

07-324
10/31/12

IN THE MATTER OF
CRAIG AND KAREN KEHOE
19520 BURKE ROAD

7TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

RE: SPH to approve the reconfiguration of
density in Parcels 1,2, and 3 and a non-density
transfer of Parcel 3 and the remainder of
Parcel 2 to Parcel 1

* BEFORE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 11-061-SPH
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OPINION

This case came before the Board of Appeals as a de novo appeal from the decision of the Deputy Zoning Commissioner (now known as an Administrative Law Judge) for Baltimore County granting special hearing relief to the Petitioners pursuant to Section 500.7 of the Baltimore County Zoning Regulations and approving the reconfiguration of density in Parcels 1, 2, and 3 and a non-density transfer of Parcel 3 and the remainder of Parcel 2 to Parcel 1 with certain conditions. A timely appeal was filed by the Protestant. A hearing before this Board was scheduled for April 11, 2012 however same was postponed on the record at the Protestant's request as her attorney had just withdrawn his appearance and she needed time to secure new counsel. Hearings were held before the Board on May 2, 2012 and June 21, 2012. Petitioner/Legal Owners were represented by Lawrence E. Schmidt, Esquire, of Smith, Gildea, and Schmidt, LLC, and the Protestant/Appellant was represented by G. Macy Nelson, Esquire of the Law Office of G. Macy Nelson, LLC. The parties submitted briefs to the Board in lieu of final argument on August 3, 2012. A public deliberation was held on August 23, 2012.

FACTS

Petitioners are the legal owners of three parcels of land, zoned R.C. 2., located in northern

Baltimore County. The property is located on the west side of Burke Road, east of Graystone Road and southwest of Old York Road, in the White Hall area of Baltimore County. Parcel 1 contains approximately 53 acres. Parcel 2 contains approximately 8 acres and Parcel 3 contains approximately 12 acres.

Parcel 3 is an unimproved, wooded parcel and contains two potential density units. Parcel 2 is improved and contains a large oval outdoor race track. Parcel 2 was subject to a minor subdivision in 1996 and resulted in Lot 1 which is owned by the Protestant, Lisa Arthur. Parcel 2 has one potential density unit remaining. Parcel 1 is the parcel upon which the Petitioners reside. It has a number of improvements, including the main house, a very large concrete block and frame barn, several outbuildings and a large paddock area for pasturing or exercising horses or other animals. Parcel 1 was subject to an off-conveyance in 1984. There are no remaining density units for Parcel 1.

ISSUES

Petitioners are requesting a reconfiguration/non-density transfer to reconfigure the property to create a large farm lot and to allow subdivision of a smaller portion of the property for three residential lots. They propose that these lots will each contain slightly more than one acre. The result would be that the farm lot would contain approximately 70 acres and house all of the farm operations. Protestant argues that this amounts to a transfer of density, not authorized under Baltimore County law. She also argues that assuming arguendo that the transfer of density is authorized, Petitioners do not have three density units to transfer as there is a house which straddles Parcels 1 and 2. Petitioners assert that this house is a tenant house, associated with the operation of the farm and does not count as a density unit. Protestant argues that the house is not a tenant house and must count as a density unit for Parcel 2. Protestant also argues that while Parcel 3 has two potential density units, it is undevelopable and therefore the density is not eligible for transfer.

BACKGROUND AND TESTIMONY

Petitioners presented a history of their property through a number of deeds. The first deed was from 1976 and deeded the property from George and Linda Patterson to Sarah Stroud (Petitioners' Exhibit #1). The property was then deeded, in 1980, from Sarah Stroud Merryman to Emilio Alecci and John Alecci (Petitioners' Exhibit #2). A deed in 1984 showed a subdivision of Parcel 1 from Emilio Alecci and John Alecci to Donald Kincaid and Cynthia Piercy (Petitioner's Exhibit #4). A deed in 1998 shows a subdivision of Parcel 2 from Charles and Randy Reed to Glenn and Lisa Arthur (Petitioners' Exhibit #5). A deed in 2003 transferred the remainder of the three parcels from Thomas and Tara Dorn to Petitioners, Craig and Karen Kehoe (Petitioners' Exhibit #6).

Petitioners' first called Wesley Lippencott to testify. Mr. Lippencott works for the Department of Environmental Protection and Sustainability as a Natural Resources Manager in the Agricultural Preservation Program. He reviews zoning proposals in the agricultural protection zone and determines the impact on agricultural resources. He testified that since 1979 there is a right of subdivision for all three of the Petitioners' parcels of land (Petitioners' Exhibit #3A and #3B). Parcel 1 was subdivided and resulted in lots owned by the Petitioners and the Kincaid family. Parcel 2 was subdivided and resulted in one lot owned by the Protestant. There are currently two lots left on Parcel 3, the wooded parcel, and one lot left on the larger parcel. Mr. Lippencott testified as to the two plans proposed by the Petitioners. Their first plan was submitted at the hearing below and approved by the Zoning Commissioner, is referred to as the "Racetrack Plan" (Petitioner's Exhibit #7). Mr. Lippencott testified that he prefers the reconfiguration of the three lots proposed by the Petitioners in their alternate plan (Petitioners' Exhibit #8). It preserves the wooded area, it is closer to Burke Road, and there is driveway access. Clustering the houses together uses up less land.

Agriculture land can include crop land, horse farm, and land for harvesting timbers. Farm land is more narrowly defined as land for the production of crops. He also explained that the Agricultural Board is there to give opinions regarding the best use for land preservation. They work with the land owner and are involved in the development by reviewing the plans to make sure they are consistent with the County Code and Regulations. The intent is to preserve agricultural resources.

He testified that density does not have anything to do with whether or not the land is able to be developed. In the instant case, each of the Petitioners' three parcels could be subdivided one time so long as the subdivision is appropriate. He looks at issues such as County wetlands, access, and slopes to determine if it is appropriate to subdivide a parcel of land. He believes density can be moved around if circumstances warrant it. He would not agree to move density from an undevelopable property. He testified that Parcel 3 is probably developable. It has level C soil, but he did not perform a thorough review to determine if developable.

Section 1A-10(d) addresses the preservation and protection of farmland. There is currently one density unit left on Parcel 2. If that parcel is developed as it is currently is configured, the parcel would no longer be able to be used as farmland. Moving the boundary lines and moving all the houses onto one parcel of land would serve to preserve the forestland and the farmland.

Mr. Lippencott also testified regarding tenant houses. Tenant house do not count towards density. The landowner has requested that the dwelling which straddles Parcels 1 and 2 be classified as tenant dwellings. If there is a question of whether the classification is correct, it should be referred to the Agricultural Board. The Agricultural Board will determine whether the farm justifies the need for a tenant house and whether the tenant is the tenant farmer. The Agricultural Board then makes a recommendation to the Zoning Office. As of the time of the hearing, Petitioners have not applied to have a tenant farmer.

Parcel 3 contains a forest conservation easement held by the County.

Kenneth Wells, a registered property line surveyor next testified for the Petitioners. Mr. Wells was accepted by the Board as an expert witness in land surveying (his resume was accepted by the Board as Petitioners' Exhibit #9). Mr. Wells prepared Petitioners' Exhibit Number 8, an alternative development plan.

Mr. Wells testified that he reviewed the deeds and title history. Parcel 1 had two subdivisions, one to Kincade and one to Kehoe. Parcel 2 had one subdivision, to Arthur, leaving one remaining right of subdivision. Parcel 3 has had no subdivisions, leaving two rights of subdivision. If one was to consolidate all available densities onto a single parcel you could create a new, larger parcel for agricultural use. This would be consistent with the mandate to protect and preserve farmland.

Baltimore County Zoning Regulations allows for dwellings and tenant dwellings on RC2 land. Tenant dwellings are identified in Section 1A01.2.9i as having accessory uses. Section 101 defines accessory use or structure and requires that a tenant dwelling be on the lot with the principle dwelling it serves. In the instant case, the principle dwelling is on Parcel 1, the septic field is on Parcel 1, and the dwelling serves Parcel 1. Policy dictates that the tenant farmer's principle vocation be to work the farm. The well is on Parcel 2 but there has never been a principle dwelling on Parcel 2 to which a tenant dwelling could be accessory. The dwelling cannot be considered a principle dwelling on Parcel 2 because it straddles the property line and there is no density left for it to be a principle dwelling on Parcel 1.

There would be no need for a zoning variance or special exception if the Petitioners were to build on Parcels 2 and 3 as they stand now subject to the County's development plan. The Petitioners' purpose here is to avoid putting two houses in the middle of the woods and one house in the middle of the racetrack. By building three new houses, the Petitioners will exhaust all

existing density. The second plan prepared by Mr. Wells takes into consideration increasing the available area and enhancing the farm use by increasing the size of the farm and preserves the racetrack. Storm water management is taken into consideration and it utilizes the existing private road. It uses less impervious surface.

A lot line adjustment would be necessary to reconfigure Parcels 1 and 2 under Mr. Well's plan. Parcel 1 would lose acres because of the development but would be enlarged because of the 12 acres from Parcel 3 and the balance of Parcel 2.

Karen Kehoe testified next. She and her husband have lived on the property for approximately 8 and 1/2 years. They purchased it as three separate parcels. It is used as a horse farm with boarding operations. Parcel 2 is used for riding, it contains a racetrack, and they use both the racetrack and the fields for riding. They use the fields and the woods on Parcel 3 for steeple chase training. They also use the woods for trail riding. There are no buildings or improvements on Parcel 3. She testified that the tenants who live on the property work the farm. They receive two tax bills, one for Parcels 1 and 2 and one for Parcel 3 (Petitioners' Exhibit #10 and Protestant's Exhibit #1). Parcel 3's tax bill uses the address Graystone Road.

James Patton testified first for the Protestant. He is an engineer and land planner. He was accepted by the Board as an expert in panhandle driveways (his resume was accepted as Protestant's Exhibit #2). Mr. Patterson reviewed the minor subdivision plat, the deeds, and subsequent plats. Earlier in the week of the hearing he rode around the property at midday.

Parcel 3 is a wooded, 12 acre, lot. Access to Parcel 3 could only be through the use of a panhandle driveway because there is no right of way. If Parcel 3 were to be developed, to gain access to the two density units one would have to use the existing driveway and create an extension. There would have to be two panhandle driveways totaling 1,250 feet (Protestant's Exhibit #3). Mr. Patton testified that he came up with this distance using a measuring wheel and scale drawings.

The maximum length for a panhandle driveway is 1,000 feet but the Petitioners could apply for a variance. The Petitioners could also build a panhandle driveway using the existing 1,300 foot driveway (Protestant's Exhibit #4). The first driveway would be 950 feet for access onto the first possible lot in Parcel 3 and a second driveway would extend an additional 120 feet for access onto a proposed second lot. The Petitioners would still need to apply for a variance.

There is a question of whether there is a right of access to Parcel 3 from Burke Road. Mr. Patton testified that you should not be allowed to transfer density that cannot be reached. The access to Parcel 3 from Burke Road is questionable. There is no reference in the deeds he reviewed to a right of way to Burke Road. However there is a deed from 1948 which is a deed of easement from Parcel 3 to Graystone Road (Petitioners' Exhibit #11).

Section 32-4-409e addresses the length of panhandle driveways. Any proposed driveway over 1,000 feet requires a variance. Section 260.2 addresses site planning. A panhandle driveway is not a matter of right (Protestant's Exhibit #5).

Mr. Patton testified that he reviewed the minor subdivision plan (Protestant's Exhibit #6). In 1996, sale of part of Parcel 2 was permitted. The minor subdivision plan shows the horserace track, and the rancher house on Parcel 2. The parcel line goes through the rancher house. The well for the house is on Parcel 2 and the septic is on Parcel 1. Mr. Patton testified that the rancher house is a density unit for Parcel 2; therefore there are no density units left on that parcel. There is a note, number 19, on the minor subdivision plan which says that if the parcels of land are to be sold separately, the property line must be adjusted.

Mr. Patton did not review the 1976 deed, he glanced at the 1980 deed, he reviewed the 1984, 1998, and 2003 deeds. He testified that he had been retained three weeks prior to the hearing to review the conditions and impact of development. The Zoning Regulations applicable here, RC2, went into effect in November, 1979. Parcel 1 had 60 acres and, with the one conveyance to

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the Kincade family, had one remaining density unit which was used by the Petitioners for their residence. Parcel 2 had a conveyance to the Protestant and the existence of a remaining density unit is questionable due to the existence of the rancher house. Parcel 3 has 12 acres and there are two remaining rights of subdivision, or density units, for that property. There is nothing in the Code or Zoning Regulations which would allow for the lot line adjustment the Petitioners are seeking. Section 32-4-1 alludes to lot line adjustments. The concept of lot line adjustment is permitted.

Access to Parcel 3 is questionable. There must also be a showing that the parcel is developable. Agricultural preservation aspects must be considered. Development is not the same as zoning. They are different processes. This case is currently in the zoning stage but it must be considered and treated together with development policy. The combination allows for a major development plan. You can combine the development plan with the public hearing under Section 52-4-230.

In this case, the issues have not been combined. No development plan has been submitted. Planning for a panhandle driveway is part of the development plan. The issues here are lot line adjustments, not development issues. There has been no resubdivision because there has been no development plan. Parcel 3 may not have access, requiring a panhandle driveway, but the 2003 deed references a 1942 deed which created an easement. There is a question as to whether that easement has been extinguished. Section 32-4-409 states that the right of way must be established before submission of a development plan. The easement can provide access to Parcel 3 instead of a panhandle driveway. The measurements taken by Mr. Patton for the panhandle driveway were from Burke Road. He did not measure from the private road, Cummings Road, which leads into the property.

Is the rancher house really a tenant house? Mr. Patton questioned when the dwelling was constructed. Note 19 addresses what would happen if Parcels 1 and 2 were to be sold separately. It

is open to interpretation as to what parcel would include the house. The lot lines would have to be adjusted so that the house, well, and septic were all on the same property.

Testifying next for the Protestant was Paul Solomon. Mr. Solomon is a regional planner. He worked for DEPRM (now DEPS) from 1970-1985 and from 1985-1992. He was involved in the acultural preservation program and helped develop the RC zones. Since 1968 he has owned and managed seven farms. He is familiar with residential units within acultural zones. He was offered to the Board as an expert in land planning and regional planning, RC2 zone purpose and issues related thereto and the issues related to the best way to manage a farm. The Board accepted Mr. Solomon as an expert in land planning and regional planning only.

For every parcel of land zoned RC2, between 2 acres and 100 acres, there are two potential density units. In the instant case, Parcel 1 has zero remaining density units as a result of the main house and the conveyance. Parcel 2 lost one density as a result of a conveyance. The dwelling on the property line goes with Parcel 2 and therefore Parcel 2 has zero remaining density units. Parcel 3 has two density units. Given the nature of the farm, in Mr. Solomon's opinion, it would be better for the farm to keep the density units on Parcel 3. When looking to transfer density, one must consider what is the least disruptive to the property. The pasture is more important to the horse farm than the wood land. However, density cannot be transferred in the instant case per the RC Zoning Regulations. A lot line adjustment is not applicable because the land here is three parcels not three lots and therefore they cannot be reconfigured.

Zoning Regulations deal with the used of land. Development applies the uses to the land. In the instant case, it is better to run a panhandle driveway to Parcel 3 than try and move the density. There would then be suitable access to the lots and it would cause minimal disruption to the farm.

Next to testify for the Protestant was Wayne McGinnis. Mr. McGinnis is a fourth

generation farmer. He raises cattle, sheep, calves and horses. He works for the County Farm Bureau. He sits on the County and State Agricultural Land Preservation Boards. He sits on the County Planning Board. He helped write the RC regulations in the early 1970's. He has reviewed the agricultural regulations in RC zones. Farms must be examined to figure out what is most important to it. He also sits on various government committees on agricultural and land use issues.

Mr. McGinnis testified that the transfer of density from Parcel 3 would not be good for the continued use of the farm. The forest land is the least productive and therefore the least valuable to the farm. The most important thing to consider is the protection and preservation of farmland. The soils and topography suggest the most productive use of land in the racetrack area. You must look at and consider soil conservation maps. It would also be better for the farmers and the farm to keep houses away from the farm activity to prevent conflict.

Lester Brown, who lives at 19416 Burke Road testified next. His home, which he purchased from his grandfather, is 17 acres and adjoins Parcel 3. He has done tree work on his lot which is also wooded. He testified that in 2008 timber work was done on Parcel 3. He has seen horses on the back lot and around the outskirts of the field, but he has never seen horses on Parcel 3. Through this witness, Protestant introduced an aerial photograph of Petitioners' property (Protestant's Exhibit #7).

Protestant's last witness was Dennis Williams, who lives at 1218 Kenwood Road. His family owns seven acres of land near the Petitioners' property. He testified regarding the private road and its intersection with Burke Road. He is familiar with this because he walked the property lines with his grandfather, who showed him the markers. Approximately 30-50 feet of the private road crosses onto his family's property. The Petitioners' were aware of the problem with the private road as evidenced by an email to Petitioners' attorney from Kenneth Wells (Protestant's Exhibit #8).

BOARD'S DECISION

Petitioners introduced two different site plans into evidence, the first had been presented at the hearing before the Zoning Commissioner and the second, a revised plan, sought to address some of the concerns raised by the Protestant. The fact that Petitioners introduced a new site plan at the hearing before the Board which was not introduced at the hearing below does not divest the Board of its jurisdiction to hear and decide this case. The hearing before the Board is de novo. Either party can introduce evidence which was not introduced below. Petitioner was not asking for new or different relief than that which was requested at the original hearing. Protestant had reasonable notice as to the requested relief sought by the Petitioners.

No — The relief requested by the Petitioners was a reconfiguration of density in Parcels 1, 2, and 3 and a non-density transfer of Parcel 3 and the remainder of Parcel 2 to Parcel 1. They proposed that this is to be accomplished by a lot-line adjustment which would reconfigure the property to create a large lot which would incorporate, and maintain the entire horse farm, while allowing a smaller portion to be subdivided into smaller, residential lots. Once the lots are configured, the density would no longer be transferred across parcel lines. Lot line adjustments are allowed under the County Code so long as the lots have common ownership and the adjustment does not result in an increase or decrease in the number of lots or density, BCC 32-4-106 (a) (viii). The Board has considered this matter very carefully. BCC § 32-4-106(a) (viii) does not give any definition of a lot line adjustment. There is no definition of lot line adjustment within the Baltimore County Code.

The reconfiguration proposed by the Petitioners in both of their site plans creates new parcels; the overall acreage of the area remains the same; and no parcels were eliminated. There is no guidance for the Board or anyone else in the Baltimore County Code with respect to lot line adjustments. The only limitation on a lot line adjustment is that it be in a residential zone and that it not be part of an approved development plan or zoning plan.

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The reconfigured Parcels would maintain the Petitioners' existing horse farm. Protestant's witnesses did not testify that the Petitioners could not maintain the existing horse farm on the reconfigured lots. The argument put forth by the Protestant is that the way the parcels are presently configured is better for the farm. Protestant's witnesses were of the opinion that it would be better for the farm to keep the density on Parcel 3 and try and develop that parcel as the wooded lot is less important to the farm than the race track and pasture area. They did not testify that the Petitioners would be unable to maintain the horse farm if the parcels were reconfigured. There has been no evidence presented that the relief requested by the Petitioners would be detrimental to the health, safety, or general welfare of the surrounding community, the granting of the requested relief is within the spirit and intent of the Zoning Regulations and is in keeping with the existing land use pattern in the area. Accordingly, the Board believes that a lot line adjustment is appropriate in the instant case.

The Board is not persuaded by Protestant's arguments that Parcels 1 and 2 have no remaining density units due to the existence of a house which straddles the line between Parcels 1 and 2. This is not an appropriate issue for the Board to decide and it is not relevant to the issues before us. If the Protestant believes that the accessory dwellings, purported by the Petitioners to be tenant dwellings, are not tenant dwellings, that issue should be brought to the attention of the appropriate County agency to investigate. It is not the Board's job, as Protestant suggests, to refer the matter to the Agricultural Land Preservation Board, or other County agency, to investigate.

Nor is the Board persuaded that Parcel 3, while having two density units, is undevelopable or, at best, has one developable lot. Protestant's argue that the Petitioners could not develop Parcel 3 due to the fact that there is no access to a public road and they would have to build a panhandle driveway, which would require a variance due to its length. There has been no evidence presented to support the argument that the Petitioners could not build on Parcel 3. They could request a

variance for a panhandle driveway; they could also seek to use the private road which serves the farm.

The Board, after reviewing all of the evidence presented in this case believes that the relief requested in the Petitioner's request for a Special Hearing is appropriate.

ORDER

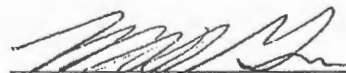
IT IS THEREFORE THIS 31st day of October, 2012,

by the Board of Appeals of Baltimore County

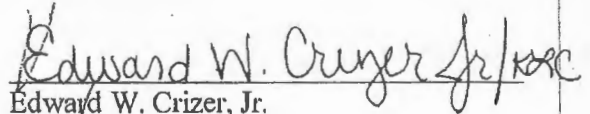
ORDERED that the request for lot line adjustment is hereby **GRANTED** pursuant to Section 500.7 of the Baltimore County Zoning Regulations to approve the reconfiguration of density in Parcels 1, 2, and 3 and a non-density transfer of Parcel 3 and the remainder of Parcel 2 to Parcel 1 subject to the conditions set forth in the Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law dated December 14, 2010.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

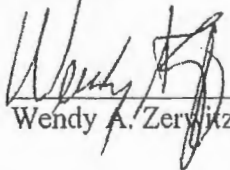
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Wendell H. Grier, Panel Chairman



Edward W. Crizer, Jr.



Wendy A. Zervitz

12/14/10

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W side of Burke Road; 2,700 feet SW		
of the c/l of Old York Road	*	DEPUTY ZONING
7 th Election District		
3 rd Councilmanic District	*	COMMISSIONER
(19520 Burke Road)		
	*	FOR BALTIMORE COUNTY
Craig J. and Karen M. Kehoe	*	CASE NO. 2011-0061-SPH
<i>Petitioners</i>		

* * * * *

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 the legal property owners, Craig and Karen Kehoe. Petitioners request Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the reconfiguration of density in Parcels 1, 2 and 3 and a non-density transfer of Parcel 3, and of the remainder of Parcel 2, to Parcel 1. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief were Petitioners Craig and Karen Kehoe. Also appearing in support of the relief was Roy Snyder with A.L. Snyder Surveyor, Inc., the registered property line surveyor who prepared the site plan. Also appearing as concerned citizens were Lisa Arthur and Bill Sellers of 19500 Burke Road.

Testimony and evidence was presented at the hearing, and additional evidence was adduced via written submissions from Petitioners, Mr. Snyder, and Ms Arthur, as well as photographs of the subject property. The testimony, evidence, and written submissions revealed that Petitioners' property is irregularly shaped and contains approximately 73.1419 acres overall, zoned R.C.2. The property is located on the west side of Burke Road, east of Graystone Road and southwest of Old York Road, in the White Hall area of Baltimore County. The majority of Petitioners' property

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consists of Parcel 1 (as outlined on the site plan in orange) containing approximately 52.8460 acres. Petitioners reside on that parcel and it has a number of improvements, including a two-story dwelling, a very large concrete block and frame barn, several outbuildings, as well as a number of large paddock areas for pasturing or exercising horses or other animals. Parcel 2 (outlined on the site plan in pink) contains approximately 8.2939 acres. This parcel is improved with a large oval outdoor horse track. Parcel 3 (outlined on the site plan in blue) is triangular shaped and contains approximately 12.0080 acres and is an unimproved, wooded parcel.

According to Mr. Snyder, Petitioners' land use and zoning consultant, Parcel 2 is the 8.2939 acre remainder of the original Parcel 2 following a minor subdivision in 1996. Lot 1, which is a 3.09 acre lot that was created as part of the minor subdivision, is located just south of the now-existing Parcel 2 and is owned by Ms. Arthur, one of the interested citizens in attendance at the hearing. Parcel 2 has one potential density unit. Parcel 3 is the unimproved parcel and has two potential density units. Because of the somewhat landlocked nature of Parcel 3 and in order to cluster further development toward the public road and away from agricultural and rural lands, Petitioners desire to transfer the two density units from Parcel 3 to a portion of Parcel 2 (with its one density unit), as shown on the site plan and outlined in yellow. On Parcel 2, this would result in the creation of Lots 1, 2, and 3, each ranging in size from 1.2 to 1.3 acres. With no more density available for Parcel 3, Petitioners propose the non-density transfer of Parcel 3 to Parcel 1. In addition, Petitioners propose the non-density transfer of the remainder of Parcel 2 (with no further density) also to Parcel 1.

Testifying in opposition and providing written evidence concerning the case was Lisa Arthur. As indicated above, Ms. Arthur owns the 3.09 acre lot that was created following the minor subdivision of Parcel 2 in 1996, located just south of the outdoor horse track. Ms. Arthur questions whether the parcels in question possess the available density indicated by Petitioners and

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Mr. Snyder. Following the hearing, she submitted a letter dated November 10, 2010 with accompanying Deeds and photographs, discussing the history of Parcels 1 and 2. She also stated a number of reasons why she believes the requested transfers of density from Parcel 3 to Parcel 2 and the non-density transfers should not be granted. Specifically, Ms. Arthur indicated that Burke Road is a single lane wide, small dead end road with a 25 mph speed limit. It is a very rural road with extreme curves. She does not believe further development along this road would be beneficial to the community. Ms. Arthur also indicated that most of the homes along Burke Road have significant visual buffering with mature vegetation and trees that help create privacy from other properties. A new development on Petitioners' property would not have such natural screening. Finally, Ms. Arthur points out that development of three additional homes would likely increase property taxes for those already there, and also states the current housing market does not support additional home building in the area.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated September 16, 2010 which states that Petitioners seek to reconfigure density from Parcel 3 (12 acre parcel – 2 density rights) and place it on Parcel 2 (8.2 acres – 1 existing density right, 3 proposed). Parcel 1 is 52.84 acres and contains the existing horse farm, one dwelling and one tenant house and has a total of 2 density rights which will remain. Petitioners' surveyor, Albert Snyder, indicates that the Petitioners seek to place the farm parcel, Parcel 1, in the MALPF easement program. The Planning Office supports the requested relief as it is in keeping with the existing land use pattern in the area, which has the majority of the farm in the MALPF program. The Planning Office reserved comment on the proposed lot layout, house siting and panhandle driveway location and will make such comment as part of the minor subdivision process. Comments were also received from the Department of Environmental Protection and Resource Management ("DEPRM") dated

November 4, 2010 indicating that the Development Coordination Section has no objection to the accumulation of density into in one parcel. However, in order to develop the property, all of the parcels from which the density came should be included in any proposed subdivision. In addition, Wallace A. Lippincott, Jr. with DEPRM's Land Preservation Section stated that development of this property must comply with the Prime and Productive Soil Policies and be consistent with the protection of agricultural resources in accordance with R.C.2 Zoning Regulations. He also states that:

The accumulation of density can be supported in this case if the landowner agrees to certain conditions that protect and foster the protection of agricultural lands and resources. The conditions are: (1) place parcel 3 into a Forest Conservation Easement with DEPRM (or a similar conservation easement), (2) place the remaining 8.23 acres of parcel 2 under a permanent conservation easement, and (3) place a restriction in the land records that any further subdivision of parcels 1, 2, and 3 will be limited to a two acre lot. Lastly, it is recommended that the landowner investigate placing the remaining farmland in a land preservation program.

Dan Esser of the Groundwater Management Section states that if new lots are created by Zoning Petition, then any new building permits will not be approved by Groundwater Management until approved (and passing) perc tests are conducted and new well(s) are drilled for each lot.

Turning now to the instant matter, after considering the testimony and evidence, I am persuaded to grant the special hearing relief. The evidence indicates that Parcel 3 has two density units and the remainder of Parcel 2 has one density unit for a total of three density units. Rather than attempting to develop the wooded, unimproved Parcel 3, which would involve creating accessibility to this largely landlocked parcel, as well as significant tree clearing, Petitioners instead wish to utilize the density from Parcel 3 and use it to further develop Parcel 2. There are already existing homes along Burke Road and Petitioners desire to create lots where the existing

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unused horse track is located. There would be no further density associated with Parcel 3 or the remainder of Parcel 2. Although I can appreciate the sentiments of Ms. Arthur and the opposition of other neighbors in the community, in my judgment, the requested relief will not be detrimental to the health, safety, or general welfare of the area, and the granting of the relief is within the spirit and intent of the Zoning Regulations. As indicated by the Planning Office, the special hearing relief is in keeping with the existing land use pattern in the area. In addition, Section 1A01.3.B.2 of the B.C.Z.R. states that "[a] lot having an area less than one acre may not be created in an R.C.2 Zone." In the instant matter, as shown on the site plan, Petitioners propose to create lots on Parcel 2 that will be between 1.2 and 1.3 acres in area.

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 Petitioners' request for special hearing should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 14th day of December, 2010 that Petitioners' request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the reconfiguration of density in Parcels 1, 2 and 3 and a non-density transfer of Parcel 3, and of the remainder of Parcel 2, to Parcel 1, be and is hereby **GRANTED** subject to the following conditions:

1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. In order to develop the property, all of the parcels from which the density came should be included in any proposed subdivision.

ORDER RECEIVED FOR FILING

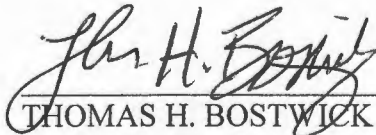
Date 12-14-10

5

By PS

3. Any new building permits will not be approved by the Groundwater Management Section of DEPRM until approved (and passing) perc tests are conducted and new well(s) are drilled for each lot.
4. Development of this property must comply with the Prime and Productive Soil Policies and be consistent with the protection of agricultural resources in accordance with R.C.2 Zoning Regulations.
5. Petitioners shall acknowledge and agree to the following conditions set forth by Wallace A. Lippincott, Jr., Program Manager for Agricultural and Rural Land Preservation, which will protect and foster the protection of agricultural lands and resources:
 - a) Place Parcel 3 into a Forest Conservation Easement with DEPRM (or a similar conservation easement);
 - b) Place the remaining 8.23 acres of Parcel 2 under a permanent conservation easement; and
 - c) Place a restriction in the land records that any further subdivision of Parcels 1, 2, and 3 will be limited to a two acre lot.
 - d) Lastly, it is recommended that the landowner investigate placing the remaining farmland in a land preservation program.

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

ORDER RECEIVED FOR FILING

Date 12-14-10

By 



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 14, 2010

CRAIG J. AND KAREN M. KEHOE
19520 BURKE ROAD
WHITE HALL, MD 21161

Re: Petition for Special Hearing
Case No. 2011-0061-SPH
Property: 19520 Burke Road

Dear Mr. and Mrs. Kehoe:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Thomas H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Roy Snyder, A.L. Snyder Surveyor, Inc., 1911 Hanover Pike, Hampstead MD 21074
Lisa Arthur and Bill Sellers, 19500 Burke Road, White Hall, MD 21161



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 19520 BURKE RD.
which is presently zoned RC-2

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

THE RECONFIGURATION
OF DENSITY IN PARCELS 1, 2 & 3, AND A NON-DENSITY TRANSFER
OF PARCEL 3, AND OF THE REMAINDER OF PARCEL 2 TO PARCEL 1

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 _____

ORDER RECEIVED FOR FILING
12-14-10

Date

By

Legal Owner(s):

CRAIG J. KEHOE
Name - Type or Print _____
Signature _____
KAREN M. KEHOE
Name - Type or Print _____
Signature _____

19520 BURKE RD. 410-913-6151
Address Telephone No.
WHITE HALL MD. 2114-9149
City State Zip Code

Representative to be Contacted:

A.L. SNYDER
Name _____
1911 HANOVER PIKE 410-239-7744
Address Telephone No.
HAMPSTEAD MD. 21074
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2011-0061-SPH

Reviewed By Jcm/BER Date 8.11.10

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

(410) 239-7744

(410) 374-9695 phone/fax

Zoning Description

Kehoe Property

19520 Burke Road

July 15, 2010

Beginning on the west side of Burke Road, 2700 feet, more or less, southwest of the centerline of Old York Road, Maryland Route 439; thence,

- 1.) S 24° 53' 28" W 207.61 feet,
- 2.) S 31° 54' 01" W 380.00 feet,
- 3.) N 63° 21' 40" W 554.76 feet,
- 4.) S 61° 50' 02" W 1186.31 feet,
- 5.) N 04° 48' 08" E 1050.58 feet,
- 6.) N 63° 03' 16" W 330.25 feet,
- 7.) N 76° 40' 13" W 594.41 feet,
- 8.) N 48° 23' 44" E 334.78 feet,
- 9.) N 49° 20' 29" E 660.00 feet,
- 10.) N 35° 52' 37" W 99.00 feet,
- 11.) N 57° 09' 46" E 412.50 feet,
- 12.) N 68° 10' 42" E 445.15 feet,
- 13.) S 54° 12' 14" E 598.63 feet,
- 14.) S 39° 22' 44" W 216.96 feet,
- 15.) S 42° 37' 16" E 510.88 feet,
- 16.) S 44° 20' 01" E 185.13 feet,

17.) S 41° 19' 26" E 182.29 feet,

18.) S 37° 41' 30" W 82.30 feet,

19.) S 33° 33' 52" E 485.90 feet to the place of beginning.

Containing 73.1419 acres of land, more or less.

Being all of that land described in the deed to Craig J. Kehoe and Karen M. Kehoe dated August 20, 2003, and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 18878 folio 156 and known as No. 19520 Burke Road, Seventh Election District, Third Councilmanic District of Baltimore County, Maryland.



**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: 2011-0061-SPH

Petitioner: CRAIG J. KEHOLE & KAREN M. KEHOLE

Address or Location: 19520 BURKE RD. WHITE HALL MD. 21161-9149

PLEASE FORWARD ADVERTISING BILL TO:

Name: CRAIG J. KEHOLE

Address: 19520 BURKE RD.

WHITE HALL MD. 21161-9149

Telephone Number: 410-913-6151

Revised 7/11/05 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **59315**

Date: **8.11.10**

PAID RECEIPT

WITNESS ACTUAL TIME
 8/11/2010 8/11/2010 09:09:23 2

REC'D MAIL JANA JEE

>> RECEIPT # 697758 8/11/2010 OFLR

Dept 5 528 JUDICIAL VERIFICATION

CR NO. 059315

Receipt Tot: \$45.00

\$45.00 OK \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.-

Total: _____

Rec From: **C. H Kehoe**

For: **2011-0061-SPH**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **62907**

Date: **1/12/11**

PAID RECEIPT

BUSINESS ACTUAL TIME DRK
 1/13/2011 1/13/2011 09:38:09 5
 REG WSD3 WALKIN 1886 LRD
 >>RECEIPT N 504131 1/13/2011 09:14
 Dept 5 528 ZONING VERIFICATION
 PR NO. 062907
 Recpt Tot \$265.00
 \$265.00 CL \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				265.00

Total: **265.00**

Rec From: **Lisa Arthur**

For: **Appeal**
2611 = 0001-SPH
19520 Burke Rd

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**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: # 2011-0061-SPH

19520 Burke Road
W/side of Burke Road,
2,700 feet +/- s/west of
centerline of Old York Road
7th Election District
3rd Councilmanic District
Legal Owners: Craig & Karen Kehoe

Special Hearing: for the configuration of density in parcels 1, 2 & 3 and a non-density transfer of parcel 3 and of the remainder of parcel 2 to parcel 1.

Hearing: Monday, October 18, 2010 at 11:00 a.m. In Room 104, Jefferson Building, 105 West 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.

9/4/11 Sept. 30 255877

CERTIFICATE OF PUBLICATION

_____, 20 10
9/30

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 9/30, 20 10.

- ☒ 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: # 2011-0061-SPH
19520 Burke Road
W/side of Burke Road,
2,700 feet +/- s/west of
centerline of Old York Road
7th Election District
3rd Councilmanic District
Legal Owner(s): Craig &
Karen Kehoe

Special Hearing: for the
configuration of density in
parcels 1, 2 & 3 and a non-
density transfer of parcel 3
and of the remainder of
parcel 2 to parcel 1.

Hearing: Thursday, No-
vember 4, 2010 at 11:00
a.m. In Room 106 County
Office Building, 111 West
Chesapeake Avenue,
Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

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

JT 10/738 Oct. 19 258355

CERTIFICATE OF PUBLICATION

10/21, 2010

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 10/19, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 10-17-10

RE: Case Number: 2011-0061-SPH

Petitioner/Developer: Craig Kehoe

Date of Hearing/Closing: 11-4-10 11AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 19520 Burke Rd

The signs(s) were posted on 10-17-10
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

ZONING NOTICE

CASE # 2011-0061-SPH

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

COUNTY OFFICE BUILDING - ROOM 108
PLACE: 111 W. PRESERVE AVE, TOWSON, MD 21204

DATE AND TIME: NOV. 4, 2010, 11AM THURS

REQUEST: SPECIAL HEARING FOR THE

CONFIGURATION OF DENSITY IN PARCELS

1, 2 AND 3 AND A NON-DENSITY TRANSFER

OF PARCEL 3 AND OF THE REMAINDER OF

PARCEL 2 TO PARCEL 1

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CANCEL HEARING CALL 867-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING.
HANDICAPPED

SON

(Sign Poster)

ad

(Sign Poster)

20

(Sign Poster)

(Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 30, 2010 Issue - Jeffersonian

Please forward billing to:
Craig Kehoe
19520 Burke Road
White Hall, MD 21161

410-931-6151

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: 2011-0061-SPH

19520 Burke Road

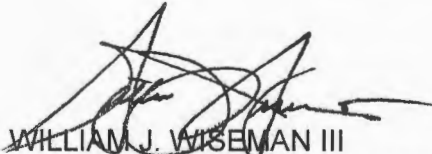
W/side of Burke Road, 2,700 feet+/- s/west of centerline of Old York Road

7th Election District – 3rd Councilmanic District

Legal Owners: Craig & Karen Kehoe

Special Hearing for the configuration of density in parcels 1, 2 & 3 and a non-density transfer of parcel 3 and of the remainder of parcel % to parcel 1.

Hearing: Monday, October 18, 2010 at 11:00 a.m. in Room 104, Jefferson Building,
105 West 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

TIMOTHY M. KOTROCO, Director
Department of Permits and
September 21, 2010
Zoning 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: 2011-0061-SPH

19520 Burke Road

W/side of Burke Road, 2,700 feet+/- s/west of centerline of Old York Road

7th Election District – 3rd Councilmanic District

Legal Owners: Craig & Karen Kehoe

Special Hearing for the configuration of density in parcels 1, 2 & 3 and a non-density transfer of parcel 3 and of the remainder of parcel % to parcel 1.

Hearing: Monday, October 18, 2010 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Kehoe, 19520 Burke Road, White Hall 21161
A.L. Snyder, 1911 Hanover Pike, Hampstead 21074

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 2, 2010**
- (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.**

Craig and Karen Kehoe

19520 Burke Road
White Hall, MD 21161
410-357-9154

9/27/2010

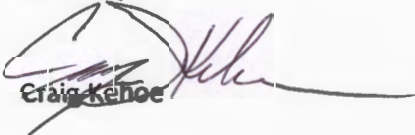
Kirsten Lewis
PDM Zoning
111 West Chesapeake Ave.
Towson, MD 21204

Re: Zoning Hearing Case Number 2011-0061-SPH

Dear Ms. Lewis,

We are in receipt of a letter scheduling a zoning hearing for the above referenced Case Number. Unfortunately both My wife and myself will be not be available Monday October 18 to attend this meeting. Mr. Snyder suggested we write you this letter with our availability in the event your office decides they require one of us to attend this meeting. Karen Kehoe will be unavailable for a meeting October 11 thru 22. Craig Kehoe will be unavailable for a meeting October 18 thru 22. I apologize for any inconvenience this may have caused your office. Please let us know if you need to reschedule this meeting. Should you prefer my email address is craig.kehoe@verizon.net.

Sincerely,


Craig Kehoe

cc: Mr. Snyder

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 19, 2010 Issue - Jeffersonian

Please forward billing to:
Craig Kehoe
19520 Burke Road
White Hall, MD 21161

410-931-6151

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: 2011-0061-SPH

19520 Burke Road

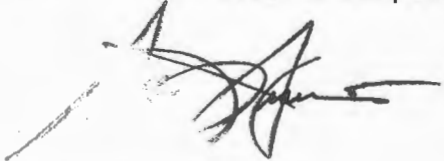
W/side of Burke Road, 2,700 feet+/- s/west of centerline of Old York Road

7th Election District – 3rd Councilmanic District

Legal Owners: Craig & Karen Kehoe

Special Hearing for the configuration of density in parcels 1, 2 & 3 and a non-density transfer of parcel 3 and of the remainder of parcel 2 to parcel 1.

Hearing: Thursday, November 4, 2010 at 11:00 a.m. in Room 106, County Office Building,
111 West 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

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

September 27, 2010

CORRECTED 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: 2011-0061-SPH

19520 Burke Road

W/side of Burke Road, 2,700 feet+/- s/west of centerline of Old York Road

7th Election District – 3rd Councilmanic District

Legal Owners: Craig & Karen Kehoe

Special Hearing for the configuration of density in parcels 1, 2 & 3 and a non-density transfer of parcel 3 and of the remainder of parcel 2 to parcel 1.

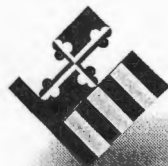
Hearing: Thursday, November 4, 2010 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Kehoe, 19520 Burke Road, White Hall 21161
A.L. Snyder, 1911 Hanover Pike, Hampstead 21074

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 20, 2010**
- (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.



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

October 14, 2010

Craig & Karen Kehoe
19520 Burke Rd.
White Hall, MD 21161

Dear: Craig & Karen Kehoe

RE: Case Number 2011-0061-SPH, 19520 Burke Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 11, 2010. 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.

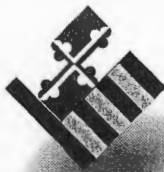
Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
A.L. Snyder; 1911 Hanover Pike; Hampstead, MD 21074



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 25, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 23, 2010

Item No.:

Administrative Variance: 2011-0039A, 0059A, 0062A - 0064A, 0067A, 0069A, 0070A, 0072A

Variance: 2011-0037A, 0038A, 0040A, 0041A, 0046A, 0058XA, 0059A, 0065A, 0066A, 0068A, 0071A

Special Exception: 2011-0058XA

Special Hearing: 2011-0061SPH

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop 1102

cc: File



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

Beverley K. Swalm-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: AUGUST 25, 2010

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

RE: Baltimore County
Item No. 2011-0061-SPH
19520 BURKE ROAD
KEHOE 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. 2011-0061-SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 6, 2010
Item Nos. 2011- 037, 038, 039, 040,
041, 046, 059, 060, 061, 062, 063,
064, 066, 067, 069, 070 and 071

DATE: August 26, 2010

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09062010 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 16, 2010

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

SUBJECT: 19520 Burke Road

INFORMATION:

Item Number: 11-061

Petitioner: Craig and Karen Kehoe

Zoning: RC 2

Requested Action: Special Hearing

The Kehoes own several parcels zoned RC2 that were formerly owned by Charles Reed and were held intact since 1974 until a 3-acre lot was subdivided from Parcel 2.

Petitioners seek to reconfigure density from Parcel 3 (12 acre parcel – 2 density rights) and place it on Parcel 2 (8.2 acres 1 existing density right, 3 proposed.) Parcel 1 is 52.84 acres and contains the existing horse farm, one dwelling and one tenant house and has a total of 2 density rights, which will remain. Petitioner's surveyor, Albert Snyder indicates that the petitioner seeks to place the farm parcel, Parcel 1 in the MALPF easement program.

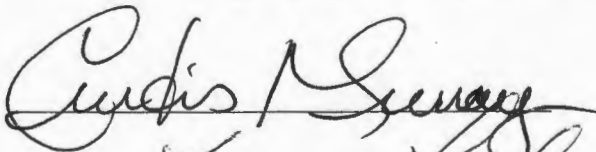
SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the requested relief as it is in keeping with the existing land uses pattern in the area, which has the majority of the farms in the MALPF program. It is the understanding of this office that Wallace Lippincott, Manager of the Agricultural Preservation Program, DEPRM is supportive of the lot layout as shown on the site plan accompanying the petition.

The Office of Planning will reserve comment on the proposed lot layout, house sitting and panhandle driveway location and will make such comment as part of the minor subdivision process.

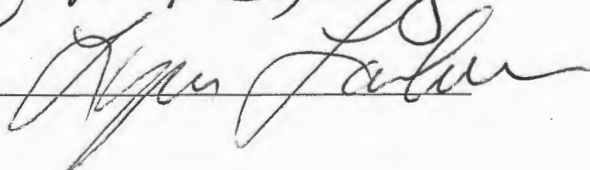
For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



19520 Burke Rd

(Kehoe Prop)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
November 4, 2010

DATE: ~~October 15~~, 2010

SUBJECT: Zoning Item # 11-061-SPH
Address 19520 Burke Road
(Kehoe Property)

Zoning Advisory Committee Meeting of August 23, 2010

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

1. The Development Coordination section has no objection to the accumulation of density into one parcel. However, in order to develop the property all of the parcels from which the density came should be included in any proposed subdivision. – *Dave Lykens; Development Coordination*
2. Development of this property must comply with the Prime and Productive Soil Policies and be consistent with the protection of agricultural resources in accordance with RC 2 Zoning Regulations:

The accumulation of density can be supported in this case if the landowner agrees to certain conditions that protect and foster the protection of agricultural lands and resources. The conditions are: (1) place parcel 3 into a Forest Conservation Easement with DEPRM (or a similar conservation easement), (2) place the remaining 8.23 acres of parcel 2 under a permanent conservation easement, and (3) place a restriction in the land records that any further subdivision of parcels 1, 2, and 3 will be limited to a two acre lot. Lastly, it is recommended that the landowner investigate placing the remaining farmland in a land preservation program.

Wallace S. Lippincott, Jr.- Land Preservation

3. If new lots are created by Zoning Petition, then any new building permits will not be approved by Groundwater Mgmt. until approved (and passing) perc tests are conducted and new well(s) are drilled for each lot. – *Dan Esser; Groundwater Management*

4. EIR has no comments on the above-referenced zoning item. – *Thomas Panzarella; Environmental Impact Review*

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
19520 Burke Road; W/S of Burke Road, *
2,700' SW of c/line Old York Road * ZONING COMMISSIONER
7th Election & 3rd Councilmanic Districts *
Legal Owner(s): Craig & Karen Kehoe * FOR
Petitioner(s) * BALTIMORE COUNTY
* 2011-061-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 227th day of August, 2010, a copy of the foregoing Entry of Appearance was mailed to A.L. Synder, 1911 Hanover Pike, Hampstead, MD 21074, Representative for Petitioner(s).

Peter Max Zimmerman

RECEIVED

AUG 27 2010

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

F
.....



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

March 10, 2011

Craig & Karen Kehoe
19520 Burke Road
White Hall, MD 21161

Dear Mr. & Mrs. Kehoe:

RE: Case: 2011-0061-SPH, 19520 Burke Road

Please be advised that an appeal of the above-referenced case was filed in this office on January 11, 2011 by Lisa Arthur. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the word "Sincerely,".

Arnold Jablon
Director

AJ:kl

c: Administrative Hearings Office
People's Counsel
Roy Snyder, 1911 Hanover Pike, Hampstead 21074
Lisa Arthur & Bill Sellers, 19500 Burke Road, White Hall 21161
J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286

APPEAL

Petition for Special Hearing
19520 Burke Road
W/s Burke Rd., 2,700' ft. SW of the c/line of Old York Rd.
7th Election District – 3rd Councilmanic District
Legal Owners: Craig & Karen Kehoe

Case No.: 2011-0061-SPH

Petition for Special Hearing (August 11, 2010)

Zoning Description of Property

Notice of Zoning Hearing (September 27, 2010)

Certification of Publication (The Jeffersonian – October 19, 2010)

Certificate of Posting (October 17, 2010) by Lawrence Pilson

Entry of Appearance by People's Counsel (August 27, 2010)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit – Site Plan

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibit)

1. Email correspondence dated November 11, 2010 from Ms. Arthur to Mr. Bostwick
2. Email correspondence dated November 16, 2010 from Ms. Arthur to Mr. Bostwick
3. Email correspondence dated November 19, 2010 from Mr. Bostwick to Ms. Arthur
4. Correspondence dated November 30, 2010 from A.L. Snyder on behalf of Petitioners
5. Email correspondence dated December 13, 2010 from Mr. Bostwick to parties
6. Letter dated November 21, 2010 from Karen Kehoe to Mr. Bostwick
7. 9 Photographs
8. CD-R

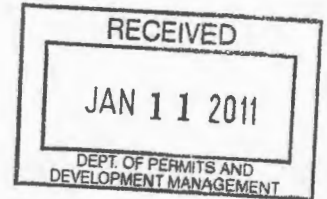
Zoning Commissioner's Order (GRANTED – December 14, 2010)

Notice of Appeal received on January 11, 2011 from Lisa Arthur

c: People's Counsel of Baltimore County, MS #2010
Administrative Hearings Office
Arnold Jablon, Director of PAI
See attached cover letter

date sent March 11, 2011, kl

Lisa Arthur
19500 Burke Road
White Hall, Maryland 21161
443-695-3522
Lisaarthur19500@hotmail.com



January 11, 2011

Baltimore County
Director of Permits and Development
Mr. Timothy Kotroco
111 W. Chesapeake Ave.
Towson Maryland 21204

Re: Appeal of decision
Decision date: December 14, 2010
Petition for Special Hearing
Case No. 2011-0061-SPH
Property: 19520 Burke Road

Dear Mr. Kotroco,

I hereby appeal the decision for Case Number 2011-0061-SPH dated December 14, 2010 to the County Board of Appeals. A full copy of the December 14, 2010 Order is attached.

Respectfully,

A handwritten signature in cursive script, appearing to read "Lisa Arthur".

Lisa M. Arthur

c: Mr. J. Carroll Holzer PA, 508 Fairmount Avenue Towson, MD 21286

Maryland Department of Assessments and Taxation
Real Property Data Search (v2.3)
BALTIMORE COUNTY

Account Identifier:

District - 07 Account Number - 0716000640

Owner Information

Owner Name: KEHOE CRAIG J Use: AGRICULTURAL
KEHOE KAREN M Principal Residence: YES
Mailing Address: 19520 BURKE RD Deed Reference: 1)/18878/ 156
WHITE HALL MD 21161-9149 2)

Location & Structure Information

Premises Address Legal Description
19520 BURKE RD 60.7053 AC
19520 BURKE RD
2400FT SE OLD YORK RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area
13	14	20						2

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	Court
1952	4,621 SF	60.71 AC	05

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT FRAME	

Value Information

	Base Value	Value As Of 01/01/2008	Phase-in Assessments		PREFERENTIAL LAND INCLUDED IN LAND V.
			As Of 07/01/2010	As Of 07/01/2011	
Land	275,870	275,870			
Improvements:	953,710	953,710			
Total:	1,229,580	1,229,580	1,229,580	NOT AVAIL	
Preferential Land:	15,870	15,870	15,870	NOT AVAIL	

Transfer Information

Seller:	Date:	Price:
DORN THOMAS S	10/01/2003	
Type: MULT ACCTS ARMS-LENGTH	Deed1: /18878/ 156	Deed2:
Seller: REED CHARLES J	Date: 11/18/1999	Price:
Type: NOT ARMS-LENGTH	Deed1: /14160/ 235	Deed2:
Seller: ENGELMEYER JODI	Date: 02/24/1993	Price:
Type: NOT ARMS-LENGTH	Deed1: /9620/ 545	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
AGRICULTURAL TRANSFER TAX

Thomas Bostwick - Zoning item 11-061-SPH (Transfer of density to 19520 Burke Rd)

From: Lisa Arthur <lisaarthur19500@hotmail.com>
To: <tbostwick@baltimorecountymd.gov>
Date: 11/11/10 9:28 PM
Subject: Zoning item 11-061-SPH (Transfer of density to 19520 Burke Rd)

Dear Mr Bostwick,

Thank you for allowing me to review the file for zoning item 11-061-SPH (Transfer of density to 19520 Burke Rd) on Tuesday November 9, 2010. I also appreciate you holding the record open so that the Burke Rd community and I have an opportunity to respond to this zoning item. I will forward our response by Tuesday November 16, 2010.

Respectfully,

Lisa Arthur
19500 Burke Rd
White Hall, MD 21161
443-695-3522

Thomas Bostwick - Fwd: Zoning Item Number 11-061-SPH, 19520 Burke Rd

From: Thomas Bostwick
To: alssurveyor@verizon.net; craig.kehoe@verizon.net; kmkehoe@verizon.net
Date: 11/19/10 9:30 AM
Subject: Fwd: Zoning Item Number 11-061-SPH, 19520 Burke Rd
CC: larthur66@gmail.com
Attachments: Zoning Item Number 11-061-SPH, 19520 Burke Rd

Mr. and Mrs. Kehoe and Mr. Snyder,

As you recall from the hearing regarding the above-referenced matter on November 4th, at the conclusion of the hearing, the record in this case was left open. You were going to explore the conditions recommended by DEPRM and Mr. Lippincott in their Zoning Advisory Committee (ZAC) comments and provide my with your response.

In the interim, during the pendency of this matter -- while the record is still open -- one of the nearby property owners who attended the hearing, Ms. Lisa Arthur, has submitted a letter and documentation concerning the property and the Special Hearing requests.

Attached to this email below is the email and attachments I received from Ms. Arthur. You are certainly welcome to respond to the letter and documentation if you so choose. In any event, I would like to hear back from you regarding the DEPRM ZAC comments (and Ms. Arthur's submission if you choose) no later than Friday, December 3rd.

Thank you for your cooperation in this matter.

Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
Phone: (410) 887-3868
Fax: (410) 887-3468

Thomas Bostwick - Case No. 2011-0061-SPH 19520 Burke Road

From: Thomas Bostwick
To: KAREN KEHOE; alssurveyor@verizon.net; larthur66@gmail.com
Date: 12/13/10 3:41 PM
Subject: Case No. 2011-0061-SPH 19520 Burke Road

Dear Parties,

This is to advise that the record of the above-referenced case has been closed as of November 30, 2010, which is the date of Mr. Snyder's response letter. I am in receipt of all the submissions by the parties in this case and have been reviewing them. I anticipate issuing a decision and Order this week.

I know the past month has made things seem like this is a long process, so I thank you all for your courtesy and patience in this matter.

Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
Phone: (410) 887-3868
Fax: (410) 887-3468

TB 11/4 11Am

Karen Kehoe
GoldenRay Farm

19520 Burke Road, White Hall, MD 21161
443.807.6929 kmkehoe@verizon.net

November 21, 2010

RECEIVED

DEC 09 2010

ZONING COMMISSIONER

Mr. Thomas H. Bostwick
Deputy Zoning Commissioner for Baltimore County
Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 2011-0061-SPH
Property: 19520 Burke Road

Dear Mr. Bostwick,

Craig and I are in receipt of your letter dated November 19, 2010 as well as the correspondence from Lisa Arthur, on behalf of some of "the Burke Road Community".

Regarding the DEPRM ZAC comments dated October 15, 2010 (handwritten changed to November 4, 2010) TO: Timothy M. Kotroco FROM: Dave Lykens, we are in agreement.

The letter/information sent by Lisa Arthur further demonstrates and supports our quest for rural conservation/preservation. There is an error on the attached pictures as follows:

Picture: 19500 Burke Road, view from 2nd floor looking at the track. Rt 439-Old York Rd (This is actually Graystone Road) can be seen in the far distance:

Kind regards,


Karen Kehoe

Thomas Bostwick - Zoning Item Number 11-061-SPH, 19520 Burke Rd

From: Lisa Arthur <larthur66@gmail.com>
To: <tbostwick@baltimorecountymd.gov>
Date: 11/16/10 2:04 PM
Subject: Zoning Item Number 11-061-SPH, 19520 Burke Rd
Attachments: ltr and deeds.pdf

Dear Mr. Bostwick,

Please find my letter attached. This letter has additional information with supporting documentation for your consideration.

I will be sending a second email with another attachment that consists of a signed petition and some pictures of Burke Rd.

Since I do not have the Kehoe's email address, please feel free to forward them a copy of my emails. I will also mail a hard copy to you and the Kehoe's today.

Thank you,

Lisa Arthur
19500 Burke Rd
White Hall, MD 21661
443-695-3522

Lisa Arthur

On behalf of the Burke Rd Community
19500 Burke Road
White Hall, Maryland 21161
Lisaarthur19500@hotmail.com

November 11, 2010

Mr. Bostwick
Baltimore County Zoning
111 W. Chesapeake Ave
Suite 105
Towson, MD 21204

Re: Zoning Item Number 11-061-SPH, 19520 Burke Rd

Dear Mr. Bostwick,

Thank you for leaving the record open for Zoning Item Number 11-061-SPH and allowing the community of Burke Rd White Hall Maryland 21161 to be heard on this matter.

After reviewing the zoning file, I noticed some inaccurate information. Baltimore County interoffice correspondence dated September 16, 2010 from Mr. Arnold F. 'Pat' Keller, III states how the petitioners seek to reconfigure their existing density rights.

While the Kehoe's do own several parcels of property at 19520 Burke Road, the parcels have not been left in tact since 1974 and Parcel 1 has an additional tenant house that was not mentioned.

Enclosed are the deeds that indicate the property has been subdivided several times since 1974. Therefore, we do not believe the property has the density to transfer.

Parcel 1 – 2 Densities are already used

- In 1996, 3.003 acres were subdivided, see deed dated February 29, 1980;
Changing total parcel size from about 56 acres to 52.84 acres
- Has one additional tenant house then mentioned by the petitioners in the request for a special hearing
- Both tenant houses were build after 1979

Parcel 2 – 2 Densities are already used

- In 1974, 2.493 acres were subdivided, see deed dated April 10, 1974
- In 1998, 3.0862 acres were subdivided, see deed dated September 3, 1998
- Ultimately changing the parcel size from 13.3 to 8.2939 acres

In addition to the information that we discovered in the previous property deeds we feel it important to describe our community and it's surrounding area.

Burke Road is a single lane wide, small dead end road with a speed limit of 25mph. The beginning of the road has 4 homes that were built as part of a major subdivision know as Walnut Springs. This includes another nine house that are on Limb Court, which is off Burke Road. From Limb Court down, the rest of Burke Road is very rural and the road narrows quickly. It has extreme curves combined with various ground elevations which presents sight distance issues for all local drivers as well as others that make deliveries and provide services such as utilities, sanitation, mail and school transportation. Many of our residents including their children and pets utilize the road for recreation activities such as walking, running, and bike riding.

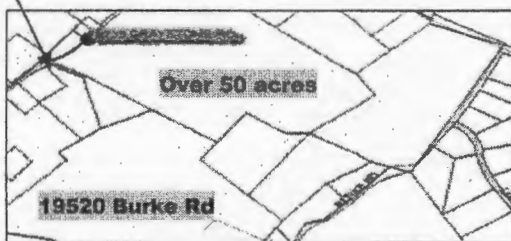
There are twenty-three homes on Burke Road, almost all have well over one acre of land. Many of the residents have lived on the road all their lives. Some are retired and have fixed incomes and many of us are struggling with hard economic times and simply cannot afford any increase in property taxes.

All of the homes on Burke Road have significant visual buffering in that there is mature vegetation including trees that help to create privacy and protection from other properties and weather such as severe winds. During the 2010 snow events, the opening of Burke Road had twelve-foot tall snowdrifts that did not allow the residents or emergency and maintenance vehicles to enter or exit the road, essentially paralyzing the community for a short time. Ultimately, our community joined forces and utilized their own personal equipment to clear the way through the snowdrifts and reestablish the free flow of traffic.

Zillow.com reported that Baltimore County, White Hall MD 21161 had eleven homes that sold over the last year and another twelve currently remain for sale. All of these homes are on well over one acre of land.

In 2009, Phillips Development LLC of Monkton MD purchased 19735 Graystone Rd. This property has over 50 acres of undeveloped rural farmland and is intended to be subdivided into a major subdivision in the near future.

19520 Burke Road borders the Phillips Development LLC property and has an easement to enter and exit the property by way of Graystone Rd.



Graystone Road is two lanes wide with a speed limit of 40mph and allows for large volumes of bi directional traffic. The road connects to other roadways that lead to Interstate 183. Some of the homes located on Graystone Road meet the minimum lot size standard of one acre but many more exceed that size.

While researching zoning standards we discovered the Baltimore County 2010 Master Plan. This plan supports policies and regulations that help maintain rural character. Listed below are several relevant points from Part 5 - The Rural County.

- The horse industry is the largest economic agricultural industry with estimated annual gross revenues of \$350 million. Nationally, the thoroughbred horse industry is very strong, with sales and breeding fees up. These **strong increases are typically linked to the quality of the track facilities**, promotion, and wagering handles (purses). Maryland's thoroughbred industry is at a crossroads. The county should support state efforts to improve racing facilities, promotion, and the overall health of the thoroughbred industry.
- The best strategy to address nuisance issues is to **prevent the development of subdivisions in prime agricultural areas**.
- **Maintain the rural character** of the existing road network.
- In areas that cannot access the water and sewer service area, problems with **private water and sewage disposal in small communities are hard to correct**. Many rural areas, including the rural commercial centers of Hereford and Jacksonville, have limitations such as marginal soil conditions, **small property sizes, area requirements for stormwater management**, and zoning issues that impede improvements of sanitary facilities.
- Unless carefully controlled, **demand for new development in the rural areas will overburden Baltimore County's ability to provide services and facilities, harm the agricultural industry, and significantly deplete environmental and aesthetic resources**.
- **Agricultural preservation areas were created to protect the county's agricultural industry**, as well as its natural resources, and areas of scenic and historical significance. Designated areas include:

Caves - Greenspring - Parkton - Upperco/Worthington/Sparks - Patapsco/Granite - Freeland/Maryland Line - Monkton/Whitehall - Long Green - Bird River
- In general, resource preservation areas are intended to support a limited amount of residential development while still protecting the county's ground and surface water quality, forest resources, and significant plant and wildlife habitats. **Zoning conversions that would increase the development potential of land within this management area are inappropriate**.
- It is especially important to **avoid setting precedents** that could lead to future up zoning by producing a change in the area's rural character.
- Consider **adapting cluster principles to maintain adjacent forests and open space, which help retain rural character**.
- Provide effective **buffers between development projects as required to maintain rural character**.

- The present RC 5 and RC 4 **cluster residential development zones** were improvements over the pre-1976 (one house per acre) rural zoning; **however, even this type of development is not in keeping with the rural character.**
- Conserve visually-integrated rural historic landscapes so that viewers can **appreciate the enticing qualities of continuing rural uses, or of a bygone agricultural era, while still allowing reasonable use of privately owned land.**

We feel as though zoning is the first step in the process to develop land therefore, it is important to address issues early on. It is equally important to carefully consider these issues and whenever possible, help mitigate incurred costs associated with continued community opposition.

Our community concerns are as follows:

- 19520 Burke Road has been subdivided several times over the years and if allowed to continue to subdivide, this property will have in essence created a major subdivision without developing the infrastructure to support it
- Lots that meet minimum acreage requirements could set a precedent for future subdivisions in our area and do not conform to the established property size standards of Burke road
- Increased vehicular traffic on the road would interfere with recreation activities such as walking, running, and bike riding and increase public safety issues for our residents, their children and pets
- Loss of open space would negatively impact resale value and diminish the rural character of our community
- Our quality of life would suffer from nuisance issues such as unwanted light and noise from the concentration of homes, vehicles, and recreational activities
- Development of three homes will increase our property taxes
- The current housing market does not support additional home building in our area

We rely on zoning officials to allow building that occurs at a pace and in a manner conducive to the atmosphere desired by local residents. Zoning Item 11-061-SPH does not align itself with the desires of the Burke Road community. We respectfully ask you to consider our concerns and deny the request to transfer density.

Sincerely,



Lisa Arthur

(On behalf of the Burke Rd Community)

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

(410) 239-7744

(410) 374-9695 phone/fax

November 30, 2010

Mr. Thomas H. Bostwick
Deputy Zoning Commissioner for Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 2011-0061-SPH
Property: 19520 Burke Road

Dear Mr. Bostwick,

I am in receipt of your letter dated November 19, 2010 and the correspondence from Ms. Lisa Arthur regarding density rights for the Kehoe Property.

Parcel 1: 52.8460 acres (+/-) has no further subdivision possible.

Parcel 2: the 8.2939 acre parcel is the remainder of Parcel 2 which was created by Minor Subdivision, approved on July 2, 1996 and November 21, 1996 and recorded in the Book of Minor Subdivisions and Greenways at S.M. 1 folio 144 on December 4, 1996. Lot No. 1, as shown on that plan, is the Arthur Property recorded in Liber S.M. 13757 folio 251 etc., dated September 3, 1998.

Parcel 3: 12.0020 acres (+/-) - two density units.

The density units on Parcel 3 are to be transferred to Parcel 2 and grouped with a part of the remaining 8.2939 acres of Parcel 2, in order to establish and cluster three lots each containing approximately 1.2 to 1.3 acres.

Property deeds for 19520 Burke Road mentioned in the Lisa Arthur correspondence:

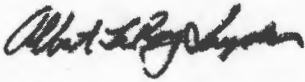
1.) April 1974 - A 2.493 acre parcel conveyed April 10, 1974 from Parcel 2 of the Patterson Property (now Kehoe). The cut-off date for subdivision in the RC-2 Zone is November 21, 1979; any conveyance prior to that date does not affect current density.

2.) February 1980 - The current Kehoe Property was conveyed to Emilio Alecci and John Alecci - three parcels: Parcel 1 - 56 acres 14 perches; Parcel 2 - 13.2 acres, saving and excepting 2.493 acres; Parcel 3 - 12 acres.

3.) June 1996 - 3.003 acre parcel from Parcel 1 of the Alecci Farm.

4.) September 1998 - 3.0862 acres - Glenn J. Arthur and Lisa M. Arthur, Lot 1 of the approved 1996 Minor Subdivision.

Sincerely yours,



Albert LeRoy Snyder

Enclosures

ALS/bs



**PROPERTY DEEDS FOR
19520 BURKE ROAD**

- **April 1974**
- **February 1980**
- **June 1996**
- **September 1998**

This Deed, Made this

10th

day of April, 1974

in the year one thousand nine hundred and seventy-four, by and between

✓ GEORGE D. P. PATTERSON and ELEANOR D. PATTERSON, his wife,

of Baltimore County, State of Maryland - - - - - , of the first part, and

✓ LESTER P. BROWN, SR. and DOROTHY A. BROWN, his wife,

of the second part.

Witnesseth, that in consideration of the sum of Five Dollars and other good and valuable considerations this day paid, the receipt of which is hereby acknowledged, - - - - -

the said GEORGE D. P. PATTERSON and ELEANOR D. PATTERSON, 10th day of April, 1974, 201506Z *****3221
 78 10-74 2 01506Z *****825
 78 10-74 2 01506Z *****1246
 78 10-74 2 01506Z *****1150

do hereby grant and convey unto the said LESTER P. BROWN, SR. and DOROTHY A. BROWN, his wife, as tenants by the entireties, their assigns, the survivor of them, and to the survivor's - - - - -

heirs and assigns, - - - - -

in fee simple, all that - - - - - lot(s) of ground, situate, lying and being in the Seventh Election District of Baltimore County, - - - - -

- - - - - , State of Maryland, and described as follows, that is to say:--

Beginning for the same at a railroad spike at the end of the South 58 degrees 13 minutes West 279.7 foot line as described in the second parcel of a Deed from Eva G. Mitchell et al to Lester P. Brown, Sr. and wife, dated October 11, 1971, recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5224, folio 122 etc., said railroad spike also being the beginning point described in the second parcel of a Deed from Lester M. Brown and wife to Mary E. Green et al, dated January 15, 1968, recorded in Liber O.T.G. No. 4840, folio 629 etc., said railroad spike being also the beginning point described in the second parcel of a Deed from Andrew D. Hunter and wife to George D. P. Patterson, dated September 17, 1964, recorded in Liber R.R.G. No. 4361, folio 471 etc., running thence binding on the three above mentioned Deeds reversely as now surveyed by magnetic bearings, North 60 degrees 13 minutes 30 seconds East 279.70 feet to a stake 6 feet Northeast of the centerline of the present road-bed of Burke Road, thence running in that road and still binding on the second parcel of the last above mentioned Deed reversely, North 24 degrees 54 minutes 35 seconds West 349.08 feet to a point 17.3 feet Northeast of the centerline, thence by a line of division and passing over an axle at the end of 23.53 feet, South 47 degrees 12 minutes West 445.29 feet to an axle and to intersect the North 63 degrees West 1028.9 foot line in the second parcel of the aforementioned Deed from Hunter to Patterson and also to intersect the South 59-3/4 degrees East 82.8 foot line in the first parcel of the above mentioned Deed from Eva G. Mitchell et al to Lester P. Brown, Sr. and wife, thence binding on that Deed and also binding on the Deed from Hunter to Patterson reversely the two following lines, South 56 degrees 28 minutes

37 3 52 10

37 AQ 40

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LAND RECORDS

This Deed, MADE THIS 29th day of February 1980

in the year one thousand nine hundred and eighty

by and between

SARAH SMALL STROUD MERRYMAN

of Cecil County, State of Maryland,

EMILIO ALECCI and JOHN ALECCI

22-00 2 20:7d **4551.00
 22-00 2 20:7d **723.00
 22-00 2 20:00F **310.00
 22-00 2 20:00F **12.00

of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations this day paid, the receipt of which is hereby acknowledged,

the said SARAH SMALL STROUD MERRYMAN

do as grant and convey to the said EMILIO ALECCI and JOHN ALECCI, as tenants in common, their

personal representatives/~~successors~~ and assigns

, in fee simple, all

those lots of ground situate in the Seventh Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE FIRST at a stone in the South 41-1/2 degrees west 37 perches line of the whole tract also in the line of L. M. Birmingham's land thence running south 41-1/2 degrees West 13.7 perches to a stone near a Spanish Oak Tree south 41 degrees east 53 perches to a stone south 40 degrees West 56 perches to a stone north 62 degrees west 84.6 perches to a place where formerly stood a Balck Oak North 75 degrees west 36 perches to a stone north 50 degrees east 60 perches to a Cherry Tree north 33 degrees west 5.6 perches to a stone north 59-1/2 degrees east 25 perches to a stone north 9-3/4 degrees west 32 perches to a stone north 58-1/2 degrees west 11.4 perches to a stone north 44-1/2 degrees west 10 perches to a stone north 45 degrees east 1.3 perches to a stone south 44-1/2 degrees east 10 perches to a stone south 58-1/2 degrees east 13.4 perches to a stone and thence south 53-3/4 degrees east 74.3 perches to the place of beginning. Containing 56 acres and 14 perches of land more or less.

BEGINNING FOR THE SECOND at a point on the first line of the land which by a deed dated April 5, 1913 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 408, folio 558, etc. was granted and conveyed by Lewis Burke and Lydia Burke, his wife, unto Clinton R. Kirkwood and Ella D. Kirkwood, his wife, said place of beginning being at the distance of 302.6 feet north 56 degrees west from a stone heretofore planted at the beginning of the aforesaid land and running thence bounding on the outlines of said last mentioned land the three following courses and distances, viz: (courses as stated in the aforesaid last mentioned deed) north 63 degrees west 1028.9 feet to the land which by a deed dated April 24, 1911 and recorded among the Land Records aforesaid in Liber W.P.C. No. 379, folio 287 was conveyed by Joseph Kirkwood, widower, to Clinton R. Kirkwood and Ella D. Kirkwood, his wife, thence bounding on said land north 37-3/4 degrees east 838.2 feet to a stone

0011736 466

FEE SIMPLE-DEED-INDIVIDUAL GRANTOR-LONG FORM

Senders Title Co., Inc.
200 West Street, Suite 400
Baltimore, Maryland 21201

FILE NO. 79-48-6352

TAX ID NO. 07/20-00-000111

THIS DEED, MADE THIS 20th day of June in the 1996
year one thousand nine hundred and ninety-six by and between DONALD L. KINCAID
and CYNTHIA M. KINCAID, of Baltimore County, State of Maryland, Grantor(s) and
parties of the first part, and DONALD L. KINCAID and DIANE L. MILLER, Grantee(s)
and parties of the second part.

WITNESSETH, That in consideration of the sum of TWENTY-EIGHT
THOUSAND FIVE HUNDRED DOLLARS, (\$28,500.00), the actual consideration paid,
or to be paid, and other good and valuable consideration, the receipt of which is hereby
acknowledged, the said parties of the first part do grant and convey to the said parties of
the second part, as joint tenants, and not as tenants in common, their assigns, the survivor
of them and unto the survivor's personal representatives and assigns, forever, in fee
simple, all that lot of ground situate in Baltimore County, State of Maryland and
described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

BEING that same lot of ground conveyed unto Donald L. Kincaid and Cynthia M. Kincaid
f/k/a Cynthia M. Piercy Kincaid by virtue of the three (3) following Deeds:

- (1) dated October 31, 1984 from Emilio Alecci and John Alecci and recorded among the
Land Records of Baltimore County in Liber No. 6815, folio 618;
- (2) dated July 31, 1985 from Emilio Alecci and John Alecci and recorded among the Land
Records of Baltimore County in Liber No. 6965, folio 659;
- (3) dated October 23, 1989 from Donald L. Kincaid and Cynthia M. Kincaid, his wife
f/k/a Cynthia M. Piercy and recorded among the Land Records of Baltimore County in
Liber No. 8309, folio 674;

Diane L. Miller is purchasing, all right, title and interest of Cynthia M. Kincaid.

THIS CONVEYANCE is made subject to the restrictions, rights of way, and conditions,
if any, contained in the Deeds forming the chain of title to this property.

(I), (We), the undersigned Grantee(s) do hereby certify under penalty of perjury, that the
above property is improved for residential purposes, and that (I), (We), the undersigned
Grantee(s) will own and occupy the property as my/our principal residence.

WITNESS:

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

DONALD L. KINCAID Grantee

DIANE L. MILLER Grantee

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-11591] Book SM-41736, p. 0466. Printed 11/11/2010. Online
03/04/2005.

AGRICULTURAL TRANSFER TAX
10% APTLTCR-1
SIGNATURE [Signature] DATE 8/2/96

0013757 251

Stockdale, Jamell, Orsach & Simms
2717 Harford Road
Baltimore, MD 21234

DEED—FEE SIMPLE—INDIVIDUAL GRANTOR—LONG FORM
MSB-0546

Parcel ID No.: 07-02-003301

THIS DEED, MADE THIS 9/3/1998 day of September, in the year one thousand nine hundred

and NINETY EIGHT, by and between Charles J. Reed and Randy Quartermont Reed, husband and wife, parties of the first part, GRANTORS; and Glenn J. Arthur and Lise M. Arthur, husband and wife, parties of the second part, GRANTEEES.

WITNESSETH, That in consideration of the sum of SIXTY NINE THOUSAND NINE HUNDRED DOLLARS AND 00 CENTS, (\$69,900.00), the receipt whereof is hereby acknowledged, the said GRANTORS do grant and convey to the said Glenn J. Arthur and Lise M. Arthur, husband and wife, as Tenants by the Entireties, their assigns, the survivor of them, and unto the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

All that lot or parcel of land situate, lying and being on the southwest side of Burke Road in the Seventh Election District of Baltimore County, Maryland and which according to a survey by A.L. Snyder, Surveyor, Inc., Property Line Surveyor No. 25, dated February 16, 1996, referring all courses to the Magnetic Meridian of December 1980, is more particularly described as follows:

Beginning for the same at a steel bar and cap now set in the first or N 63 degrees W 1028.9 feet line of the second parcel of land described in a deed from Michael S. Karsa to Charles J. Reed and Randy Quartermont Reed, his wife, dated January 14, 1993 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 9620 folio 545 etc., said steel bar and cap being distant S 63 degrees 21' 40" E 554.76 feet from a stone found at the end of said line, thence running for lines of division now made, the following two courses,

1.) N 31 degrees 54' 01" E 380.00 feet to a steel bar and cap now set, thence

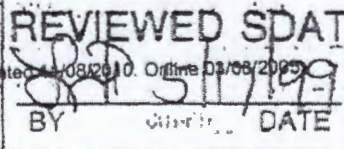
2.) N. 24 degrees 53' 28" E 207.60 feet (passing through a steel bar and cap now set at 177.61 feet) to a railroad spike now set near the southwest edge of Burke Road and in the third or S 33 1/4 degrees E 1133.9 feet line of the aforesaid second parcel of Reed, said railroad spike being distant S 33 degrees 33' 52" E 485.90 feet from a steel bar and cap now set at the beginning of the said third line, said railroad spike being also in the S 29 degrees 12' 42" E 779.06 feet line as shown on the plat entitled Plat Two "Oak Valley" as recorded among the aforesaid Land Records in Plat Book E.H.K, Jr. 42, folio 137, thence with the road running with and binding on a part of the said line of "Oak Valley" and running with and binding on a part of the aforesaid third line of Reed,

3.) S 33 degrees 33' 52" E 350.00 feet to a railroad spike now set near the southwest edge of said road, and distant N 33 degrees 33' 52" W 159.06 feet from the end of the aforesaid line of "Oak Valley", thence leaving the road and running with and binding

AGRICULTURAL TRANSFER TAX

AMOUNT 2796

BA CIRCUIT COURT (Land Records) MSA CE 62-136131 SM 13167 p. 0251. Printed 08/29/00. Online 03/08/2005



**SIGNED PETITION OF RESIDENTS OPPOSING
THE TRANSFER OF DENSITY**

Residents that Oppose the Transfer of Density at 19520 Burke Road

Home Owner Name	Address	Acreage	Signature	Date
Herzog	19300 Burke Rd	3	<i>[Signature]</i> 541-956-3555 7XLEADERS@gmail.com	11/13/10
Ensor	19310 Burke Rd	6.533	Barbara Ensor bensar@verizon.net	11/3/10
J. Cummings	19320 Burke Rd	8.087	<i>[Signature]</i> Sales@cumppbear.com 11-16-2010	11-13-10
Heaps	19329 Burke Rd	10.917		
K. Cumminings	19401 Burke Rd	4.86	<i>[Signature]</i> K. Cumminings	11/13/10
W. Cummings	19405 Burke Rd	1	Warren Cummings 410-357-8744	11-13-10
R. Cummings	19407 Burke Rd	7.217	Linda Cummings Robert Cummings Betty Cummings bbcummingsoverizon.net	11-13-10
D. Sutton	19419 Burke Rd	4.7006	Dale Sutton	11/13/10
Brown	19420 Burke Rd	22.45	Lester Brown & Diane P Brown 410-588-363	11/13/10
B. Sutton	19421 Burke Rd	1.34	Dina Sutton	11/15/10 11-13-10
Blizzard	19422 Burke Rd	2.363	Dana Blizzard 410-357-8036 SCHMOKIN@verizon.net	11/13/10
Arthur	19500 Burke Rd	3.0862	Lynn Arthur 443-695-3522	11/11/10
Kehoe	19520 Burke Rd	60.7053		
William	19610 Burke Rd	2.8	Donald & Gene Williams Dennis Williams 410-271-7504	11-14-10

Residents that Oppose the Transfer of Density at 19520 Burke Road

Home Owner Name	Address	Acreage	Signature	Date
Dean	19611 Burke Rd	26.88	(LIVES IN TN)	
Dill	19614 Burke Rd	3.5		
Witman	19617 Burke Rd	2.77		
Vitek	19618 Burke Rd	8.044	Nancy C. Vitek (410) 357-8678 Doglady410@msn.com	11/12/10
McGee	19619 Burke Rd	1.45	McGee 443 451 3012 longbottom3@gmail.com	11/13/10
Lange	19623 Burke Rd	1.117	(IN MEDICAL FACILITY)	
Boyce	19625 Burke Rd	1.57	Richard Boyce, Quinn Boyce 410 357 9596 boyce.merl@yale.edu	11/13/10
Palm	19627 Burke Rd	1.64	Jim & Nancy Palm 410 343 0514 J.S. Palm@ATT.NET	10-13-10
Gesell	19629 Burke Rd	1.41	Beverly A. Gesell (410) 357-0784 bevergesell@gmail.com	11/13/10
CHILCOAT	3 LIMB CT	2.97	410-357-5073	11/13/10
KULACKI	4 LIMB CT	2.9	Richard A. Kulacki	11/14/10
HALL	6 LIMB CT	2.79	H. J. Hall	11/17/10
WHITE	7 LIMB CT	2.99	Ken White 410-357-4560 cwhitept@comcast.net	11/13/10

Residents that Oppose the Transfer of Density at 19520 Burke Road

Home Owner Name	Address	Acreage	Signature	Date
MANANKIL/BRADY	8 LIMB CT	2.91	<i>[Signature]</i> 410-357-9229 RMMANNA@MSN.COM	11/12/10
HOLBROOK	9 LIMB CT	4.85	<i>[Signature]</i> 410-329-6266	11/14/10
HOWARD	10 LIMB CT	2.71	<i>[Signature]</i> Howard 410 357 8442	
RYAN	11 LIMB CT	3.43	<i>[Signature]</i> Kelley J. Ryan W/m	11/14/10
FLEMING	12 LIMB CT	2.83	<i>[Signature]</i> Mary Fleming 443-841-6182 stem@cyberia.com	11/12/10

Anderson 19416 Burke Road Linda Anderson 11/13/10

PICTURES OF BURKE ROAD



Progressing towards 19520 Burke Rd

picture date 11/8/2010



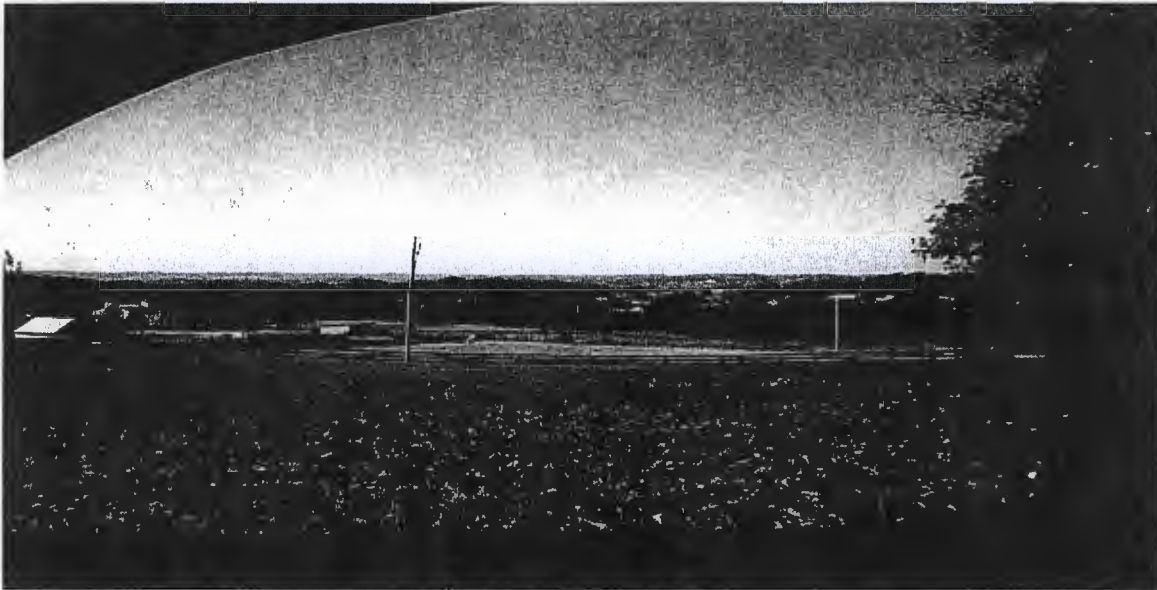
19520 Burke Rd, Driveway on left

picture date 11/8/2010



View from road of 19520 Burke Rd (Track)

picture date 11/8/2010



View from road of 19520 Burke Rd main property before reaching the driveway
picture date 11/8/2010



Progressing from 19520 to 19500 Burke Rd, Track on left



View towards 19520 from 19500 Burke Rd

picture date 11/8/2010



19500 Burke Rd

picture date 11/8/2010



Notice the different elevations of the track area.



View from 19500 Burke Rd of Track and tenant house.



19500 Burke Rd, looking at the white fence that encloses the track.



19500 Burke Rd, view from 2nd floor looking at the track and tenant house.



19500 Burke Rd, view from 2nd floor looking at the track. RT439 - Old York Rd can be seen in the far distance.



This picture is of 19520 Burke Rd Track area but taken in the summer time by another resident. This is how we are used to seeing the property used.



This picture is of 19520 Burke Rd main property area but taken in the summer time by another resident. This is another example of how we are used to seeing the property used.

CASE NAME _____
CASE NUMBER 2011-0061-A
DATE 11-4-10

CASE NAME _____
CASE NUMBER 2011-0061-A
DATE 11-4-10

[illegible]

CASE NAME _____
CASE NUMBER 2011-0061-SPH
DATE 11-4-2010

[illegible]

Case No.: 2011-0061-SPH

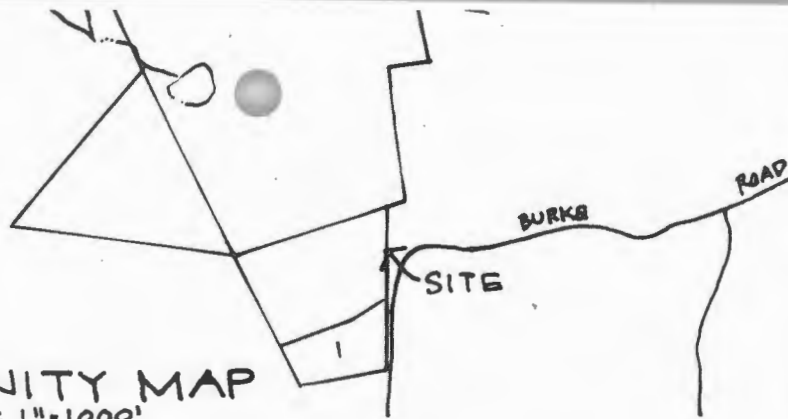
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	<i>site plan</i>	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

VICINITY MAP
SCALE: 1" = 1000'



07 324

PLAN TO ACCOMPANY PETITION
ZONING SPECIAL HEARING (C)
"THE KEHOE PROPERTY"

SEVENTH ELECTION DISTRICT
SCALE: 1" = 100'

BALTIMORE COUNTY, M
DATE: JUNE 14, 20

PETITIONER'S

EXHIBIT NO. 1



PREPARED BY
A. L. SNYDER
SURVEYOR
1011 HANOVER
HAMPSTEAD
PHONE: 410



Plan Sheet: 013A2

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

Buildings
 Streams
 Vegetation
 Zoning
 Roads
 Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

012B1	012C1	013A1	013B1	013C1
012B2	012C2	013A2	013B2	013C2
012B3	012C3	013A3	013B3	013C3

Scale

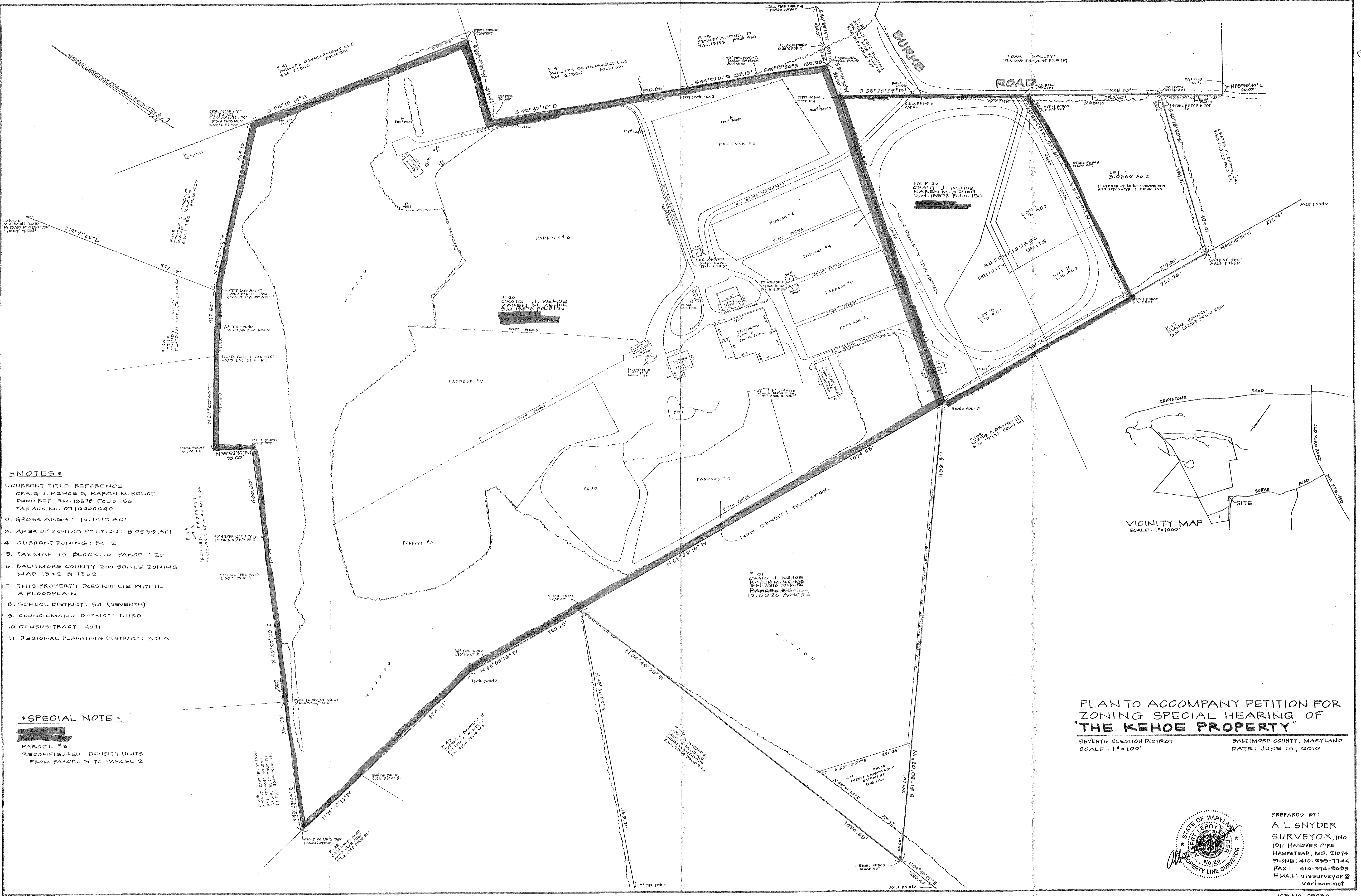
1" = 200'

0 100 200 400
Feet



Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

#13A2



- *NOTES***
1. CURRENT TITLE REFERENCE:
CRAIG J. KEHOE & KAREN M. KEHOE
DEED REF. SM. 18878 FOLIO 156
TAX ACC. NO. 0716000640
 2. GROSS AREA: 73.1413 AC!
 3. AREA OF ZONING PETITION: 8.2039 AC!
 4. CURRENT ZONING: RC-2
 5. TAX MAP: 13 BLOCK: 16 PARCEL: 20
 6. BALTIMORE COUNTY 200 SCALE ZONING
MAP 1342 & 1352
 7. THIS PROPERTY DOES NOT LIE WITHIN
A FLOODPLAIN.
 8. SCHOOL DISTRICT: 34 (SEVENTH)
 9. COUNCILMANIC DISTRICT: THIRD
 10. CENSUS TRACT: 4071
 11. REGIONAL PLANNING DISTRICT: 301A

SPECIAL NOTE

PARCEL #1
PARCEL #2
PARCEL #3
RECONFIGURED - DENSITY UNITS
FROM PARCEL 3 TO PARCEL 2

**PLANTO ACCOMPANY PETITION FOR
ZONING SPECIAL HEARING OF
"THE KEHOE PROPERTY"**

SEVENTH ELECTION DISTRICT
SCALE: 1"=100'

BALTIMORE COUNTY, MARYLAND
DATE: JUNE 14, 2010



PREPARED BY:
A.L. SNYDER
SURVEYOR, INC.
1011 HANOVER PIKE
HAMPSTEAD, MD. 21074
PHONE: 410-299-7144
FAX: 410-714-9693
EMAIL: alsurveyor@verizon.net