

IN RE: **PETITION FOR SPECIAL HEARING**

SW/S Belfast Road, 1,870' S of
Old Belfast Avenue
(501 Belfast Road)

8th Election District
3rd Council District

John Grason Turnbull, II, et ux
Petitioners

*

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*

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BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2008-0588-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the legal owners of the subject property, John G. Turnbull, II, and his wife, Anne Hottel Turnbull. The Petitioners request a special hearing to approve the non-density transfer of 4.05 acres of agricultural land from the subject property to the owner of an adjacent parcel (McAfee Family Limited Partnership). The subject property and requested relief are more particularly described on the site plan submitted which were accepted into evidence and marked as Petitioners' Exhibits 1.

Appearing at the requisite public hearing in support of the request were John G. Turnbull, II, property owner, and Bruce E. Doak, the registered property line surveyor with Gerhold, Cross & Etzel, Ltd., who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence presented revealed that the Petitioners own a large tract of land containing approximately 102.45 acres in area, zoned R.C.2 on the southwest side of Belfast Road, not far from the Baltimore Harrisburg Expressway (I-83) in Sparks, Maryland. The property abuts another parcel of land owned by the McAfee Limited Partnership and used by members of the McAfee family for residential/agricultural purposes. The Turnbolls and the McAfees have entered into an agreement to transfer a small, 4.05-acre parcel from the Turnbolls'

ORIGINAL FILED FOR FILING
Date 9-10-08
By [Signature]

holdings to the McAfee Limited Partnership in conjunction with the agricultural uses on their property. The subject parcel contains an existing farm outbuilding and a well that serves the said building. Testimony indicated that the barn and four (4) acres are already being maintained by the McAfees and the proposed conveyance is in the nature of a property line adjustment, owing to the topography of the land, and the nature and use of the properties. Indeed, the site plan submitted shows two (2) farm outbuildings are located on the existing McAfee tract, immediately adjacent to the subject 4.05-acre parcel and its farm building. The conveyance is not for the purpose of transferring any density, but merely to provide the McAfee Limited Partnership with additional land and to establish a new property line between these respective owners, consistent with the actual use and topographical features of these parcels. In this regard, the Zoning Commissioner's Policy Manual (ZCPM), Section 1A01.3B.1(d), at Page 1A-10, which limits the reconfiguration of existing lots in the R.C.2 zone provides an exception stating: "If the intent is to reconfigure the existing lots, the main purpose *must* be for the protection and preservation of farm land and not to create "more uniform" lots for homesites".

A Zoning Advisory Committee (ZAC) comment received from Wallace Lippincott, Jr., on behalf of the Department of Environmental Protection and Resource Management (DEPRM), supports this proposal stating, "This request is to adjust the boundary lines to provide for a better property line configuration. The request will have minimal impact on the remaining farm". In addition, the comment recommends that approval be conditioned that the acreage not be used for a residential structure or to support a residential structure. The Petitioners have agreed to the imposition of this restriction.

Based upon the testimony and evidence offered, I easily find that the Petition for Special Hearing should be granted. Clearly, there will be no detrimental impact to any adjacent property

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Date 9-10-08
By [signature]

owners. Moreover, as noted above, there is no density or rights of subdivision being conveyed. Thus, there will be no alteration to the existing property rights of these owners. Thus, the Petition for Special Hearing should be granted.

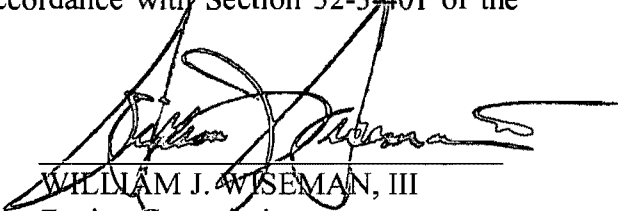
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 10th day of September 2008, that the Petition for Special Hearing to approve the conveyance of a 4.05-acre parcel from the subject site to the McAfee Family Limited Partnership (owners of an adjacent tract) for non-density purposes, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 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 granted herein shall be rescinded.
- 2) The relief granted herein for the non-density transfer of 4.05 acres from the subject property to the adjacent property owned by the McAfee Family Limited Partnership is for agricultural purposes only, and that no residential structures, residential support, or accessories structures be allowed to be located on this portion of the land. The land may be used for agricultural structures such as run-in sheds, etc.
- 3) Within one hundred twenty (120) days of the date of this Order, new deeds shall be recorded in the Land Records of Baltimore County referencing this case and incorporating the conditions and restrictions of this Order.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

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Date 9-10-08
By 1837



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 10, 2008

The Honorable John Grason Turnbull, II
Anne Hottel Turnbull
501 Belfast Road
Sparks, Maryland 21152

RE: **PETITION FOR SPECIAL HEARING**
SW/S Belfast Road, 1,870' S of Old Belfast Avenue
(501 Belfast Road)
8th Election District - 3rd Council District
John Grason Turnbull, II, et ux - *Petitioners*
Case No. 2008-0588-SPH

Dear Mr. and Mrs. Turnbull:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Boulevard, #100,
Towson, MD 21204
People's Counsel; DEPRM; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 501 BELFAST ROAD
which is presently zoned PC-2

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

SEE ATTACHED

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

JOHN GRASON TURNBULL, 2ND
Name - Type or Print _____
Signature _____
ANNE HOTTEL TURNBULL
Name - Type or Print _____
Signature _____
501 BELFAST RD
Address _____ Telephone No. _____
SPARKS MD 21152
City _____ State _____ Zip Code _____

Representative to be Contacted:

GERALD, CROSS & ETZEL LTD
Name _____
320 E. TOWSONTOWN BLVD #100 410 823-4470
Address _____ Telephone No. _____
TOWSON MD 21286
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2000-0508-SPH

Reviewed By CM Date 6-25-00

REV 9/15/98

OFFICE RECEIVED FOR FILING

Date 9-10-08

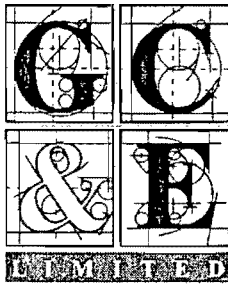
By [Signature]

501 BELFAST ROAD

SPECIAL HEARING REQUESTED

*TO ALLOW A NON-DENSITY TRANSFER OF A 4.05 Ac.±, PARCEL OF
LAND FROM JOHN GRASON TURNBULL, 2nd AND ANNE HOTTEL
TURNBULL TO THE McAFEE FAMILY LIMITED PARTNERSHIP (OWNERS
OF AN ADJACENT TRACT)*

0508



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

June 25, 2008

ZONING DESCRIPTION

John Grason Turnbull, II and Anne Hottel Turnbull property

501 Belfast Road

Baltimore County, Maryland

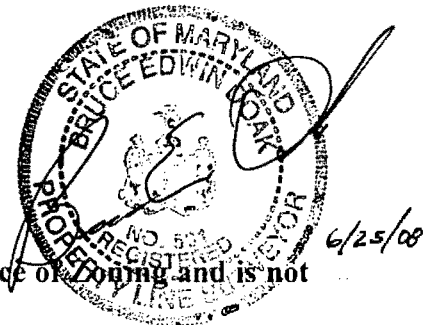
All that piece or parcel of land situate, lying and being in the Eighth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point on the centerline intersection of York Road and Belfast Road being Easterly 1870 feet $\pm$ from York Road along the centerline of Belfast Road and running thence,

- 1) South 00 degrees 58 minutes East 452.67 feet,
- 2) South 77 degrees 17 minutes 30 seconds West 287.20 feet,
- 3) South 18 degrees 43 minutes 30 seconds East 495.55 feet,
- 4) South 18 degrees 34 minutes East 1657.42 feet,
- 5) South 17 degrees 59 minutes East 635.08 feet,
- 6) South 73 degrees 41 minutes 30 seconds West 276.77 feet,
- 7) South 43 degrees 31 minutes 30 seconds West 841.82 feet,
- 8) North 24 degrees 18 minutes 30 seconds West 1815 feet,
- 9) North 11 degrees 43 minutes West 990.5 feet,
- 10) North 11 degrees 43 minutes West 264.5 feet,
- 11) North 77 degrees 56 minutes 30 seconds West 311.80 feet,
- 12) North 18 degrees 12 minutes East 1200.52 feet,
- 13) North 74 degrees 25 minutes East 72.06 feet,
- 14) South 14 degrees 41 minutes East 58 feet,
- 15) North 77 degrees 04 minutes East 220 feet,
- 16) South 12 degrees 56 minutes East 109.70 feet,
- 17) North 75 degrees 01 minutes East 502.38 feet,
- 18) South 46 degrees 16 minutes 30 seconds East 207.8 feet,
- 19) South 57 degrees 40 minutes East 246.5 feet to the point of beginning.

Containing 102.5 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.



0588

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: # 2008-0588-SPH
501 Belfast Road
S/west side of Belfast Road
1870 feet east side of York Road

8th Election District
3rd Councilmanic District
Legal Owner(s): John Grason Turnbull, 2nd & Anne Hottel Turnbull

Special Hearing: to allow a non-density transfer of a 4.05 acres +/- parcel of land from John Grason Turnbull, 2nd and Anne Hottel Turnbull to the McAfee Family Limited Partnership (owners of adjacent tract).

Hearing: Thursday, September 4, 2008 at 9:00 a.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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 8/693 Aug. 19 181172

CERTIFICATE OF PUBLICATION

8/21/2008

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 8/19/2008.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **17582**

PAID RECEIPT

Date: **6-25-08**

BUSINESS ACTUAL TIME DRW
 6/25/2008 6/25/2008 14:15:16

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		000		6147				165.00

REC'D 02 MAY 11 JEFF JEE
 RECEIPT # 585216 6/25/2008
 \$ 528 ZONING VERIFICATION
 017582
 Recpt Tot \$65.00
 \$65.00 CR \$1.00 CA
 Baltimore County, Maryland

Total: **165.00**

Rec From: **J. TURNER**

For: **Special Hearing 2008-0589 SKH**
501 Pickett/KS

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

ZONING NOTICE

CASE # :08-0588-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:

9:00 AM Thursday September 4, 2008

Special Hearing: to allow a non-density transfer of a 4.05 acres +/- parcel of land from John Grason Turnbull, 2nd and Anne Hottel Turnbull to the McAfee Family Limited Partnership (owners of adjacent tract).

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

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

ZONING NOTICE

CASE # :08-0588-SPH

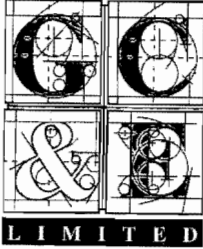
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

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POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFORM HEARING
SCHEDULE TO LOCAL AND STATE LAWS AND REGULATIONS
HEARINGS ARE HANDICAPPED ACCESSIBLE



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Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#2008-0588-SPH
PETITIONER/DEVELOPER:
John Grason Turnbull, 2nd & Anne
Hottel Turnbull
DATE OF HEARING: 9/04/08

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)

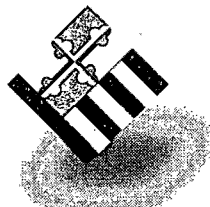
LOCATION:
501 Belfast Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

POSTED ON: 8/19/08



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 30, 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:

CASE NUMBER: 2008-0588-SPH

501 Belfast Road

S/west side of Belfast Road, 1870 feet east side of York Road

8th Election District – 3rd Councilmanic District

Legal Owners: John Grason Turnbull, 2nd & Anne Hottel Turnbull

Special Hearing to allow a non-density transfer of a 4.05 acres +/- parcel of land from John Grason Turnbull, 2nd and Anne Hottel Turnbull to the McAfee Family Limited Partnership (owners of adjacent tract).

Hearing: Thursday, September 4, 2008 at 9:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Turnbull, 501 Belfast Road, Sparks 21152
Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., #100, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 20, 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 19, 2008 Issue - Jeffersonian

Please forward billing to:

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: 2008-0588-SPH

501 Belfast Road

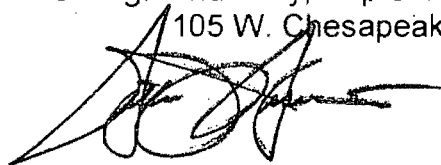
S/west side of Belfast Road, 1870 feet east side of York Road

8th Election District – 3rd Councilmanic District

Legal Owners: John Grason Turnbull, 2nd & Anne Hottel Turnbull

Special Hearing to allow a non-density transfer of a 4.05 acres +/- parcel of land from John Grason Turnbull, 2nd and Anne Hottel Turnbull to the McAfee Family Limited Partnership (owners of adjacent tract).

Hearing: Thursday, September 4, 2008 at 9:00 a.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.

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:

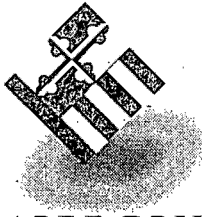
Item Number or Case Number: 2008-0588 - SP14
Petitioner: JOHN TURNBULL
Address or Location: 501 BELFAST RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN TURNBULL
Address: 501 BELFAST RD
SPARKS MD 21152

Telephone Number: _____

Revised 2/20/98 - SCJ



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 27, 2008

John G. & Anne H. Turnbull
501 Belfast Rd.
Sparks, MD 21152

Dear: John G. & Anne H. Turnbull

RE: Case Number 2008-0588-SPH, 501 Belfast Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 25, 2008. 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Geraold, Cross & Etzel, LTD, 320 E. Towsontown BLVD., STE. 100, Towson, MD 21286

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 12, 2008

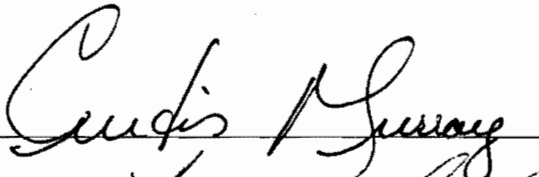
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-588- Special Hearing**

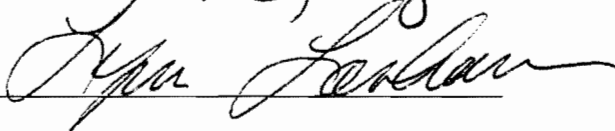
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 28, 2008

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

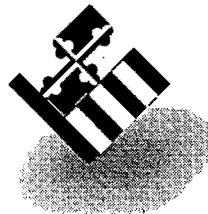
SUBJECT: Zoning Advisory Committee Meeting
For July 28, 2008
Item Nos. 2008-0588, 2009-0001, 0002, 0004,
0005, 0006, 0007, 0008, 0009, and 0010

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

DAK:CEN:lrk

cc: File

ZAC-07282008-NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 22, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 21, 2008

Item No.: 2008-0570-A, 2008-0588-SPH, 2008-0600-SPHA, 2009-001-A,
2009-0002-A, 2009-0003-A, 2009-0004-A, 2009-0005-A,
2009-0006-A, 2009-0008-A, 2009-0009-A and 2009-0010-A

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

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

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

cc: File

BW 9/4
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
AUG 27 2008

BY:

TO: Timothy M. Kotroco

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

DATE: August 26, 2008

SUBJECT: Zoning Item # 08-588-SPH
Address 501 Belfast Road
(Grason/Turnbull Property)

Zoning Advisory Committee Meeting of July 21, 2008

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

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

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

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

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

1. Environmental Impact Review staff of this Department have no comment on the subject non-density transfer.

Reviewer: Michael S. Kulis

Date: August 20, 2008

BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

RECEIVED
MAY 08 2008

TO: William Wiseman DATE: May 8, 2008

FROM: Wally Lippincott, Jr. *WJL*

BY:

SUBJECT: 701 Belfast Road, Special Hearing – John G. Turnbull, II Property

I met this morning with Mr. Turnbull and his surveyor Bruce Doak to discuss a property line adjustment on Mr. Turnbull's farm located at 701 Belfast Road in Sparks. I support this request with the agreed upon restriction indicated below.

Mr. Turnbull placed his farm in a Maryland Agricultural Land Preservation District in 2000. The District limits subdivision of the property. However, after five years a landowner can terminate all or a portion of the district. Mr. Turnbull will be submitting paper work for the approval to terminate the approximately four acres that he is proposing to transfer.

Mr. Turnbull met with me to seek review of his request to increase the previously approved nondensity transfer from two acres to approximately four acres. The original request was to transfer two acres that included a well to the adjacent property on which the dwelling that connects to the well is located. This request is to adjust the boundary lines to provide for a better property line configuration. The request will have minimal impact on the remaining farm. This request is supported conditional upon the following restriction that Mr. Turnbull offered:

Because the land is part of a nondensity transfer the approximately 2 acres cannot be used for a residential structure or to support a residential structure. The land may be used for agricultural structures such as run-in sheds, etc.

Thank you for your consideration. If you have any questions, please contact me at 410-887-3776.

c. Mr. Jeffrey Livingston, DEPRM
Honorable John G. Turnbull, II
Bruce Doak, Gerhold, Cross, Etzel



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 7-29-2008

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

RE: Baltimore County
Item No 2008-0588-SPH
501 BELFAST ROAD
TURNBULL 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. 2008-0588-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



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
501 Belfast Road; SW/S Belfast Road, *
1870' E/S York Road * ZONING COMMISSIONER
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): John & Anne Turnbull * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-588-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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUL 30 2008

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

501 Belfast Road
Sparks, Maryland 21152
April 7, 2008

William J. Wiseman, III
Zoning Commissioner
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
APR 07 2008

BY:.....

Re: 501 Belfast Road (Formerly 701 E. Belfast Road)

Dear Commissioner Wiseman:

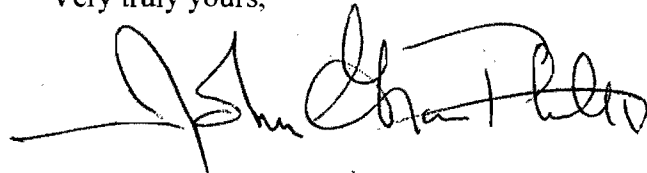
In February of 2000 under case number 00-304-SPH, the Zoning Commissioner, Lawrence Schmidt, approved the conveyance of a 2.05 acre parcel of my farm, which consisted of over one hundred acres, to my neighbor, Dr. Paul McAfee, a copy of the Opinion is enclosed.

This property was not conveyed at that time and presently I would like to convey that property, plus an additional two acre parcel which abuts that parcel and will be used for agricultural purposes. I have enclosed a copy of the plat that was approved with a designation "Additional Two Acre Parcel" which was prepared by Bruce Stokes, Engineer, at my request.

I would hope that without having to go through the formality of a hearing once again, that you would approve this non density transfer of the additional two acres.

I thank you in advance for your time and consideration.

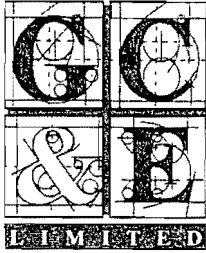
Very truly yours,



John Grason Turnbull, II

jk

Enclosures



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

May 12, 2008

William Wiseman
Baltimore County Zoning Commissioner
401 Bosley Avenue
Towson, MD 21204

Re: Case 00-304-SPH

Dear Mr. Wiseman,

On February 25, 2000 an order was rendered approving the conveyance of a 2.050 acre parcel for non-density purposes and to confirm the non-conforming relationship of the existing barn and existing out buildings. The proposed conveyance of the 2.050 acre parcel would have been to the adjoining property owners, The McAfee Family Limited Partnership. The intent of this conveyance was to allow the adjoiners to own the well that is being currently utilized by them and to own the barn on the property. The conveyance did not occur.

With this letter I am asking that an additional 2 acres be allowed to be conveyed. That would be a conveyance of 4 acres total to the adjoining owners. This additional acreage would allow for better agricultural use of the barn and their existing property. I have enclosed the Inter-Office Correspondence of May 8, 2008 from Wally Lippincott to you. This correspondence followed a meeting between Mr. Lippincott and Judge John Turnbull, in which I was present. In this correspondence Mr. Lippincott expressed his support of the conveyance of the additional acreage. The restriction offered in Mr. Lippincott's letter is acceptable to the parties of the conveyance. Once I am in receipt of an amended order, our firm will conduct a survey and the 4 acre parcel will be conveyed. Please feel free to contact me with any questions or comments you may have.

With regards,

Bruce E. Doak
Principal

IN RE: PETITION FOR SPECIAL HEARING
SW/S Belfast Road, 1,010' S of Old
Belfast Avenue
(701 East Belfast Road)
8th Election District
3rd Councilmanic District

John G. Turnbull, II, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-304-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, John Grason Turnbull, II, and his wife, Anne Hottel Turnbull. The Petitioners request a special hearing to approve the conveyance of a 2.050-acre parcel from the subject site for non-density purposes to the McAfee Family Limited Partnership (owners of an adjacent tract), and to confirm the nonconforming relationship of the existing barn and outbuildings. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of the request were John G. Turnbull, II, property owner, Bruce Doak, the Registered Property Line Surveyor who prepared the site plan for this property, and Michael Marino, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence presented disclosed that the Petitioners own a large tract of land containing approximately 102.45 acres in area, zoned R.C.5, on the southwest side of Belfast Road, not far from the Harrisburg Expressway (I-83). The property abuts another parcel of land owned by the McAfee Limited Partnership and used by members of the McAfee family for residential/agricultural purposes. Apparently, the Turnbills and the McAfees have entered into an agreement to transfer a small, 2.050-acre parcel from the Turnbills' holdings to the McAfee Limited Partnership. The subject parcel contains an existing farm outbuilding and a well that serves the said building. Testimony indicated that the proposed conveyance is in the nature of a property line adjustment, owing to the



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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

Account Identifier: District - 08 Account Number - 1700005386

Owner Information

Owner Name:	TURNBULL JOHN GRASON, 2ND	Use:	AGRICULTURAL
	TURNBULL ANNE HOTTEL	Principal Residence:	YES
Mailing Address:	501 BELFAST RD	Deed Reference:	1) / 5596/ 789
	SPARKS MD 21152-9135		2)

Location & Structure Information

Premises Address	Legal Description
501 BELFAST RD	102.452 AC
	SES BELFAST RD
	1900 FT W YORK RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
34	3	83						2	Plat Ref:

Special Tax Areas

Town

Ad Valorem

Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1971	2,980 SF	102.45 AC	05
Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2008	07/01/2008	07/01/2009	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	140,210	270,210			
Improvements:	352,990	386,600			
Total:	493,200	656,810	547,736	602,272	
Preferential Land:	15,210	15,210	15,210	15,210	

Transfer Information

Seller: TURNBULL JOHN G AG USE 83-84	Date: 12/30/1975	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5596/ 789	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

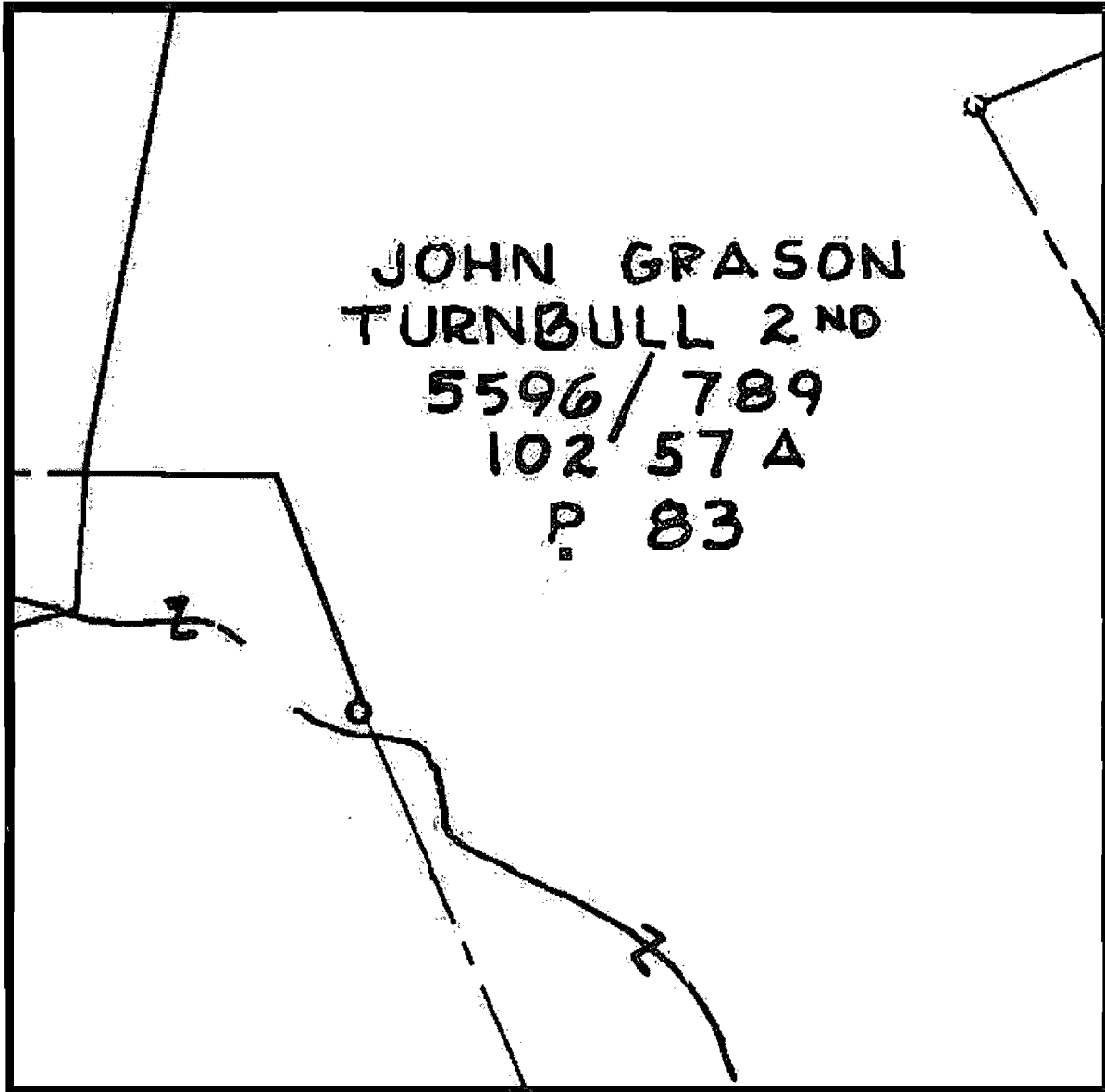
Exempt Class:

Special Tax Recapture:

AGRICULTURAL TRANSFER TAX



District - 08 Account Number - 1700005386



Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning web
site at www.mdp.state.md.us/webcom/index.html



Case No.: 2008-0588-SPH 501 BELFAST RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site PLAN	
No. 2	DEPRM - Lippincott Recommendation.	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

TO: William Wiseman DATE: May 8, 2008
FROM: Wally Lippincott, Jr. *WJL*
SUBJECT: 701 Belfast Road, Special Hearing – John G. Turnbull, II Property

I met this morning with Mr. Turnbull and his surveyor Bruce Doak to discuss a property line adjustment on Mr. Turnbull's farm located at 701 Belfast Road in Sparks. I support this request with the agreed upon restriction indicated below.

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Because the land is part of a nondensity transfer, the approximately 2 acres cannot be used for a residential structure or to support a residential structure. The land may be used for agricultural structures such as run-in sheds, etc.

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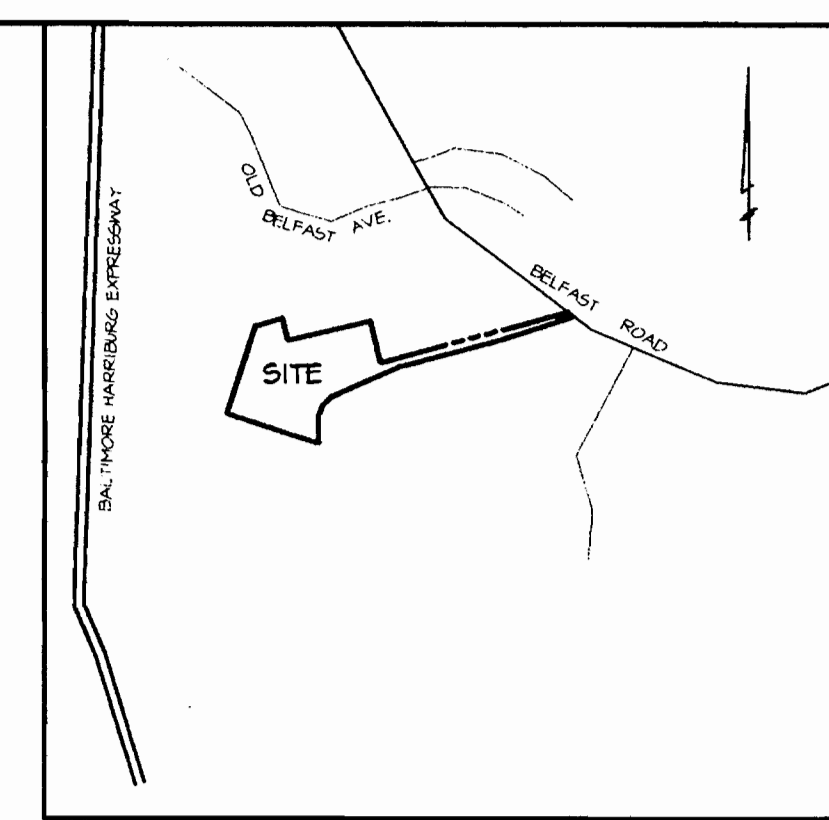
c. Mr. Jeffrey Livingston, DEPRM
Honorable John G. Turnbull, II
Bruce Doak, Gerhold, Cross, Etzel

PETITIONER'S

EXHIBIT NO.

2

MERIDIAN OF LIBER SM 6243, FOLIO 146



VICINITY PLAN
SCALE: 1" = 1000'

BOARD OF EDUCATION OF BALTIMORE COUNTY, MARYLAND
SM 12464, FOLIO 25

LEAH McAFEE
SM 11752, FOLIO 64
TAX No. 2100014007

PAUL C. McAFEE & WIFE
SM 7643, FOLIO 708

McAFEE FAMILY LIMITED PARTNERSHIP
SM 14031, FOLIO 733
TAX No. 1700005385
3.07 Ac. ± EXISTING AREA

2.050 Ac. ±
AREA TO BE CONVEYED TO
McAFEE FAMILY LIMITED PARTNERSHIP
FOR NON DENSITY PURPOSES
FROM J. G. TURNBULL II
ANNE H. TURNBULL

ADDITIONAL 2 ACRE PARCEL

JOHN GRAYSON TURNBULL II
ANNE HOTEL TURNBULL
EHK Jr. 5596, FOLIO 789
TAX No. 1700005386

102.45 Ac. ± CURRENT AREA
2.05 Ac. ± PROPOSED NON DENSITY TRANSFER AREA
100.4 Ac. ± REMAINING AREA

BELFAST ROAD

GENERAL NOTES

1. OWNER: JOHN G. TURNBULL II
701 BELFAST ROAD
SPARKS MD, 21152
2. TAX ACCOUNT No. 1700005386
3. TITLE DEED LIBER EHK Jr. 5596, FOLIO 789
TOTAL AREA = 102.45 Ac. ±
4. THE PROPERTY IS ZONED R.C.-5
5. 200' SCALE ZONING MAP No. NH 23-B AND NH 23-C.
6. A BOUNDARY SURVEY WAS PERFORMED BY GERHOLD CROSS & ETZEL LTD.
7. CENSUS TRACT 4086.01 A.D.C. MAP & GRID 81 19-A-13
WATERSHED 13 SUBWATERSHED 43
SCHOOL DISTRICT 43 REGIONAL PLANNING DISTRICT 308
8. THIS SITE IS SERVICED BY AN EXISTING WELL.
9. THERE ARE NO PRIOR ZONING CASES.
10. THERE ARE NO SEPTIC AREAS OR FLOOD PLAINS ON THIS SITE.
11. THIS SITE IS NOT LOCATED IN A HISTORIC DISTRICT.
12. THE CURRENT USE IS A FARM.
THE PROPOSED USE IS AS A RESIDENTIAL BUFFER AREA AND OR FARM.

PETITION

- TO ALLOW A NON DENSITY TRANSFER OF A 2.05 Ac. PARCEL OF LAND TO AN ADJOINER.
- TO CONFIRM THE NONCONFORMING RELATIONSHIP OF THE EXISTING FARM OUTBUILDINGS.

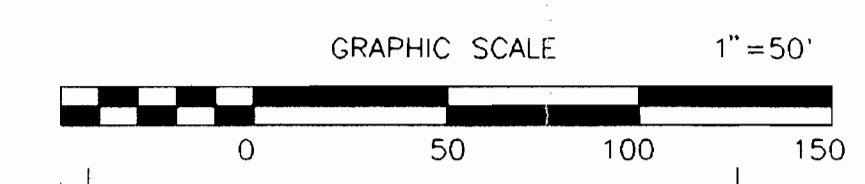
PLAN TO ACCOMPANY A PETITION FOR A SPECIAL HEARING OF THE JOHN G. TURNBULL II PROPERTY

701 E. BELFAST ROAD
Deed Ref: EHK Jr. No. 5596 folio 789
Tax Account No.: 1700005386
Zoned RC-5
Tax Map 34; Grid 3; Parcel 83

8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
SCALE: 1"=50' DATE: DECEMBER 1, 1999

GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS

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



(COPYRIGHT 2000 BY GERHOLD, CROSS & ETZEL LTD.)
THIS PLAN IS PROTECTED BY COPYRIGHT. THE USE OF THIS
PRODUCT IS STRICTLY PROHIBITED WITHOUT THE WRITTEN
PERMISSION OF GERHOLD, CROSS & ETZEL LTD.

REVISION	DATE	PLT	DATE	TECHNICIAN	FILE NAME
			4/20/2000	B.DIETZ	X:\turnbull\turnwork.pro



ZONING MAP

GIS TILE: 34A1, 34B1, 34A2, 34B2

SCALE: 1" = 200'

R.C. 2 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO:
CENTERLINE OF ANY STREET 75'

FROM ANY BUILDING FACE TO:
LOT LINE OTHER THAN A STREET LINE 95'

ZONING CASE No.: 00-304-SPH

29th
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of February, 2000 that the Petition for Special Hearing to approve the conveyance of a 2.050-acre parcel from the subject site to the McAfee Family Limited Partnership (owners of an adjacent tract) for non-density purposes, and to confirm the nonconforming relationship of the existing barn and outbuildings, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded

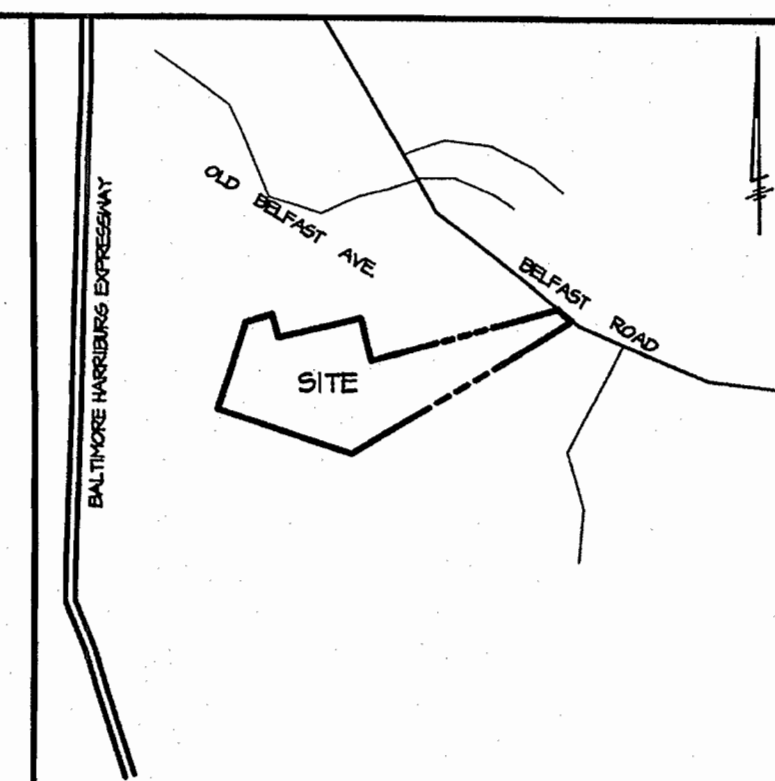
Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

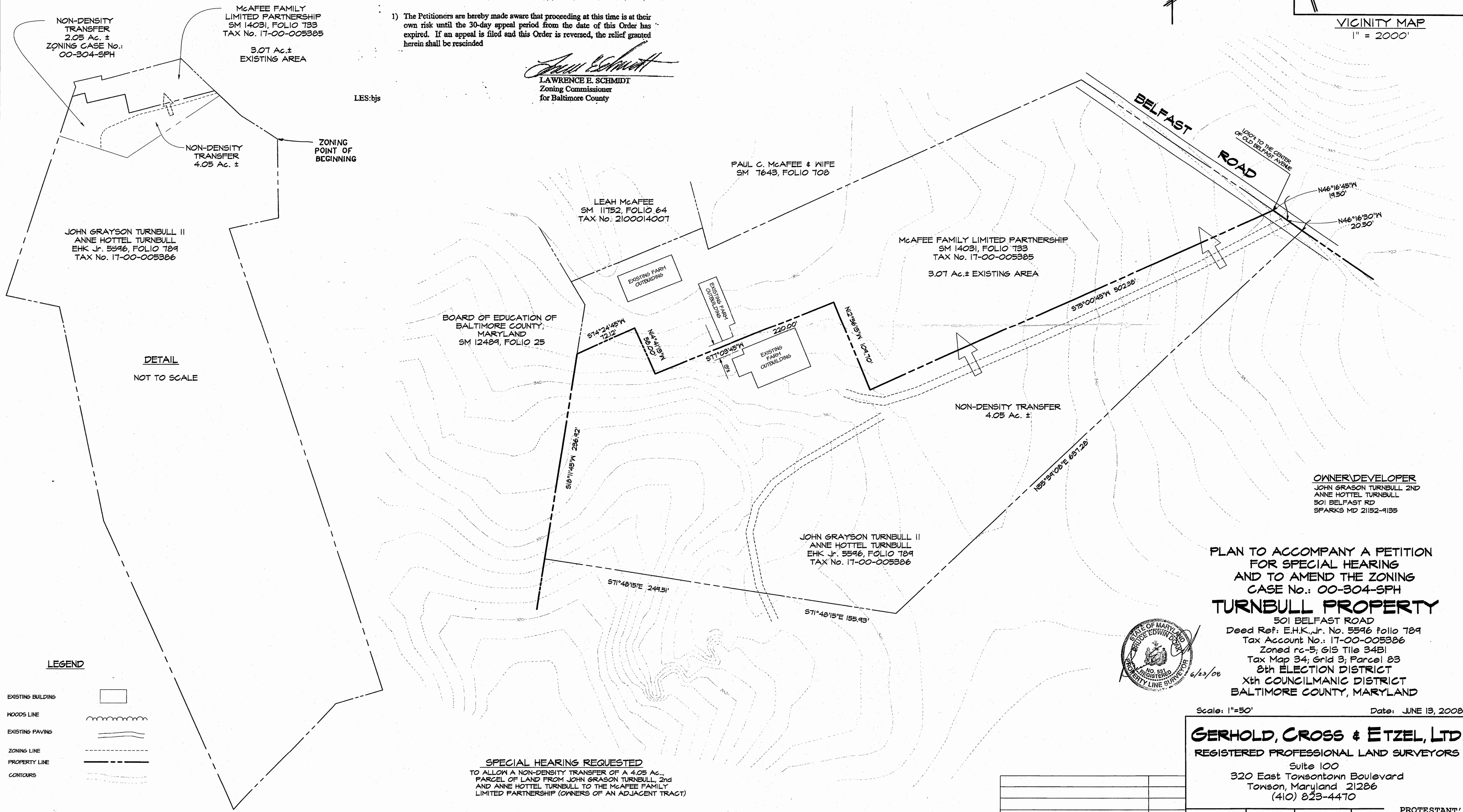
GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 34B1
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 111.
4. A.D.C. MAP # GRID 12 55
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
9. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

MERIDIAN OF LIBER
SM 8293, FOLIO 199



VICINITY MAP
1" = 2000'



DETAIL
NOT TO SCALE

LEGEND

- EXISTING BUILDING
- WOODS LINE
- EXISTING PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS

OWNER/DEVELOPER
JOHN GRAYSON TURNBULL 2ND
ANNE HOTTEL TURNBULL
501 BELFAST RD
SPARKS MD 21152-4135

PLAN TO ACCOMPANY A PETITION
FOR SPECIAL HEARING
AND TO AMEND THE ZONING
CASE No.: 00-304-SPH
TURNBULL PROPERTY

501 BELFAST ROAD
Deed Ref: E.H.K., Jr. No. 5596 folio 789
Tax Account No.: 17-00-005386
Zoned rc-5; GIS Tile 34B1
Tax Map 34; Grid 3; Parcel 83
8th ELECTION DISTRICT
Xth COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50' Date: JUNE 13, 2008

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

SPECIAL HEARING REQUESTED
TO ALLOW A NON-DENSITY TRANSFER OF A 4.05 Ac. ±
PARCEL OF LAND FROM JOHN GRAYSON TURNBULL, 2ND
AND ANNE HOTTEL TURNBULL TO THE McAFEE FAMILY
LIMITED PARTNERSHIP (OWNERS OF AN ADJACENT TRACT)

REVISION	DATE	COMPUTED	DRAWN	C.L.M.	CHECKED	FILE	X.Y.T.

PROTESTANT'S

EXHIBIT NO.