date: 02/14/2008 9:50 AM
Subject: Schaefer petition

Howard,
Pete and I discussed the concerns over this petition and a possible resolution. Perhaps it is best to meet with Pete and me to discuss. Please give me a call.
Wally

Wally Lippincott, Jr.
Balto County DEPRM
(410)887-3776

From: Kathleen Bianco
To: People's Counsel
CC: halderman@LevinGann.com
Date: 02/11/2008 2:37 PM
Subject: Re: Fred Schaeffer 07-256-SPH

Dear Mr. Zimmerman:

This will confirm that the subject matter has been pulled from Tuesday, February 19th, and will be reassigned to a later date on the Board's schedule. At this time, it would appear that the time frame for reassignment would be late May to early June.

I will get a notice out this afternoon, and will also fax a copy to Mr. Alderman.

Kathleen C. Bianco, Administrator
County Board of Appeals
Room 49, Old Courthouse
Towson, MD 21204
410-887-3180
410-887-3182 (FAX)
kbianco@baltimorecountymd.gov

>>> People's Counsel 2/11/2008 1:36 PM >>>
Ms. Bianco,

This is to confirm our office's request for postponement of the above case scheduled for February 19, 2008. Petitioner's Attorney, Howard Alderman, has agreed to the postponement. We hope the Board will also find this agreeable.

Peter Max Zimmerman

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

From: People's Counsel
To: Bianco, Kathleen
CC: halderman@LevinGann.com
Date: 02/11/2008 1:36 PM
Subject: Fred Schaeffer 07-256-SPH

Ms. Bianco,

This is to confirm our office's request for postponement of the above case scheduled for February 19, 2008. Petitioner's Attorney, Howard Alderman, has agreed to the postponement. We hope the Board will also find this agreeable.

Peter Max Zimmerman

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

From: People's Counsel
To: Lippincott, Wallace
Date: 01/11/2008 12:57 PM
Subject: 07-256-SPH

Wally,

Please be advised that Fred Schaefer, Case No. 07-256-SPH is currently scheduled before the Board of Appeals for February 19, 2007 at 10 a.m. Please check your schedule to be sure that this day is good for you.

Thanks,

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 04 Account Number - 2400011438

Owner Information

Owner Name: SCHAEFER FRED STEPHEN **Use:** AGRICULTURAL
Mailing Address: 15277 DOVER RD **Principal Residence:** NO
 REISTERSTOWN MD 21136-3829 **Deed Reference:** 1) /21924/ 57
 2)

Location & Structure Information

Premises Address **Legal Description**
 OLD HANOVER RD 3.77 AC
 WSR OLD HANOVER RD
 1400FT NW PINEY GROVE RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
31	22	387						1	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		3.80 AC	05

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2007	07/01/2007	07/01/2008	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	1,060	1,060			
Improvements:	0	0			
Total:	1,060	1,060	1,060	1,060	
Preferential Land:	1,060	1,060	1,060	1,060	

Transfer Information

Seller: SCHAEFER EDGAR L	Date: 05/25/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /21924/ 57	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 AGRICULTURAL TRANSFER TAX

Daniel W. Colhoun
16301 Trenton Church Road
Upperco, Maryland 21155

H10 239 0252

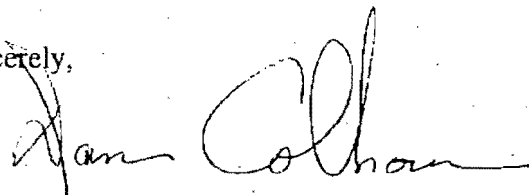
To: Mr. John Murphy
From: Dan Colhoun

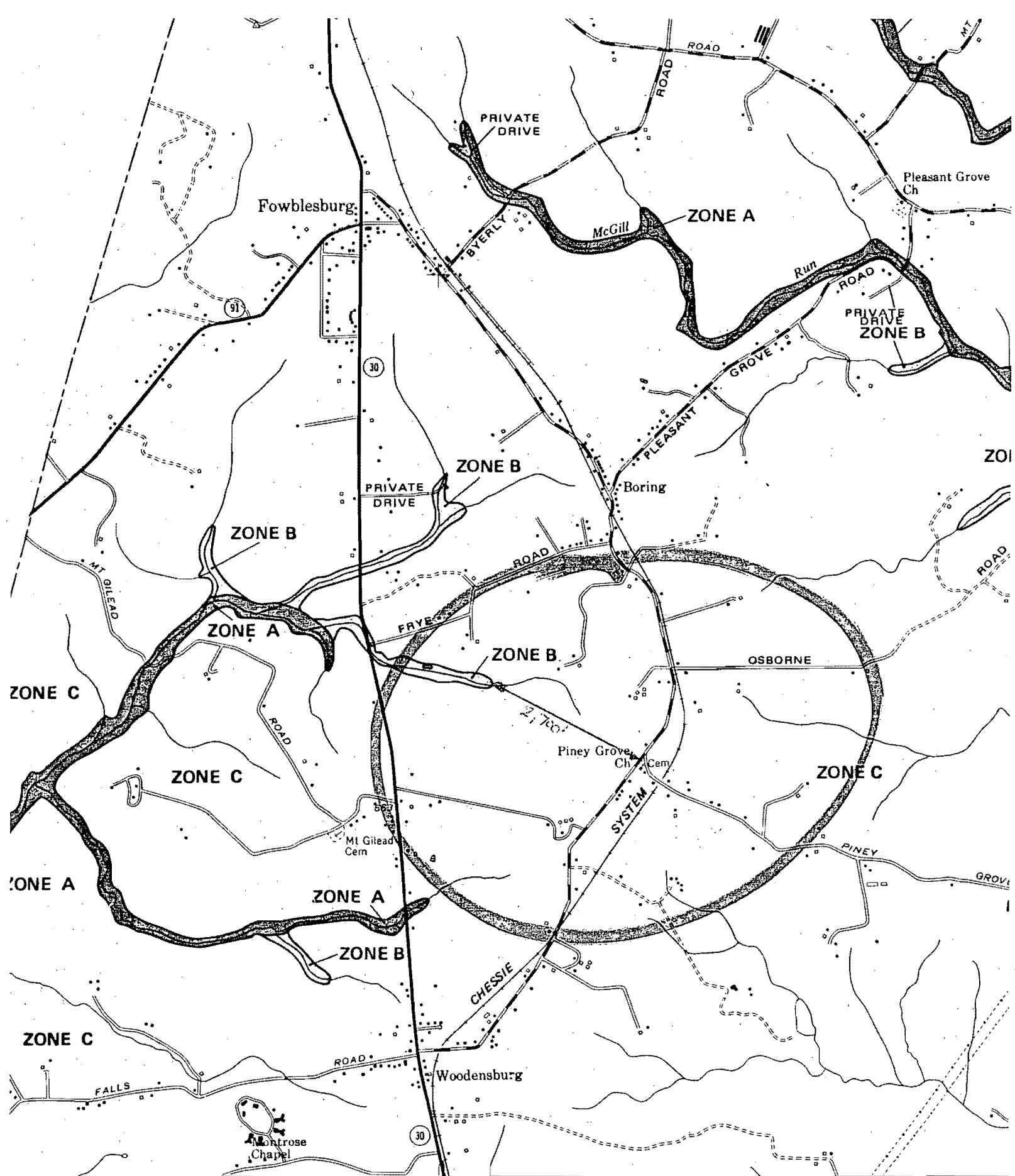
I became aware that my name was used at the hearing Friday, February 2, 2007, concerning a lot line adjustment for Mr. Fred Shafer, case # 7 - 256. SPH, Baltimore County, special hearing.

I met with Mr. Fred Shafer the day before, February 1, 2007 to explain the different options available to him through land preservation programs with the State of Maryland.

At no time did I comment on his lot line adjustment case or ever discuss the issue with his engineer. Please correct the record as necessary.

Sincerely,

A handwritten signature in black ink that reads "Dan Colhoun". The signature is written in a cursive, flowing style. The first name "Dan" is written in a smaller, more compact script, while "Colhoun" is written in a larger, more expansive script with a prominent loop at the end of the "n".



Parcel 386 14.163 $\pm$ Acres

Parcel 387 3.77 $\pm$ "

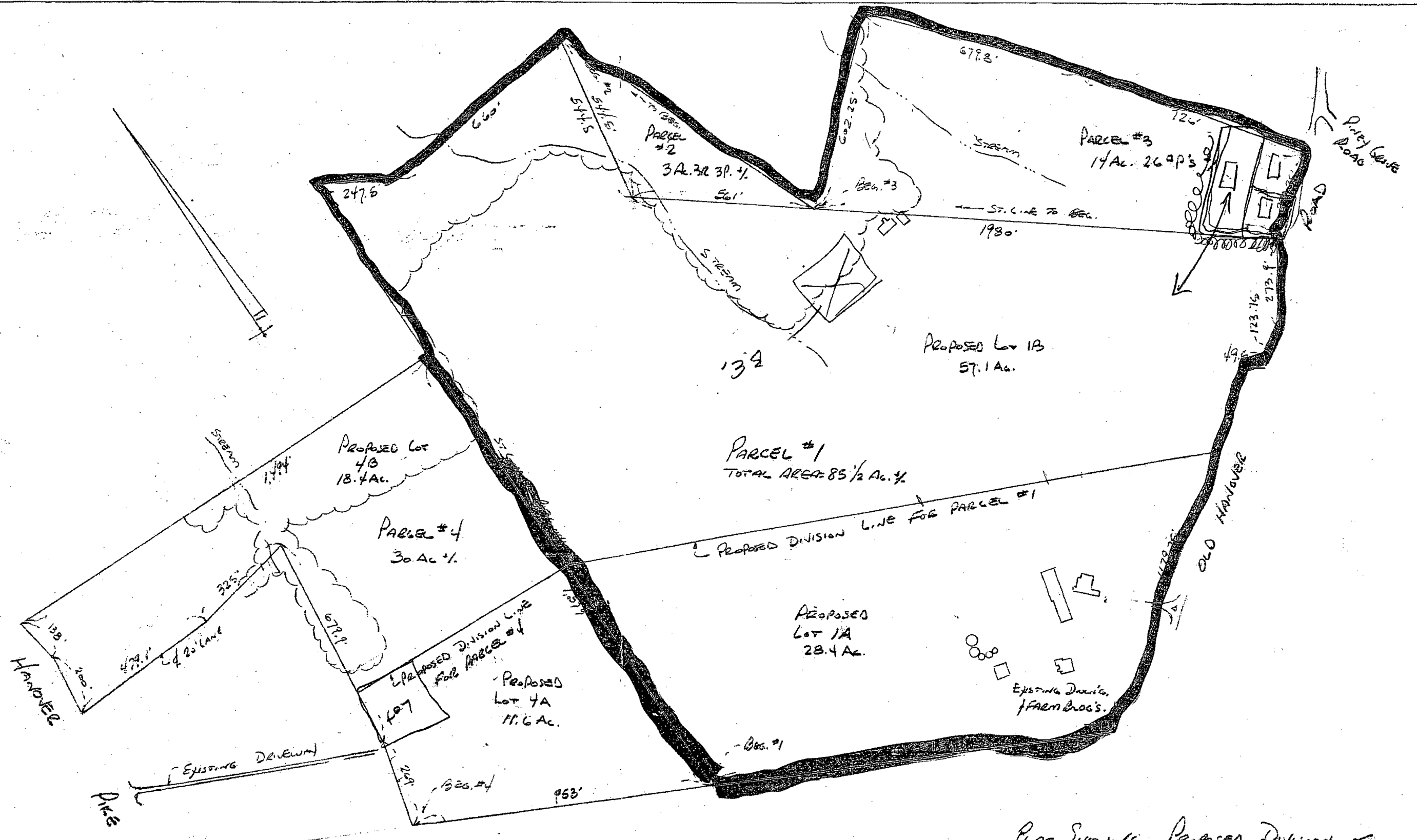
Parcel 216(?) Farm Lot Acet # 24-00-011485

Permit transfer of 1 Lot from P387
to P386, allowing 3 lots on P386
Remainder of P386 presently shown as
7.743 acres (may be somewhat larger
if any of the 3 lots reduced in size)

Parcel 216 (farm lot) retains the right for
two residential lots

Parcel 216 (2 lots reserved) remainder of
Parcel 386 (see note above regarding
possible ~~reduced~~ ^{subject} acreage) and Parcel
387 (including lot right ~~to be reserved~~)
offered for easement purchase ~~at~~
~~100% of fair market value~~

After easement purchase, deed of merger
to be executed and recorded ~~merging~~
merging Farm Lot (P216), Parcel 387 and
remainder of P386, not inclusive of
3 lots



PARCELS TO BE CONVEYED TO:

E. LEROY SCHAEFER JR. - LOT 1A - 28.4 AC.
(EXISTING DWELLING + VACANT LAND) LOT 4A - 11.6 AC.

FRED SCHAEFER - LOT 1B - 57.1 AC.
(VACANT LAND) PARCEL #2 - 3 AC +
PARCEL #3 - 14 AC +
LOT 4B - 18.4 AC.

PLAT SHOWING PROPOSED DIVISION OF
LANDS OF SCHAEFER

OLD HANOVER ROAD

POSTERTOWN, MARYLAND

4TH DIST. - BALTIMORE COUNTY, MD

SCALE: 1"=300' APRIL 13, 2004

PREPARED BY:

David Ransone
Land Surveyor
P.O. Box 10007
Baltimore, MD 21285-0007

LIC. #MD-10920

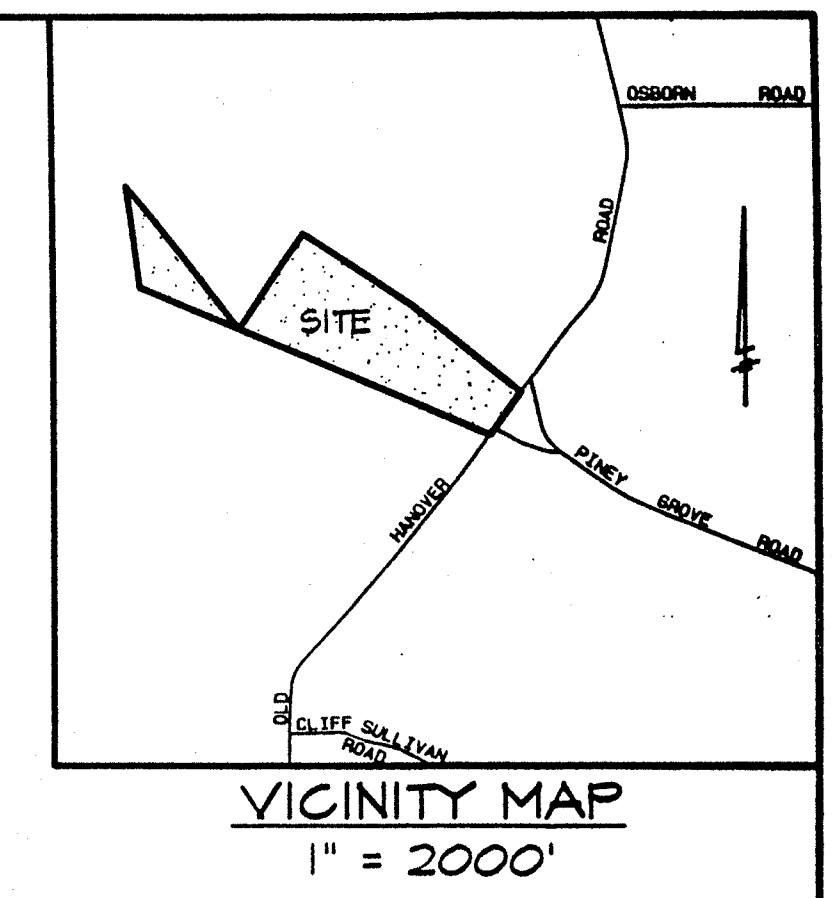
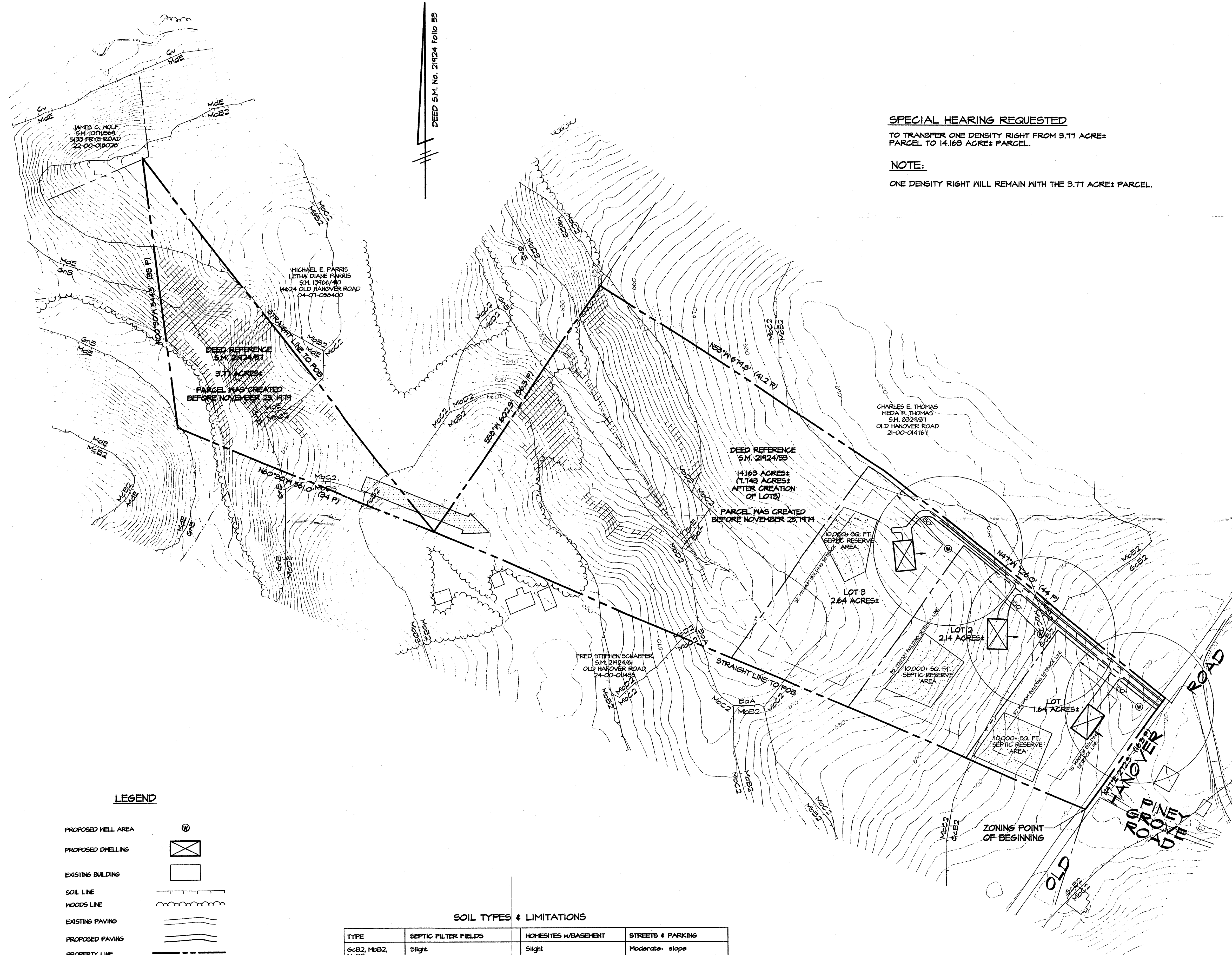


→ Map 31 p 386 tax & aerial





Plot #2



SPECIAL HEARING REQUESTED
TO TRANSFER ONE DENSITY RIGHT FROM 3.77 ACRES PARCEL TO 14.163 ACRES PARCEL.

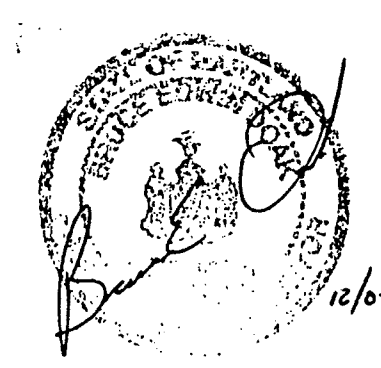
NOTE:
ONE DENSITY RIGHT WILL REMAIN WITH THE 3.77 ACRES PARCEL.

- GENERAL NOTES**
1. THE BOUNDARY SHOWN HEREON IS FROM DEED S.M. No. 21924 folio 53.
 2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 031C3.
 3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 15.
 4. CENSUS TRACT 404600 REGIONAL PLANNING DISTRICT 303
 5. WATERSHED SUBWATERSHED LIBERTY NONE
 6. SCHOOL DISTRICT, ELEMENTARY - FRANKLIN ES; MIDDLE - FRANKLIN MS; HIGH - FRANKLIN HS.
 7. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
 8. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
 9. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
 10. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
 11. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
 12. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

OWNER/DEVELOPER
FRED STEPHEN SCHAEFER
15271 DOVER ROAD
REISTERSTOWN, MD 21136

PLAN TO ACCOMPANY A PETITION FOR A SPECIAL HEARING SCHAEFER PROPERTY

OLD HANOVER ROAD
Deed Ref: S.M. No. 21924 folio 53
Tax Account No.: 24-00-011437
Tax Map 31; Grid 23; Parcel 386
Deed Ref: S.M. No. 21924 folio 57
Tax Account No.: 24-00-011438
Tax Map 31; Grid 22; Parcel 387
Zoned R.C. 2; GIS Tile 031C3
4th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Scale: 1"=100' Date: NOVEMBER 15, 2006

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

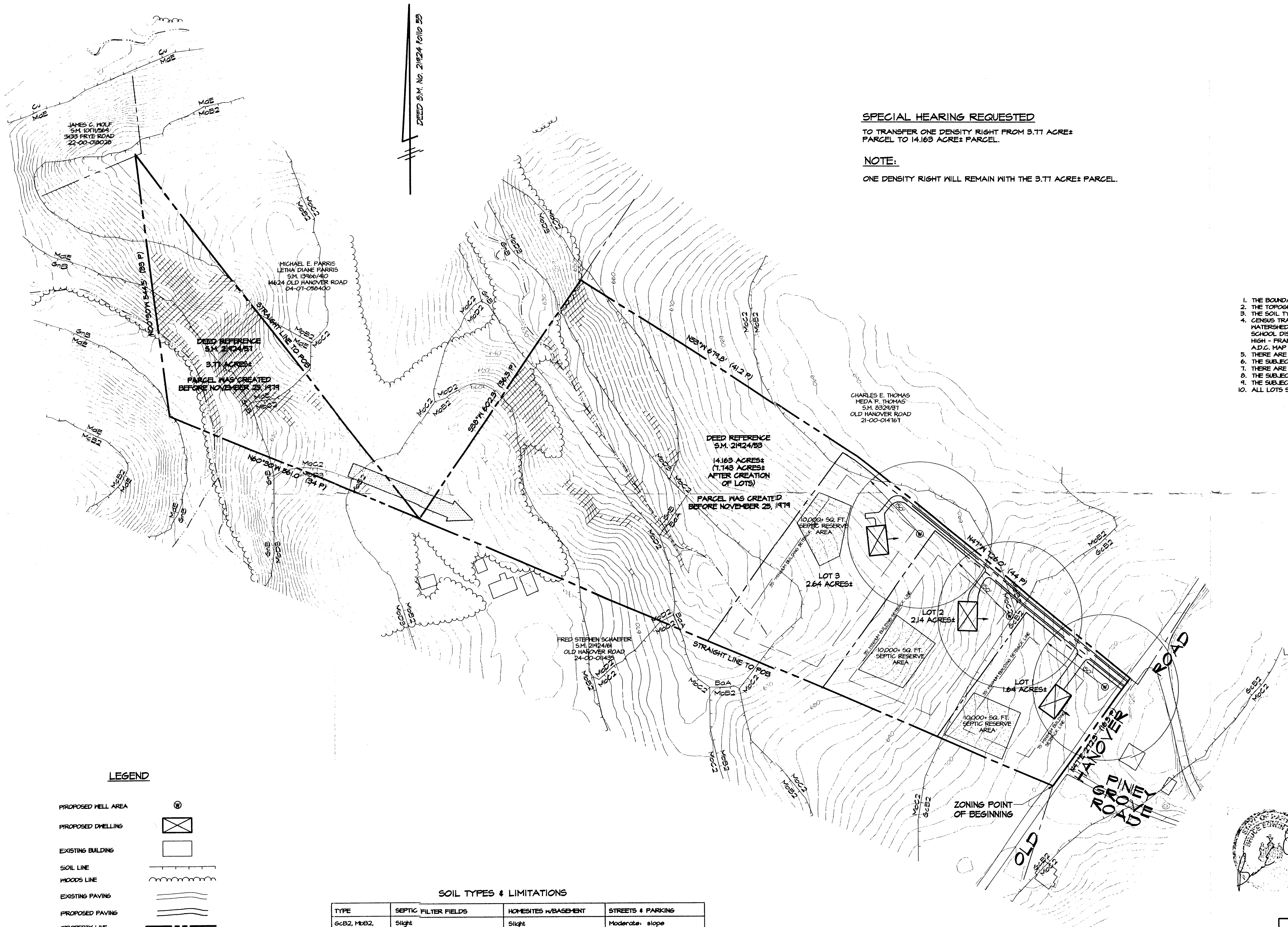
LEGEND

- PROPOSED WELL AREA
- PROPOSED DWELLING
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- PROPOSED PAVING
- PROPERTY LINE
- CONTOURS
- SLOPES > 25%

SOIL TYPES & LIMITATIONS

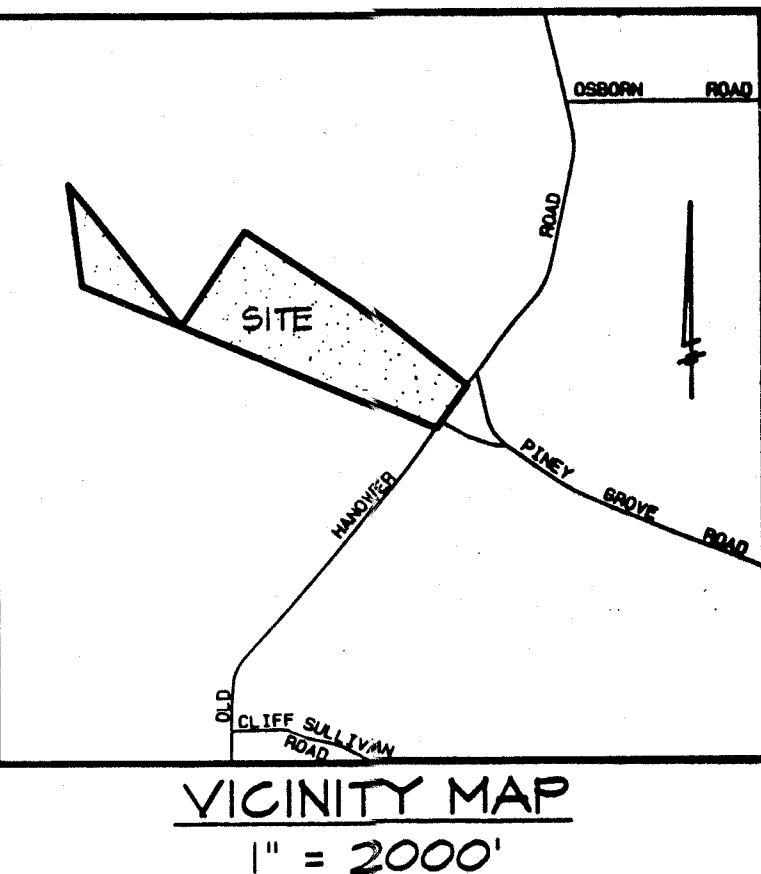
TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
GcB2, MbB2, McB2	Slight	Slight	Moderate slope
MbC2	Moderate slope	Moderate slope	Severe slope
Cu	Severe, moderately high water table; flooding hazard.	Severe, flooding hazard	Severe, flooding hazard
GnB	Severe, high water table; moderately slow permeability.	Severe, high water table	Severe, high water table
MbD3, M4E	Severe slope	Severe slope	Severe slope
BaA	Severe, high water table; poor natural drainage; slow permeability.	Severe, high water table; poor natural drainage.	Severe, high water table; poor natural drainage.

REVISION	DATE	COMPUTED	DRAWN	CHECKED	FILE



SPECIAL HEARING REQUESTED
TO TRANSFER ONE DENSITY RIGHT FROM 3.77 ACRE± PARCEL TO 14.163 ACRE± PARCEL.

NOTE:
ONE DENSITY RIGHT WILL REMAIN WITH THE 3.77 ACRE± PARCEL.



- GENERAL NOTES**
1. THE BOUNDARY SHOWN HEREON IS FROM DEED S.M. NO. 21924 folio 53.
 2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 031C3.
 3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 15.
 4. GENUS TRACT 404600 REGIONAL PLANNING DISTRICT 305
 5. WATERSHED LIBERTY SUBWATERSHED NONE
 6. SCHOOL DISTRICT, ELEMENTARY - FRANKLIN ES; MIDDLE - FRANKLIN MSW
 7. HIGH - FRANKLIN HS.
 8. A.D.C. MAP # GRID 10-BII
 9. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
 10. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
 11. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
 12. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
 13. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
 14. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

OWNER/DEVELOPER
FRED STEPHEN SCHAEFER
15271 DOVER ROAD
REISTERSTOWN, MD 21136

**PLAN TO ACCOMPANY A PETITION
FOR A SPECIAL HEARING
SCHAEFER PROPERTY**

OLD HANOVER ROAD
Deed Ref: S.M. No. 21924 folio 53
Tax Account No.: 24-00-011437
Tax Map 31; Grid 23; Parcel 386
Deed Ref: S.M. No. 21924 folio 57
Tax Account No.: 24-00-011438
Tax Map 31; Grid 22; Parcel 387
Zoned R.C. 2; GIS Tile 031C3
4th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Scale: 1"=100' Date: NOVEMBER 15, 2006

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

LEGEND

- PROPOSED WELL AREA
- PROPOSED DWELLING
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- PROPOSED PAVING
- PROPERTY LINE
- CONTOURS
- SLOPES 1:25%

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITE W/BASEMENT	STREETS & PARKING
ScB2, Mb2, Mc2	Slight	Slight	Moderate: slope
MbC2	Moderate: slope	Moderate: slope	Severe: slope
Cu	Severe: moderately high water table; flooding hazard.	Severe: flooding hazard	Severe: flooding hazard
CnB	Severe: high water table; moderately slow permeability.	Severe: high water table	Severe: high water table
MbD3, McE	Severe: slope	Severe: slope	Severe: slope
BaA	Severe: high water table; poor natural drainage; slow permeability.	Severe: high water table; poor natural drainage.	Severe: high water table; poor natural drainage.

REVISION	DATE	COMPUTED	DRAWN: SMH	CHECKED	FILE: X:\Schaefer-Old Hanover\ZONING PLAN.pro