

M E M O R A N D U M

DATE: February 16, 2021
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0218-SPH – Appeal Period Expired

The appeal period for the above-referenced cases expired on February 11, 2021. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(920 Freeland Road)		
7th Election District	*	OFFICE OF
3 rd Council District		
Morris L. Bohlayer & Sharon A. Bohlayer	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2020-0218-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by Morris L. Bohlayer and Sharon A. Bohlayer. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") § 500.7 to permit the non-density transfer of 0.86 of an acre to a 4.541 acre lot from a 81.577 acre parcel of land to the adjoining property. Both properties have the same ownership. The subject properties are both zoned RC 2 and the proposed non-density transfer will not affect the density on either.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

A Substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). They did not oppose the requested relief. There were no protestants or interested parties at the hearing.

The property owner, Morris L. Bohlayer appeared. Bruce E. Doak, the licensed land surveyor who prepared the site plan, appeared and assisted the petitioners in presenting the case. The subject parcel is approximately 0.86 acres and is zoned RC 2. Mr. Doak explained that the petitioners want to annex this parcel to the existing parcel on which their residence and accessory

ORDER RECEIVED FOR FILING

Date 11/2/21
By [Signature]

structures are sited. He explained that this parcel is heavily wooded with mature trees and not suitable for farming. Presently it is part of an 81.577 acre farm that adjoins the 4.541 acre residential lot. Petitioners have applied to place this farm acreage into a conservation easement for several years, and that is their continuing desire. This non-density transfer will "clean up" the property lines so that, after the transfer, the remaining 80.717 acres can be placed in conservancy easement, and this .86 acres will be combined with the existing 4.541 acre residential lot and will remain wooded.

Good cause having been shown it is, THEREFORE, ORDERED this 12th day of **January**, **2021** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from the BCZR § 500.7 to permit the non-density transfer of 0.86 of an acre to a 4.541 acre lot from a 81.577 acre parcel of land to the adjoining property. Both properties have the same ownership. The subject properties are both zoned RC 2 and the proposed non-density transfer will not affect the density on either be and is hereby GRANTED.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

ORDER RECEIVED FOR FILING

Date 1/12/21

By J. M. Hannon



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 920 FREELAND ROAD which is presently zoned _____
Deed References: 15106/546 10 Digit Tax Account # 0702057200
Property Owner(s) Printed Name(s) MORRIS L. BOHLAYER & SHARON A. BOHLAYER

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED PAGE

2. _____ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. _____ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

MORRIS L. BOHLAYER SHARON A. BOHLAYER
Name #1 - Type or Print Name #2 - Type or Print
[Signature] [Signature]
Signature #1 Signature #2
1001 OAKLAND ROAD FREELAND MD
Mailing Address City State
21053 [X] [X]
Zip Code Telephone # Email Address

Representative to be contacted:

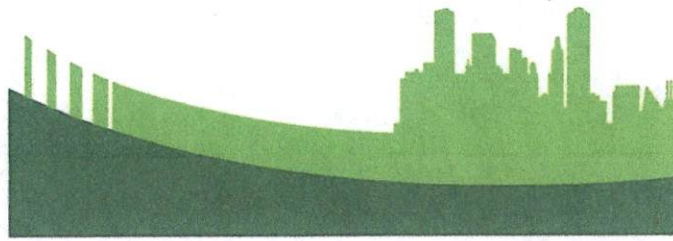
BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC
Name - Type or Print
[Signature]
Signature
3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
Mailing Address City State
21053 410-419-4906
Zip Code Telephone # Email Address
BD@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2020-0718-SP4 Filing Date 8/25/20 Do Not Schedule Dates: _____ Reviewer JS

Case # 2020-0218-SPH

Petition Requested

Special Hearing to permit the non-density transfer of 0.86 of an acre to a 4.541 acre lot from a 81.577 acre parcel of land to the adjoining property. Both properties have the same ownership. The subject properties are both zoned RC 2 and the proposed non-density transfer will not affect the density on either.



Zoning Description

1001
#020 Oakland Road
Seventh Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point in Oakland Road, 2,900 feet, more or less, northwesterly and southwesterly from the centerline of Freeland Road or 800 feet, more or less, southeasterly from the centerline of Keller Road, thence leaving Oakland Road and running and binding on the outlines of the subject property after the conveyances recorded in deed 9331, page 284 and deed 5333, page 536, the two following courses and distances, viz. 1) South 34 degrees 04 minutes 08 seconds East 371.08 feet and 2) South 75 degrees 56 minutes 30 seconds West 868.03 feet, thence continuing to run and bind on the outlines of the subject property, the ten following courses and distances, viz. 3) South 16 degrees East 1484.27 feet, 4) East 313.5 feet, 5) North 87 degrees 30 minutes East 897.6 feet, 6) North 3 degrees 30 minutes West 49.5 feet, 7) North 80 degrees 45 minutes East 178.2 feet, 8) North 14 degrees 45 minutes East 603.9 feet, 9) North 66 degrees 30 minutes East 679.8 feet, 10) North 32 degrees 15 minutes West 229.44 feet, 11) South 60 degrees West 317.5 feet, and 12) North 29 degrees 30 minutes West 1539.45 feet to a point in Oakland Road, thence running in or near the bed of Oakland Road and continuing to run and bind on the outlines of the subject property, the three courses and distances, viz. 13) South 72 degrees 15 minutes West 569.25 feet, 14) South 33 degrees West 66 feet and 15) 224.84 feet to the point of beginning.

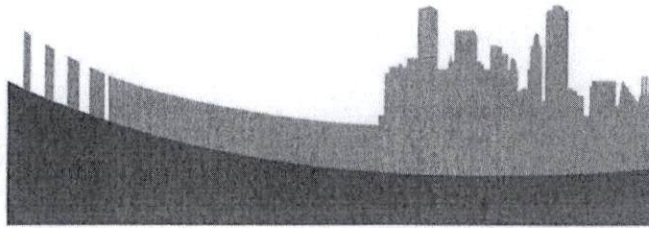
Containing 81.577750 acres of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



2020-0218-SPH



11/12/21

CERTIFICATE OF POSTING

December 19, 2020

January 06, 2021 amended for second inspection

Re:

Zoning Case No. 2020- 0218- SPH

Legal Owner: Morris & Sharon Bohlayer

Hearing date: January 11, 2021



Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jenae Johnson

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **920 Freeland Road**.

The signs were initially posted on **December 19, 2020**.

The subject property was also inspected on ^{Jan 6}~~December~~ **06, 2021**.

Sincerely,

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2020-0218-SPH

920 Freeland Road

THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE COUNTY, BY
AUTHORITY OF THE ZONING ACT AND REGULATIONS OF
BALTIMORE COUNTY, WILL HOLD A VIRTUAL HEARING ON THE
PROPERTY IDENTIFIED.

DATE & TIME: MONDAY JANUARY 11, 2021 11:00 AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD.GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND
THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-2868, EXT. 0.

REQUESTS:

Special Hearing to permit the non-density transfer of 0.86 of
an acre to a 4.541 acre lot from a 81.577 acre parcel of land
to the adjoining property. Both properties have the same
ownership. The subject properties are both zoned RC 2 and
the proposed non-density transfer will not affect the density
on either.

ZONING NOTICE

CASE NO. 2020-0218-SPH

920 Freeland Road

THE ADMINISTRATION BOARD OF BALTIMORE COUNTY, BY
THE AUTHORITY OF THE ZONING AND REGULATIONS OF
BALTIMORE COUNTY, IS HOLDING A PUBLIC HEARING ON THE
SUBJECT MATTER IDENTIFIED:

DATE & TIME: MAY 11, 2021 11:00 AM

YOU ARE INVITED TO PARTICIPATE IN THE HEARINGS
ON THE COUNTYMD.GOV/ADMINHEARINGS.
PLEASE PROVIDE YOUR CONTACT INFORMATION AND
ADDRESS AS PROVIDED ABOVE. YOU MAY ALSO CALL
410-387-3868 EXT. 0.

The subject property transfer of 0.86 of
a 1.577 acre parcel of land
which has the same
ownership. The subject property is both zoned RC 2 and
the proposed transfer will not affect the density.



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

December 16, 2020

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0218-SPH

920 Freeland Road

Land between 920 Freeland Road and 1001 Oakland Road

7th Election District – 3rd Councilmanic District

Legal Owners: Morris & Sharon Bohlayer

Special Hearing to permit the non-density transfer of 0.86 of an acre to a 4.541 acre lot from a 81.577 acre parcel of land to the adjoining property. Both properties have the same ownership. The subject properties are both zoned RC-2 and the proposed non-density transfer will not affect the density on either.

Hearing: Monday, January 11, 2021 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053
Mr. & Mrs. Bohlayer, 1001 Oakland Road, Freeland 21053

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 22, 2020.



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 920 FREELAND ROAD which is presently zoned _____
 Deed References: 151061546 10 Digit Tax Account # 0702057200
 Property Owner(s) Printed Name(s) MORRIS L. BOHLAYER & SHARON A. BOHLAYER

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

MORRIS L. BOHLAYER SHARON A. BOHLAYER
 Name #1 - Type or Print Name #2 - Type or Print
MORRIS L. BOHLAYER SHARON A. BOHLAYER
 Signature #1 Signature #2
1001 OAKLAND ROAD FREELAND MD
 Mailing Address City State
21053 1X 1X
 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC
 Name - Type or Print
BRUCE E. DOAK
 Signature
3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address City State
21053 410-419-4906
 Zip Code Telephone # Email Address
BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2020-0218-SP4 Filing Date 8/25/20

Do Not Schedule Dates: _____ Reviewer JS

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

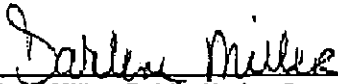
PUBLISHER'S AFFIDAVIT

Order #: 11944917
Case #: 2020-0218-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2020-0218-SPH

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

12/22/2020



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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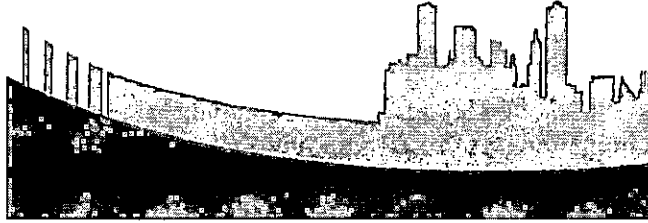
Hearing: Monday, January 11, 2021 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3668, ext. 0.

Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

d22



CERTIFICATE OF POSTING

December 19, 2020

_____ amended for second inspection

Re:

Zoning Case No. 2020- 0218- SPH

Legal Owner: Morris & Sharon Bohlayer

Hearing date: January 11, 2021

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
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Attention: Jenae Johnson

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The subject property was also inspected on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2020-0218-SPH

920 Freeland Road

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REQUESTS:

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CASE NO. 2020-0218-SPH

920 Freeland Road

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DATE & TIME: MONDAY JANUARY 11, 2021 11:00 AM

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JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

December 16, 2020

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Michael Mallinoff
Director

MM:kl

C: Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053
Mr. & Mrs. Bohlayer, 1001 Oakland Road, Freeland 21053

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 22, 2020.

TO: THE DAILY RECORD
Tuesday, December 22, 2020 - Issue

Please forward billing to:

Bruce Doak
3801 Baker Schoolhouse Road
Freeland, MD 21053

410-419-4906

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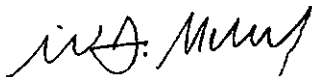
7th Election District – 3rd Councilmanic District

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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
920 Freeland Road; Land between *
920 Freeland Road and 1001 Oakland Road * OF ADMINISTRATIVE
7th Election and 3rd Councilmanic Districts *
Legal Owner(s): Morris & Sharon Bohlayer * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2020-218-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 10th day of September, 2020, a copy of the foregoing Entry of Appearance was emailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, bdoak@bruceedoakconsulting.com, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2020-0718-SPH
Property Address: 1001 OAKLAND ROAD
Property Description: 4.541 ACRE PARCEL ON SOUTH SIDE OF OAKLAND ROAD, SOUTHEAST 800'± FROM KELLER ROAD
Legal Owners (Petitioners): MORRIS & SHARON BOHLAYER
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: MORRIS & SHARON BOHLAYER Bruce Post
Company/Firm (if applicable): _____
Address: 1001 OAKLAND ROAD
FROELAND MD 21053 410-419-4906

Telephone Number: 410-357-4299

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

No. 198825

Date: 8/25/20

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6130					\$ 75.00
Total:									\$ 75.00

Rec
From: BOHLAYER

For: 2020-0218-SPM

DISTRIBUTION

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

CASHIER'S
VALIDATION

BRUCE E DOAK DBA 12-12 BRUCE E DOAK CONSULTING 3801 BAKER SCHOOLHOUSE RD FREELAND, MD 21053-9738		2468 15-3/540 429
Date 8/21/20		
Pay to the Order of	BALTIMORE COUNTY MARYLAND	\$ 75.00
SEVENTY FIVE AND 00/100		Dollars
PNCBANK PNC Bank, N.A. 040		 Photo Safe Deposit Check on back
For	BOHLAYER ZONING SUBMITTAL FEE	RP
⑆054000030⑆ 5336741067⑆ 2468		



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

January 4, 2021

Bruce E. Doak,
3801 Baker Schoolhouse Road
Freeland MD 21053

RE: Case Number: 2020-0218-SPH, 920 Freeland Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 25, 2020. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,
A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over the words "Very truly yours,".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

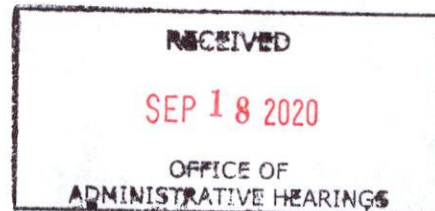
DATE: September 18, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0218-SPH
Address 920 Freeland Road
(Bohlayer Property)

Zoning Advisory Committee Meeting of **September 7, 2020.**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-218

INFORMATION:

Property Address: 920 Freeland Road/1001 Oakland Road
Petitioner: Morris & Sharon Bohlayer
Zoning: RC 2
Requested Action: Special Hearing

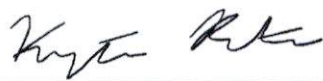
The Department of Planning has reviewed the petition for a Special Hearing to permit a non-density transfer of a .86 acre parcel of land from the farm property to the home property which are both owned by the same person.

The surrounding area is a mix of agriculture and rural residential. Mr. and Mrs. Bohlayer want to move .86 of an acre off of their 81.577 acre farm, and move it to the parcel containing their dwelling. The Bohlayers plan to put the remaining 80.717 acres of their farm under an agricultural easement.

The Department of Planning has no objections to this request.

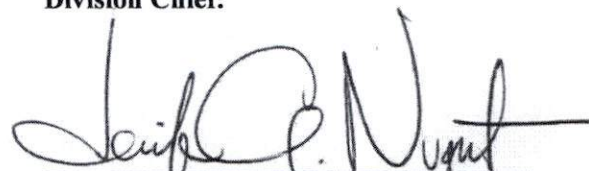
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:

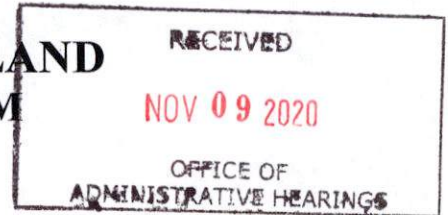


Jenifer G. Nugent

CPG/JGN/KP/

c: Joseph Wiley
Bruce E. Doak Consulting LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 11/5/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-218

INFORMATION:

Property Address: 920 Freeland Road/1001 Oakland Road
Petitioner: Morris & Sharon Bohlayer
Zoning: RC 2
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a Special Hearing to permit a non-density transfer of a .86 acre parcel of land from the farm property to the home property which are both owned by the same person.

The surrounding area is a mix of agriculture and rural residential. Mr. and Mrs. Bohlayer want to move .86 of an acre off of their 81.577 acre farm, and move it to the parcel containing their dwelling. The Bohlayers plan to put the remaining 80.717 acres of their farm under an agricultural easement.

The Department of Planning has no objections to this request.

For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:

A handwritten signature in black ink, appearing to read "Krystle Patchak".

Krystle Patchak

Division Chief:

A handwritten signature in black ink, appearing to read "Jenifer G. Nugent".

Jenifer G. Nugent

CPG/JGN/KP/

c: Joseph Wiley
Bruce E. Doak Consulting LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: September 18, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0218-SPH
Address 920 Freeland Road
(Bohlayer Property)

Zoning Advisory Committee Meeting of **September 7, 2020**.

 X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

1-11-21
11 Am

Debra Wiley

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Wednesday, December 30, 2020 7:22 PM
To: Donna Mignon
Cc: Administrative Hearings
Subject: Case #2020-0218-SPH Exhibits
Attachments: Zoning hearing exhibits list.pdf; Exhibit #1.pdf; Exhibit #2.pdf; Exhibit #3.pdf; Exhibit #4.pdf; Exhibit #5.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

CAUTION: This message from bdoak@bruceedoakconsulting.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna,

I have enclosed the exhibits for the hearing.

Please send an INVITE to Morris Bohlayer at morrisbohlayer@gmail.com as a Panelist.

Invited 12-31
DW

Thanks

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Bruce Doak	bdoak@bruceedoakconsulting.com	1-	New York Time	English	U.S.
Morris Bohlayer	morrisbohlayer@gmail.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.

1/11/21
at 11:00

CASE NO. 2020-

0218 SPH

CHECKLIST

✓ Order
ltr.

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

11/5

PLANNING
(if not received, date e-mail sent _____)

Comment
No objection

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 12/22/20

SIGN POSTING (1st) Date: 12/19/20 by B Doak

SIGN POSTING (2nd) Date: 1/10/21 by "

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☒

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: AGRICULTURAL TRANSFER TAX		
Account Identifier: District - 07 Account Number - 0702057200		
Owner Information		
Owner Name:	BOHLAYER MORRIS L BOHLAYER SHARON A	Use: AGRICULTURAL Principal Residence: NO
Mailing Address:	1001 OAKLAND RD FREELAND MD 21053-9664	Deed Reference: /15106/ 00546
Location & Structure Information		
Premises Address:	920 FREELAND RD 0-0000	Legal Description: 81.577 AC WS 920 FREELAND RD 1700 W OAKLAND RD
Map:	Grid:	Parcel:
0003	0019	0042
Neighborhood:	Subdivision:	Section:
7010001.04	0000	
Block:	Lot:	Assessment Year:
		2020
Plat No:	Plat Ref:	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
		Property Land Area
		81.4500 AC
County Use	05	
Stories	Basement	Type
		Exterior
		Quality
		Full/Half Bath
		Garage
Last Notice of Major Improvements		
Value Information		
	Base Value	Value
		As of
		01/01/2020
Land:	104,600	104,600
Improvements	5,500	5,500
Total:	110,100	110,100
Preferential Land:	23,600	23,600
		Phase-in Assessments
		As of
		07/01/2020
		As of
		07/01/2021
		110,100
		110,100
Transfer Information		
Seller: BOHLAYER MORRIS L	Date: 04/10/2001	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /15106/ 00546	Deed2:
Seller: BOHLAYER EVERETT A	Date: 01/25/1995	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10919/ 00352	Deed2:
Seller: AG USE 83-84	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01024/ 00460	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: AGRICULTURAL TRANSFER TAX		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

Donna Mignon

From: Kristen L Lewis
Sent: Friday, December 18, 2020 8:56 AM
To: Debra Wiley; Donna Mignon
Subject: Webex 2020-0218-SPH

Good morning,

Below is the information needed for a webex event to be created. Thanks,

Case Number: 2020-0218-SPH
920 Freeland Road
Petitioners: Morris & Sharon Bohlayer (no email address indicated)
Rep. Bruce Doak – Bdoak@bruceedoakconsulting.com
Hearing Date: 1/11/2021 at 11:00 a.m.

Let me know if you need any other information.

Kristen Lewis
PAI – Zoning Review
410-887-3391

Donna Mignon

From: Donna Mignon
Sent: Friday, December 18, 2020 9:03 AM
To: Kristen L Lewis
Subject: LINK - RE: Webex 2020-0218-SPH

Event Information

Event: Zoning Hearing - 920 Freeland Road - Case No: 2020-0218-SPH
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTIC>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTIC>
Date and time: Monday, January 11, 2021 11:00 am
Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
Case No: 2020-0218-SPH
Address: 920 Freeland Road
Morris & Sharon Bohlayer
Event number: 180 993 5164
Event password: 1234
Host key: 711018
Alternate Host: Deb Wiley, Henry Ayakwah, Maureen Murphy
Panelist Info:
Panelist password:
Panelist numeric password: 748500
Video Address: 1809935164@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 180 993 5164
Maximum number of registrants: 10000
Destination address after event:
Host image:
Attendee list available for viewing by: Host, presenter and panelists only
Event material: None
Post-event survey: No
Email configured: Pending, Approved, Rejected

Registration Information

Registration ID required: No
Password required: No
Password:
Approval required: No
Custom registration form: No

After registration, go to URL:

From: Kristen L Lewis <klewis@baltimorecountymd.gov>

Sent: Friday, December 18, 2020 8:56 AM

To: Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>

Subject: Webex 2020-0218-SPH

Good morning,

Below is the information needed for a webex event to be created. Thanks,

Case Number: 2020-0218-SPH

920 Freeland Road

Petitioners: Morris & Sharon Bohlayer (no email address indicated)

Rep. Bruce Doak – Bdoak@bruceedoakconsulting.com

Hearing Date: 1/11/2021 at 11:00 a.m.

Let me know if you need any other information.

Kristen Lewis

PAI – Zoning Review

410-887-3391

Donna Mignon

Subject: Web seminar scheduled: Zoning Hearing - 920 Freeland Road - Case No: 2020-0218-SPH
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e00bbea11dc8dbb4d0da7b7f8132ac0b4>
Start: Mon 1/11/2021 11:00 AM
End: Mon 1/11/2021 12:00 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: webex

CAUTION: This message from messenger@webex.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)
Event number (access code): 180 993 5164

Monday, January 11, 2021 11:00 am, Eastern Standard Time (New York, GMT-05:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e00bbea11dc8dbb4d0da7b7f8132ac0b4>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ef3d203142781ccb06e122388b04>

Start event

Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 1809935164@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 748500

If you are a host, click here to view host information:

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e8674089135fb665358b3b5646820a60d>

Need help? Go to <https://help.webex.com>

ZAC AGENDA

Case Number: 2020-0218-SPH **Reviewer:** Jason Seidelman

Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: SPECIAL HEARING

Legal Owner: Morris L. Bohlayer & Sharon A. Bohlayer

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 7 **Council Dist:** 3

Property Address: 920 FREELAND RD

Location: Land between 920 Freeland Road and 1001 Oakland Road.

Existing Zoning: RC 2

Area: 0.86 AC

Proposed Zoning:

SPECIAL HEARING:

To permit the non-density transfer of 0.86 of an acre to a 4.541 acre lot from a 81.577 acre parcel of land to the adjoining property. Both properties have the same ownership. The subject properties are both zoned RC 2 and the proposed non-density transfer will not affect the density on either.

Attorney: Not Available

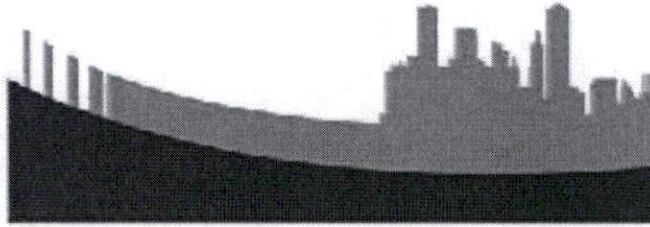
Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:



CASE #2020- 0218-SPH EXHIBITS
(In the order of submittal)

- 1) Plan to Accompany a Zoning Petition
- 2) GIS photo/ parcel sketch
- 3) 15106/ 546 farm deed
- 4) 9934/ 395 lot deed
- 5) Case #1992-0387-SPH (2 pages)

1/11/21
Dm

2-16-21
DW

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

Morris Bohlayer 1001 OAKLAND RD 410-357-4299



SUBJECT
PARCEL

RC 2

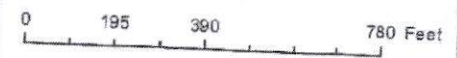
Legend

- House Numbers
- ☒ Zoning History Cases
- ☐ Zoning
- ☐ Property
- ☐ County Boundary

MORRIS L. BOHLAYER
1001 OAKLAND RD
FREELAND MD 21053
410 357 4299

Pet. Ex #2

1:4,514



May 4, 2020

0015106 546

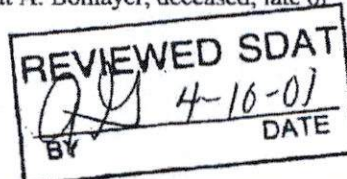
NO CONSIDERATION
NO TITLE EXAMINATION
NO JUDGMENT REPORT

THIS DEED, Made this 23rd day of March, 2001, by MORRIS L. BOHLAYER, party of the first part and MORRIS L. BOHLAYER and SHARON A. BOHLAYER, his wife, parties of the second part.

WITNESSETH that for and in consideration of the sum of Zero (\$0.00) Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Morris L. Bohlayer does hereby grant and convey unto Morris Bohlayer and Sharon A. Bohlayer, his wife, as tenants by the entireties, the survivor of them, the personal representatives and assigns of the survivor of them, in fee simple, all that lot of ground situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland, and described as follows:

BEGINNING for the same at a Chestnut Oak standing near the road leading from Oakland on the P R R to New Market and running thence south forty four and one-half degrees west nineteen and one tenth perches to a post thence south sixty eight and three fourths degrees west eleven and five tenths perches to a stone thence south fifty two and three fourths degrees west thirty perches to a stone thence south sixteen degrees east ninety seven and four tenths perches thence east nineteen perches to a post thence south eighty seven and one half degrees east fifty four and four tenths perches to a maple thence north three and a half degrees west three perches to a post thence north eighty and three fourths degrees east ten and eight tenths perches to a post thence north fourteen and three fourths degrees east thirty six and six tenths perches to a post thence north sixty six and one half degrees east forth one and two tenths perches to a post thence south thirty two and one fourth degrees east eighteen and seven tenths perches thence north thirty two and one fourth degrees east twenty four perches thence north eighteen and one fourth degrees west twenty nine and one fourth perches to a post thence south sixty degrees west forty seven perches to a stone by a Chestnut oak thence north twenty nine and one half degrees west ninety three and three tenths perches to a post thence south seventy two and one fourth degrees west thirty four and one half perches to a stone thence south thirty three degrees west four perches to a place of beginning and containing ninety acres and nineteen square perches of land, more or less.

BEING all that lot or parcel of land conveyed unto Morris L. Bohlayer by Morris L. Bohlayer, Personal Representative of the Estate of Everett A. Bohlayer, deceased, late of



Pet. Ex #3

0015106 547

Baltimore County, by deed dated December 30, 1994 and recorded among the Land Records of Baltimore County in Liber 010919, folio 352.

ALSO BEING all that lot or parcel of land conveyed unto Everett A. Bohlayer by Levi F. Kurtz, by deed dated March 7, 1938, and of record among the Land Records of Baltimore County in Liber 1024, folio 460, etc.

SAVING AND EXCEPTING THEREFROM, HOWEVER, from the tract of land hereinbefore described four acres of land, more or less, heretofore conveyed by the said Levi F. Kurtz and Elsie A. Kurtz, his wife, to Harry G. Simpson, by deed dated June 27, 1923 and of record among the Land Records of Baltimore County in Liber WPC No. 579, folio 15.

ALSO SAVING AND EXCEPTING THEREFROM, HOWEVER, all that lot or parcel of land containing 3.716 acres of land, more or less, described in a deed to Morris L. Bohlayer and Sharon A. Bohlayer, his wife, dated January 15, 1973, and of record among the Land Records of Baltimore County at Liber 5333, page 536, etc., and

ALSO SAVING AND EXCEPTING THEREFROM, HOWEVER, all that lot or parcel of land containing 0.825 acres, more or less, described in a deed to Morris L. Bohlayer and Sharon A. Bohlayer, his wife, dated August 6, 1992, and of record among the Land Records of Baltimore County at Liber 9331, Page 284, etc.

To total acreage being conveyed is 81.450 acres of land, more or less.

TOGETHER WITH the buildings and improvements thereon and all the rights, ways, roads, waters, water courses, easements, privileges, advantages and appurtenances thereto belonging or in anywise appertaining.

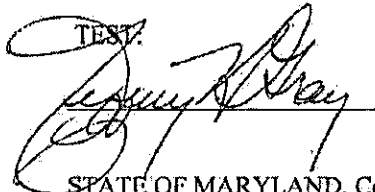
TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed unto and to the proper use and benefits of the

0015106 548

said Morris L. Bohlayer and Sharon A. Bohlayer, as tenants by the entireties, the survivor of them, the personal representatives and assigns of the survivor of them, in fee simple.

AND the said party of the first part does hereby covenant that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property granted and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the said Grantor:

TEST:


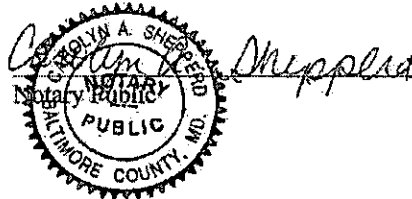
 (SEAL)
MORRIS L. BOHLAYER

STATE OF MARYLAND, County of Baltimore, to wit:

I HEREBY CERTIFY, that on this 23rd day of March, 2001, before me, the subscriber, a Notary Public of the State of Maryland in and for the State and County aforesaid, personally appeared MORRIS L. BOHLAYER, the above named grantor, and he acknowledged the foregoing Deed to be his act.

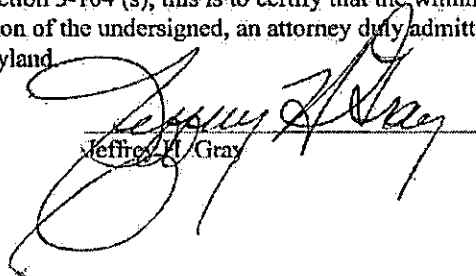
AS WITNESS my hand and Notarial Seal.

My Commission Expires: 12/01/01



CERTIFICATION

In accordance with Real Property Section 3-104 (s), this is to certify that the within instrument was prepared under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.


Jeffrey H. Gray

0015106 549

MAIL TO:

Jeffrey H. Gray, Esquire
17000 York Road, P.O. Box 551
Monkton, Maryland 21111-0551

LIBER 9934 PAGE 395

NO CONSIDERATION
NO TRANSFER TAX
NO TITLE SEARCH

THIS CONFIRMATORY DEED, made this 3RD day of August 1993, by and between MORRIS L. BOHLAYER, and SHARON A. BOHLAYER, his wife, of Baltimore County, Maryland, parties of the first part; and MORRIS L. BOHLAYER and SHARON A. BOHLAYER, his wife, parties of the second part.

WHEREAS, by a Deed recorded in the Land Records of Baltimore County in Liber 9331, page 284, from EVERETT A. BOHLAYER, by MORRIS L. BOHLAYER, his Attorney-in-Fact, to MORRIS L. BOHLAYER and SHARON A. BOHLAYER, his wife, conveyed a tract of approximately .825 acres of land.

WHEREAS, by a Deed recorded among the Land Records of Baltimore County in Liber 9331, page 287, MORRIS L. BOHLAYER and SHARON A. BOHLAYER, prepared a Deed to MORRIS L. BOHLAYER and SHARON A. BOHLAYER, his wife, describing a parcel of land they previously owned, as well as the second parcel of land containing approximately 0.825 of an acre, which had been conveyed to them by the aforescribed Deed and;

WHEREAS, the conveyance of this property was the subject of a hearing before the Zoning Commissioner of Baltimore County, Case No. 92-387-SPH, and;

WHEREAS, a Hearing was held before the Zoning Commissioner on a Petition for a Special Hearing to approve the non-density transfer of .825 acres in an RC2 zone; and

WHEREAS, the Zoning Commissioner, by Order which is attached hereto and marked Exhibit "A", granted the request and

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

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

Pet. Ex. #4

UMR9934 RME396

WHEREAS, the restrictions and conditions set forth in said Order were inadvertently omitted from the aforementioned Deeds; and it is the desire of the parties to include such restrictions and conditions. Those conditions and restrictions being:

1. The recording of a Deed incorporating a reference into the Petition for a special hearing before the Zoning Commissioner of Baltimore County, case No. 92-387-SPH, be incorporated into the Deed.

2. That the Order in said case is incorporated into the Deed.

3. That this is a non-density transfer of the .825 acres.

In all other respects, the Grantors intend to confirm the previous Deed.

WITNESSETH, that for and in consideration of the sum of zero dollars (\$0), the receipt whereof is hereby acknowledged, the said MORRIS L. BOHLAYER and SHARON A. BOHLAYER, his wife, do hereby grant and convey unto MORRIS L. BOHLAYER and SHARON A. BOHLAYER, as tenants by the entireties, their assigns, the survivor of them, his or her personal representatives and assigns, all that lot or parcel of land situate, lying and being in Baltimore County, State of Maryland, and described as follows:

Beginning at an old boundary stone at the end of the 3rd or South 62 3/4 degrees West 30 perches line (intended to be South 52 3/4 degrees West 30 perches) as described in a deed dated March 7, 1938 and conveyed from Levi F. Kurtz, widower, to Everett A. Bohlayer as recorded among the Land Records of Baltimore County, Maryland in Liber C.W.B. Jr. 1024 folio 460; thence running with courses being based upon the magnetic declination of 1972 and running with and binding reversely on the 3rd, 2nd, and part of the 1st line of the said deed.

1. North 57 degrees 15 feet 00 inches East a distance of 495.00 feet to a nail 4.00 feet south of the centerline of paving of Oakland Road, a County maintained roadway; thence

000999 000397

2. North 69 degrees 13 feet 00 inches East a distance of 189.15 feet to a point 6.00 feet southeast of the centerline of paving of Oakland Road; thence
3. North 45 degrees 58 feet 30 inches East a distance of 90.31 feet to a masonry nail now set 2.5 feet northwest of the centerline of Oakland Road; thence leaving the 1st line of the aforesaid deed
4. South 34 degrees 04 feet 08 inches East a distance of 371.08 feet to a capped pin set, passing over a capped pin at a distance of 20.00 feet; thence
5. South 75 degrees 56 feet 30 inches West a distance of 170.00 feet to a pipe found at the end of the 4th or South 13 degrees 21 feet 00 inches East 326.23 feet line of a deed dated January 15, 1973 and conveyed from Everett A. Bohlayer to Morris L. Bohlayer and Sharon A. Bohlayer, his wife, as recorded among the Land Records of Baltimore County, Md. in Liber E.H.K., Jr. 5333, folio 536; thence continuing the same bearing and running with and binding on the 5th line of the just said deed
6. South 75 degrees 56 feet 30 inches West a distance of 698.03 feet to a pipe found at the end of the said 5th line and to intersect the 4th or South 16 degrees East 97.4 perches line of the first said deed conveyed from Levi F. Kurtz; thence running with and binding reversely on the just said 4th line
7. North 11 degrees 30 feet 00 inches West a distance of 122.83 feet to the Place of Beginning Containing 4.541 acres more or less and being all of that parcel of ground of a deed dated January 15, 1973 conveyed from Everett A. Bohlayer to Morris L. Bohlayer and Sharon A. Bohlayer, his wife, and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K. Jr. 5333 folio 536 and comprising also that parcel of ground conveyed from Everett A. Bohlayer, by Morris L. Bohlayer, his Attorney-in-Fact, to Morris L. Bohlayer and Sharon A. Bohlayer, his wife, as a non-density transfer of ground recorded or intended to be recorded prior hereto.

TOGETHER with the buildings and improvements thereon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in any wise appertaining.

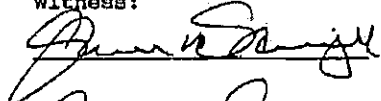
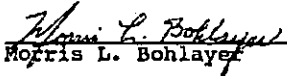
TO HAVE AND TO HOLD the above described lot or parcel of land unto the said Morris L. Bohlayer and Sharon A. Bohlayer, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her personal representatives and assigns, forever in fee simple.

453934 6E398

AND the said Morris L. Bohlayer and Sharon A. Bohlayer do hereby covenant that they have not done or suffered to be done any act or thing whatsoever to encumber the property hereby conveyed, that they will warrant specially the property hereby granted and that they will execute such other or further assurances thereof as may be requisite.

AS WITNESS the hand and seal of the Grantors herein, the day and year first above written:

Witness:

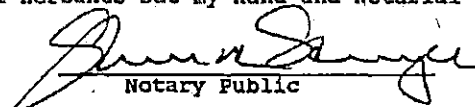
  (SEAL)
Morris L. Bohlayer

  (SEAL)
Sharon A. Bohlayer

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

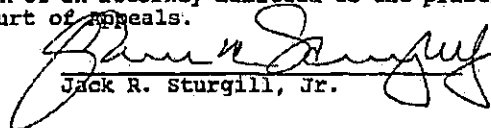
I HEREBY CERTIFY, that on this 5th day of August, 1993, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, duly commissioned and qualified, personally appeared Morris L. Bohlayer and Sharon A. Bohlayer, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

In Witness Whereof, I hereunto set my hand and Notarial Seal.


Notary Public

My Commission Expires: 1/1/95

I HEREBY CERTIFY that the above instrument was prepared by or under the supervision of an attorney admitted to the practice of law by the Maryland Court of Appeals.


Jack R. Sturgill, Jr.

041616 PRECINCT OF ELLING (Land Records) SM 9334, p. 0399, MSA_CE62_9789. Date available 03/03/2005. Printed 05/07/2020.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Appearing on behalf of the Petitioners was Morris L. Bohlayer.
There were no Protestants.

After due consideration of the testimony and evidence presented,

Date _____ **By** _____

99921 0000

it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. The relief requested is merely for the convenience of the petitioners so that an outbuilding can be constructed for storage of equipment used on both working farms. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. There was no evidence that the proposed non-density transfer would be detrimental to the health, safety or general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of October, 1992, that the Petition for Special Hearing to approve the non-density transfer of .825 acres in an R.C. 2 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case, the relief granted, and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order. A copy of the recorded deed shall be forwarded to the Zoning Commissioner's office for inclusion in the case file.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 1/8 Oakland Road, 1065' E of * ZONING COMMISSIONER
 Miller Road * OF BALTIMORE COUNTY
 1st Election District * Case No. 92-387-SPH
 3rd Councilmanic District
 Everett A. Bohlayer
 Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before the Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Everett A. Bohlayer, and the Contract Purchasers, Morris L. and Sharon A. Bohlayer. The Petitioners request approval of the non-density transfer of .825 acres in an R.C. 2 zone as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petitioners was Morris L. Bohlayer. There were no Protestants.

Testimony indicated that the subject property, known as 1061 Oakland Road, consists of 83.8 acres, more or less, zoned R.C. 2, and is a working farm. The Petitioner is desirous of transferring .825 acres from his holdings to his nephew, Morris L. Bohlayer, who owns an adjoining parcel containing 2.716 acres, more or less, also zoned R.C. 2. Morris Bohlayer's property is surrounded on three sides by the Petitioner's property. Testimony indicated that while the elder Mr. Bohlayer is 83 years of age and still resides on the property, the larger tract is leased to a Joseph Keller for farming purposes. Morris Bohlayer testified that the proposed non-density transfer is for purposes of constructing a storage garage which is needed to store plows and other farm equipment used to maintain both properties.

After due consideration of the testimony and evidence presented,

it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. The relief requested is merely for the convenience of the Petitioners so that an outbuilding can be constructed for storage of equipment used on both working farms. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. There was no evidence that the proposed non-density transfer would be detrimental to the health, safety or general welfare of the surrounding locale.

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1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Pursuant to Section 503.2 of the B.C.Z.R., a new deed incorporating a reference to this case, the relief granted, and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order. A copy of the recorded deed shall be forwarded to the Zoning Commissioner's office for inclusion in the case file.

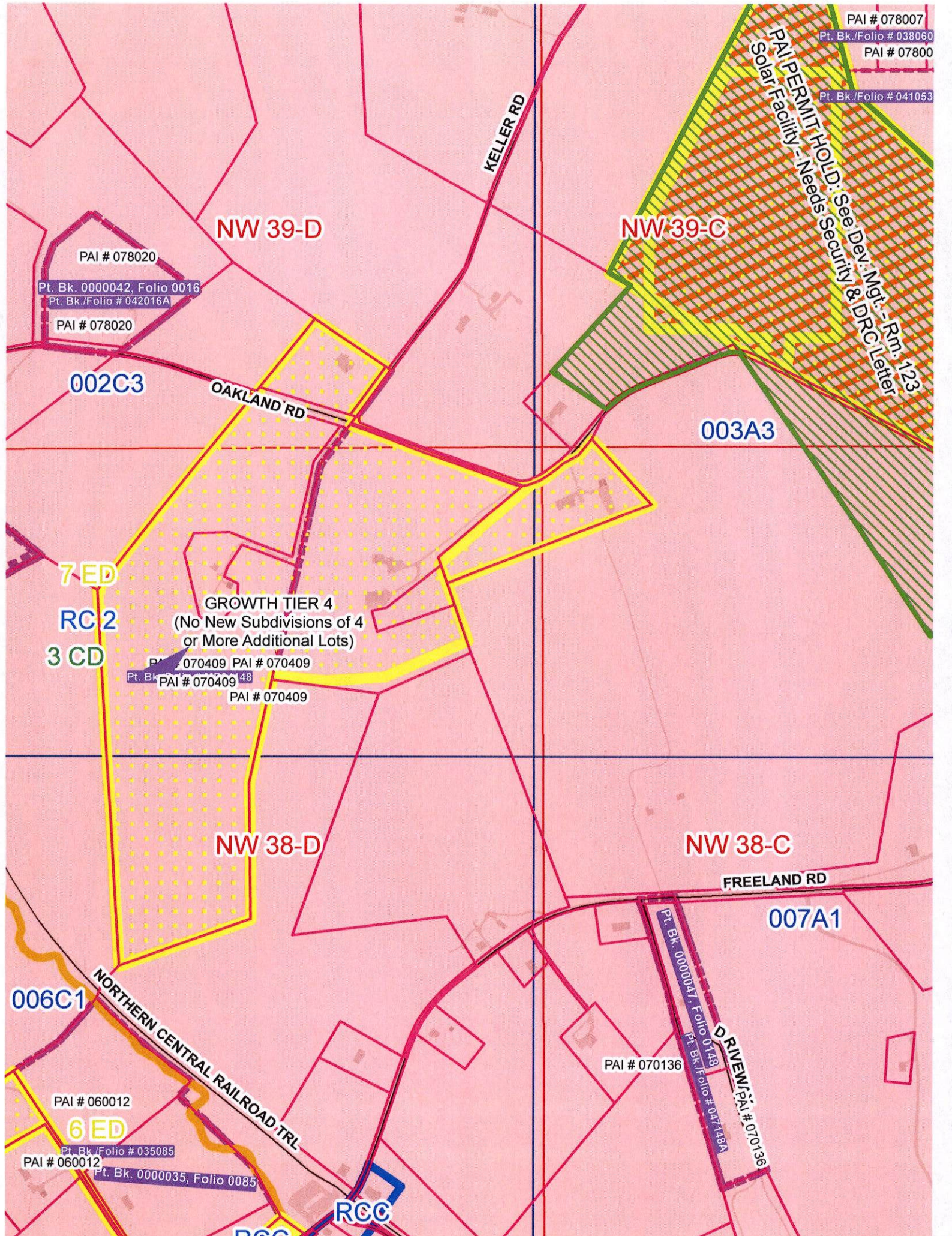
Lawrence E. Schmidt
 LAWRENCE E. SCHMIDT
 Zoning Commissioner
 For Baltimore County

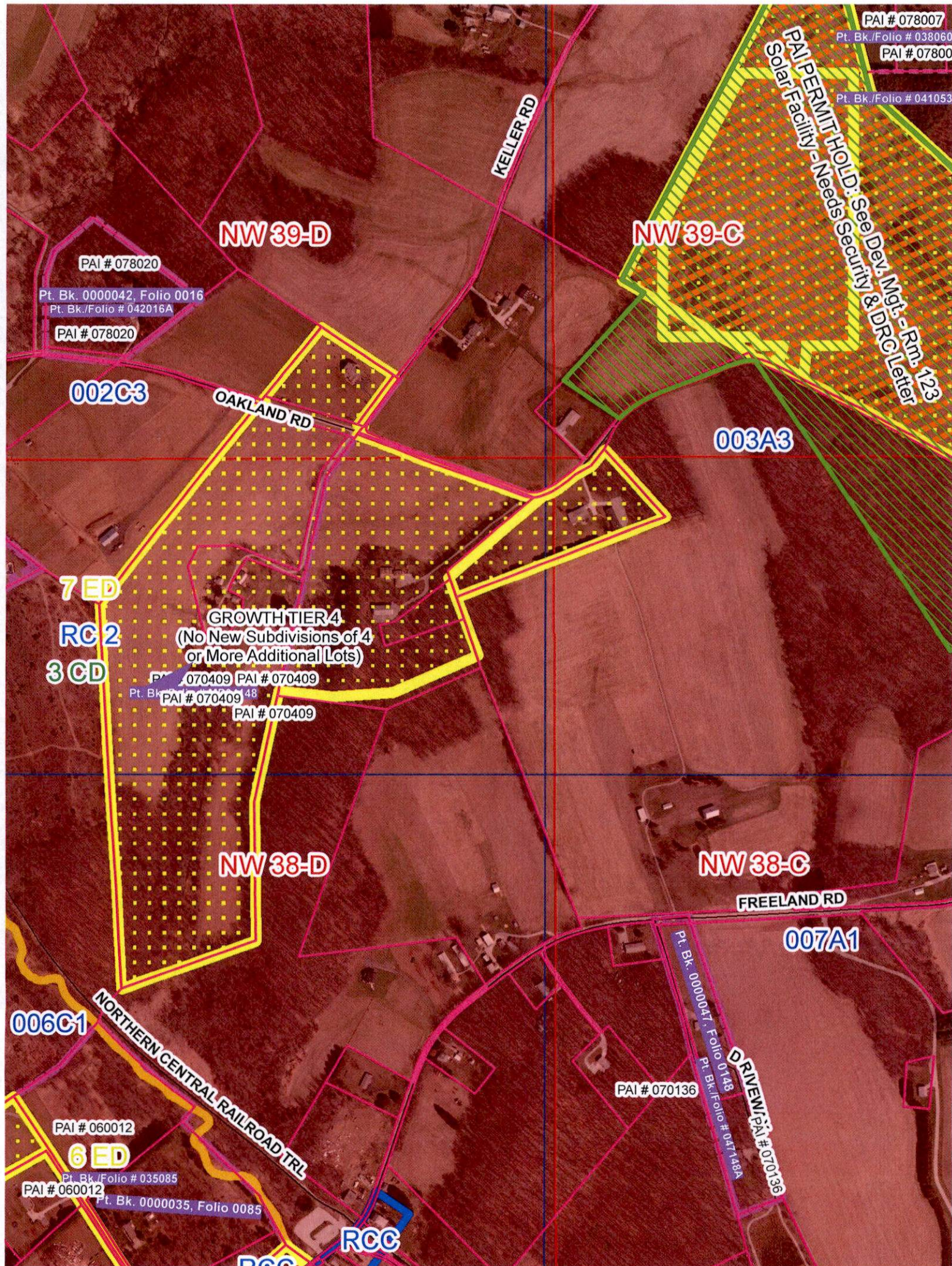
ORDER RECEIVED FOR FILING
 Date 11/1/92
 By [Signature]

LES:bj8

ORDER RECEIVED FOR FILING
 Date 11/1/92
 By [Signature]

Pet. Ex. #5





GENERAL SITE INFORMATION

1. Ownership: Morris L. Bohlayer & Sharon A. Bohlayer
1001 Oakland Road Freeland, MD 21053
2. Address: 1001 Oakland Road Freeland MD 21053
3. Deed references: SM 9934/ 395
4. Area:
Current: 4,541 ac. (house) & 81.577 ac. (farm)
Proposed: 5,401 ac. (house) & 80.717 ac. (farm)
These areas are based on recorded deeds and not a survey of the properties.
5. Tax Map / Parcel / Tax account #: 02 / 73 / 22-00-012776
6. Election District: 7 Councilmanic District: 3
ADC Map: 400886 GIS tile: 003A3 Position sheet: 152NW12
Census tract: 407002 Census block: 240054070021
Schools: Seventh District ES Hereford MS Hereford HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 003A3 and the information provided by Baltimore County on the internet.
8. Improvements: Single family dwelling, garage, sheds & parking area. The existing dwelling and improvements will remain.

OFFICE OF PLANNING

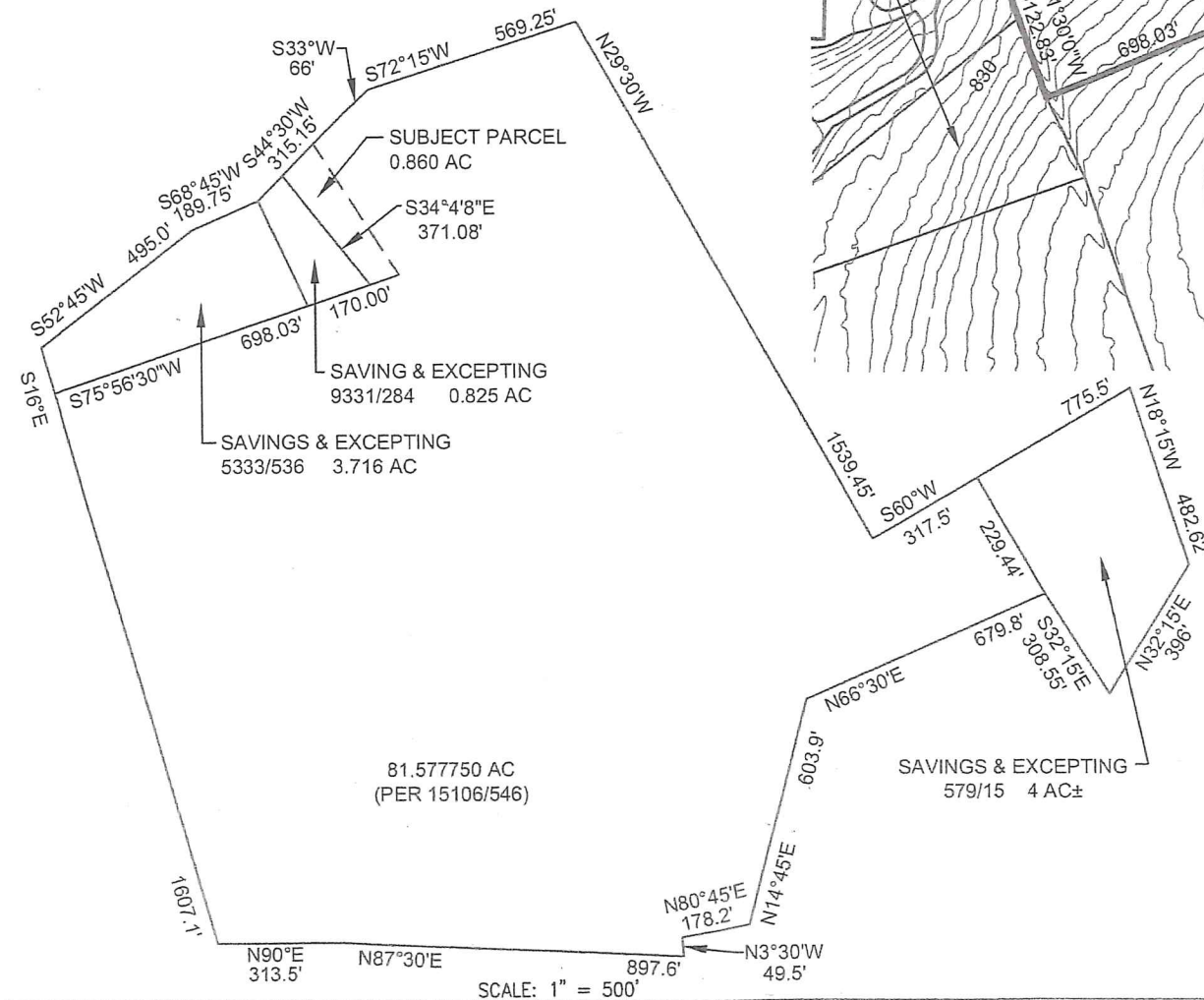
Regional Planning District: Hereford / Maryland Line District Code: 301

1. The subject dwelling is not historic. The subject property is not in a historic district.

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

1. The existing dwelling is currently served by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.



#980 OAKLAND ROAD
NORBERT JOSEPH MAAS, JR
BARBARA ANN MAAS
10945/184
TAX ACC: 21-06-012816

#21601 KELLER ROAD
ERIC KYLE ANDERSON
SHARA SIMON ANDERSON
35376/330
TAX ACC: 07-23-050300

#1995 OAKLAND ROAD
FREDERICK F. FULCO, SR
30783/381
TAX ACC: 22-00-009059

OAKLAND ROAD
FREDERICK L. FULCO, JR
40646/72
TAX ACC: 25-00-015320

#920 OAKLAND ROAD
MORRIS L. BOHLAYER
SHARON A. BOHLAYER
15106/546
TAX ACC: 07-02-057200
81.577750 AC
(80.718 AC REMAINDER)

OFFICE OF ZONING

Zoning: R.C. 2

Zoning History:

Case 1992-0387-SPH - Non-density transfer of a 0.085 acre parcel of land (Approved)

Density

Original lot 3.716 ac. 5333/ 536 (created 1/15/73) = 2
Non-density parcel 0.825 ac. 9934/ 395 (added 8/03/93)= 0
Total = 2 (only on original 3.716 ac. Parcel)

R.C. 2 Setbacks for Residential Buildings

Front: 75 feet from the centerline of the street or road
Side / Rear: 35 feet from the property line

The existing garage and sheds are all under 15 feet in height.

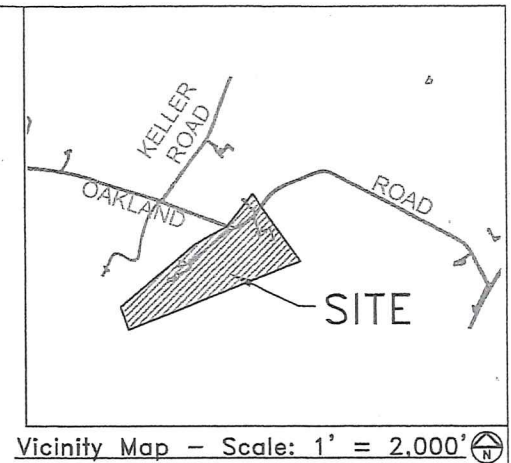
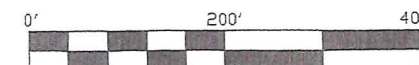
The existing garage and sheds are only residentially used.

PROPOSED DEVELOPMENT

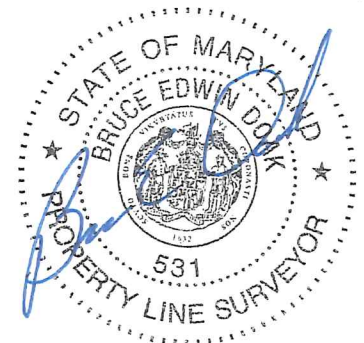
To permit a non-density transfer of a 0.86 acre parcel of land from the farm property to the home property which are both owned by the same persons.

Adding the non-density transfer parcel of land to the existing home property will not allow for an additional density and another dwelling.

REVISION



Vicinity Map - Scale: 1" = 2,000'



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdcak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION

FOR

#1001 OAKLAND ROAD

BALTIMORE COUNTY, MARYLAND
7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 8/19/20

Scale: 1"=200'

2020-0218-SPH