



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

March 22, 2024

Edward Gilliss, Esquire – egilliss@rmmr.com
102 W. Pennsylvania Avenue, Suite 600
Towson, MD 21204

RE: Petition for Special Hearing
Case No. 2024-0042-SPH
Property: Monkton Road

Dear Mr. Gilliss:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in blue ink, appearing to be "Derek J. Baumgardner", is written over a blue circular stamp or seal.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

c: Edward and Laura Eurice – edeurice@verizon.net
Otila Vanderveken – omv3@yahoo.com
Jan Vanderveken – jan@jbtankllc.com
Bruce E. Doak – bdoak@bruceedoakconsulting.com

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868
www.administrativehearings@baltimorecountymd.gov

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
(Monkton Road		
7 th Election District	*	OFFICE OF
3 rd Council District		
Otilia M. Vanderveken	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Edward & Laura Eurice	*	FOR BALTIMORE COUNTY
<i>Contract Purchaser</i>		
	*	Case Nos. 2024-0042-SPH
Petitioners		

* * * * *

OPINION AND ORDER

This matter came before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed by legal owners, Edward & Laura Eurice (1130 Monkton Road aka Parcel 477) and Otilia M. Vanderveken (known as Parcel 207) (collectively “the Petitioners”) for properties located on Monkton Road, in Baltimore County, Maryland (“the Properties”).

Petitioners request Special Hearing relief from Baltimore County Zoning Regulations (“BCZR”) § 500.7 to permit the non-density transfer of 5.2 acres of land from Parcel 207, a 15-acre parcel owned by Otilia Vanderveken, to the adjoining parcel known as Parcel 477, a 4.8185-acre parcel owned by Mr. & Mrs. Eurice. Both properties are zoned RC-7 and the proposed transfer and resulting conveyance will not impact available residential density on either resulting parcel.

A public hearing was conducted on March 20, 2024, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioners, Mr. & Mrs. Eurice, appeared at the hearing and were represented by Edward Gillis, Esq. of Royston, Mueller, McLean & Reid, LLP. Bruce E. Doak of Bruce E. Doak Consulting, LLC prepared the

site plan (Pet. Ex. 1) and appeared at the hearing to offer testimony in support of the Petition. There were no neighbors, Protestants, or interested citizens who appeared at the hearing.

Petitioner submitted the following exhibits which were admitted into the record: (1) Site Plan; (2) SDAT report; (3) GIS; (4) GIS aerial photograph; (5) site photographs. The file also includes the following County Exhibits: (1) Zoning Advisory Committee (“ZAC”) comments; (2) Department of Environmental Protection and Sustainability (“DEPS”) comment; and (3) Development Plans Review (DPR) comments. County agency reports did not object to the requested relief.

Findings of Fact

Parcel 207 is a 15-acre unimproved and heavily forested parcel owned by Otilia Vanderveken. Parcel 477 is a 4.8185-acre parcel improved by a single-family dwelling and accessory buildings owned by Mr. & Mrs. Eurice and used as their principal residence. The Petition proposes to transfer and convey 5.2 acres from Parcel 207 to Parcel 477 resulting in two lots with approximately similar sized acreage. Mr. Doak, a licensed surveyor, testified that the purpose of the requested transfer is to create a buffer for the Eurice property from the remainder of the Vanderveken property. Mr. Doak further testified that the resulting lots will not increase available residential density on either lot. Lastly, the lots are free from conservation easements or other county easements that might impact this Petition.

Conclusions of Law

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning

regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

The proposed transfer of land is a non-density transfer in that the resulting lots will not be expanded or reduced to such a degree as to increase or decrease available residential density for any future subdivision on either lot. The effect of the transfer for purposes of land use regulation in Baltimore County is *de minimis* and acts to provide a buffer between the lots. The Eurice's property is under permitted use as single-family residential dwelling and that use will not change as a result of this Petition. The Vanderveken property is currently unimproved and mostly forested with no known uses at this time. This Petition does not propose to add any improvements or uses to the property. For these reasons, I find that the requested relief is compatible with the community and generally consistent with the spirit and intent of the Baltimore County Zoning Regulations and the Baltimore County Code.

THEREFORE, IT IS ORDERED this **22nd** day of **March 2024** by this Administrative Law Judge that the Petition for Special Hearing pursuant to BCZR §500.7 to permit the non-density transfer of 5.2 acres +/- of land from the 15.00-acre property (Parcel 207) owned by Ms.

Vanderveken to the adjoining 4.8185-acre property (Parcel 477) owned by Mr. & Mrs. Eurice, is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition;
2. The subject transfer shall be fully and lawfully recorded in the land records of Baltimore County. Failure to properly record this transfer shall void the approval granted herein; and
3. The properties are and remain subject to Article 33, Title 3 and Article 33, Title 6 of the Baltimore County Code, and must satisfy all aforementioned requirements prior to any future development.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm



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 Monkton Road which is presently zoned RC7
 Deed References: 8045/426 10 Digit Tax Account # 2100008538
 Property Owner(s) Printed Name(s) OTILIA M. VANDERVEKEN

(SELECT THE HEARING(S) BY MARKING **X** 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. **X** 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:

EDWARD J. EURICE III & LAURA V. EURICE
 Name- Type or Print

Edward J. Eurice III Laura M. Eurice
 Signature

1130 MONKTON ROAD MONKTON MO
 Mailing Address City State

21111 / 410-329-6205
 Zip Code Telephone # Email Address

Attorney for Petitioner:

EDWARD J. GILLISS
 Name- Type or Print

Signature

102 W. PENNSYLVANIA AVE SUITE 600 TOWSON 3801 BAKER SCHOOLHOUSE ROAD FREELAND MO
 Mailing Address City State

21204 / 410-823-1800
 Zip Code Telephone # Email Address

EGILLISS@RMMR.COM

CASE NUMBER 2024-0042-SAH Filing Date 2/7/2024

Legal Owners (Petitioners):

OTILIA M. VANDERVEKEN
 Name #1 - Type or Print Name #2 - Type or Print

Otilia M. van der Veken
 Signature #1 Signature #2

12 STARFISH DRIVE VERO BEACH FL
 Mailing Address City State

32960 / 410-591-9215
 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC
 Name - Type or Print

Signature

21053 / 410-919-4906
 Zip Code Telephone # Email Address

BDOAK@BRUCEEDOAKCONSULTING.COM

Do Not Schedule Dates: Reviewer CF

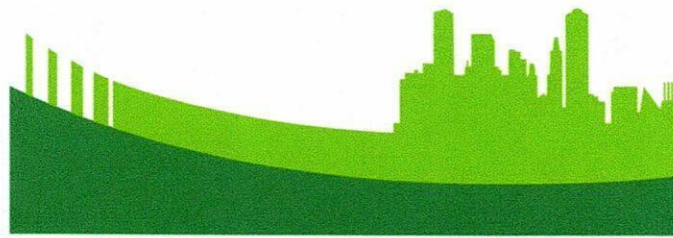
Zoning Hearing Petitions Being Requested

Case # _____

Special Hearing to permit the non-density transfer of a 5.2 acre +_ parcel of land from a 15.00 acre property (parcel 207) owned by Vanderveken to an adjoining 4.8185 acre property (parcel 477) owned by Eurice.

Both properties are zoned RC 7 and the proposed non-density transfer will not affect the density on either.

2024-0042-SPH



Zoning Description-5.2 Acre Non-Density Parcel of Land

Monkton Road
Seventh Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at the end of the North 35 degrees 00 minutes 00 seconds West 625.00 foot line of the Vanderveken's 15.000 acre parcel of land, thence leaving the outlines of the Vanderveken parcel of land and running on the outlines of the non-density parcel of land, the three following courses and distances, viz. 1) Southeasterly 149 feet, more or less, 2) Southeasterly 542 feet, more or less, and 3) Southeasterly 440 feet, more or less, to intersect the outlines of the Vanderveken's parcel of land, thence running on the outlines of the Vanderveken's parcel of land and also continuing to run on the outlines of the non-density parcel of land, the four following courses and distances, viz. 4) South 77 degrees 56 minutes 55 seconds West 585 feet, more or less, 5) North 31 degrees 32 minutes 21 seconds West 307.57 feet, 6) North 70 degrees 43 minutes 09 seconds East 309.70 feet and 7) North 35 degrees 00 minutes 00 seconds West 625.00 feet to the point of beginning.

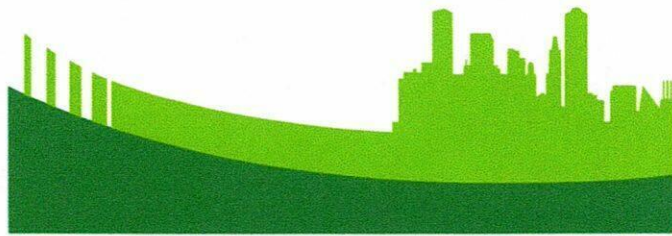
Containing 5.2 acres of land, more or less.

This description is part of a zoning 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



2024-0042-SPA



Zoning Description- Vanderveken Property

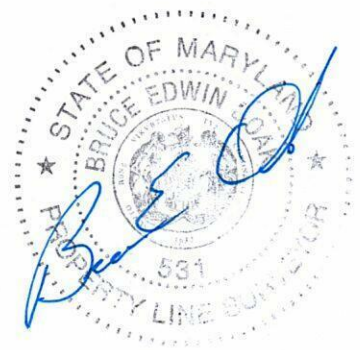
Monkton Road
Seventh Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a corner of the subject property, said point lying at the end of the three following courses and distances from the centerline of Blue Mount Road, Southeasterly 749 feet, more or less, Northeasterly 940 feet, more or less, and North 73 degrees 03 minutes 34 seconds East 159.56 feet, thence running with and binding on the outlines of the subject property, the twelve following courses and distances, viz. 1) North 73 degrees 03 minutes 34 seconds East 273.06 feet, 2) North 84 degrees 11 minutes 02 seconds East 193.44 feet, 3) South 76 degrees 02 minutes 46 seconds East 152.48 feet, 4) South 68 degrees 19 minutes 19 seconds East 193.22 feet, 5) South 47 degrees 55 minutes 20 seconds East 277.69 feet, 6) South 08 degrees 56 minutes 51 seconds East 645.41 feet, 7) South 77 degrees 56 minutes 55 seconds West 669.67 feet, 8) North 31 degrees 32 minutes 21 seconds West 307.57 feet, 9) North 70 degrees 43 minutes 09 seconds East 309.70 feet, 10) North 35 degrees 00 minutes 00 seconds West 625.00 feet, 11) North 77 degrees 20 minutes 00 seconds West 147.48 feet and 12) a line curving to the left with a radius of 66.00 feet, for an arc distance of 99.43 feet and having a chord of North 40 degrees 33 minutes 05 seconds West 90.12 feet to the point of beginning.

Containing 15.000 acres of land, more or less.

This description is part of a zoning 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



2024-0042-SPA

**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: 2024-0042-SPH

Property Address: MONKTON ROAD

Property Description: 15.AC - EAST SIDE MONKTON ROAD

Legal Owners (Petitioners): OTILIA M. VANDERVEKEN

Contract Purchaser/Lessee: EDWARD & LAURA EURICE

PLEASE FORWARD ADVERTISING BILL TO:

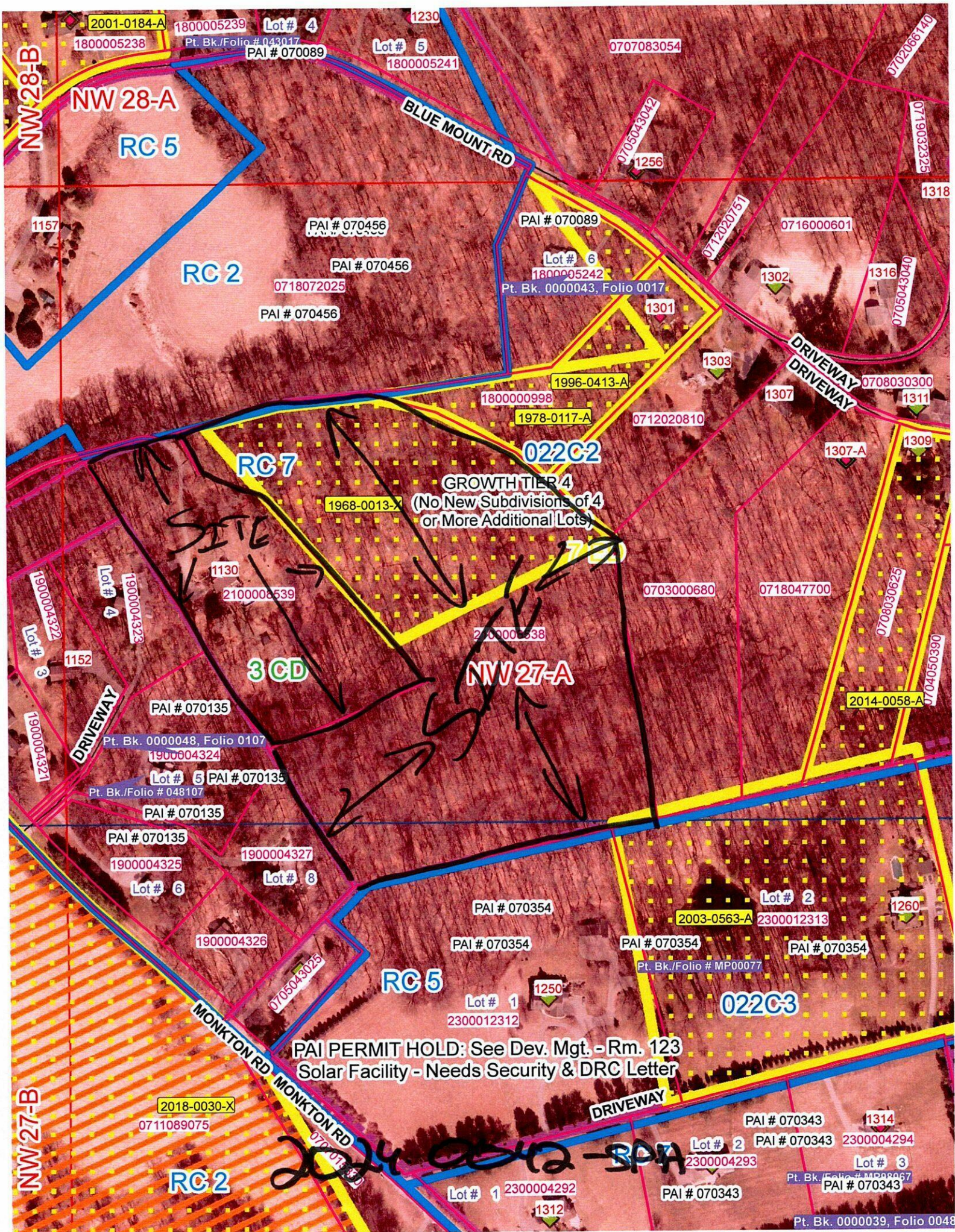
Name: BRUCE E. DOAK

Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC

Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MO 21053

Telephone Number: 410-419-4906

Revised 5/20/2014



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

No. 229590

Date: 2-7-2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: 75.00

Rec

From: MONTGOMERY RD

For:

2024-0042-SPN

RC7

DISTRIBUTION

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

CASHIER'S
VALIDATION

24 -
CF-0105

BRUCE E DOAK 12-12 BRUCE E DOAK CONSULTING 3801 BAKER SCHOOLHOUSE RD FREELAND, MD 21053-9738		3109 15-3/540 429
Pay to the Order of <u>BALTIMORE COUNTY MO</u>		Date <u>2/02/24</u>
<u>SEVENTY FIVE AND 00/100</u>		\$ 75.00
PNCBANK PNC Bank, N.A. 040		Dollars
For <u>ERIC ZAVALLA FGT</u>	<u>BE D</u>	MP
⑆054000030⑆ 5336741067⑈		3109

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 2100008539

Owner Information

Owner Name: EURICE EDWARD J III
EURICE LAURA V

Mailing Address: 1130 MONKTON RD
MONKTON MD 21111-1107

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: /08045/ 00430

Location & Structure Information

Premises Address: 1130 MONKTON RD
MONKTON 21111-1107

Legal Description: 4.8185 AC ESR
MONKTON RD RER 650 FT
700 SE BLUEMONT RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0022 0017 0477 7040023.04 0000 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
3,296 SF 4.8100 AC 04

StoriesBasementType Exterior QualityFull/Half BathGarageLast Notice of Major Improvements
2 YES STANDARD UNITSTUCCO/3 2 full/ 2 half

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	161,500	136,700		
Improvements	137,900	188,200		
Total:	299,400	324,900	307,900	316,400
Preferential Land:	0	0		

Transfer Information

Seller: VANDERVEKEN J J AG USE 89-90 Date: 12/06/1988 Price: \$0
Type: NON-ARMS LENGTH OTHER Deed1: /08045/ 00430 Deed2:

Seller: Date: Price:
Type: Deed1: Deed2:

Seller: Date: Price:
Type: Deed1: Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County: 000	0.00	
State: 000	0.00	
Municipal: 000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 07/19/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0012-SPH

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:	District - 07 Account Number - 2100008538	
Owner Information		
Owner Name:	VANDERVEKEN JOZEF J	Use: RESIDENTIAL
Mailing Address:	VANDERVEKEN OTILIA M 12 STARFISH DR VERO BEACH FL 32960	Principal Residence: NO Deed Reference: /08045/ 00426
Location & Structure Information		
Premises Address:	MONKTON RD MONKTON 21111-	Legal Description: 15 AC ESR MONKTON RD RER 850 FT 700 SE BLUEMONT RD
Map: Grid: Parcel:	Neighborhood: Subdivision: Section: Block: Lot:	Assessment Year: Plat No:
0022 0017 0207	7040023.04 0000	2023 Plat Ref:
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
15.0000 AC	04	
Stories Basement	Type Exterior Quality Full/Half Bath	Garage Last Notice of Major Improvements

Value Information

	Base Value	Value		
		As of	Phase-in Assessments	
		01/01/2023	As of	As of
			07/01/2023	07/01/2024
Land:	213,300	180,400		
Improvements	0	0		
Total:	213,300	180,400	180,400	180,400
Preferential Land:	0	0		

Transfer Information

Seller:	VANDERVEKEN J J AG USE 89-90	Date:	12/06/1988	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/08045/ 00426	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

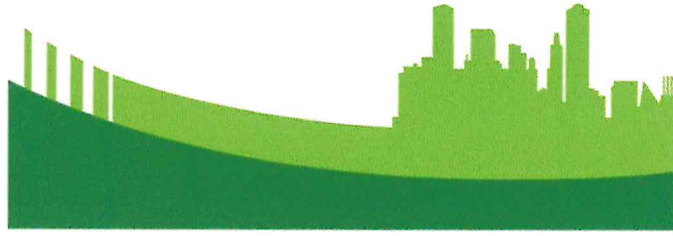
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:

2024-0042-SFH



CERTIFICATE OF POSTING

February 26, 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0042-SPH

Legal Owner: Otilia Vanderveken

Hearing date: March 20, 2024

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

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 **Monkton Road**.

The signs were initially posted on **February 23, 2024**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink that reads "Bruce E. Doak".

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 HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0042-SPH

Monkton Road, Monkton Maryland 21111
(SE/S of Monkton Rd., 749 ft NE of Blue Mount Rd.)

Council District 3, Election District 7

Legal Owners: Otilia Vanderveken

SPECIAL HEARING: To permit the non-density transfer of a 5.2 acre+/- parcel of land from a 15.00 acre property (parcel 207) owned by Vanderveken to an adjoining 4.8185 acre property (parcel 477) owned by Eurice. Both properties are zoned RC 7 and the proposed non-density transfer will not affect the density on either.

Hearing Date: Wednesday, March 20, 2024 at 10:00 a.m.

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

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**Monkton Road, Monkton Maryland 21111
(SE/S of Monkton Rd., 749 ft NE of Blue Mount Rd.)
Council District 3, Election District 7
Legal Owners: Otilia Vanderveken**

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 27, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0042-SPH
Address: MONKTON RD
Legal Owner: Otilia Vanderveken

Zoning Advisory Committee Meeting of February 23, 2024.

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Reviewer: Libby Errickson 2/27/24

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 21, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0042-SPH

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No Exception taken

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 2/27/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0042-A

INFORMATION:

Property Address: Monkton Road
Petitioner: Otilia M. Vanderveken.
Zoning: RC 7
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for the following:

Special Hearing -

1. To permit a non-density transfer of 5.2 acre+- parcel of land from a 15.00-acre property (parcel 207) owned by Vanderveken to an adjoining 4.8185-acre property (parcel 477) owned by Eurice.

Both properties are zoned RC 7 and the proposed non-density transfer will not affect the density on either property.

The subject property is located along Monkton Road in the Monkton area of Baltimore County. The property consists of an approximately 15-acre parcel zoned RC-7. Residential dwellings, farms and forest conversation surrounds the property.

Section § 1A08.1. findings and legislative goals underscore a comprehensive strategy to safeguard valuable cultural, historic, recreational, and environmental resources within specific resource preservation areas, emphasizing the importance of such protection for both local community health and broader societal benefit. The Section advocates for a significant reduction in residential densities within these areas, proposing a limit of one dwelling per 25-50 acres, thereby aligning development practices with the overarching goal of resource conservation. The introduction of an R.C.7 Zone is a pivotal element of this strategy, designed to facilitate limited development that remains in harmony with the rural community's character while ensuring the preservation of rural resources, including the agricultural industry, by retaining large-acreage parcels.

The County's legislative goals for the R.C.7 Zone are multifaceted, aiming not only to preserve ecosystem functions, forests, streams, wetlands, and floodplains but also to protect water quality, regional biodiversity, and the integrity of historic sites. These goals extend to maintaining the rural area's unique character by safeguarding its natural, historic, cultural, recreational, scenic, architectural, and archaeological resources. The County seeks to prevent forest fragmentation, implement state and federal mandates for natural and rural legacy protection, enhance rural character and environmental protection

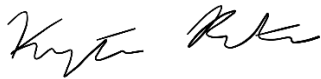
through thoughtful site-specific development, preserve traditional rural community character by limiting development scale and intensity, and maintain rural road character by managing traffic growth.

The petitioner plans to demonstrate the necessary unreasonable hardship or practical difficulty for granting this Special Hearing at the upcoming hearing, although no clear hardship or difficulty has been identified from the available documents or information. However, the review of relevant guidance, like community plans, doesn't mandate denying the requested Special Hearing. The sought-after relief proposes a non-density transfer of approximately 5.2 acres from a 15-acre property (parcel 207) owned by Vanderveken to an adjacent 4.8185-acre property (parcel 477) owned by Eurice, with both properties situated within the RC 7 zoning designation. This proposed transfer aims to reallocate land between the two parcels without altering the existing density regulations applicable to either property, ensuring that the overall zoning density remains unaffected by the transaction.

The Department of Planning does not object to the requested relief and defers all decision makings to the Administrative Law Judge.

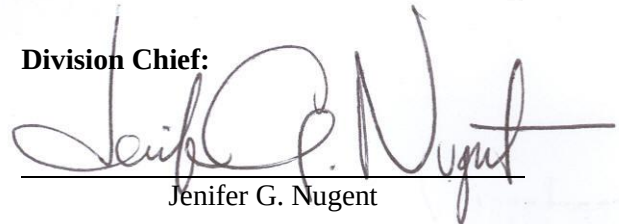
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bruce E. Doak, Bruce E. Doak Consulting LLC.
Joe Wiley and Abigail Rogers, Community Planners
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

GENERAL SITE INFORMATION

- 1. Ownership: Józef J. Vanderveken & Otilia M. Vanderveken
12 Starfish Drive Vero Beach FL 32960
- 2. Address: Monkton Road Monkton, MD 21111
- 3. Deed references: SM 8045/426
- 4. Area: 15.00 acres (per 8045/426).
After the transfer: 9.8 acres +
- 5. Tax Map / Parcel / Tax account #: 22 / 207 / 21-00-008538

- 1. Ownership: Edward J. Eurice III & Laura V. Eurice
1130 Monkton Road Monkton, MD 21111
- 2. Address: 1130 Monkton Road Monkton, MD 21111
- 3. Deed references: SM 8045/430
- 4. Area: 4.8185 acres (per 8045/430).
After the transfer: 10.0 acres+
- 5. Tax Map / Parcel / Tax account #: 22 / 477 / 21-00-008539
- 6. Election District: 7 Councilmanic District: 3
ADC Map: GIS tile: 022C2 Position sheet: 108NW4
Census tract: 407001 Census block: 240054070012
Schools: Sparks 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 tiles 022C2 and the information provided by Baltimore County on the internet.
- 8. Improvements: Parcel 477-Single family dwelling. The existing dwelling will remain. Parcel 207-Vacant

OFFICE OF ZONING

Zoning: R.C. 7 & R.C. 2
Zoning History: Case 1968-0013-X Special Exception for a dog kennel -approved (p/o Parcel 207)

Each of the two subject parcels of land were created in 1988, which was prior to the effective date of Bill 74-2000. Therefore each parcel of land may be developed with a single dwelling.

R.C. 7 Setbacks for Residential Dwellings

- Front: 35 feet from the street right of way
- Side: 80 feet from any principal building
- Rear: 50 feet from the rear lot line

ENVIRONMENTAL

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.

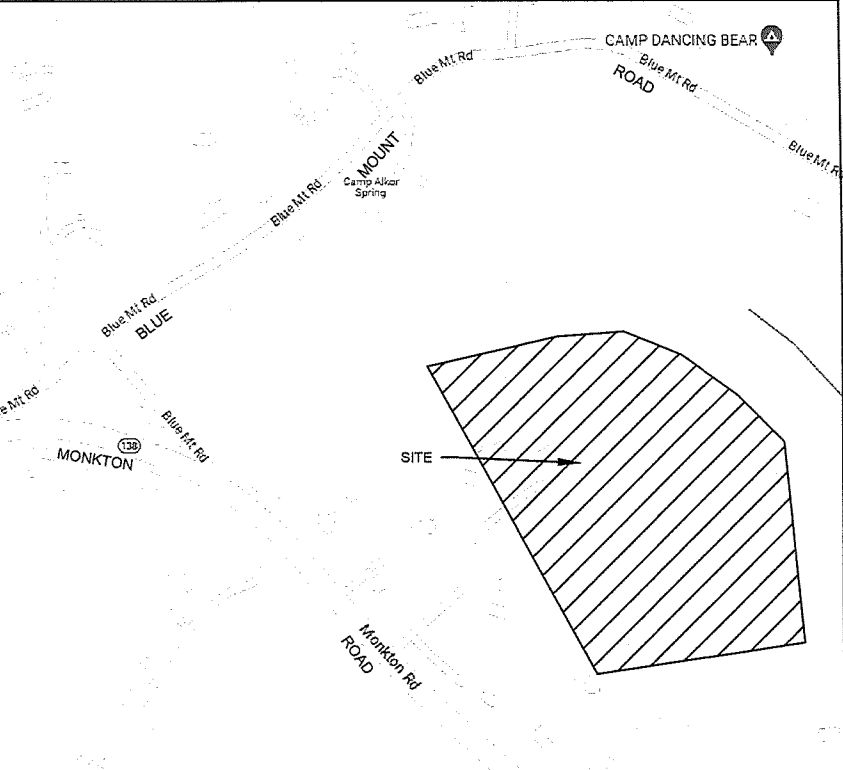
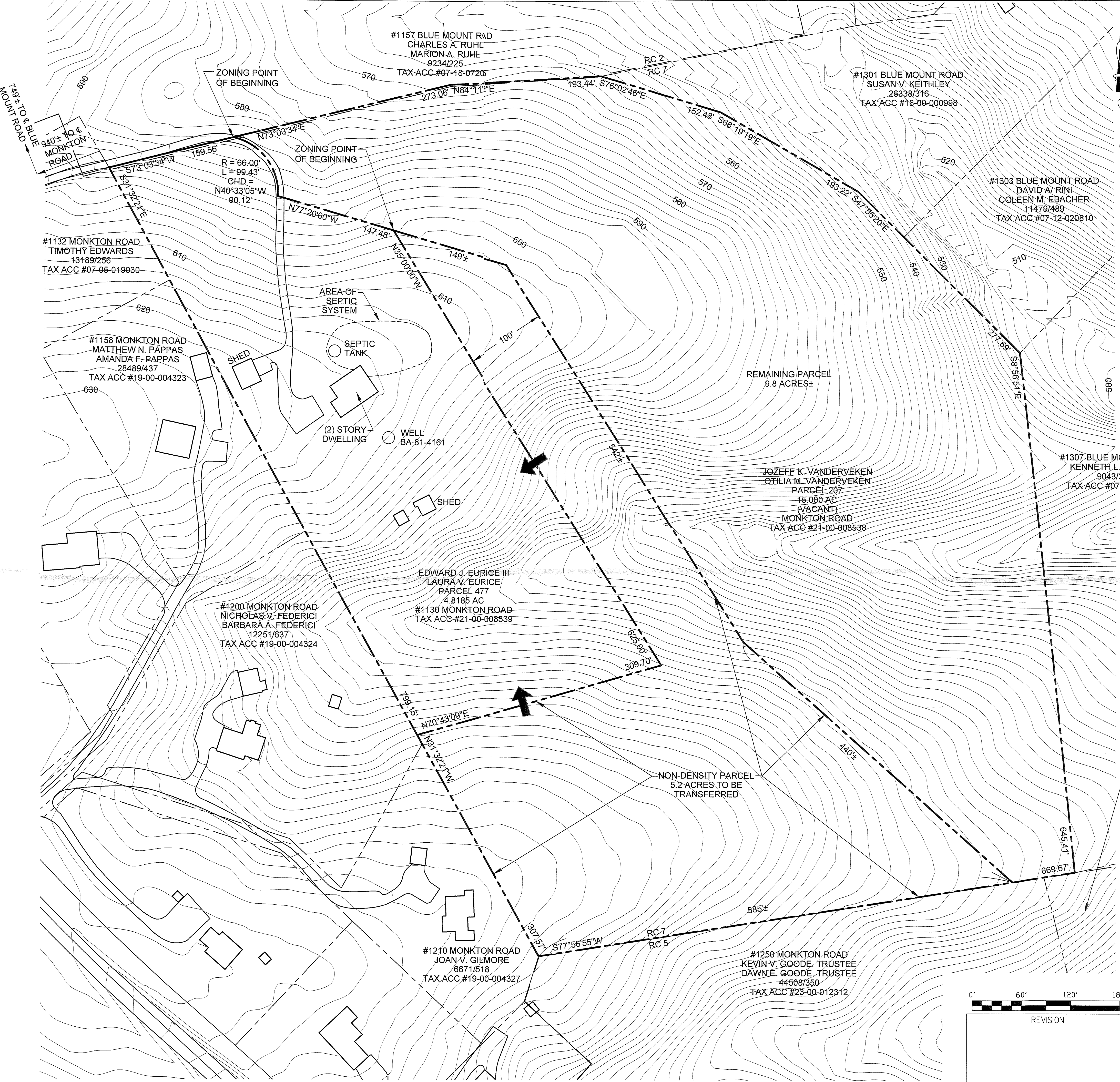
OFFICE OF PLANNING

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.

PROPOSED DEVELOPMENT

Non-density transfer of a 5.2 acre parcel of land from Parcel 207 to Parcel 477.



Vicinity Map - Scale: 1" = 600'

#1260 MONKTON ROAD
MICHAEL P. SCHREIBEIS
JESSICA H. SCHREIBEIS
15591/506
TAX ACC #23-00-012313

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PLAN TO ACCOMPANY
A ZONING PETITION
FOR THE
VANDERVEKEN & EURICE
PROPERTIES
#1130 MONKTON ROAD
BALTIMORE COUNTY, MARYLAND
7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 2/6/2024
Scale: 1"= 60'