

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
W/Side Mt. Gilead Road		
<b>(5425 &amp; 5520 Mt. Gilead Road)</b>	*	ZONING COMMISSIONER
4 <sup>th</sup> Election District	*	FOR
3 <sup>rd</sup> Council District		
	*	BALTIMORE COUNTY
S. Glenn Elseroad, et ux, <i>Legal Owners</i>		
Associated Jewish Charities of Baltimore,	*	
<i>Contract Purchaser</i>		
	*	<b>Case No. 2009-0147-SPH</b>
Petitioners		

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by S. Glenn Elseroad and his wife, Ruth P. Elseroad, property owners, and Associated Jewish Charities of Baltimore, contract purchaser, by and through its attorney, Jeffrey H. Scherr, Esquire with Kramon & Graham, P.A. The Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the non-density transfer of 2.5 acres (the Property) from an adjoining parcel owned by the Elseroads. The Property and requested relief are more particularly described on the site plan submitted which were accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were J. Glenn Elseroad, property owner; Benjamin Gershowitz, Vice President of Facilities, on behalf of the Petitioner Associated Jewish Charities of Baltimore; Richard E. Matz, P.E., with Colbert Matz Rosenfelt, Inc., the engineer who prepared the site plan, and Jeffrey H. Scherr, Esquire, legal counsel for the corporate entity Associated Jewish Charities. There were no Protestants or other interested persons present, and it is worthy to note, as will be discussed below, that the Baltimore

County Land Preservation Advisory Board met on September 16, 2007 and voted to recommend approval of the subject 2.5-acre transfer.

Testimony and evidence offered revealed that the subject property is a triangular shaped tract of land located on the west side of Hanover Pike (Md. Route 30) just off of Mt. Gilead Road, and is a part of and adjacent to a larger parcel owned by the Elseroads which is 105 acres, more or less. The property is zoned R.C.8 with a small portion zoned R.C.2 at its southwest corner. Petitioner contracted to buy or, more particularly, exchange, the Property to use in conjunction with its camp and retreat operations on its adjacent property and for so-called "green" agricultural use<sup>1</sup>. It was indicated that the 2.5-acre property will be exchanged for a 5-acre parcel owned by the Petitioner and adjacent to other property owned by the Elseroads at the southwest end of Mount Gilead Road. That 5-acre parcel is a separately described parcel as is shown by the deeds introduced as Petitioner's Exhibits 2 and 3. The Elseroads adjacent 39-acre parcel next to Jewish Charities 5-acre parcel is identified on Maryland Tax Map 31, as Parcel 74, and also used for agricultural purposes.

The "green" agricultural use of the property is consistent with the purpose of the R.C.8 and R.C.2 zones. Moreover, there is no density associated with the transfer of the property. In this regard, the evidence indicates that the Department of Environmental Protection and Resource Management's (DEPRM) Wallace S. Lippincott, Jr., approved the proposed transfer of the Property provided there is no density or development rights associated with the transfer of the Property. The Petitioner has agreed to the imposition of this condition.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. There were no adverse Zoning Advisory Committee (ZAC) comments

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<sup>1</sup> Associated Jewish Charities of Baltimore owns a 155-acre tract that borders along the Elseroad farm's western property line. Camp Milldale and the Pearlstone Conference Center have operated at this site for many years.

submitted by any County reviewing agency and no one appeared in opposition to the request. As noted above, the proposal is for a non-density transfer and as such, Petitioners will not acquire any rights of subdivision. In my judgment, the conveyance will not be detrimental to the health, safety or general welfare of the locale and is entirely consistent with the R.C.8 and R.C.2 zoning and agricultural use of the subject and adjacent properties.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6<sup>th</sup> day of March, 2009, that the Petition for Special Hearing seeking approval of a non-density transfer of 2.5 acres from S. Glenn Elseroad and Ruth P. Elseroad to the Associated Jewish Charities of Baltimore, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein for the non-density transfer of 2.5 acres is conditioned on it not having density rights associated with its transfer.
- 3) Within one hundred twenty (120) days of the date of this Order, a new deed for the property shall be recorded in the Land Records of Baltimore County referencing this case and incorporating the conditions and restrictions of this Order.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

IT IS FURTHER ORDERED that any appeal of this decision must be entered within thirty (30) days of the date hereof.

WJW:dlw

\_\_\_\_SIGNED\_\_\_\_\_  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County