

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W side of Robin Hill Road and NE side		
of Norvo Drive	*	DEPUTY ZONING
2 nd Election District		
4 th Councilmanic District	*	COMMISSIONER
(6258 Robin Hill Road)		
	*	FOR BALTIMORE COUNTY
Edward Heath		
<i>Petitioner</i>	*	Case No. 2008-0529-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Edward Heath, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a lot line adjustment to two parcels both owned by Petitioner. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing was Petitioner Edward Heath as well as his consultant, Bruce Doak, with Gerhold Cross & Etzel, the professional land surveyor who prepared the site plan. Also attending was Eric Rockel, representing NeighborSpace of Baltimore County, an organization supporting the requested zoning relief. Interested citizens attending the hearing were Arthur Hyde of 5611 Pembroke Avenue, Nathaniel Batey of 6207 Norvo Road and Foster Covert of 6261 Robinhill Road. There were no Protestants or other interested parties in attendance at the hearing.

The testimony and evidence offered revealed that the subject property is comprised of two parcels located at the southern end of Robin Hill Road, north of the Powhatan Elementary School, in the Gwynn Oak area of Baltimore County. The first parcel is a rectangular-shaped

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 9-24-08
 [Signature]

property containing 6,759 square feet of land zoned D.R.5.5. The second parcel, located immediately south of the first parcel, is a larger, irregular-shaped property containing approximately 1.968 acres of land, also zoned D.R.5.5. Petitioner submitted an aerial photograph of the subject property, which was marked and accepted into evidence as Petitioner's Exhibit 3. Petitioner also submitted a number of photographs, which provided an overview of the layout of the subject property and surrounding area. The photographs were marked and accepted into evidence as Petitioner's Exhibits 2A through 2P. To accompany the photographs, Mr. Doak also submitted a marked copy of the site plan, which was marked and accepted into evidence as Petitioner's Exhibit 2. The marked site plan served as a photo key identifying the location and vantage point of each of the accompanying photographs.

The evidence revealed that the first parcel is improved with a two-story brick duplex located on the northern end of the parcel. The second parcel is largely undeveloped but contains a fenced in pool area in the northeast area as depicted in Petitioner's Exhibit 2E. Petitioner wishes to pursue a lot line adjustment that would transfer 16,866 square feet of the northeast region of parcel two, which encompasses the pool area, to parcel one. The purpose of this adjustment is to transfer ownership of the remaining undeveloped land in the second parcel to NeighborSpace of Baltimore County, Inc., a nonprofit land trust company, to facilitate open space in this area.

NeighborSpace was represented at the public hearing by Eric Rockel, who submitted the 2006-2007 Annual Report of the nonprofit organization to provide background information on the mission and operation of the organization. The report was marked and accepted into evidence as Petitioner's Exhibit 4. The evidence revealed that NeighborSpace is a nonprofit land trust that identifies and acquires land in Baltimore County Community Conservation and Growth

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areas, with the support of local residents, for the purpose of providing neighborhood open space and "green" communities. The acquired properties are used for a variety of public purposes such as passive recreation, community gardens, open green space, or simply to preserve natural wooded areas. In this case, NeighborSpace wishes to acquire all of parcel two after the proposed lot line adjustment, which would enable the organization to preserve a natural, green area for the benefit of the surrounding community. The proposed adjustment satisfies both Petitioner and NeighborSpace as it allows Mr. Heath to enlarge his lot and keep his swimming pool, and allows NeighborSpace to preserve a large area of unimproved land in a community that otherwise lacks open space. The surrounding community expressed support for the proposal through an email from Nate Batey, President of the Powhattan Farms Improvement Association, which was marked and accepted into evidence as Petitioner's Exhibit 5. The lack of any Protestants at the public hearing, along with the submission of this supportive email, demonstrated that the community largely supports Petitioner and NeighborSpace's proposal.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from Office of Planning dated July 1, 2008 which indicates that the lot line adjustment is being sought to accommodate Petitioner's ability to donate a portion of the subject lot to the NeighborSpace Board of Baltimore County. The Planning Office does not oppose Petitioner's request provided the land (1.968 acres) is indeed donated to NeighborSpace. Comments were received from the Bureau of Development Plans Review dated June 26, 2008, which indicate this proposal was brought before the Development Review Committee on May 19, 2008 as a request for a lot line adjustment. After some discussion, the applicant requested that the matter be tabled until he could seek permission for a non-density transfer from the Zoning Commissioner. However, under this special hearing, the

RECEIVED FOR PLANNING
9.24.08
[Signature]

Petitioner is requesting a density transfer through a lot line adjustment. Mr. Kennedy, Supervisor of the Bureau of Development Plans Review, submits that a density transfer falls under the development regulations and is not under the Zoning Commissioner's authority to allow.

After careful consideration, I am convinced that Petitioner's request for a lot line adjustment meets the criteria of Section 500.7 of the B.C.Z.R. and accordingly should be granted. Initially, it should be noted that the proposed adjustment addresses issues that are completely interior to the subject property and will not affect the boundaries of any neighboring properties. Petitioner's request will benefit the community by providing a significant amount of open space to an area that is largely developed and is currently lacking preserved public areas. Additionally, the parcel that will be transferred to NeighborSpace is ideally located for this purpose as it lies immediately north of several open fields owned by the Powhatan Elementary School to the south. As PADM mentioned in their ZAC comment, I am aware that the adjustment would have the effect of increasing the density available for development on the parcel that will continue to be owned by Mr. Heath. However, I find that the primary effect of this transfer is to preserve open space for the good of the community, and any effect on density is secondary in nature. In fact, this lot adjustment will have the net effect of reducing Petitioner's total available density because he will be transferring most of his density availability to NeighborSpace, which will keep the property as open space. Therefore, I am persuaded to grant the relief requested by Petitioner.

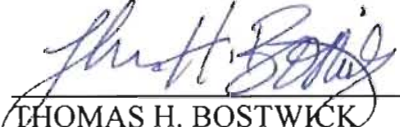
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's request for special hearing should be GRANTED.

APPROVED FOR PLANNING
9.24.08
m

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 24th day of September, 2008 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a lot line adjustment as depicted on the site plan (Petitioner's Exhibit 1) is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILED
9.24.08
pm



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6258 ROBIN HILL ROAD
which is presently zoned DR S.5

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

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

EDWARD HEATH

Name - Type or Print

Signature

Name - Type or Print

Signature

6258 ROBIN HILL ROAD

Address

Telephone No.

BALTIMORE, MD 21207

City

State

Zip Code

Representative to be Contacted:

SCOTT HODGKINS

Name

100 W. TOWSON TOWN BLVD, SUITE 100

Address

Telephone No.

TOWSON, MD 21206

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2008-0529-SP#

REV 9/15/98

Reviewed By D.T.

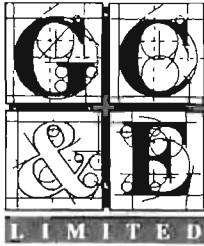
Date 5/9/08

SPECIAL HEARING REQUESTED

6258 ROBIN HILL ROAD

TO APPROVE A LOT LINE ADJUSTMENT.

2008-0529-SPH



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

May 8, 2008

**ZONING DESCRIPTION
HEATH PROPERTY
6258 Robin Hill Road
Baltimore County, Maryland**

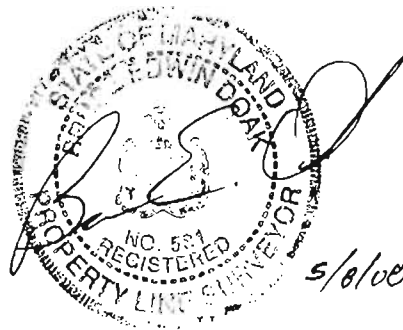
All that piece or parcel of land situate, lying and being in the Second Election District, Fourth Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point at the Western end of Norvo Road on the North West side, thence running for the 10 following bearings and distances,

- 1) North 46°50'13" West 35.00 feet.
- 2) South 43°09'47" West 124.94 feet,
- 3) North 43°09'23" East 50.08 feet,
- 4) North 46°50'37" West 135.00 feet, to Robin Hill Road, thence
- 5) South 43°07'57" West 50.06 feet.
- 6) North 43°09'47" East 24.99 feet,
- 7) South 46°50'13" East 187.01 feet,
- 8) North 45°21'43" East 270.17 feet,
- 9) North 46°50'37" West 297.37 feet.
- 10) South 43°09'47" West 169.98 feet, to the point of beginning.

Containing 92,506 sq. ft. or 2.124 acres of land, more or less.

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



2008-0529-SPH

**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: # 2008-0529-3PH
6258 Robin Hill Road
W/side of Robin Hill Road and
N/east side of Norvo Drive
2nd Election District
4th Councilmanic District
Legal Owner(s): Edward Heath
Special Hearing: for a lot line
adjustment.
Hearing: Tuesday, August 26,
2008 at 2:00 p.m. in Hearing
Room 1, Jefferson Building,
1015 W. Chesapeake 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) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

JT 8/634 Aug. 12 180619

CERTIFICATE OF PUBLICATION

8/14, 2008

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 8/12, 2008.

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

J. Wilkinson

LEGAL ADVERTISING

**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: #2008-0529-SPH
6258 Robin Hill Road
W/side of Robin Hill Road
and N/east side of Norvo Drive
2nd Election District
4th Councilmanic District
Legal Owner(s): Edward Heath
Special Hearing: for a lot line
adjustment.
Hearing: Friday, August 1,
2008 at 9:00 a.m. in Hearing
Room 1, 2nd Floor, Jefferson
Building, 106 W. Chesapeake
Avenue, Towson 21204

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
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(410) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.
7/17/3 July 17 178450

CERTIFICATE OF PUBLICATION

7/17/, 2008

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on 7/17/, 2008.

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

S. Wilkins

LEGAL ADVERTISING

**CASHIER'S
VALIDATION**



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

CERTIFICATE OF POSTING

RE: CASE#08-0529-SPH
PETITIONER/DEVELOPER:
Edward Heath
DATE OF HEARING:
August 26, 2008

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

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:
6258 Robin Hill Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

POSTED ON: 8/8/08



ZONING NOTICE

CASE # :08-0529-SPH

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

PLACE: First Floor Jefferson Building Hearing Rm 1
105 W. Chesapeake Ave., Towson, MD

TIME & DATE:
2:00 PM Tuesday August 26, 2008

Special Hearing: for a lot line adjustment

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER HEARING. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

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: 2008-0529-SPH

Petitioner: GERHOLD, CROSS & FZEL LTD

Address or Location: ~~370 E TOWSON BLVD~~
8258 ROBIN HILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: EDWARD L. HEATH Bill to Bill to Blue Point

Address: 6258 ROBIN HILL ROAD
BALTIMORE, MD 21207

Telephone Number: 410-823-4470

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 17, 2008 Issue - Jeffersonian

Please forward billing to:

Scott Hodgkins
Gerhold, Cross & Etzel
100 W. Towsontown Blvd., Ste. 100
Towson, MD 21286

410-823-4470

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: 2008-0529-SPH

6258 Robin Hill Road
W/side of Robin Hill Road and N/east side of Norvo Drive
2nd Election District – 4th Councilmanic District
Legal Owners: Edward Heath

Special Hearing for a lot line adjustment.

Hearing: Friday, August 1, 2008 at 9:00 a.m. in Hearing Room 1, 2nd Floor,
Jefferson Building, 105 W. Chesapeake 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 19, 2008
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:

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6258 Robin Hill Road
W/side of Robin Hill Road and N/east side of Norvo Drive
2nd Election District – 4th Councilmanic District
Legal Owners: Edward Heath

Special Hearing for a lot line adjustment.

Hearing: Friday, August 1, 2008 at 9:00 a.m. in Hearing Room 1, 2nd Floor,
Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Edward Heath, 6258 Robin Hill Road, Baltimore 21207
Scott Hodgkins, 100 W. Towsontown Blvd., Ste. 100, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 17, 2008.**
- (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 12, 2008 Issue - Jeffersonian

Please forward billing to:

Bruce Doak
Gerhold, Cross & Etzel
320 E. Towsontown Blvd., Ste. 100
Towson, MD 21286

410-823-4470

NOTICE OF ZONING HEARING

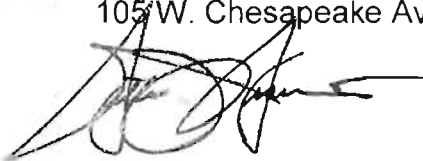
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0529-SPH

6258 Robin Hill Road
W/side of Robin Hill Road and N/east side of Norvo Drive
2nd Election District – 4th Councilmanic District
Legal Owners: Edward Heath

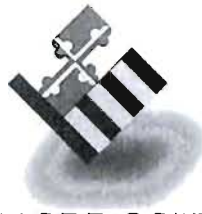
Special Hearing for a lot line adjustment.

Hearing: Tuesday, August 26, 2008 at 2:00 p.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake 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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 23, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NEW 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: 2008-0529-SPH

6258 Robin Hill Road

W/side of Robin Hill Road and N/east side of Norvo Drive

2nd Election District – 4th Councilmanic District

Legal Owners: Edward Heath

Special Hearing for a lot line adjustment.

Hearing: Tuesday, August 26, 2008 at 2:00 p.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Edward Heath, 6258 Robin Hill Road, Baltimore 21207
Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 11, 2008.**
- (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.

TB 8/26 2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 1, 2008

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

SUBJECT: 6258 Robin Hill Road
INFORMATION:

RECEIVED
JUL 14 2008

Item Number: 8-529

BY:.....

Petitioner: Edward Heath

Zoning: DR 5.5

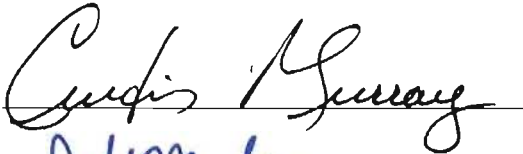
Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The proposed lot line adjustment is being sought after to accommodate the petitioner's ability to donate a portion of the subject lot to the NeighborSpace Board of Baltimore County. The Office of Planning does not oppose the petitioner's request provided the land (1.968 acres) is indeed donated to NeighborSpace.

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

Prepared by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 26, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 23, 2008
Item No. 08-0529

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

This proposal was brought before the Development Review Committee on May 19, 2008 as a request for a lot line adjustment. After some discussion, the applicant requested that the matter be tabled until he could seek permission for a non-density transfer from the zoning commissioner. However, under this special hearing, the petitioner is requesting a density transfer through a lot line adjustment. I respectfully submit that a density transfer falls under the development regulations and is not under the zoning commissioner's authority to allow.

DAK:CEN:lrk
cc: File
ZAC-ITEM NO 08-0529-06192008



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: 6-20-2008

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

RE: Baltimore County
Item No 2008-0529-SP14
6258 ROBIN HILL RD.
HEATH 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. 2008-0529-SP14.

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



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
6258 Robin Hill Road; W/S Robin Hill *
Road & NE/S Norvo Drive * ZONING COMMISSIONER
2nd Election & 4th Councilmanic Districts *
Legal Owner(s): Edward Heath * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-529-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.

RECEIVED

JUN 27 2008

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Scott Hodgkins 100 W. Towsontown Blvd, Suite 100, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

6/11/08

TO: BRUCE DOAK

FROM: DONNA THOMPSON

HERE IS THE NEW ATTACHMENT
FOR PETITION.

2008-0529-SPH

CASE NAME Heath, Robin Hill Rd.
CASE NUMBER 2008-0529 SPH
DATE Aug. 26, 2008

[illegible]

CASE NAME Robin Hill Rd
CASE NUMBER 2008-0529 SPH
DATE AUG. 26, 2008

[illegible]

Case No.: 2008-0529-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2 A-P →	Site plan to accompany photos Photos	
No. 3	Aerial Photo	
No. 4	Neighborhood of Balt. County - 06-07 - Annual Report	
No. 5	Email in support dated 8-30-08 from PFIA	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



③













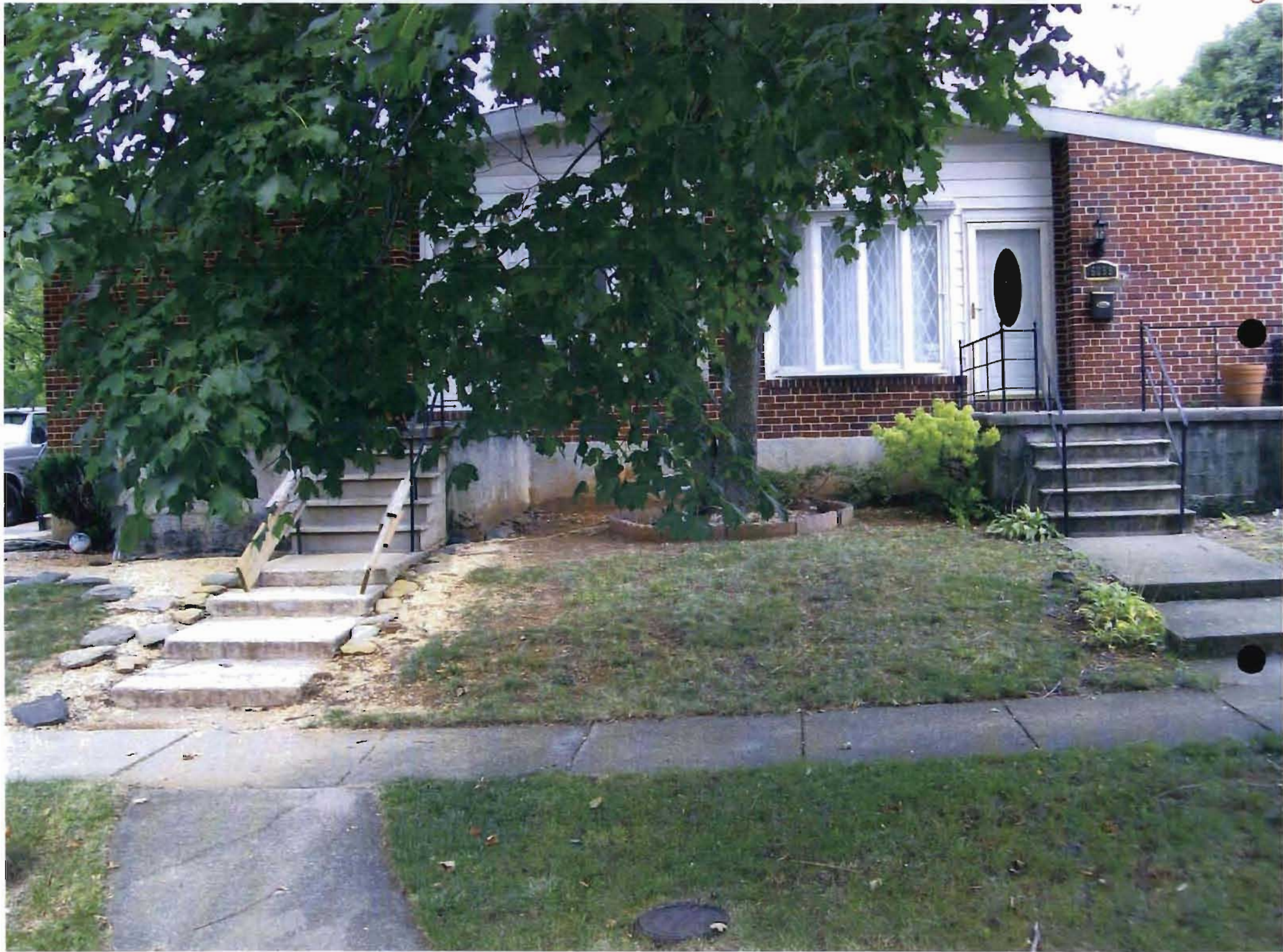






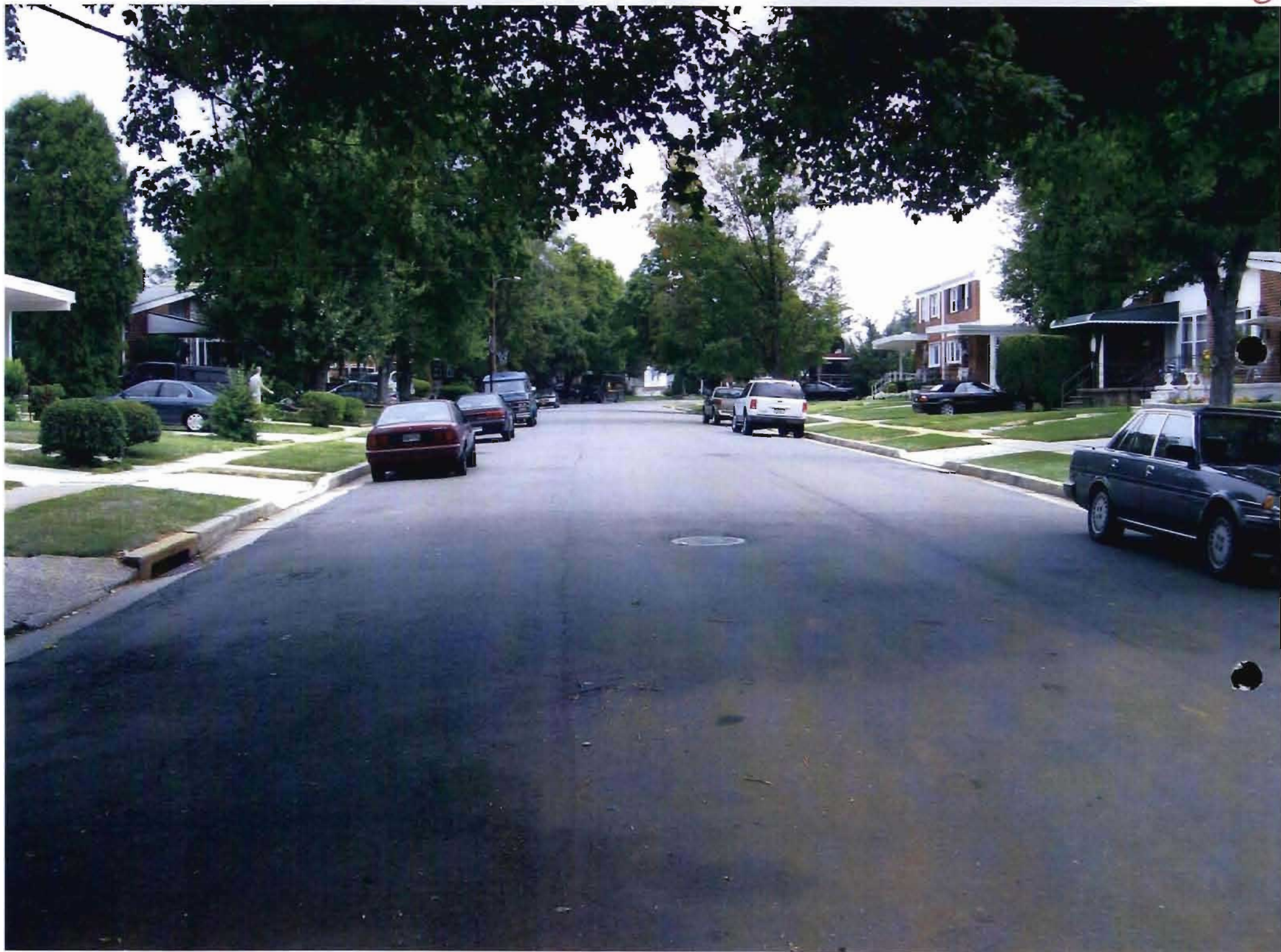












TB
8-26-08**Bill Wiseman - Case # 2008-0529-SPH; August 26, 2008 Zoning Hearing**

From: "Batey, Nate" <Nate.Batey@ssa.gov>
To: <wwiseman@baltimorecountymd.gov>
Date: 08/20/08 12:25 AM
Subject: Case # 2008-0529-SPH; August 26, 2008 Zoning Hearing

POWHATAN FARMS IMPROVEMENT ASSOCIATION**PFIA****A Covenant Controlled Community****August 19, 2008****To Whom It May Concern:**

My name is Nate Batey and I am the President of the Powhatan Farms Improvement Association (PFIA).

This email is to reference case number 2008-0529-SPH for which there will be a special hearing, for a lot line adjustment, on August 26, 2008.

The PFIA community is in full support and approval of the subdivision of Mr. Heath's property that will allow the area enclosed by the swimming pool to be divided off from the vacant part of that property. I am planning to attend the August 26th special hearing to represent and show the support of our community.

Respectfully submitted,**Nate Batey, President**

Powhatan Farms Improvement Association, Inc. - P.O. Box 26544, Baltimore, Maryland 21207
Email: Powhatanfarms@hotmail.com

Ret. 5



NeighborSpace

of Baltimore County, Inc.
P.O. Box 6715
Towson, MD 21285

Contact:

Michele Frome
Land Trust Administrator

301-257-7814 or

410-727-3245

Michele.frome@verizon.net



Is there a piece of open space that is treasured by your community?

Consider NeighborSpace as an option in preserving that piece of open space.

Many times communities take for granted the open space, green and wooded areas within their community, thinking that they will always be there for now and future generations. Unfortunately these precious open spaces may be lost if the community does not take proactive steps in preserving these properties.

NeighborSpace of Baltimore County, Inc. is a land trust and an option in preserving open space so that it will be there now and for future generations. In addition, the preservation of open space not only enhances a community but typically increases the surrounding property values.

With NeighborSpace your community decides how the open space will be used. The property could be used for passive recreation such as: a place to toss a ball with a child, sit on a park bench, plant a community garden. Or the property could be left natural with walking trails for bird watchers, as a residential buffer area, or a stream buffer that filters pollutants from local watersheds and the Chesapeake Bay.

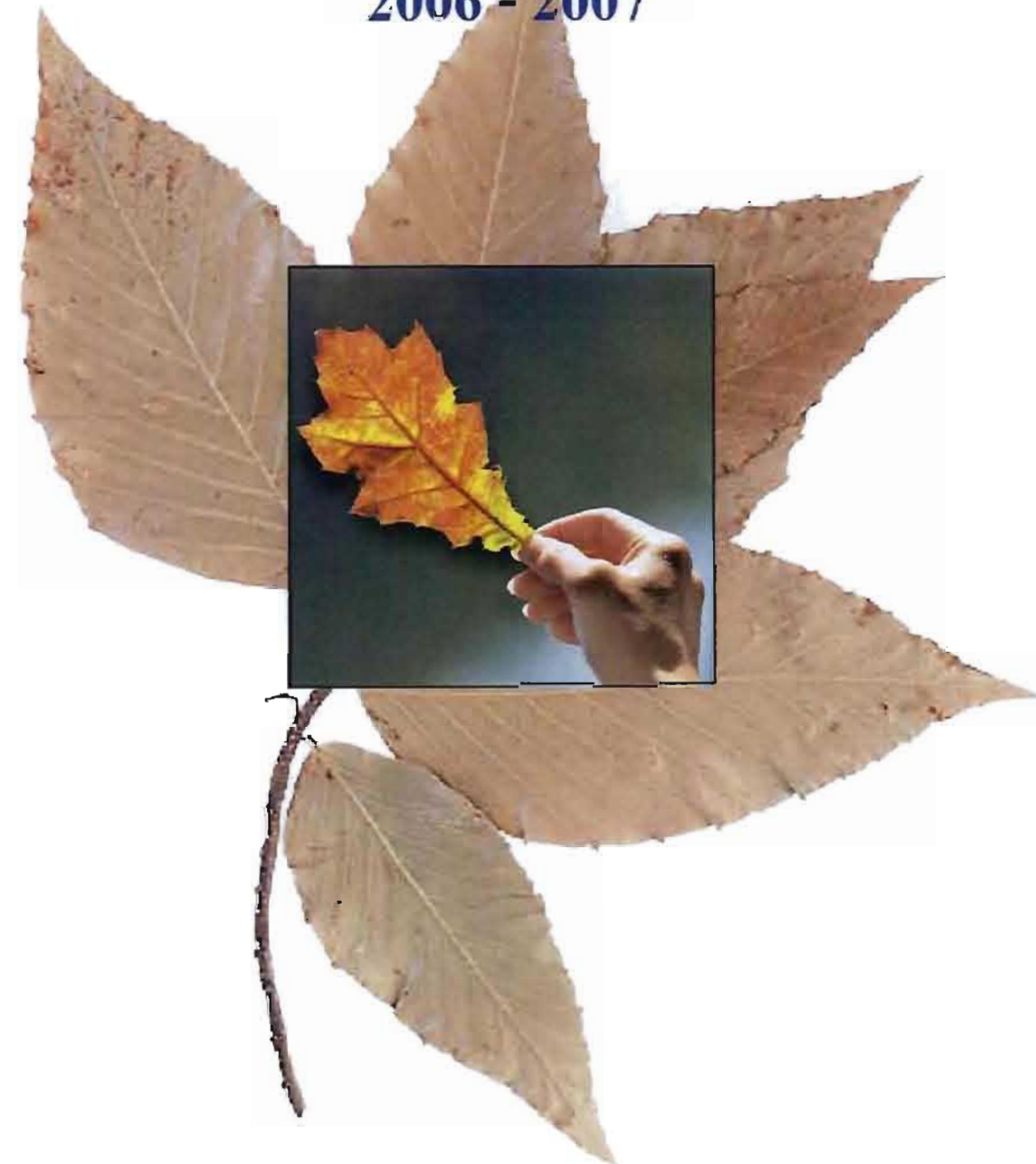
Representatives from NeighborSpace are willing to meet with your organization, board, group, or with individual landowners to discuss how NeighborSpace works and whether it will work for you.

NeighborSpace

of Baltimore County, Inc.

P.O. Box 6715
Towson, MD 21285

NeighborSpace of Baltimore County, Inc. Annual Report 2006 - 2007



Imagine a Place



Feb 4

NeighborSpace

of Baltimore County, Inc.

Board of Directors:

Amy Menzer
President
Ruth Baisden,
Vice President
Neville Jacobs
Secretary
Eric Rockel
Treasurer
Ernest Baisden
Tony Brown
Ed Crawford
Pam Fetsch
Steve Hill
Lois Jacobs
Kathy Martin
Marisa Olszewski
Klaus Philipsen

Baltimore County Government Representatives:

David Green
Office of Planning

Kathy Kendrick
Office of Community
Conservation

John Markley
Bud Chrismer
Department of Recreation
and Parks



Imagine a Place Imagine a place in your community that provides green open space that can be used as passive sitting areas, walking paths near a stream, natural wooded areas, a place to plant a community garden or enjoy a picnic close to home. NeighborSpace of Baltimore County, Inc. has imagined such places and is partnering with communities in Baltimore County to make them a reality.

NeighborSpace Mission Statement NeighborSpace of Baltimore County, Inc. is a non-profit land trust that identifies and acquires land (in fee-simple, donation, or easement) in Baltimore County Community Conservation and Growth areas, with the support of local residents, for the purpose of providing neighborhood open space and "green" communities.

Message from the President It has been my pleasure to serve as president and board member of NeighborSpace, over the past three years. During this time, I have seen NeighborSpace develop a track record for preserving neighborhood open space.

What started as a concept in 2004, introduced to Baltimore County officials by community leaders, has evolved into the NeighborSpace land trust. Our success is due to the dedication of a volunteer board of directors, cooperation of Baltimore County agencies, our contributors, and partnerships with local community groups that benefit by having neighborhood open space close to home. Accomplishments for 2006 - 2007 are highlighted in this annual report.

Success has opened the door for the future. As we grow, so have our resources. In 2007 NeighborSpace hired a land trust administrator to help advance our goals of preserving open space. This has been an exciting time for NeighborSpace and for communities looking to preserve open space and enhance their communities.

Amy Menzer, President

NeighborSpace
of Baltimore County, Inc.

www.neighborspacebaltimorecounty.org

Michele Frome, Land Trust Administrator

NeighborSpace is pleased to introduce its new Trust Administrator, Michele Frome. Ms. Frome brings to NeighborSpace a life-long commitment to open space preservation, as well as over 25 years of professional experience with non-profit organizations. Prior to joining NeighborSpace, she worked with grassroots conservation organizations in New England for over twelve years, and then served in management and consulting positions with national non-profit organizations.



Michele Frome
Land Trust Administrator

Ms. Frome plans to focus initially on community outreach and land acquisition efforts. Over the long term, her goals will be

to advance the NeighborSpace organization by expanding its funding base and building more partnerships.

She obtained a B.A. degree in Economics and Environmental Studies from Williams College in Williamstown, Massachusetts, and later a Masters in Public Administration Degree from Harvard University's John F. Kennedy School of Government.



NeighborSpace seeks to provide open space in Baltimore County Community Conservation and Growth Areas (shown in black)



Amy Menzer, President, NeighborSpace of Baltimore County, Inc.

NeighborSpace
*can provide passive
sitting areas,
walking paths near
a stream, natural
wooded areas,
a place to plant a
community garden
or enjoy a picnic
close to home.*

NeighborSpace Properties Baltimore County is made up of many diverse communities, each unique in its character, heritage, people, and amenities. Therefore, NeighborSpace properties vary according to the community's vision and desired use of the property. These properties may be used for passive recreation, community gardens, open green space, or remain natural wooded areas. NeighborSpace works in partnership with community associations, block and garden clubs, or other groups to identify land that can be protected and turned into community assets.

At the community's request, NeighborSpace will seek to acquire land through purchase or donation, either in fee simple or easement in exchange for a commitment by a local group or landowner to manage the parcel as community open space. This method of land preservation has proven to be successful. By the end of 2007, NeighborSpace acquired five properties (described below) with additional properties in the pipeline for future acquisition in all Baltimore County Council Districts:

Pennsylvania Avenue Pocket Park - East Towson (District 5) This pocket park will be used for community activities and passive recreation. It is located on East Pennsylvania Avenue in East Towson and managed by Mount Calvary African Methodist Episcopal Church. This acquisition was made possible in part by a generous grant from Baltimore County's Office of Community Conservation.

Photo to the Right: The Hampton Lane Pocket Park Ribbon Cutting Ceremony. From left to right: Councilman Kevin Kamenetz, County Executive James T. Smith, State Delegate William Frank, Hampton Improvement Association, Douglas Ober, and State Senator James Brochin.



Financial Contributors NeighborSpace is extremely grateful to the following who provided financial support to NeighborSpace in 2006-2007. Thank you!

Baltimore County Executive James T. Smith
Baltimore County Council
Baltimore County Recreation & Parks Department
Baltimore County Office of Community Conservation
Baltimore Community Foundation
Maryland Environmental Trust
Chesapeake Bay Trust
Hampton Lane Improvement Association
Private Donations: Phil Filner, Shari Wilson

Tollgate Wyndham Preserve - Owings Mills (District 4) This property presented a rare opportunity for NeighborSpace to preserve a seven acre site consisting of wooded hillsides, wetlands and forested areas. The preserve will provide educational and passive recreational activities to the surrounding Owning Mills community. The Tollgate Wyndham Preserve, Inc. has assumed the management of the property and will be developing trails throughout the preserve.

Volz Neighborhood Park - White Marsh (District 6) NeighborSpace's land trust became a viable option for the preservation of approximately 14 acres of forested land near the growth area of White Marsh. The property was donated by the Volz family. Plans are underway for NeighborSpace to transfer ownership of the land to Baltimore County Department Recreation and Parks Department, while retaining an open space conservation easement on the land that will prevent any future development.

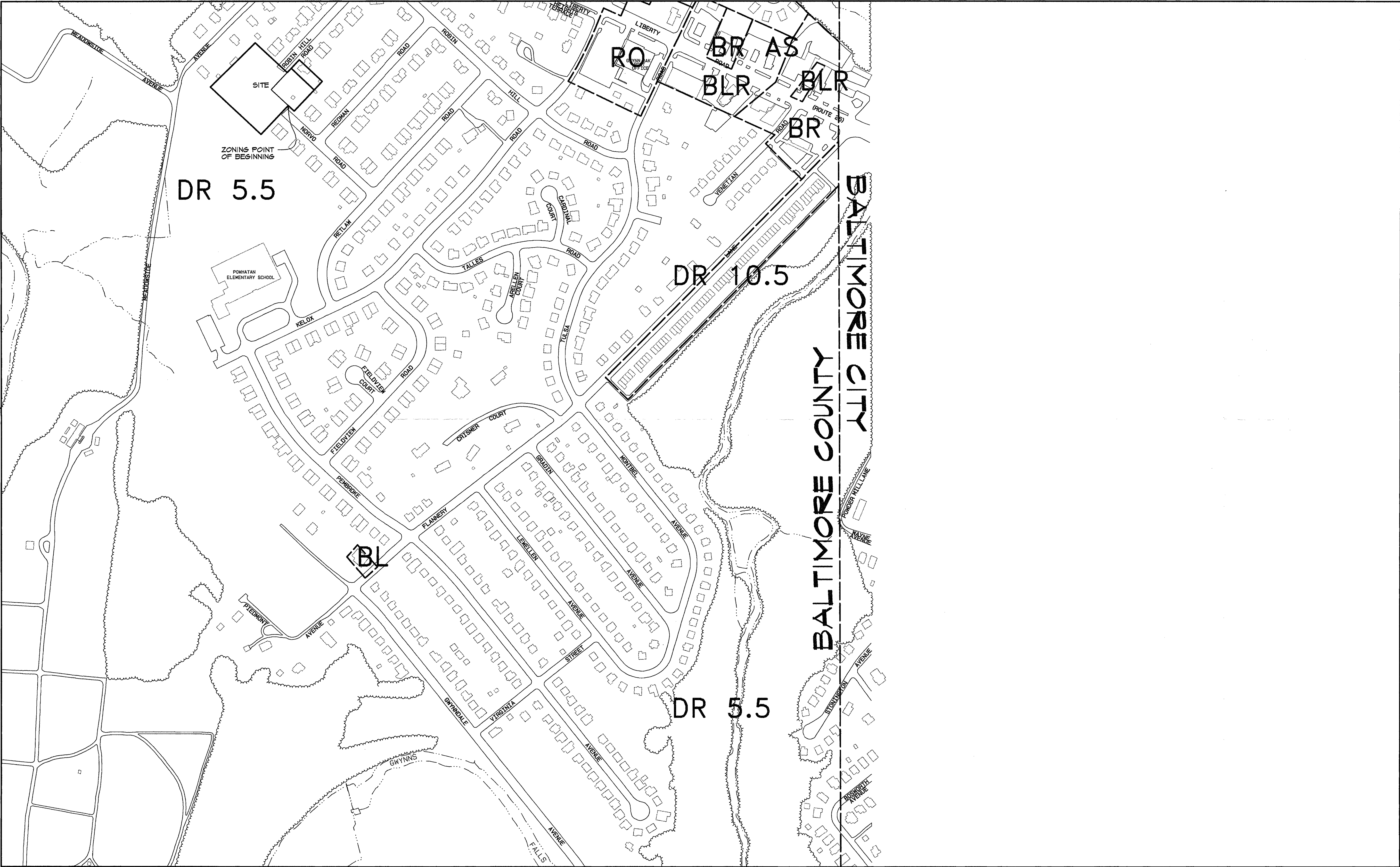
Branchwood Preserve - Pikesville (District 2) This one acre lot of land provides a wooded buffer area to surrounding neighbors in an area that is becoming more densely developed. Given to NeighborSpace by a donor who wishes to remain anonymous, this park will be maintained by the Old Court Greenspring Improvement Association.

Hampton Lane Pocket Park - Towson (District 3) Located near Delaney Valley Road, in Towson, this property consists of approximately an acre of natural open space within a residential community and acts as a buffer area from surrounding infill development, commercial uses, and impervious surfaces. NeighborSpace partnered with the Hampton Lane Improvement Association in the purchase and preservation of the property. The association is using the property for passive recreation and is planning to a rain garden that will help filter run-off from nearby impervious surfaces to protect the Chesapeake Bay.



Photo: Resident of the Hampton community in front of the NeighborSpace Identification Sign. The sign was designed by Lois Jacobs and purchased through a grant from the Chesapeake Bay Trust.





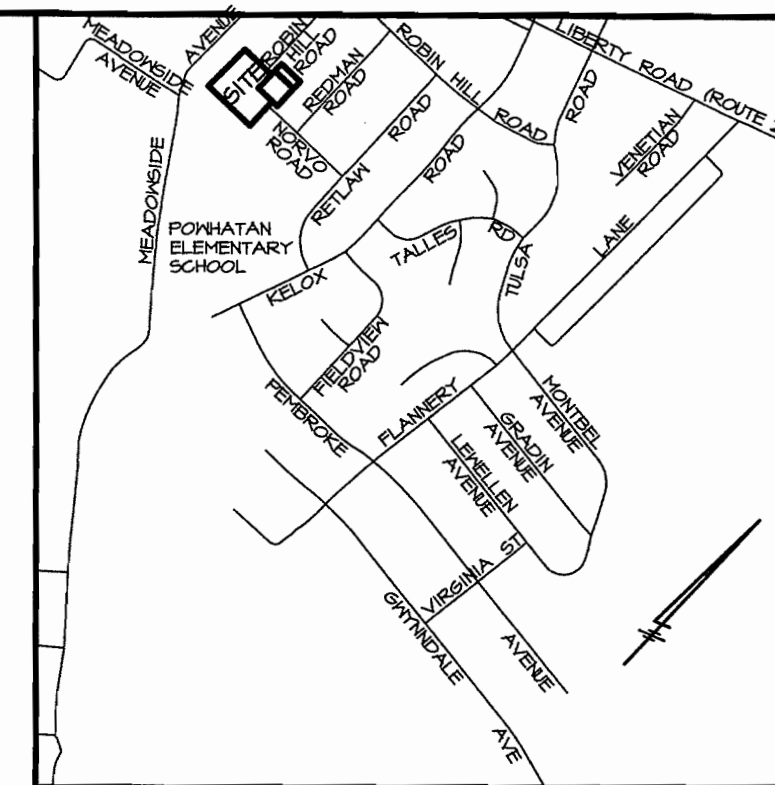
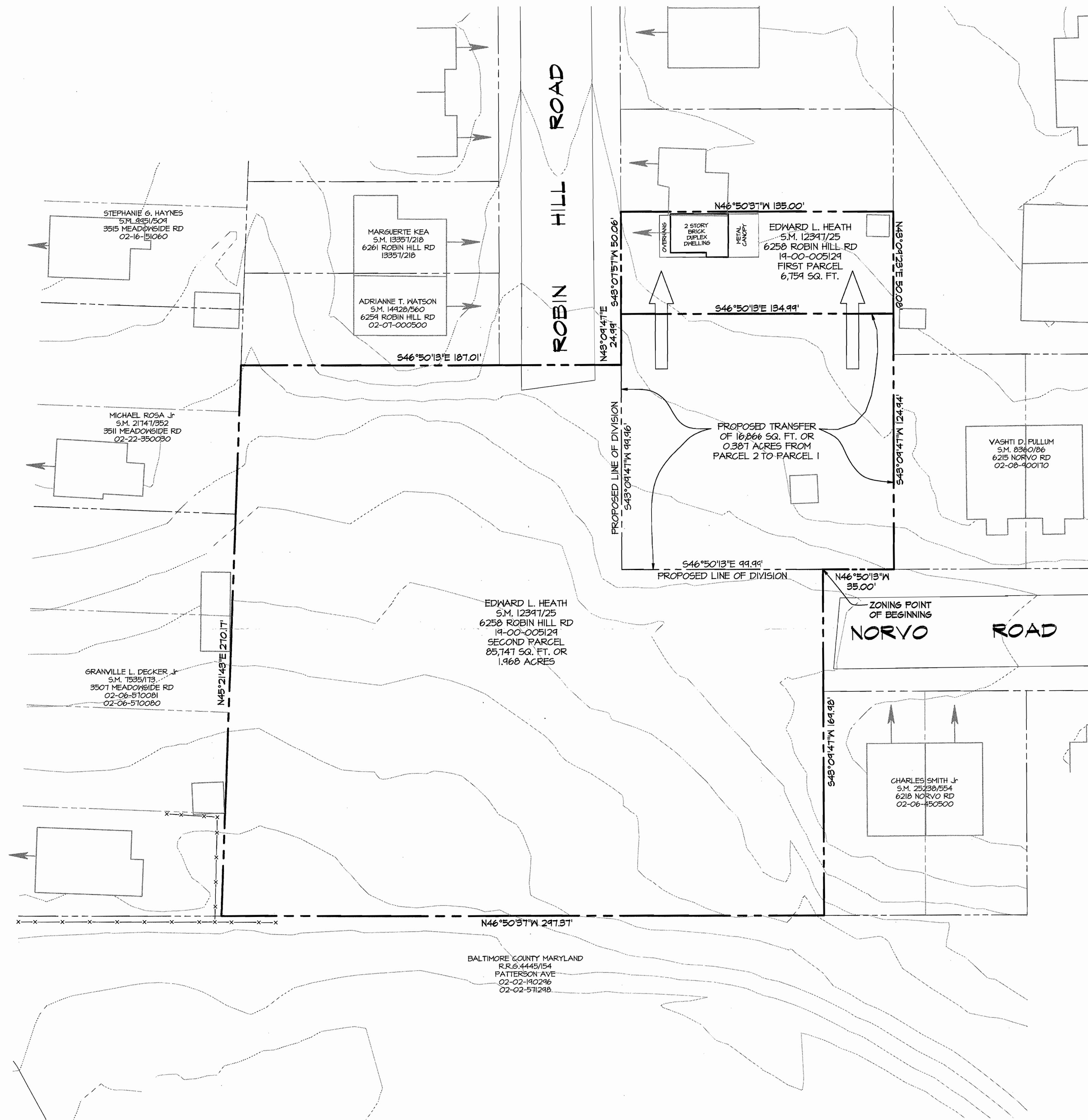
ZONING MAP

GIS TILE: 088B2

SCALE: 1" = 200'

LEGEND

EXISTING BUILDING
WOODS LINE
EXISTING PAVING
ZONING LINE
PROPERTY LINE
CONTOURS



VICINITY MAP
1" = 2000'

GENERAL NOTES

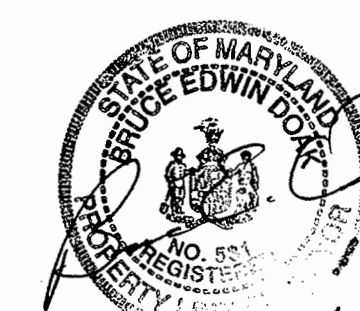
1. THE BOUNDARY SHOWN HEREON IS FROM DEED S.M. 12397 / 25
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 088B2
3. CENSUS TRACT - 402403 REGIONAL PLANNING DISTRICT - 314
WATERSHED - GWYNN FALLS SUBWATERSHED - 63
SCHOOL DISTRICT: ELEMENTARY - POMPATAN E.S.; MIDDLE - WOODLAWN M.S.;
HIGH - WOODLAWN H.S.
A.D.C. MAP # 6R1D 33 65
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
8. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
9. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.

OWNER/DEVELOPER

EDWARD L. HEATH
6258 ROBIN HILL ROAD
BALTIMORE, MARYLAND 21207

ZONING PLAN TO
ACCOMPANY A REQUEST
FOR A SPECIAL HEARING
HEATH PROPERTY

6258 ROBIN HILL ROAD
Deed Ref: S.M. No. 12397 folio 25
Tax Account No.: 19-00-005129
Zoned DR 5.5; GIS Tile 088B2
Tax Map 88; Grid 9; Parcel 316
2nd ELECTION DISTRICT
4th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Scale: 1"=30'

Date: APRIL 25, 2008

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

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

REVISION	DATE

COMPUTED:	DRAWN: SMH	CHECKED:	2008-0539-SP4
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DENSITY CALCULATIONS

EXISTING GROSS AREA OF PARCEL TWO: 85,747 SQ. FT.
DWELLING UNITS PERMITTED: 7,420 SQ. FT. / UNIT = 10 DWELLING UNITS
AFTER LOT LINE ADJUSTMENT
LAND REMAINING WITH PARCEL TWO: 68,881 SQ. FT. = 8 DWELLING UNITS
LAND GOING TO PARCEL ONE: 16,866 SQ. FT. = 2 DWELLING UNITS
TOTAL DWELLING UNITS FOR PARCEL ONE = 3

AREA CALCULATIONS

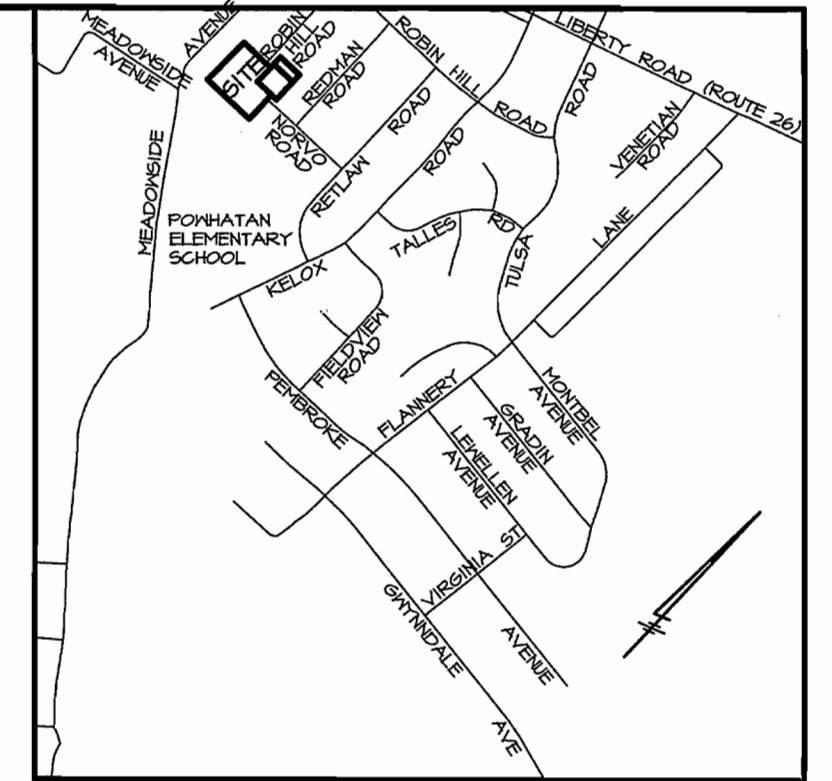
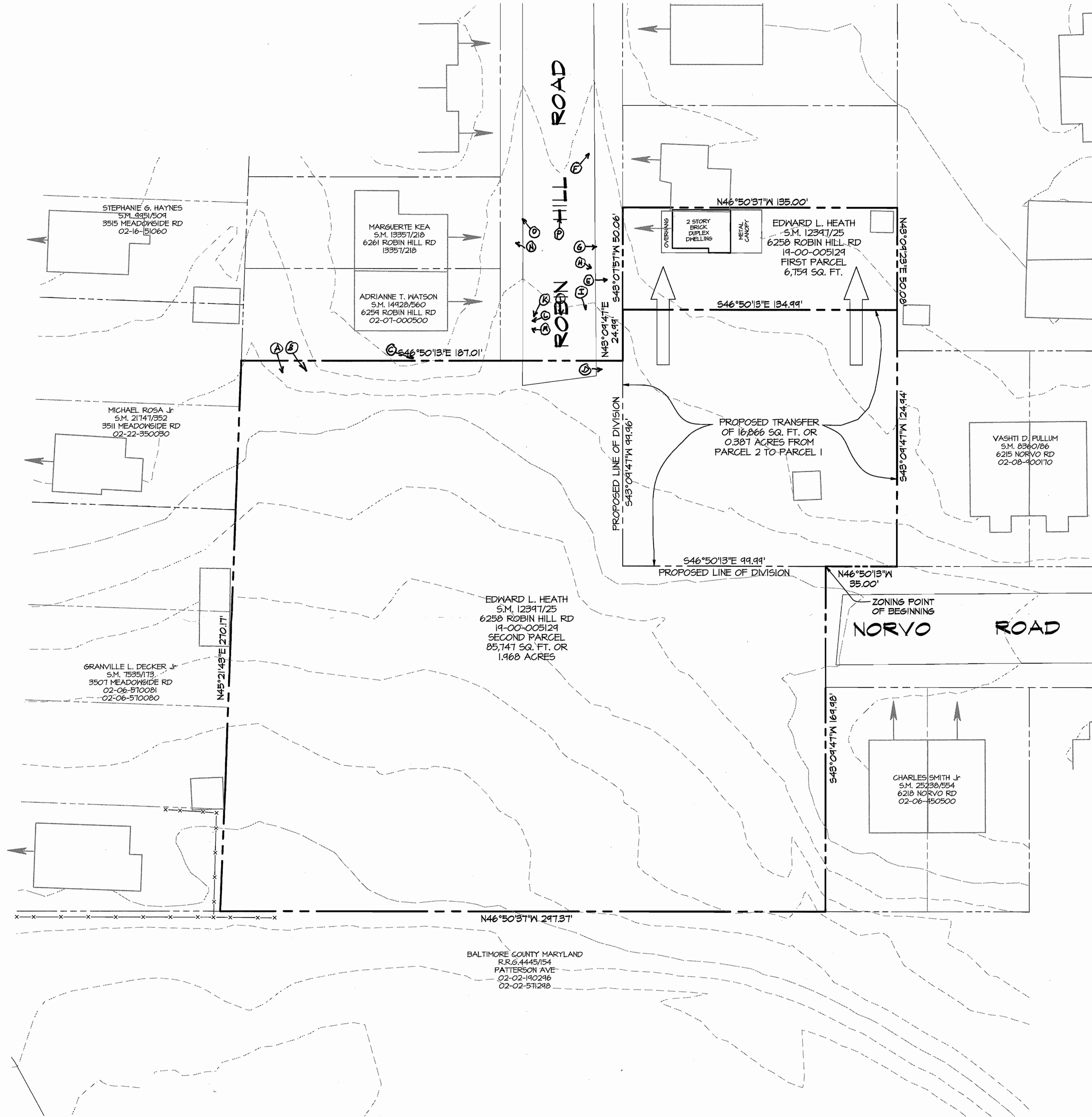
AREA BEFORE LOT LINE ADJUSTMENT
FIRST PARCEL 6,754 SQ. FT. OR 0.155 ACRES
SECOND PARCEL 85,747 SQ. FT. OR 1.968 ACRES
AREA AFTER LOT LINE ADJUSTMENT
FIRST PARCEL 23,625 SQ. FT. OR 0.542 ACRES
SECOND PARCEL 68,881 SQ. FT. OR 1.581 ACRES

SPECIAL HEARING REQUESTED

FOR AN ADJUSTMENT OF PROPERTY LINES.

LEGEND

EXISTING BUILDING
WOODS LINE
EXISTING PAVING
ZONING LINE
PROPERTY LINE
CONTOURS



VICINITY MAP
1" = 2000'

GENERAL NOTES

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OWNER/DEVELOPER
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6258 ROBIN HILL ROAD
BALTIMORE, MARYLAND 21207

PLAN TO ACCOMPANY PHOTOGRAPHS

ZONING PLAN TO
ACCOMPANY A REQUEST
FOR A SPECIAL HEARING
HEATH PROPERTY
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Deed Ref: S.M. No. 12341 folio 25
Tax Account No.: 19-00-005129
Zoned DR 5.5; GIS Tile 088B2
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BALTIMORE COUNTY, MARYLAND

Scale: 1"=30'

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FIRST PARCEL 23,625 SQ. FT. OR 0.542 ACRES
SECOND PARCEL 68,881 SQ. FT. OR 1.581 ACRES

SPECIAL HEARING REQUESTED

FOR AN ADJUSTMENT OF PROPERTY LINES.

REVISION	DATE	COMPUTED:	DRAWN: SMH	CHECKED:

PETITIONER'S

EXHIBIT NO. 2

PHOTO 5 A-P