

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
& DEVELOPMENT PLAN APPROVAL		
N/E Side of Middletown Road, 650' N/W	*	ZONING COMMISSIONER/
of Centerline of Gores Mill Road		
(19927 Middletown Road & Lot -	*	HEARING OFFICER
Bandelin Property)		
6 th Election District	*	FOR
3 rd Council District		
Kirk Bandelin, et ux	*	BALTIMORE COUNTY
<i>Petitioners/ Developer</i>	*	Case No. 07-587-SPH &
		PDM No. VI-281

* * * * *

AMENDED ORDER

This matter comes before the Zoning Commissioner/ Hearing Officer for consideration of a Petition for Special Hearing for the properties collectively known as 19927 Middletown Road as illustrated on the Middletown Road lot Tax Map 11 (Parcels 148 and 51). The Petition was filed by the property owners, Kirk and Kerri Bandelin. Special Hearing relief is requested to approve a non-density transfer and lot line adjustment from Parcel 51 to Parcel 148 that does not result in an increase in the number of lots and consequently there is no increase in the total residential density available to the lots, considered as a whole, in accordance with Baltimore County Code (B.C.C.) Section 32-4-106(a)(viii). The subject properties and requested relief are more particularly shown on Petitioners' Exhibits 1A through 1C, which collectively comprise the site plan and were submitted into evidence.

For the purposes of public hearing, this non-density lot line adjustment was consolidated with the Motion for Reconsideration filed by the Office of People's Counsel. That Motion was filed in Development Plan Case No. VI-281. In that matter, the undersigned Hearing Officer granted Development Plan approval for a four-lot subdivision on January 16, 2007. That subdivision included three dwellings on the Bandelin property (one existing and two

proposed) as well as a fourth lot now owned by Matthew Trone. People's Counsel timely filed its Motion on February 13, 2007. In order to address the substance of People's Counsel's Motion and resolve a procedural complaint raised therein, the subject Petition for Special Hearing was filed. Both mentioned cases involve the identical property and the proposed subdivision of the same as well as common questions of fact and law.

Appearing at the public hearing in support of the petition were Kirk Bandelin, property owner and A.L. "Roy" Snyder, the surveyor who prepared the Development Plan and the Plan to Accompany the Petition for Special Hearing. The Petitioners were represented by Lawrence E. Schmidt, Esquire, of Gildea & Schmidt, LLC. There were no Protestants or other interested persons present. People's Counsel participated in this case through the filing of a rather detailed Motion for Reconsideration which was considered and will be addressed in the following discussion.

The parcels under consideration are owned by the Bandelins and are two existing lots of record shown on Tax Map 11 as Parcels 148 and 51. As originally configured, Parcel 148 is a rectangularly shaped lot approximately 5 acres in area. It abuts the rear lot line of Parcel 51, and Parcel 148 but does not have any direct public road frontage. Parcel 51 as originally configured shares a common property line with Parcel 148. Parcel 51 has road frontage on Middletown Road. Parcel 51 is 11.1 acres in area. Both properties are zoned R.C.2 and are located in the rural northern area of Baltimore County.

The R.C.2 zoning classification was enacted into law by Baltimore County and became effective on November 24, 1979. The rights of subdivision associated with lots of record as of that date are binding on the property owners and their successors and assigns. In the case before me, two deeds were submitted (Petitioners' Exhibits 2A and 2B) which clearly

evidence that Parcel 148 and Parcel 51 as described above were lots of record as defined in the Baltimore County Zoning Regulations (B.C.Z.R.) Section 101 as of November 24, 1979. As each lot is between 2 and 100 acres in area, each may be divided once to create two building lots (See B.C.Z.R. Section 1A01.3.B.1). The configuration size, shape, and area of the lots as they existed in November of 1979 are shown on Petitioners' Exhibit 1A.

Petitioners' Exhibit 1B shows the proposed lot line adjustment. Essentially, the lot line between these two parcels will be pivoted and shifted to the south and results in a new configuration of the area for each of the two lots. As a result of the proposed lot line adjustment, Parcel 148 will be 11.55 acres in area and will now have frontage on Middletown Road. Parcel 51 has been reduced in size proportionately and is now shown as 4.55 acres in area. The lot line adjustment does not result in any transfer of density or alteration in the owners' rights of subdivision. As before, each lot as newly configured can be subdivided once to create two lots. As noted, Mr. and Mrs. Bandelin own all of the land impacted by this lot line adjustment.

Consistent with the Development Plan approved by the undersigned in prior Order, Case No. VI-281, Petitioners' Exhibit 1C depicts the subdivision of the two newly configured lots. Parcel 51 is proposed to be subdivided into two lots. Lot 1 of Parcel 51 will be 1.5 acres and the Development Plan shows a proposed dwelling to be constructed thereon. Lot 2 of Parcel 51 is 2.5 acres and contains an existing dwelling known as 19927 Middletown Road. That house is currently used by the Bandelins as their family home.

Insofar as newly configured Parcel 148, Petitioners' Exhibit 3 likewise shows the creation of two lots on that parcel. The larger of the two lots will feature a proposed home and a lot approximately 10.9 acres in area. Essentially, that lot has narrow road frontage, but occupies the entire rear portion of the overall tract. The fourth lot of the overall tract (i.e. the second lot

available for Parcel 148) is a 1.2-acre parcel, which is now owned by Matthew A. Trone. In this regard, a copy of a plan which created the Trone lot by Deed on or about January 5, 1989 was submitted as Petitioners' Exhibit 4. At that time, Parcel 51 was subdivided into two lots, one that ultimately came under the ownership of Mr. Trone and is improved with a single-family dwelling. The second lot, which contains the balance of the property, is now unimproved and owned by the Bandelins.

People's Counsel's Motion for Reconsideration speaks for itself and the concerns expressed therein will not be repeated in this decision. However, I believe that those concerns are addressed from a procedural standpoint, in that the Petitioners have filed the requisite Petition for Special Hearing to address the outstanding issues, which have now been considered in public hearing. As noted above, there were no Protestants present and the requested relief and proposal was properly raised and identified through the public advertising and sign posting process. As to the merits of the Motion, I note again that the overall rights of subdivision/density for the two parcels have not been exceeded. As stated above, each parcel could be subdivided once to create two lots. Thus, four total lots are available between the two parcels and four are in fact proposed. Additionally, the lot line adjustment ensures that there will not be a density transfer and that each lot will only be subdivided once, consistent with the R.C.2 zoning regulations. Clearly, the lot line adjustment is consistent with applicable provisions of law. Moreover, the grant of relief will be consistent with the approved development plan and serves as a prerequisite to that proposal.

The lot line relocation also ensures consistency with the purposes of the R.C.2 Zone. As shown on the plan, three of the lots are relatively small in area (although they do exceed the minimum lot size standards) and are located immediately adjacent to Middletown Road. The

fourth lot is larger and encompasses the rear of the tract. This provides a large area within a single lot available for agricultural use. The layout prevents a "cookie-cutter" subdivision and preserves a large lot suitable for the preferred purposes of the R.C. 2 zone.

Based upon the testimony and evidence presented, I am persuaded that the Petition for Special Hearing should be granted. Additionally, given the filing of the Petition for Special Hearing and the relief granted hereunder, the Motion for Reconsideration will be dismissed as it is rendered moot by the proceedings. In other words, the concerns expressed therein have been addressed and remedied through zoning relief within the Petition for Special Hearing.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by Petitioners, I find that their request for special hearing relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner/ Hearing Officer for Baltimore County this 20th day of September, 2007 that the Special Hearing to approve a non-density transfer and lot line adjustment from Map 11, Parcel 51 to Map 11, Parcel 148 that does not result in an increase in the number of lots and there is no increase in the total residential density available to the lots, considered as a whole, in accordance with Baltimore County Code (B.C.C.) Section 32-4-106(a)(viii), in accordance with Petitioners' Exhibits 1A through 1C, be and is hereby **GRANTED**; and

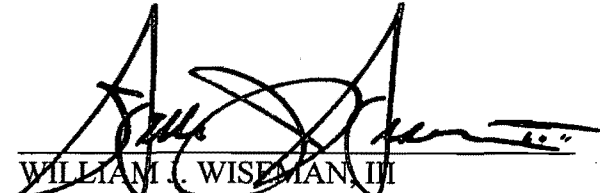
IT IS FURTHER ORDERED that the Motion for Reconsideration filed by People's Counsel of Baltimore County be and is hereby **DISMISSED AS MOOT**, as all concerns and issues raised in its Motion have been addressed; and

IT IS FURTHER ORDERED that the findings, conclusions, terms and conditions of the Order issued on January 16, 2007 approving the Development Plan are adopted by reference and

incorporated herein except as expressly modified.

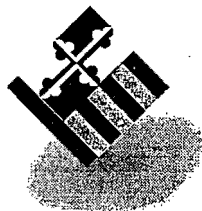
Any appeal of this decision must be made within thirty (30) days of the date
hereof.

WJW:dlw



WILLIAM J. WISEMAN, III
Zoning Commissioner/Hearing Officer
for Baltimore County

9/20



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 20, 2007

Lawrence E. Schmidt, Esquire
Jason Vettori, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

RE: **AMENDED ORDER**
PETITION FOR SPECIAL HEARING & DEVELOPMENT PLAN APPROVAL
N/E Side of Middletown Road, 650' N/W of Centerline of Gores Mill Road
(19927 Middletown Road & Lot – Bandelin Property)
6th Election District – 3rd Council District
Kirk Bandelin, et ux – Petitioners/Developer
Case No. 07-587-SPH & PDM No. VI-281

Dear Messrs. Schmidt and Vettori:

Enclosed please find an **Amended Order** striking the “Advisory” comment found on Page 6 of the September 13, 2007 decision. The revised version comports in all other respects with this Commission’s prior Order.

It is noted for the record that Counsel for the Petitioner/Developer rightly pointed out, in his correspondence dated September 18, 2007, that the advisory comment may well lead to further confusion and was not warranted given the history of this project through the development review Process. I concur and have stricken the comment and clarify that the lot line adjustment is approved and is consistent with the purpose for filing the Petition for Special Hearing and the concerns raised by People’s Counsel in its Memorandum.

I am sorry for any inconvenience caused by this oversight and ask that you contact me should you have any further concerns or questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. J. Wiseman III', written over a horizontal line.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Kirk & Kerri Bandelin, 19927 Middletown Road, Freeland, Md. 21053
A.L. “Roy” Snyder, Snyder Surveyor, Inc., 1911 Hanover Pike, Hampstead, Md. 21070
Peter Max Zimmerman, People’s Counsel for Baltimore County
Walt Smith, DPDM; Development Review Committee, DPDM; Case File

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE
SUITE 200

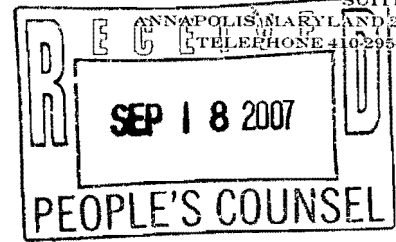
TOWSON, MARYLAND 21204

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page
p42*
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CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI

September 18, 2007

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson, MD 21204

**Re: Case No: 07-587-SPH/ VI281
Bandelin Property/ 19927 Middletown Road**

Dear Commissioner Wiseman:

I am in receipt of your Findings of Fact and Conclusions of Law and Order dated September 13, 2007, for the above matter. I appreciate your timely consideration and decision in this case.

Although my clients are obviously satisfied with the decision, I am writing regarding the advisory note at the conclusion of your Order. That note indicates that the Order only addresses the non-density transfer and states that the lot line adjustment must be submitted to the Development Review Committee (DRC) for consideration and processing. For the following reasons, I respectfully disagree and request that you revise your order.

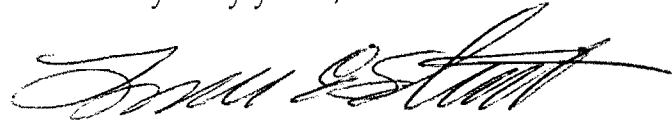
I surmise that your comment is based upon § 32-4-106 (b)(1) of the Baltimore County Code. That section identifies lot line adjustments as one of the circumstances from which a property owner may qualify as an exemption from the Community Input Meeting and Hearing Officer's Hearing requirements of the Development Review Regulations. Indeed, if a project is exempt from full process, a property owner could seek a lot line adjustment from the DRC.

However, in the instant matter, there has been no exemption requested or granted. As pointed out in the footnote on page one of your initial Order in Case No. VI-281 dated January 16, 2007, the Department of Permits and Development Management has determined

that the Bandelin project is not a minor subdivision and therefore not exempt from full review. Due to the existence of the fourth lot that was created in 1989, PDM has determined that the Bandelin project is a major subdivision and thus requires review through the full process. Therefore, as Hearing Officer, you have the authority to approve not only the subdivision of land, but the creation and relocation of lot lines in accordance with a subdivision plan. It was pursuant to that authority that the Petition for Special Hearing was worded requesting not only the non-density transfer but also the lot line adjustment issue.

Although your comment is indicated "advisory only," I nonetheless request that you revise your Order to strike the comment and indicate that the lot line adjustment is approved. I believe this is consistent with the purposes of the filing of the Petition for Special Hearing and the concerns raised within People's Counsel memorandum. I have also discussed this matter with Walt Smith at PDM and he concurs. Please do not hesitate to contact me should you wish to discuss this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a stylized, flowing script.

Lawrence E. Schmidt

LES: kmb
Enclosure

CC: Walt Smith, PDM
A.L. "Roy" Snyder, Snyder Surveyor, Inc.
Kirk and Kerri Bandelin
Peter Max Zimmerman, Esquire

9/13

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
& DEVELOPMENT PLAN APPROVAL		
N/E Side of Middletown Road, 650' N/W	*	ZONING COMMISSIONER/
of Centerline of Gores Mill Road		
(19927 Middletown Road & Lot -	*	HEARING OFFICER
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6 th Election District	*	FOR
3 rd Council District		
Kirk Bandelin, et ux	*	BALTIMORE COUNTY
Petitioners/ Developer	*	Case No. 07-587-SPH &
		PDM No. VI-281

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner/ Hearing Officer for consideration of a Petition for Special Hearing for the properties collectively known as 19927 Middletown Road as illustrated on the Middletown Road lot Tax Map 11 (Parcels 148 and 51). The Petition was filed by the property owners, Kirk and Kerri Bandelin. Special Hearing relief is requested to approve a non-density transfer and lot line adjustment from Parcel 51 to Parcel 148 that does not result in an increase in the number of lots and consequently there is no increase in the total residential density available to the lots, considered as a whole, in accordance with Baltimore County Code (B.C.C.) Section 32-4-106(a)(viii). The subject properties and requested relief are more particularly shown on Petitioners' Exhibits 1A through 1C, which collectively comprise the site plan and were submitted into evidence.

For the purposes of public hearing, this non-density lot line adjustment was consolidated with the Motion for Reconsideration filed by the Office of People's Counsel. That Motion was filed in Development Plan Case No. VI-281. In that matter, the undersigned Hearing Officer granted Development Plan approval for a four-lot subdivision on January 16, 2007. That subdivision included three dwellings on the Bandelin property (one existing and two

proposed) as well as a fourth lot now owned by Matthew Trone. People's Counsel timely filed its Motion on February 13, 2007. In order to address the substance of People's Counsel's Motion and resolve a procedural complaint raised therein, the subject Petition for Special Hearing was filed. Both mentioned cases involve the identical property and the proposed subdivision of the same as well as common questions of fact and law.

Appearing at the public hearing in support of the petition were Kirk Bandelin, property owner and A.L. "Roy" Snyder, the surveyor who prepared the Development Plan and the Plan to Accompany the Petition for Special Hearing. The Petitioners were represented by Lawrence E. Schmidt, Esquire, of Gildea & Schmidt, LLC. There were no Protestants or other interested persons present. People's Counsel participated in this case through the filing of a rather detailed Motion for Reconsideration which was considered and will be addressed in the following discussion.

The parcels under consideration are owned by the Bandelins and are two existing lots of record shown on Tax Map 11 as Parcels 148 and 51. As originally configured, Parcel 148 is a rectangularly shaped lot approximately 5 acres in area. It abuts the rear lot line of Parcel 51, and Parcel 148 but does not have any direct public road frontage. Parcel 51 as originally configured shares a common property line with Parcel 148. Parcel 51 has road frontage on Middletown Road. Parcel 51 is 11.1 acres in area. Both properties are zoned R.C.2 and are located in the rural northern area of Baltimore County.

The R.C.2 zoning classification was enacted into law by Baltimore County and became effective on November 24, 1979. The rights of subdivision associated with lots of record as of that date are binding on the property owners and their successors and assigns. In the case before me, two deeds were submitted (Petitioners' Exhibits 2A and 2B) which clearly

evidence that Parcel 148 and Parcel 51 as described above were lots of record as defined in the Baltimore County Zoning Regulations (B.C.Z.R.) Section 101 as of November 24, 1979. As each lot is between 2 and 100 acres in area, each may be divided once to create two building lots (*See* B.C.Z.R. Section 1A01.3.B.1). The configuration size, shape, and area of the lots as they existed in November of 1979 are shown on Petitioners' Exhibit 1A.

Petitioners' Exhibit 1B shows the proposed lot line adjustment. Essentially, the lot line between these two parcels will be pivoted and shifted to the south and results in a new configuration of the area for each of the two lots. As a result of the proposed lot line adjustment, Parcel 148 will be 11.55 acres in area and will now have frontage on Middletown Road. Parcel 51 has been reduced in size proportionately and is now shown as 4.55 acres in area. The lot line adjustment does not result in any transfer of density or alteration in the owners' rights of subdivision. As before, each lot as newly configured can be subdivided once to create two lots. As noted, Mr. and Mrs. Bandelin own all of the land impacted by this lot line adjustment.

Consistent with the Development Plan approved by the undersigned in prior Order, Case No. VI-281, Petitioners' Exhibit 1C depicts the subdivision of the two newly configured lots. Parcel 51 is proposed to be subdivided into two lots. Lot 1 of Parcel 51 will be 1.5 acres and the Development Plan shows a proposed dwelling to be constructed thereon. Lot 2 of Parcel 51 is 2.5 acres and contains an existing dwelling known as 19927 Middletown Road. That house is currently used by the Bandelins as their family home.

Insofar as newly configured Parcel 148, Petitioners' Exhibit 3 likewise shows the creation of two lots on that parcel. The larger of the two lots will feature a proposed home and a lot approximately 10.9 acres in area. Essentially, that lot has narrow road frontage, but occupies the entire rear portion of the overall tract. The fourth lot of the overall tract (i.e. the second lot

available for Parcel 148) is a 1.2-acre parcel, which is now owned by Matthew A. Trone. In this regard, a copy of a plan which created the Trone lot by Deed on or about January 5, 1989 was submitted as Petitioners' Exhibit 4. At that time, Parcel 51 was subdivided into two lots, one that ultimately came under the ownership of Mr. Trone and is improved with a single-family dwelling. The second lot, which contains the balance of the property, is now unimproved and owned by the Bandelins.

People's Counsel's Motion for Reconsideration speaks for itself and the concerns expressed therein will not be repeated in this decision. However, I believe that those concerns are addressed from a procedural standpoint, in that the Petitioners have filed the requisite Petition for Special Hearing to address the outstanding issues, which have now been considered in public hearing. As noted above, there were no Protestants present and the requested relief and proposal was properly raised and identified through the public advertising and sign posting process. As to the merits of the Motion, I note again that the overall rights of subdivision/density for the two parcels have not been exceeded. As stated above, each parcel could be subdivided once to create two lots. Thus, four total lots are available between the two parcels and four are in fact proposed. Additionally, the lot line adjustment ensures that there will not be a density transfer and that each lot will only be subdivided once, consistent with the R.C.2 zoning regulations. Clearly, the lot line adjustment is consistent with applicable provisions of law. Moreover, the grant of relief will be consistent with the approved development plan and serves as a prerequisite to that proposal.

The lot line relocation also ensures consistency with the purposes of the R.C.2 Zone. As shown on the plan, three of the lots are relatively small in area (although they do exceed the minimum lot size standards) and are located immediately adjacent to Middletown Road. The

fourth lot is larger and encompasses the rear of the tract. This provides a large area within a single lot available for agricultural use. The layout prevents a "cookie-cutter" subdivision and preserves a large lot suitable for the preferred purposes of the R.C. 2 zone.

Based upon the testimony and evidence presented, I am persuaded that the Petition for Special Hearing should be granted. Additionally, given the filing of the Petition for Special Hearing and the relief granted hereunder, the Motion for Reconsideration will be dismissed as it is rendered moot by the proceedings. In other words, the concerns expressed therein have been addressed and remedied through zoning relief within the Petition for Special Hearing.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by Petitioners, I find that their request for special hearing relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner/ Hearing Officer for Baltimore County this 13th day of September, 2007 that the Special Hearing to approve a non-density transfer and lot line adjustment from Map 11, Parcel 51 to Map 11, Parcel 148 that does not result in an increase in the number of lots and there is no increase in the total residential density available to the lots, considered as a whole, in accordance with Baltimore County Code (B.C.C.) Section 32-4-106(a)(viii), in accordance with Petitioners' Exhibits 1A through 1C, be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Motion for Reconsideration filed by People's Counsel of Baltimore County be and is hereby **DISMISSED AS MOOT**, as all concerns and issues raised in its Motion have been addressed; and

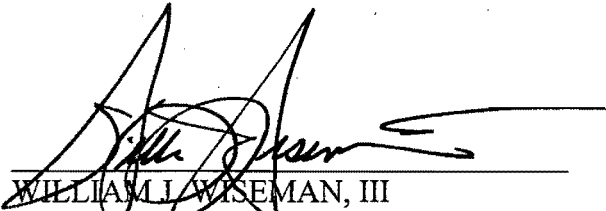
IT IS FURTHER ORDERED that the findings, conclusions, terms and conditions of the Order issued on January 16, 2007 approving the Development Plan are incorporated herein;

except as expressly modified.

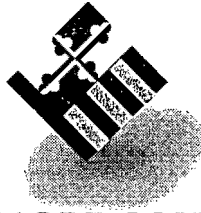
- ADVISORY: This Order approves the requested non-density transfer but does not address the lot line adjustment from Parcel 51 to Parcel 148 which must be submitted to the Development Review Committee for consideration and processing.

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

WJW:dlw



WILLIAM L. WISEMAN, III
Zoning Commissioner/Hearing Officer
for Baltimore County



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

9/13
WILLIAM J. WISEMAN III
Zoning Commissioner

September 13, 2007

Lawrence E. Schmidt, Esquire
Jason Vettori, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

RE: PETITION FOR SPECIAL HEARING & DEVELOPMENT PLAN APPROVAL
N/E Side of Middletown Road, 650' N/W of Centerline of Gores Mill Road
(19927 Middletown Road & Lot – Bandelin Property)
6th Election District – 3rd Council District
Kirk Bandelin, et ux – Petitioners/Developer
Case No. 07-587-SPH & PDM No. VI-281

Dear Messrs. Schmidt and Vettori:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the Motion for Reconsideration filed by People's Counsel of Baltimore County has been dismissed as moot, in accordance with the attached Order.

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

SPH - Granted
Motion - dismissed as moot
SHOULD PC APPEAL?

Protestants Involved?
☐ Yes ☐ No

Interested Citizens Involved?
☐ Yes ☐ No

PMZ: No PMZ 9/17/07

CSD: No/4/1

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

Bandelin, 19927 Middletown Road, Freeland, Md. 21053
Snyder Surveyor, Inc., 1911 Hanover Pike, Hampstead, Md. 21070
People's Counsel for Baltimore County
Development Review Committee, DPDM; Case File

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS

F. GILLIS GREEN

ERIC N. LAMB

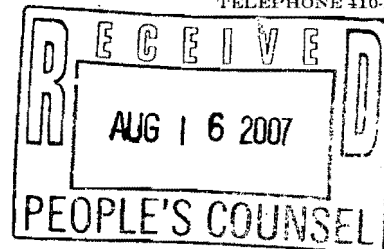
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August 14, 2007

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson MD 21204

**Re: 19927 Middletown Road
PDM No.: VI-281
Case No: 07-587-SPH
Legal Owners: Kirk & Kerri Bandelin**

Dear Commissioner Wiseman:

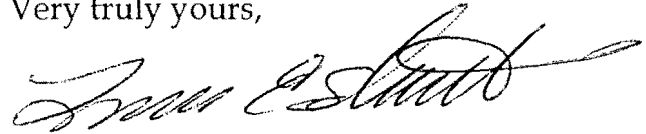
As you may recall from my letters to you of March 8, 2007 and June 11, 2007, you granted development plan approval in the above matter pursuant to an Opinion and Order rendered in Case No. VI-281. A Motion for Reconsideration was thereafter filed by the Office of People's Counsel and I was subsequently retained by the Petitioners/property owners (Kirk and Kerri Bandelin). As a result of my discussions with People's Counsel, it was determined that this matter could be resolved through the filing of a Petition for Special Hearing. That Petition would raise issues that People's Counsel avers need resolution in order for the development plan to be approved.

The Petition for Special Hearing has been filed and the matter is scheduled for public hearing before on August 29, 2007. The purpose of this letter is to confirm that these matters will be consolidated for the purposes of hearing on that date. We will offer appropriate evidence in support of the relief requested in the Petition for Special Hearing. Thereafter, it is anticipated that you will issue an order addressing both the Petition for Special Hearing and Motion for Reconsideration previously filed by People's Counsel.

Commissioner Wiseman
August 14, 2007
Page 2

Please contact me should you have any questions regarding the above and I look forward to appearing before you on August 29, 2007.

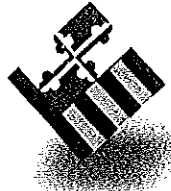
Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a stylized, flowing script.

Lawrence E. Schmidt

LES: sf

CC: Kirk & Kerri Bandelin
Peter Max Zimmerman, Esquire
Carole DeMilio, Esquire
Roy Snyder, A.L. Snyder Surveyor, Inc
Jason T. Vettori, Esquire



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 13, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

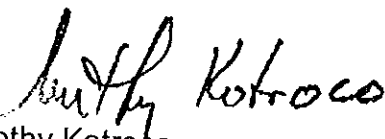
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-587-SPH

19927 Middletown Road and Middletown Road lot (Map 11, Parcel 148)
N/east side of Middletown Road, 650 feet n/west of centerline of Gores Mill Road
6th Election District – 3rd Councilmanic District
Legal Owners: Kirk & Kerri Bandelin

Special Hearing for the non-density transfer and lot line adjustment from Map 11, Parcel 51 to Map 11, Parcel 148, that does not result in the number of lots and there is no increase in the total residential density available to the lots considered as a whole in accordance with BCC Section 32-4-106 (a)(viii).

Hearing: Wednesday, August 29, 2007 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Kirk & Kerri Bandelin, 19927 Middletown Road, Freeland 21053-9425

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 14, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 14, 2007 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

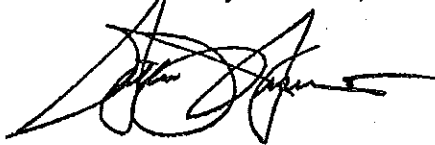
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Hearing: Wednesday, August 29, 2007 at 11:00 a.m. in Room 407, County Courts Building,
401 Bpsley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
DAMIAN O. O'DOHERTY
JASON T. VETTORI

JOSEPH R. WOOLMAN, III
William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson MD 21204

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildeallc.com

BALTIMORE, MD OFFICE
800 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

June 11, 2007

Re: Motion for Reconsideration-Development Plan Hearing
Bandelin Property

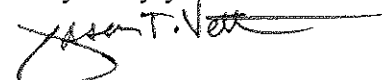
RECEIVED
JUN 13 2007

Dear Commissioner Wiseman:

BY:.....

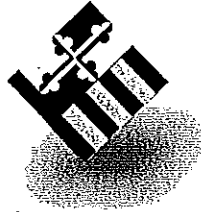
In follow up to your letter dated June 1, 2007 regarding the above referenced matter, this letter is meant to update you on the status of these proceedings. We received a plan to accompany the petition on June 1, 2007 from our engineer. We scheduled the earliest filing appointment available, June 20, 2007 at 2:00 pm. Thank you for your patience with respect to the filing of the Petition for Special Hearing regarding the above referenced matter. Please feel free to contact the undersigned with any comments, questions, or concerns

Very truly yours,


Jason T. Vettori

JTV: kmb

CC: Peter Max Zimmerman, Esquire
Kirk Bandelin
Steven Snyder, A.L. Snyder Surveyor, Inc
Colleen Kelly, Department of Permits and Development Management
Kristin Matthews, Baltimore County Zoning
Lawrence E. Schmidt, Esquire



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 1, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

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

RE: MOTION FOR RECONSIDERATION – DEVELOPMENT PLAN HEARING
N/S Middletown Road, W Gores Mill Road
(Bandelin Property)
6th Election District – 3rd Council District
Kirk Bandelin, et ux – Developer
Case No. VI-281

Dear Counsel:

In February and March, I received your respective entry of appearance(s) in the captioned matter. I verbally confirmed that Mr. Zimmerman's letter had been accepted as a Motion for Reconsideration of my January 6, 2007 Order. Likewise, Mr. Schmidt's letter acknowledged that the parties had agreed to delay the procedures of Rule 4K pending the filing of a Petition for Special Hearing.

The purpose of this note is to request a written response updating me on the status of these proceedings. In the meantime, should either of you have any questions on the subject, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", written over a circular stamp or seal.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Kirk Bandelin, 19927 Middletown Road, Freeland, Md. 21053
Mr. Steve Snyder, Snyder Surveyor, Inc., 1911 Hanover Pike, Hampstead, Md. 21070
Colleen Kelly, Project Manager, DPDM; Kristen Matthews, DPDM

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
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BALTIMORE, MD OFFICE
300 EAST LOMBARD STREET
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TELEPHONE 410-234-0070

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

March 8, 2007

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson MD 21204

RECEIVED

MAR 9 2007

Re: Bandelin/ Case No.:VI-281

ZONING COMMISSIONER

Dear Commissioner Wiseman:

Kindly find enclosed an entry of appearance for the above matter. I have been engaged by the petitioner, Kirk E. Bandelin in regards to this case.

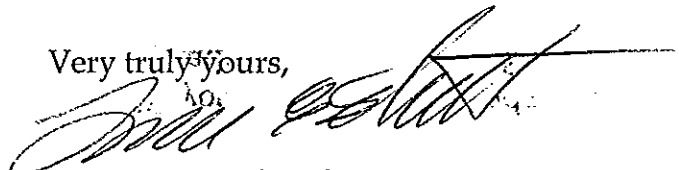
Pursuant to my brief telephone conversation with your office, please be advised that I have met with People's Council and have agreed to a tentative course of action. Specifically, I have agreed to file a petition for Special Hearing on behalf of Mr. Bandelin seeking approval of a lot line adjustment and confirmation of density for this property.

In view of the imminent filing of this petition for Special Hearing, I request that you hold People's Council's Motion for Reconsideration in abeyance. It is anticipated that the Petition for Special Hearing and Motion for Reconsideration can be combined for a single public hearing to fully address the issues raised within the Motion and Petition.

As noted above, I have spoken to Mr. Zimmerman and Ms. DeMilio regarding this proposed course of action and they acquiesce to the request contained herein.

Thank you for your cooperation regarding this matter.

Very truly yours,


Lawrence E. Schmidt

Commissioner Wiseman

March 8, 2007

Page 2

LES: kmb

Enclosure

CC: Peter Max Zimmerman, Esquire

Carol DeMilio, Esquire

Kirk Bandelin

Jason T. Vettori, Esquire

RE: PETITION FOR SPECIAL HEARING * BEFORE THE

Legal Owner(s): Mr. Kirk Bandelin

* ZONING COMMISSIONER

* FOR

19927 Middletown Road
Freeland, MD 21053

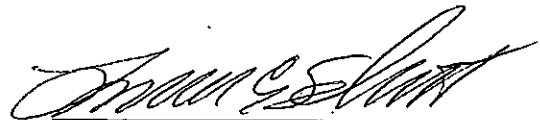
* BALTIMORE COUNTY

* CASE NO. VI-281

* * * * *

ENTRY OF APPEARANCE

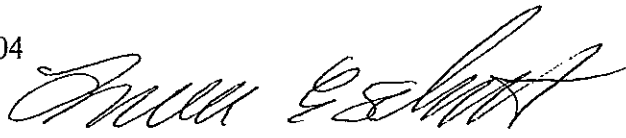
Please enter the appearance of Lawrence E. Schmidt and Gildea & Schmidt, LLC in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy Lawrence E. Schmidt on all correspondence sent and all documentation filed in the case.



Lawrence E. Schmidt
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of March, 2007, a copy of the foregoing Entry of Appearance was mailed, postage prepaid to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, MD 21204 and Carole DeMilio, Esquire, Deputy People's Council, Old Courthouse, Room 47, 400 Washington Avenue, Towson, MD 21204



Lawrence E. Schmidt



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

February 13, 2007

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: DEVELOPMENT PLAN HEARING
Kirk Bandelin, et ux. – Developer
N/S Middletown Road, W Gores Mill Road
Case No: VI-281

Dear Mr. Wiseman:

Enclosed please find an Entry of Appearance in the aforementioned case. Please accept this letter as a Motion for Reconsideration of the decision of the Zoning Commissioner dated January 16, 2007. We are concerned with the underlying density issues involving the R.C. 2 Agricultural Zone.

Our objection to the relief granted is both procedural and substantive. We agree with the zoning office's position that the Developer must file a Petition for Special Hearing. The Petition for Special Hearing has been the accepted procedure for a request for non-density transfers that may require a lot line adjustment. This permits a thorough review to assure the proposed plan complies with zoning standards such as overall density, as well as allowing for the pertinent inquiries into the zoning history of the site. Here, the Petitioner requests much more than a non-density transfer. Instead he seeks an actual *transfer* of density, which we oppose as prohibited relief under the zoning regulations. Moreover, we believe the proposal violates the maximum density on the site. It appears from the site plan, that the existing house known as 19927 Middleton Road had previously been subdivided to create 19933 Middleton Road, shown as Lot 4. If so, no further subdivision of this R.C. 2 parcel is permitted to support the proposed development.

As noted, Petitioner has failed to file a Petition for Special Hearing, which at the very least establishes the proper forum to identify and decide these important issues.

done
in
open
hearing
not
done!

February 13, 2007

Page 2

In addition, even if the request here was legitimate with a proper petition, a zoning hearing is necessary to clarify that under density standards no future subdivision shall occur on the site, irrespective of any change in the zone. This is a legitimate concern noted in the comments of Mr. Rudaitis in the zoning office. We are embroiled in several cases where re-subdivision of lots in existing developments has been proposed, erroneously in our opinion. Our office's position has been consistent on these issues in other cases where similar development is proposed.

*addressed
in
Public
Hearing*

Accordingly, we believe the January 16, 2007 Order must be rescinded and that the Petitioner must file a Petition for Special Hearing and attend a duly published hearing to identify the density requested on each lot/parcel, and to present the history of the site, including development of adjoining lots owned by the Petitioner's predecessors in title.

Very truly yours,

Peter Max Zimmerman /rmw

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio /rmw

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Steve Snyder, Snyder Surveyor, Inc
Kirk Bandelin

*DID THIS GO TO DRC.
FOR RECOMMENDATION ON
LOT CWE.
WHAT IS THE HISTORY OF
THE 1ST RESUB. ? BEFORE
11-25-79 ?
WAS THERE A RESUB.*

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

(410) 239-7744

(410) 374-9695 phone/fax

Zoning Description

The Bandelin Property - Plat "A"

Parcel 51

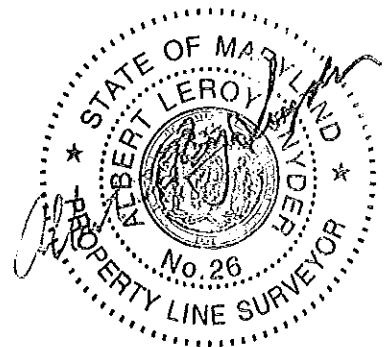
May 31, 2007

Beginning on the northeast side of Middletown Road, 650 feet, more or less, northwest of Gores Mill Road; thence,

- 1.) N 35° 53' 30" E 616.22 feet,
- 2.) N 34° 01' 39" W 53.90 feet,
- 3.) N 48° 55' 14" W 793.22 feet,
- 4.) S 31° 31' 01" W 558.21 feet,
- 5.) S 43° 26' 36" E 810.32 feet to the point of beginning.

Containing 11.1 acres of land, more or less.

Being the same land which was conveyed to Kirk Bandelin and Kerri Bandelin from Lorraine C. Fabiszak, by her attorney in fact, Charles Jednorski, by deed dated April 22, 2004 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 20340 folio 026 etc., and known as Tax Map Parcel 51 and #19927 Middletown Road, located in the Sixth Election District and Third Councilmanic District of Baltimore County, Maryland.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 00929

Date: 6/26/07

PAID RECEIPT

BUSINESS ACTUAL TIME DESK
 6/22/2007 6/26/2007 14:30:17

503 WALKIN MPOR KFP
 503 133250 6/26/2007 OFLN

5 S/S ZONING VERIFICATION
 000000

Recpt Tot \$45.00

\$45.00 OF \$4.00 CA

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	000			6150				\$45.00

Total: 5650

Rec

From: Golden & Schmidt LLC

For:

Specialty Hearing Room # 587

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: # 07-587-SPH

19927 Middletown Road and Middletown Road lot (Map 11, Parcel 148)

West side of Middletown Road, 650 feet n/west of centerline of Gores Mill Road

6th Election District - 3rd Councilmanic District

Legal Owner(s): Kirk & Kerri Bandelin

Special Hearing: for the non-density transfer and lot line adjustment from Map 11, Parcel 51 to Map 11, Parcel 148, that does not result in the number of lots and there is no increase in the total residential density available to the lots considered as a whole in accordance with BCC Section 32-4-106 (a)(vii).

Hearing: Wednesday, August 29, 2007, at 11:00 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 8/6/06 August 14

145269

CERTIFICATE OF PUBLICATION

8/16/, 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 8/14/, 2007.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-587-SPH

Petitioner/Developer: KIRK L KERR

BANDELIN

Date of Hearing/Closing: 8-29-07

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

ATTN: Kristen Matthews {(410) 887-3394}

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:

19927 MIDDLETOWN RD AND MIDDLETOWN
ROAD LOT (MAP 11, PARCEL 148)

The sign(s) were posted on 8-13-07
(Month, Day, Year)

Sincerely,

Robert Black 8-14-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

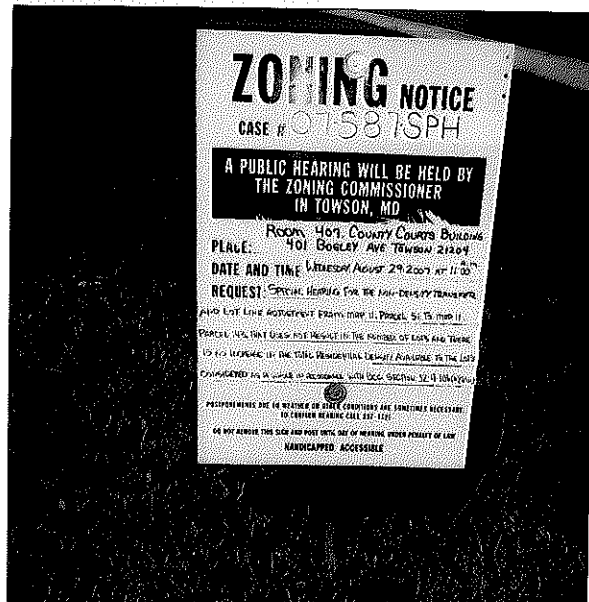
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 07-587-SPH

Petitioner: KIRK AND KEREI BANDELIN

Address or Location: 19927 Middletown Road (Map 11, Parcel 51) and
Middletown Road lot (Map 11, Parcel 148)

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON VETTORI

Address: 600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Telephone Number: (410) 821-0070

1/16/07

IN RE: DEVELOPMENT PLAN HEARING

N/S Middletown Road, W Gores Mill Road
(Bandelin Property)
6th Election District
3rd Council District

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Kirk Bandelin, et ux
Developer

Case No. VI-281

* * * * *

2007-0587-SPH

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter came before this Hearing Officer/Zoning Commissioner for a public hearing on a development plan proposal submitted in accordance with the development review and approval process contained in Article 32, Title 4, of the Baltimore County Code (B.C.C.). Kirk Bandelin, and his wife, Kerri Bandelin, owners of the property (Developer) submitted a Redlined Development Plan prepared by A.L. Snyder, Surveyor, Inc., for the property located on the north side of Middletown Road, just west of Gores Mill Road; in the Freeland area of Baltimore County, and known as 19927 Middletown Road. The subject property contains approximately 14.9 acres +/-, zoned R.C.2, on which the Developer proposes to develop three (3) single-family detached dwelling units (two new, one existing).¹ The proposed development is more particularly described on the Redlined Development Plan, submitted and accepted into evidence as Developer's Exhibit 1.

¹ The County development regulations codified in Article 32, Title 4, of the B.C.C. defines minor subdivisions (three lots or less) and major subdivisions (four lots or more) and the regulatory processes pertaining to each. Accordingly, it is pointed out that a portion of the subject property and adjacent property located at 19933 Middletown Road (as shown on the site plan as Lot 4) were previously subdivided by the prior owner, Thomas Gray. That two-lot subdivision occurring in 1989 was referred to as a "Health Master" and was accomplished informally through obtaining approval from the Department of Environmental Protection and Resource Management (DEPRM) and prior to the current regulatory scheme. The Bandelin's, now owners of the remaining property plus another five (5) acre adjacent parcel, desire to subdivide their property to produce two (2) additional lots are, according to the Department of Permits and Development Management, now required to do so through the major subdivision process by virtue of the previous 1989 "Health Master" division.

As to the history of this project, a concept plan of the proposed development was prepared, and a Concept Plan Conference (CPC) was held between representatives of the Developer and the reviewing County agencies on August 15, 2005. Thereafter, as required, a Community Input Meeting (CIM) was scheduled and held on September 21, 2005, at Prettyboy Elementary School. Subsequently, a development plan was prepared, based upon the comments received at the CPC and CIM and submitted for further review. The plan was then submitted to County agencies for review, and a Development Plan Conference (DPC) was held, which again, is required by the B.C.C. and at which the representatives of the Developer and the reviewing County agencies reviewed and addressed additional County comments. In the instant matter, the DPC was held on October 25, 2006. Following review at the DPC, comments were again submitted to the Developer by the appropriate County reviewing agencies, and a revised development plan ("the Redlined Development Plan", dated August 30, 2006) incorporating these comments was submitted at the Hearing Officer's Hearing, held on November 17, 2006.

Appearing at the public hearing was Kirk Bandelin, property owner and Developer, as well as Steve Snyder, of Snyder Surveying, Inc., the consultant who prepared the development plan. No members of the surrounding community were present.

Numerous representatives of the various Baltimore County agencies attending the hearing, reviewed the Redlined Plan, and agreed that most of the County agency comments had been satisfied. Those attending including the following individuals from the Department of Permits and Development Management: Colleen Kelly, Project Manager; Dennis Kennedy from Development Plans Review; Rod Goodwin from Land Acquisition, and Bruno Rudaitis from the Office of Zoning Review. Also appearing were Donnell Zeigler from the Office of Planning; Dave Lykens from the Department of Environmental Protection and Resource Management

(DEPRM); and Bruce Gill of the Department of Recreation and Parks. Written comments were received prior to the hearing from the reviewing agencies and these are contained in the case file.

As noted above, the subject property is located on the north side of Middletown Road, between Freeland Road and Gores Mill Road, in an agricultural preservation area of the County known as Freeland. The property consists of approximately 14.975 acres, +/-, zoned R.C.2. Section 1A01.3.b.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) discusses subdivision and lot density. In pertinent part, it states:

“no lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided ... No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total) ... A lot having an area less than one acre may not be created in R.C.2 Zone ... No principal structure or dwelling may be situated within 75 feet of the center line of any street or within 35 feet of any lot line ... No more than one principal dwelling is permitted on any lot in a R.C.2 Zone”.

The Developer proposes the creation of two additional lots denoted on the development plan as Lot 1 (1.9 acres) and Lot 3 (10.4 acres). The Bandelin's currently reside at 19927 Middletown Road improved with 1-½ story brick house which will remain but reconfigured to contain 2.4 acres referred to as Lot 2 on the site plan. Lots 1 and 2 will share a use in common driveway. Lot 4 (1.16 acres) located at the eastern edge of the property and the subject matter of the previously “Health Master” subdivision by Mr. Gray in 1989 will remain unchanged and in the private ownership of Matthew A. Trone. The Developer, by virtue of his acquisition of Parcel 148 consisting of 5 acres and located on the northern portion of the tract, can now effectuate the proposed subdivision by making a redistribution of the density across parcel lines. The total density proposed and aggregate density allowed under these circumstances is for four lots; therefore, the density of the property on this development plan is now exhausted. This

recognition is made by virtue of the transfer of density within the subdivision allowing for one dwelling unit to be constructed on Lot 3 and one dwelling unit on proposed Lot 1.

Pursuant to B.C.C., Sections 32-4-227 and 229, which regulate the conduct of the Hearing Officer's Hearing, I am required, first, to identify any unresolved issues that County agencies may have with the development. Mr. Snyder indicated that the only outstanding issue of which he was aware was with the Department of Environmental Protection and Resource Management (DEPRM) and more particularly with B.C.C. Section 33-6-108, which requires certain forest conservation offsets. Mr. Snyder indicated that Developer would satisfy these requirements by making plantings throughout the property rather than monetarily purchasing space in a forest conservation bank. I then asked the various County agencies to state whether they had any outstanding issues, and their responses are summarized below:

Department of Development Plans Review (DPR): Dennis Kennedy appeared on behalf of DPR, and confirmed that his office had no outstanding issues with the development.

Department of Environmental Protection and Resource Management (DEPRM): David Lykens appeared on behalf of DEPRM, and stated that his department had two issues with the current development. The first was with the forest conservation requirements mentioned by Mr. Snyder. Mr. Lykens stated that at the time of the DPC, Lot 4 was not included in the calculation. This previously approved lot outside of the current subdivision process means that more forest conservation was required than originally thought, and the letter sent by DEPRM regarding the amount of forest conservation credits was now incorrect. Mr. Lykens stated that Developer may either revise his bank request and provide the adjusted forest conservation amount or submit a plan for planting trees on the property.

The second issue mentioned by Mr. Lykens dealt with the approximately 10.4 acres comprising Lot 3 as noted on Developer's Exhibit 1. A request was made from DEPRM that this area be placed in a conservation easement. Such an easement will prevent further development, and help maintain the agricultural identity of the region. Developer agreed to this condition at the hearing. On January 12, 2007, Mr. Lykens provided this Hearing Officer with a revised comment stating, "DEPRM has completed reviewing the environmental information associated with the Bandelin Property ... and can now recommend that the Development Plan be approved."

Office of Planning: Donnell Zeigler testified that all issues pertaining to the Office of Planning had been addressed. The Office also determined that the development will have no adverse impact on school capacity as per the requirements of County Council Bill 24-06. A copy of this school impact analysis was provided and marked into evidence as County Exhibit 1.

Department of Recreation and Parks: Bruce Gill testified regarding local open space requirements. For a parcel of this size, 3,000 square feet of open space is normally required. However, the Department may allow a fee to be paid in lieu of providing this local open space requirement in developments of less than 20 homes. The Department has granted waiver in this case and this is included in a letter, marked County Exhibit 2.

Land Acquisition: Ron Goodman from Land Acquisition testified that because the future area of highway widening on Middletown Road had been noted on the plan as being dedicated and deeded to the County, their office had no outstanding issues with Developer.

Fire Department: All issues regarding a turnaround on Lot 3 to allow access to the property by fire trucks have been resolved.

Zoning Office: Bruno Rudaitis stated that the Zoning Office recommended approval of the development, with two caveats. First, the Department recommended the Developer file a Petition for Special Hearing in order to transfer the density units from Parcel 148 of Lot 3 to Lot 1 and Parcel 51 of Lot 3.

Secondly, the Office recommended that Developer undergo an additional DRC process in order to remove the existing lot line shown on the site plan between Parcels 148 and 51. This recommendation was made chiefly to assure the prevention of any future re-subdivision of Lot 3 with its approximate 10.4 acres should the zoning classification in the area be changed in the future.

As indicated at the hearing, I respectfully disagreed with the Zoning Office's analysis with respect to these recommendations. I agree with the contention of Mr. Rudaitis and the Zoning Office that preventing further subdivision of this property is a worthy and important objective. Preserving the County's agricultural heritage is a particularly important concern especially here where the property in question is located in an agricultural preservation area, and Middletown Road has been designated as a scenic route in the 2010 County Master Plan. However, preservation will be achieved without requiring Developer to undergo an additional DRC.

First, density for this development plan is exhausted and no building rights remain on any part of Lot 3, within Parcel 148 or Parcel 51. As noted above, the Developer is redistributing the density rights of Parcel 148 to both Parcel 51 and Lot 1. B.C.Z.R. Section 1A01.3.B.1 prohibits any other subdivision of the property. This will create a judicially enforceable prohibition on Developer's ability to subdivide Lot 3.

Secondly, there is no need to eliminate the distinction between Parcels 148 and 51 through a DRC process, as the doctrine of zoning merger will effectively extinguish, by operation of law, the lot line between these parcels. The doctrine of zoning merger states that when two parcels are used as one, they will be treated as one for zoning purposes. This doctrine was adopted formally by the Maryland Court of Appeals in *Friends of The Ridge v. Baltimore Gas & Elec. Co.*, 352 Md. 645 (1999) and expanded in *Remes v. Montgomery County*, 387 Md. 52 (2005). Zoning merger will clearly occur in this case. According to Developer's Exhibit 1, the septic reserve area straddles the two parcels, and a shed and pole building existing on Parcel 51 will be used as accessories to Developer's proposed house on Parcel 148. Therefore, the parcels will be used as one, and thus treated as one for zoning purposes. Moreover, placement of the proposed house less than 35 feet from the line dividing the parcels would in and of itself create a setback violation in this zone further triggering the doctrine.

For these reasons, I find no basis for Developer to be required to participate in a separate DRC to eliminate the lot line between Parcels 148 and 51. The placement of Lot 3 in conservation easement eliminates the danger of the lot being further subdivided in the future.

The Developer, through his representative, has addressed all County comments except for the preparation of a Forest Conservation Plan for DEPRM's review and approval and the determination of the type of easement option for placing Lot 3 into permanent conservation, i.e., environmental trust, land preservation trust or an R.C.4 type conservation agreement. After reviewing the Redlined Development Plan, and the receiving of the post-hearing approvals from DEPRM, I find that there are no issues, which remain, open or unaddressed.

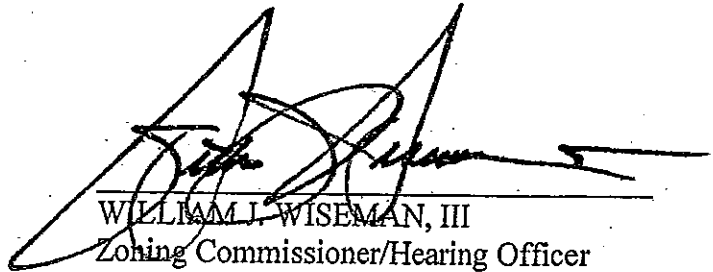
Pursuant to the advertisement, posting of the property, and public hearing thereon, and the zoning and development plan regulations of Baltimore County as contained within the

Baltimore County Zoning Regulations (B.C.Z.R.) and Article 32, Section 4 of the Baltimore County Code (B.C.C.), the one-page, Redlined Development Plan (Developer's Exhibit 1) shall be approved consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County, this 16th day of January 2007, that the Development Plan for the **BANDELIN PROPERTY**, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; subject to the following conditions:

- 1) The Developer is permitted to proceed; however, the Developer is hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief herein could be rescinded.
- 2) Prior to signature on the subdivision development plan (Developer's Exhibit 1), Developer shall:
 - a) Prepare a Forest Conservation Plan for DEPRM's review and approval; and
 - b) As agreed to during the hearing, Mr. and Mrs. Bandelin will place Lot 3 into a permanent conservation easement assuring that no further subdivision (or lot line adjustments) will occur in the future.

Any appeal of this Order shall be taken in accordance with Article 32-4-281 of the Baltimore County Code.


WILLIAM J. WISEMAN, III
Zoning Commissioner/Hearing Officer
for Baltimore County



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

19927 Middletown Road (Map 11, Parcel 51) and
for the property located at Middletown Road lot (Map 11, Parcel 148)
which is presently zoned R.C. 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:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Jason T. Vettori
Name - Type or Print
Signature
Gildea & Schmidt, LLC
Company
600 Washington Avenue, Suite 200 (410) 821-0070
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

Kirk Bandelin
Name - Type or Print
Signature
Kerri Bandelin
Name - Type or Print
Signature
19927 Middletown Road
Address Telephone No.
Freeland MD 21053-9425
State Zip Code

Representative to be Contacted:

Jason T. Vettori
Name
600 Washington Avenue, Suite 200 (410) 821-0070
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

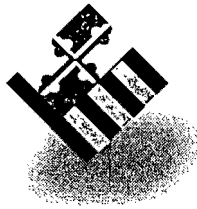
UNAVAILABLE FOR HEARING _____

Case No: 07-587-SRH

Reviewed By BH Date 6/26/07

ATTACHMENT TO PETITION FOR SPECIAL HEARING

1. The non-density transfer and lot line adjustment from Map 11, Parcel 51 to Map 11, Parcel 148, that does not result in an increase in the number of lots and there is no increase in the total residential density available to the lots considered as a whole in accordance with BCC Section 32-4-106(a)(viii); and
2. For such other and further relief as may be deemed necessary by the Zoning Commissioner.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 22, 2007

Jason T. Vettori
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Dear Mr. Vettori:

RE: Case Number: 07-587-SPH, 19927 Middletown Road (Map 11, Parcel 51) and Middletown Road lot (Map 11, Parcel 148)

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 26, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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 black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf
Enclosures

c: People's Counsel
Kirk Bandelin · Kerri Bandelin 19927 Middletown Road Freeland 21053-9425

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

July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 2, 2007

587

Item Number: 573 through 578 and 580 through 594

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

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

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 5, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For July 9, 2007
Item Nos. 07-456, 574, 575, 576, 577,
578, 579, 580, 581, 582, 583, 584, 585,
586, 587, 588, 589, 590, 591, 592, and 594

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-07052007.doc



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JULY 2, 2007

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

RE: Baltimore County
Item No. 7-587-SPH
19927 MIDDLETOWN ROAD
BANDELIN 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. 7-587-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

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

September 29, 2006

Mr. Walter T. Smith, Jr.,
Development Manager
Department of Permits and
Development Management
County Office Building
Room 105
Towson, Maryland 21204

RE: Baltimore County,
Development Plan
Bandelin Property
PDM 06-281
Middletown Road
n/w of Gores Mill Road

Attn.: Mr. Colleen Kelly

Dear Mr. Smith:

Thank you for the opportunity to review the development plan on the subject of the above captioned, which was received on September 22, 2006. We understand that this plan illustrates a proposal to construct a single family dwelling on a 10.88 acre site.

We have completed a review of the site plan. Based on available information this office has no objection to development plan approval for Bandelin Property PDM 06-281. Access is subject to the rules and regulations of Baltimore County. We recommend coordination with the appropriate County agency authorized to permit work within the public right-of-way.

If you have any questions regarding our comments feel free to contact Michael Bailey at 410-545-55593 or call our toll free number in Maryland only 1-800-876-4742 extension 5593. Also, you may E-mail Mr. Bailey at (mbailey@sha.state.md.us).

Very truly yours,

For [^]Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. Kirk Bandelin, Applicant
Mr. David Malkowski, District Engineer, SHA
Mr. Albert L. Snyder, Consultant Engineer, A. L. Snyder Surveyor, Inc.

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
INTER-OFFICE CORRESPONDENCE

TO: Walt Smith MS# 1105 DATE: October 5, 2006
PDM Development Management

FROM: Linda Leake
Department of Public Works
Metropolitan District Financing & Petitions

SUBJECT: Extinguishment of Front Foot Assessments
Project: Bandelin Property
PDM No: 28-Jun

The property accounts of the project above have no existing water or sewer benefits assessments and the project is located in an area that will require the use of private wells and septic systems.

If you have any questions, please call me on ext. 2432.

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: October 11, 2006

TO: R. Bruce Seeley, Project Manager, Development Coordination
Department of Environmental Protection & Resource Management

FROM: Thomas I. Bodrogi, R.S., Ground Water Management
Department of Environmental Protection & Resource Management

SUBJECT: Project Name: Bandelin Property
Plan Type: Development Plan
Plan Date: August 30, 2006

Ground Water Management has the following comments on the above referenced plan:

Comments	Date Resolved	Reviewer
1. Label all perc test on proposed lots as test 1A, 1B etc, 2A, 2B etc		
2. Show a SRA on existing lot 2 to include soil tests A and B.		
3. Prior to Record Plat, the Sewage Disposal System for the existing dwelling must be inspected and certified by a licensed Sewage Disposal Contractor. Documentation verifying the inspection and the condition of the SDS must be submitted to this office.		
4. Recommend that the maximum well areas be shown on the minor subdivision plan.		

Note: Please include a revision date on all revised plans submitted.

Bandelin Property, Development plan, 10-11-2006

BALTIMORE COUNTY, MARYLAND

I N T E R O F F I C E M E M O R A N D U M

TO: W. CARL RICHARDS, JR., ZONING SUPERVISOR AND
BRUNO RUDAITIS, PLANNER

FROM: PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY *PMZ*

SUBJECT: IN THE MATTER OF BANDELIN PROPERTY
CASE NO. VI-281

DATE: FEBRUARY 16, 2007

Enclosed please find a courtesy copy of our office's Motion for Reconsideration filed with the Zoning Commissioner regarding the above-mentioned case.

If you have any questions, please do not hesitate to contact my office.

PMZ/rmw

Enclosure

BALTIMORE COUNTY, MARYLAND

SUBJECT: DEVELOPMENT PLAN COMMENTS
FROM: PDM - ZONING REVIEW

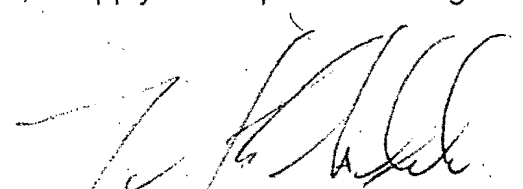
DPC DATE: 10-25-06

PROJECT NAME: BANDELIN PROPERTY PLAN DATE: 08-30-06

LOCATION: north side of Middletown Road, west of Gores Mill Road

PROPOSAL: 4 SINGLE FAMILY DWELLINGS.

1. Based on the plan submitted, this office offers no comments regarding the concept of creating 4 single-family dwellings on 14.975 gross acres of RC-2 zoned land. The plan has been reviewed by the staff at this level of detail for general compliance with the Baltimore County Zoning Regulations (BCZR). To avoid any possible delays in the development review and zoning approval process, when details and technical information is identified or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearings. Only if necessary, will the following comments be up-dated and/or supplemented during review of the zoning final development plan.
2. Show on the plan any property divided from this one since November 25, 1979. Provide a zoning history in deed and map format in accordance with zoning policy RSD-10.
3. Change the number of lots to 4, which must include the lot divided from the subject property after 1979. Add 'Lot # 4 to the divided lot.
4. Note the previous minor subdivision (Health Master) case number on the plan.
5. Show a Revision Block and date all revisions.
6. Show on the plan and in the devolution of title the creation dates and configurations of two previously existing parcels of 2 acres or larger in area, or apply for a Special Hearing to create a density transfer.



John R. Alexander
Planner II
Zoning Review

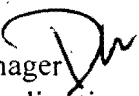
BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



To: John V. Murphy, Hearing Officer
Deputy Zoning Commissioner

Date: November 17, 2006

From: David Lykens, Manager 
Development Coordination, DEPRM

Subject: Bandelin Property Hearing Officer's Hearing

The Department of Environmental Protection and Resource Management (DEPRM) has completed reviewing the environmental information associated with the Bandelin Property and offers the following comments:

1. The applicant has not addressed forest conservation as of this date. Either revise the forest bank letter to address the added lot, or prepare a forest conservation plan for planting.
2. Wally Lippincott, of our Agricultural Preservation Section requires that the landowner place Lot 3 into a permanent conservation easement so the no further subdivision (or lot line adjustments) can occur.

If you have any questions regarding our review of this property, please call me at extension 5859.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
19927 Middletown Road & lot; NE/S
Middletown Rd, 650' NW c/line Gores Mill Rd* ZONING COMMISSIONER
6th Election & 3rd Councilmanic Districts
Legal Owner(s): Kirk & Kerri Bandelin * FOR
Petitioner(s) * BALTIMORE COUNTY
* 07-587-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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to, Jason T. Vettori Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUL 16 2007

Per. *Amf*.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Wheatley, Rebecca
Date: 09/10/2007 12:52 PM
Subject: Proposed Order - Bandelin - Case Nos. 07-587-SPH & PDM No. VI-281
Attachments: 07-587-SPH.doc

Hi Rebecca,

Per your discussion with Bill on Friday, Bill has asked me to send you the attached **proposed** Order. Bill has not had the opportunity to completely review but would like Pete's opinion about his Motion for Reconsideration being **DISMISSED** since his concerns and issues have been addressed.

I will wait to hear from you before releasing said Order.

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

9-11-07
told Patty to
as Dismissed "as moot"
m p. 6
otherwise OK

From: "Jason Vettori" <jvettori@gildeallc.com>
To: <wsmith@co.ba.md.us>
Date: 06/13/2007 4:10 PM
Subject: FW:

up
PM2
BANDELIN FILE

Walt:

In follow up to our conversation, I have reviewed my file regarding the Development Plan Hearing for our client, Bandelin, Case No. VI-281, before the Hearing Officer (Order issued 1/16/07). Procedurally, following the HOH, People's Counsel filed a Motion for Reconsideration, see attached (2/13/06). The substantive issue of the motion was the lot line adjustment permitted at the HOH and whether it should have been heard by the Zoning Commissioner in the form of a Petition for Special Hearing. We have scheduled a filing appointment, as indicated in my recent letter regarding same, to have this issue decided by the Zoning Commissioner. Hopefully we can resolve any issues with respect to the Motion for Reconsideration and dismiss same thereafter. Technically, it is my understanding that the Motion for Reconsideration has kept the Order in the HOH from becoming final and non-appealable. All outstanding issues shall be determined by the filing of our Petition for Special Hearing (we have a filing appointment on June 20th) for a lot line adjustment and non-density transfer. Please feel free to contact me with any questions.

Jason T. Vettori
Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071

This email contains information from the law firm of Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Gildea & Schmidt, LLC by telephone immediately.

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

From: Shari Fedak [mailto:sfedak@gildeallc.com]
Sent: Wednesday, June 13, 2007 3:45 PM
To: Jason Vettori
Subject:

Shari Fedak
Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax

Bill Wiseman - Bandelin Property

From: Colleen Kelly
To: Wiseman, Bill
Date: 11/21/06, 12:08 PM
Subject: Bandelin Property

Hi Bill,

In speaking with Carl Richards yesterday, he indicated to me the following:

In regards to the zoning merger, your order should state something like *that by approval of the development plan, the lot line between parcel 148 and parcel 51 shall be extinguished.*

In regards to the re-distribution of density across parcel lines, your order should state something like *the proposed and total density allows a total of 4 lots. Therefore, the density of the property on this development plan is now exhausted.*

I am leaving in about 20 minutes but will be back in tomorrow if you have any further questions.

I will contact Steve Snyder tomorrow and let him know what's been decided about these issues and remind him about the forest conservation agreement.

Thanks.

Colleen

[Click here for a plain text ADA compliant screen.](#)



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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[New Search](#)
[Ground Rent](#)

STR

Account Identifier: District - 06 Account Number - 1700004949

Owner Information

Owner Name: BANDELIN KIRK
BANDELIN KERRI
Use: AGRICULTURAL
Principal Residence: NO
Mailing Address: 19927 MIDDLETOWN RD
FREELAND MD 21053-9425
Deed Reference: 1) /20340/ 34
2) /20340/ 26

Location & Structure Information

Premises Address
MIDDLETOWN RD

Legal Description
5 AC NER MIDDLETOWN
RER 600 FT'
550 NW GORES MILL RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
11	3	148						2	

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		5.00 AC	33
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007	
Land:	960	960			PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Improvements:	0	0			
Total:	960	960	960	960	
Preferential Land:	960	960	960	960	

Transfer Information

Seller: FABISZAK PAUL M	Date: 06/29/2004	Price: \$600,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /20340/ 34	Deed2: /20340/ 26
Seller: GREY THOMAS E	Date: 06/10/1998	Price: \$250,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /12926/ 92	Deed2:
Seller: DAVIS GAYTHER AG USE 83-84	Date: 02/06/1976	Price: \$10,000
Type: IMPROVED ARMS-LENGTH	Deed1: /10313/ 716	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
AGRICULTURAL TRANSFER TAX

[Click here for a plain text ADA compliant screen.](#)



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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[Ground Rent](#)

STR

Account Identifier: District - 06 Account Number - 0608000350

Owner Information

Owner Name: BANDELIN KIRK
BANDELIN KERRI Use: AGRICULTURAL

Mailing Address: 19927 MIDDLETOWN RD
FREELAND MD 21053-9425 Principal Residence: YES

Deed Reference: 1) /20340/ 34
2) /20340/ 26

Location & Structure Information

Premises Address
19927 MIDDLETOWN RD

Legal Description
9.9929 AC
19927 MIDDLETOWN RD
550 FT NW GORES MILL RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
11	3	51						2	

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1969	2,613 SF	10.00 AC	33

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007	
Land:	43,370	83,370			PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Improvements:	209,020	252,910			
Total:	252,390	336,280	308,316	336,280	
Preferential Land:	3,370	3,370	3,370	3,370	

Transfer Information

Seller: FABISZAK PAUL M	Date: 06/29/2004	Price: \$600,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /20340/ 34	Deed2: /20340/ 26
Seller: GREY THOMAS E	Date: 06/10/1998	Price: \$250,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /12926/ 92	Deed2:
Seller: HARLA ALEXANDER AG USE 83-84	Date: 12/10/1974	Price: \$140,000
Type: IMPROVED ARMS-LENGTH	Deed1: /10313/ 716	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
AGRICULTURAL TRANSFER TAX

PLEASE PRINT CLEARLY

CASE NAME Bandelin Property
CASE NUMBER VI-281
DATE 11/17/06

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Kirk Bandelin

19927 Middletown RD

Freeland, MO 21033

KirkBandelin@Comcast.net

STEVE SNYDER

1911 HANOVER PIKE

HAMPSTEAD, MD. 21074

CASE NAME BANDCLINT Property
CASE NUMBER V1-281
DATE 11/17/06

CASE NAME BANDCLINT Property
CASE NUMBER V1-281
DATE 11/17/06

[illegible]

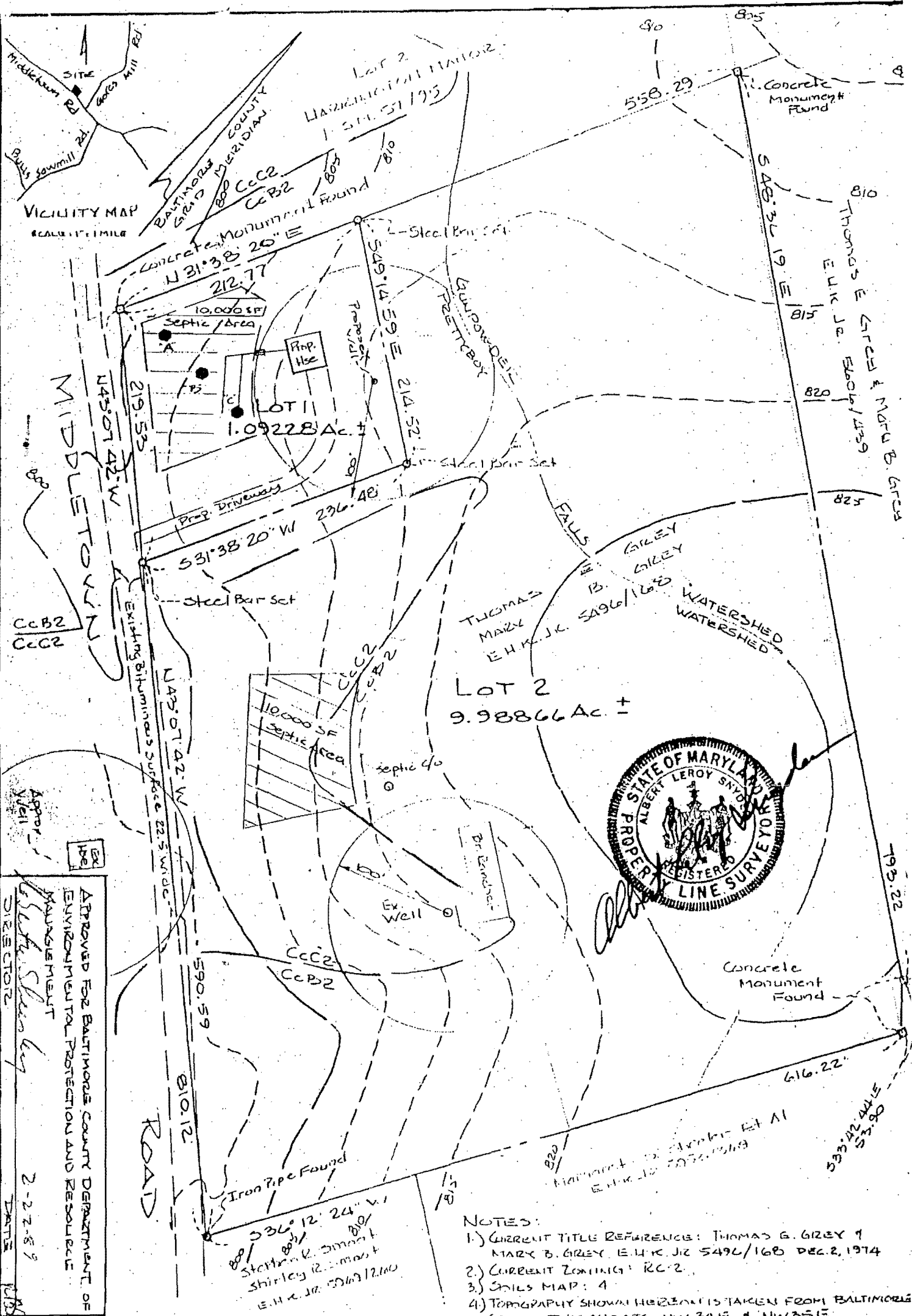


A. L. SNYDER
SURVEYOR, INC.
1911 HANOVER PIKE
HAMPSTEAD, MD 21074
410-239-7744

2007-0587-SPH

PLAT "A"

#587



APPROVED FOR BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCES
 MANAGEMENT
Walter S. [Signature]
 DIRECTOR
 2-22-89
 DATE

- NOTES:
- 1) CURRENT TITLE REFERENCE: THOMAS B. GIZEY & MARK B. GIZEY E.H.K. JR. 5496/168 DEC. 2, 1974
 - 2) CURRENT ZONING: RC-2
 - 3) SOILS MAP: 4
 - 4) TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY TOWN SHEETS NW 34 E. 1 NW 35 E
 - 5) AREA: 11.0809 Ac. ± GROSS; 11.0809 Ac. ± NET
 - 6) DENSITY: 0.1805
 - 7) THERE ARE NO FUEL OR PESTICIDE TANKS ON THIS OR ADJACENT PROPERTIES

PLAT OF THE GREY PROPERTY

A.L. SNYDER
 SURVEYOR
 1911 HANOVER PIKE
 HAMPSTEAD, MD. 21074
 (301) 239-7744

SIXTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

JANUARY 5, 1989

SCALE: 1" = 100'

CIVIL 12 APPLICATION
 THOMAS B. GIZEY
 19221 MIDDLEBROOK RD.
 PICTURE / GROUND PLOT 21053

JOB NO. 88133

TAX NO. 0608000350

820 —

810 —

800 —

0+00 1+00 2+00 3+00 4+00

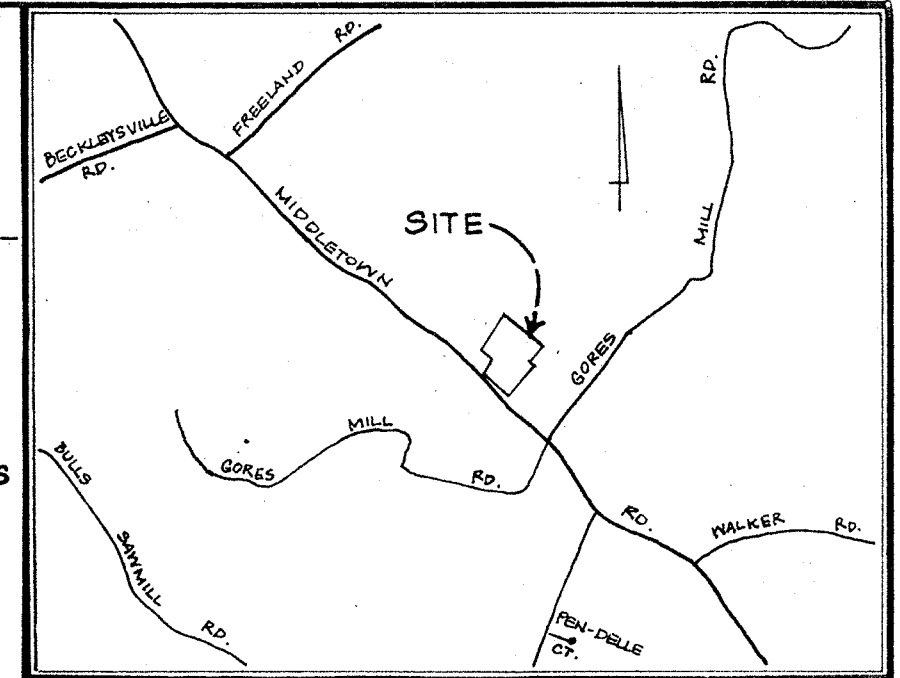
DRIVEWAY PROFILE

HORZ: 1" = 100'

VERT: 1" = 10'

THIS CERTIFICATION IS SUBMITTED IN CONNECTION WITH THE DEVELOPMENT KNOWN AS "THE BANDELIN PROPERTY" AND IS GIVEN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-55(C) OF THE BALTIMORE COUNTY CODE, 1978, AS AMENDED.

822	APPLICANT	816	1122	TITLE	DATE
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*** COORDINATES CHART ***
MARYLAND COORDINATE SYSTEM

NO.	NORTH	EAST	DESCRIPTION
118	729990.0542	1303145.3535	CONC. MON.
120	730034.7241	1303115.1923	CONC. MON.
122	730248.4317	1303286.6856	PIPE
123	730764.8557	1302624.2635	PIPE
124	730638.6210	1302572.3282	PIPE
125	730554.8986	1302518.8272	CONC. MON.
126	730260.4102	1302338.2495	
127	730120.7317	1302501.0622	
129	729794.6377	1303003.9391	
130	730090.3334	1302664.7282	
133	730097.8360	1302575.0004	
134	729916.2015	1302864.4857	
716	729860.0317	1302463.1898	
717	729729.7887	1302589.4346	
718	729932.8138	1302385.8291	
720	729880.3246	1302441.6203	
721	729642.5048	1302666.4883	
722	729501.1059	1302791.5228	

A. PI EPARER OF PLAN

Name: A L SNYDER
Address: 1011 HANOVER PIKE
HAMPSTEAD, MD. 21074
Date: FEBRUARY 1, 2005

Existing	Not Existing	Field Delineated	Field Verified
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[illegible]

Topography and street grades (min 5 ft. contour appropriately labeled)		REMARKS
Slopes greater than 25%		
100 year floodplain		
Soils mapped according to <u>Soil Survey, Baltimore County, Maryland</u>		
Streams, seeps, ponds or other water bodies shown on site and within 200 ft. of site boundaries		
Wetlands		
Forest Buffer: limits including adjustments for steep slopes and/or erodible soils		
Land cover on and within 200 ft. of site		
Significant regulated plant or wildlife communities		
Wells on site and within 100 ft. of site		
Septic on site and within 100 feet of site		
Underground fuel tanks on site and within 100 ft. of site		
Soil evaluation tests (perc tests) performed		
CS	(NO)	DATE

NaCl

Existing	Existing
✓	
✓	
	✓
	✓
	✓
✓	✓
✓	

Locations of existing buildings within 200 ft. of site boundaries
Location of existing roads within 200 ft. of site boundaries
Designated historic sites
Designated archeological sites
Significant views
Significant features (specimen trees, buildings, streetscape, etc.)
Land uses on or within 200 ft. of site boundaries
Road rights-of-way and easements

	Not	In
Exclusion, Violation, Conformance		

Existing	Existing	Conformance
		✓
		✓
	✓	
	✓	
	✓	

Baltimore County Master Plan 1989-2010
Community or Revitalization Plan(s)
Recreation and Parks Plan
Streetscape Plan
Greenways Plan
Other:

Name: KIRK BANDLIN
Address: 12227 MIDDLETOWN RD.
FREELAND MD. 21053
Fax: 410 800 0350 ; 410 800 0434

KS-

SITE DATA

Existing Zoning and Maximum Density Permitted			
Zone	Acres	Units Allowed	Units Proposed
RC 2	14.97475	4	2
Total	14.97475	4	2

Dwell' g Type	Proposed Units	Parking Require	Parking Provided
1STY FRM	2	2 SPACES	2 SPACES
Total	2	4 SPACES	4 SPACES

Total	2	4 Acres	4 Acres
UNDEVELOPED AREAS		ACRES	
Storm Water Mangement		N/A	
HOA/COA Areas		N/A	
Other		N/A	
Total Provided		N/A	

Active Open Space	N/A
100 Year Flood Plain	N/A
Amenity Areas	N/A
Trails and Connectors	N/A
Other	N/A
Total Provided	N/A
Proposed Ownership	N/A

Anticipated Actions
 Variances
 Waivers
 Special Exceptions
 Other

OWNER/DEVELOPER
KIRK BANDELIN
19927 MIDDLETOWN RD.
FREELAND, MD. 21053
410-239-2240
329-

DEVELOPMENT PLAN FOR THE BANDELIN PROPERTY

6TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
3RD COUNCILMANIC DISTRICT CENSUS TRACT : 4060
DATE: AUGUST 30, 2006 SCALE: 1"=100'
TAX MAP 11 BLOCK 3 PARCELS 51 & 148
REGIONAL PLANNING DISTRICT : 301B
SCHOOL DISTRICT : 53 PRETTYBOY

A.L.SNYDER
SURVEYOR, INC.

DEVELOPER' S

EXHIBIT NO.

1 HANOVER PIKE
MPSTEAD, MD. 21074

Q: 410.374.9695

MAIL: alssurveyor@erols.com

JOB NO. 04024

P.D.M. FILE # 06-281

A hand-drawn map showing the location of a 'SITE' relative to several roads. The roads are labeled: BECKLEYVILLE RD., PASELAND RD., MIDDLETOWN, GORES RD., MILL RD., BULLS CREEK RD., GORES RD., MILL RD., WALKER RD., and PEN-DELLE CT. A north arrow is present. A small square with a cross inside is marked as the 'SITE' with an arrow pointing to it from the word 'SITE'.

THIS CERTIFICATION IS SUBMITTED IN CONNECTION WITH THE DEVELOPMENT KNOWN AS "THE BANDELIN PROPERTY" AND IS GIVEN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-55(C) OF THE BALTIMORE COUNTY CODE, 1978, AS AMENDED.

APPLICANT	TITLE	DATE
APPLICANT	TITLE	DATE

NOTES

1. CURRENT TITLE REFERENCE:
KIRK BANDELIN & KERRI BANDELIN
PARCEL 51 - S.M. 20340 FOLIO 026
TAX ACC. NO. - 0608000350
PARCEL 148 - S.M. 20340 FOLIO 034
TAX ACC. NO. - 1700004949
2. CURRENT ZONING - RC-2
3. SOILS MAP - 4 SOIL TYPES ; CCB2 CCG2
4. TOPOGRAPHY SHOWN HERSON IS TAKEN FROM
BALTIMORE COUNTY GIS TILE 01161
5. GROSS AREA - 14.57475 AC±
6. NET AREA - 14.72821 AC±
7. DENSITY - LOTS ALLOWED = 4 (2 PER PARCEL)
LOTS PROPOSED = 4 ; LOTS EXISTING = 2
8. ALL LOTS SHOWN ARE FOR SINGLE FAMILY USE.
9. WATERSHED - PRETTYBOY RESERVOIR
10. SUBSEWERSHED - N/A
11. THIS PROPERTY HAS BEEN HELD INTACT SINCE
FEBRUARY 1989 .
12. ACCESSORY STRUCTURE (B) TO BE RAZED, ALL OTHERS
ARE TO REMAIN.
13. THERE ARE NO UNDERGROUND FUEL TANKS
ON THE SITE .
14. THE PANHANDLE SHALL BE PAVED WITHIN ONE
YEAR OF THE ISSUANCE OF THE OCCUPANCY
PERMIT AND PRIOR TO THE ISSUANCE OF THE
OCCUPANCY PERMIT OF THE LAST LOT TO BE
SERVED, WHICHEVER COMES FIRST .
15. THIS PROPERTY HAS NO PLAT BOOK REFERENCE .
16. THERE IS NO PRIOR ZONING HISTORY FOR THIS
PROPERTY .
17. FARM USE WILL CONTINUE ON LOT 3 .

6TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
5RD COUNCILMANIC DISTRICT CENSUS TRACT : 4060
DATE: AUGUST 30, 2006 SCALE: 1"=100'
TAX MAP 11 BLOCK 3 PARCELS 51 & 148
REGIONAL PLANNING DISTRICT : 301B
SCHOOL DISTRICT: 53, PRETTY BOY

REVISIONS
REVISED 4.2.07
REVISED 2.8.07
REVISED 12.8.06
REVISED 10.23.06

**A.L. SNYDER
SURVEYOR, INC.**
1911 HANOVER PIKE
HAMPSTEAD, MD. 21074
PH: 410-239-7744
FAX: 410-374-9695
E-MAIL: alsurveyor@earthlink.com
JOB NO. 04024

P.D.M. FILE # 06-281

NO.	NORTH	EAST	DESCRIPTION
118	729990.0542	1303145.3535	CONC. MON.
120	730004.7241	1303115.1923	CONC. MON.
122	730248.4317	1303286.6856	PIPE
123	730764.8557	1302694.2635	PIPE
124	730628.6210	1302572.3282	PIPE
125	730554.8986	1302518.8272	CONC. MON.
126	730260.4102	1302338.2495	
127	730120.7317	1302501.0622	
129	729794.6377	1303003.9391	
130	730090.3934	1302664.7282	
133	730097.8360	1302575.0004	
134	729916.2015	1302864.4857	
716	729860.0317	1302463.1898	
717	729729.7887	1302589.4346	
718	729932.8138	1302385.8291	
720	729880.9246	1302441.6203	
721	729642.9048	1302666.4883	
722	729501.1050	1302791.5228	

A. PREPARER OF PLAN
Name: A. L. SNYDER
Address: 1011 HANOVER PIKE
HAMPSTEAD, MD. 21074
Date: FEBRUARY 1, 2005

Existing	Not Existing	Field Delivered	Field Verified		REMARKS
✓	✓		✓	Topography and street grades (min 5 ft. contour or approximately labeled)	
✓	✓		✓	Slopes greater than 20%	
✓	✓		✓	100 year floodplain	
✓	✓		✓	Soils mapped according to Soil Survey, Baltimore County, Maryland	
✓	✓		✓	Streams, seeps, ponds or other water bodies shown on site and within 100 ft. of site boundary	
✓	✓		✓	Wetlands	
✓	✓		✓	Forest Buffer limits including adjoinments for steep slopes and/or erodible soil	
✓	✓		✓	Land cover on and within 200 ft. of site	
✓	✓		✓	Significant regulated plant or wildlife communities	
✓	✓		✓	Wells on site and within 100 ft. of site	
✓	✓		✓	Septic on site and within 100 feet of site	
✓	✓		✓	Underground fuel tanks on site and within 100 ft. of site	
✓	✓		✓	Soil evaluating tests (perc tests)	
					DATE

Existing	Not Existing	
✓		Locations of existing buildings within 200 ft. of site boundaries
	✓	Location of existing roads within 200 ft. of site boundaries
	✓	Designated historic sites
	✓	Designated archeological sites
	✓	Significant views
	✓	Significant features (specimen trees, buildings, streetscape, etc.)
✓		Buildings on or within 200 ft. of site boundaries
✓		Buildings of view and easements

By	Not Existing	In Conference	
		✓	Ballwin County Master Plan (5.5.2016)
		✓	Community or Regional Plan(s)
	✓		Recreation and Parks Plan
	✓		Streetscape Plan
	✓		Greenways Plan
			Other:

DEPT OF CORRECTIONS
Name: KIRK BANDLIN
Address: 12927 MIDDLTOWN RD.
FREELAND MD. 21053
Fax: Mont Nos. 0608000350 : 170000434

REMARKS:

PLAT OF
THE GREY PROPERTY

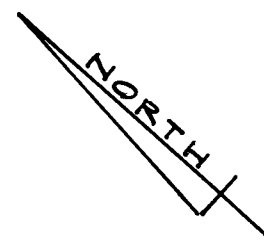
Resource Conservation Zones Examples

Zone	Acres	Units Allowed	Units Proposed
RC 2	14.97475	4	2
Total	14.97475	4	2

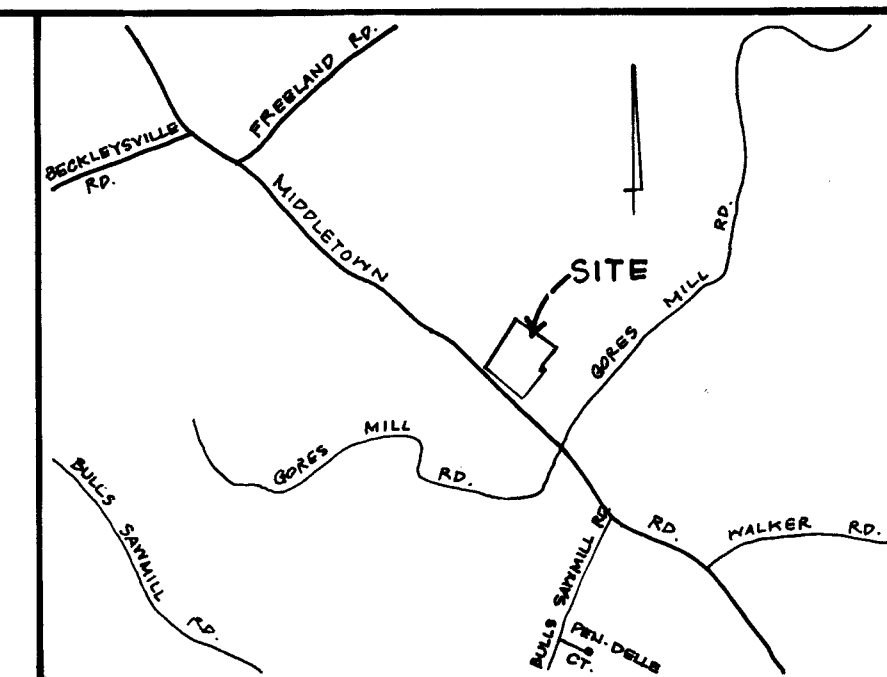
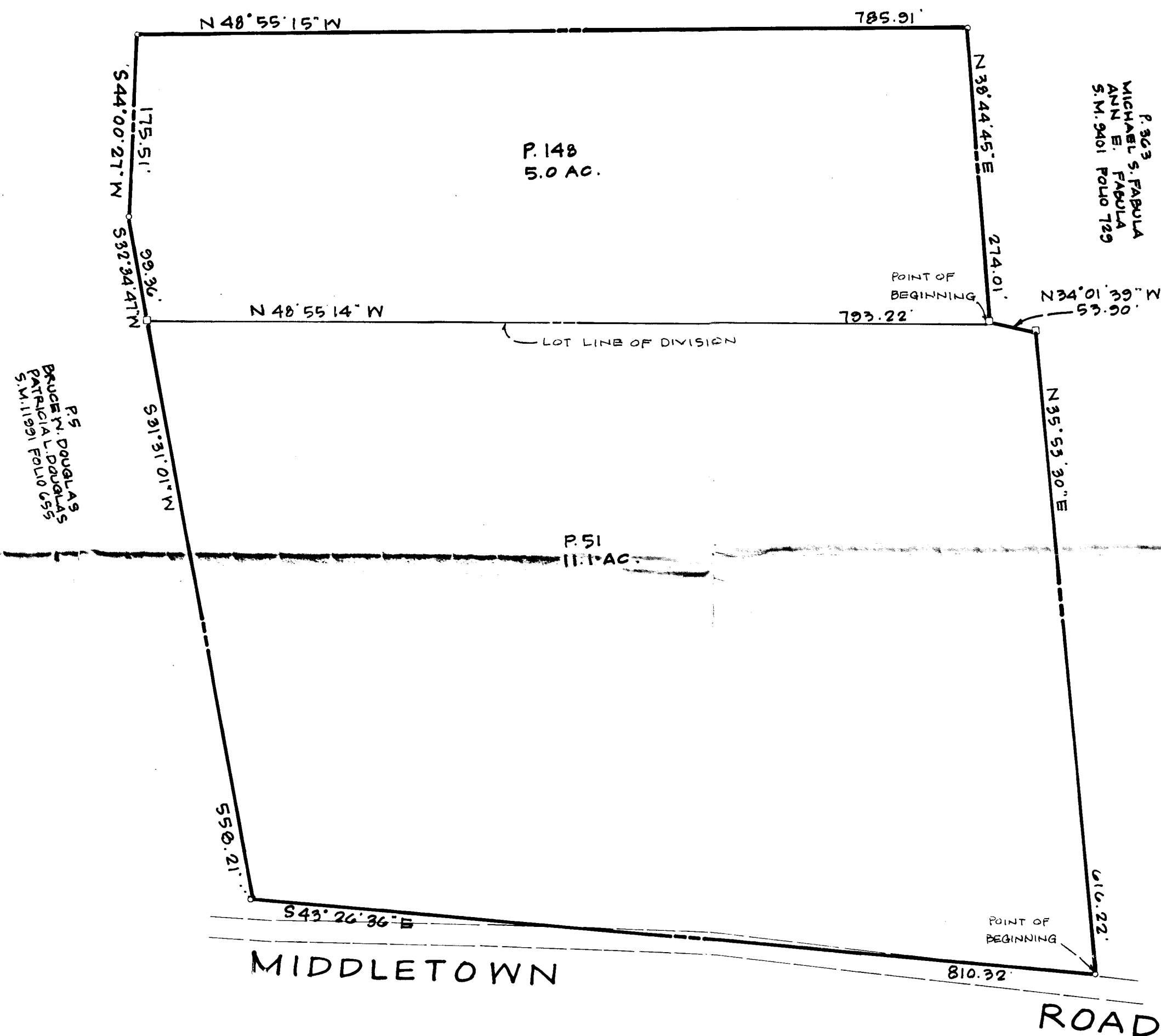
Well #	Proposed Units	Parking Requirement	Available Parking
1STY FRM.	2	2 SPACES	2 SPACES
Total	2	4 SPACES	4 SPACES

Anticipated Actions
 Variances
 Waivers
 Special Exceptions
 Other

Total Provided	NA
----------------	----



P.G
RANDOLPH K. MACKUBIN
KELLY M. MACKUBIN
S.M. 14228 FOLIO 390



VICINITY MAP
SCALE: 1" = 2000'

NOTES

1. CURRENT TITLE REFERENCE:
KIRK BANDELIN & KERRI BANDELIN
PARCEL 51: S.M. 20340 FOLIO 026
TAX ACC. NO: 0608000350
PARCEL 148: S.M. 20340 FOLIO 034
TAX ACC NO: 1700004949
2. GROSS AREA: 16.1 AC.
3. AREA OF ZONING PETITION: 16.1 AC.
4. CURRENT ZONING: RC-2
5. TAX MAP 11 BLOCK 3 PARCELS 51 & 148
6. BALTIMORE COUNTY 200 SCALE ZONING MAP 11b1
7. THIS PROPERTY DOES NOT LIE WITHIN A FLOODPLAIN.

PLAT TO ACCOMPANY PETITION FOR
ZONING SPECIAL HEARING

THE BANDELIN PROPERTY

6TH ELECTION DISTRICT
DATE: APRIL 24, 2007
3RD COUNCILMANIC DISTRICT
TAX MAP: 11 BLOCK: 3
REGIONAL PLANNING DISTRICT: 301B
SCHOOL DISTRICT: 53 PRETTYBOY

BALTIMORE COUNTY, MD.
SCALE: 1" = 100'
CENSUS TRACT: 4060
PARCELS: 51 & 148

PLAT 'A'

A.L. SNYDER
SURVEYOR, INC.
1911 HANOVER PIKE
HAMPSTEAD, MD. 21074
PHONE: 410-233-7744
FAX: 410-374-9695
EMAIL: alsurveyor@aol.com