

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W/Side York Road, 100' N from Intersection of	*	ZONING COMMISSIONER
York Road and Sparks Road	*	
(York Road)	*	FOR
8 th Election District	*	BALTIMORE COUNTY
3 rd Council District	*	
Michael & Alex Flanagan, <i>Legal Owners</i>	*	
Michael A. Goff, <i>Contract Purchaser</i>	*	Case No. 2009-0223-SPH
<i>Petitioners</i>		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Michael K. and Alex L. Flanagan. The Petitioners request a special hearing to approve the non-density transfer of 2.4 acres of land from their property to the contract purchaser and owner of an adjacent parcel, Michael A. Goff. The subject property and requested relief are more particularly described on the redlined site plan, which was marked and accepted into evidence as Petitioners' Exhibit 1.¹

Appearing at the requisite public hearing in support of the requested relief were Michael Flanagan, property owner, and Bruce E. Doak, the registered property line surveyor with Gerhold, Cross & Etzel, Ltd., who prepared the site plan for this property. Michael A. Goff, the owner of the adjacent parcel that would receive the non-density transfer, and John G. Turnbull, II, another adjacent landowner, also appeared in support of the request. There were no Protestants or other interested persons in attendance at the public hearing.

¹ At the outset of the public hearing, Petitioners amended the site plan and petition for special hearing to reflect the correct zoning of the subject property, R.C.4, which had been incorrectly labeled as R.C.7. Since the amendment simply corrected a clerical error, Petitioners were permitted to proceed.

Testimony and evidence presented revealed that the Petitioners own a 48.4-acre tract of land located on the west side of York Road (Route 45), not far from the Baltimore Harrisburg Expressway (I-83) in Sparks, Maryland. The southern boundary of this property abuts another parcel of land owned by Michael Goff and is currently being used by members of the Goff family for residential purposes. The Flanagans and the Goffs have entered into an agreement to transfer a small 2.4-acre parcel from the Flanagans' holdings to Mr. Goff in conjunction with the uses on the Goff property. Testimony indicated that Mr. Goff owns approximately 5.026 acres of land that is improved with a single-family dwelling, pool, and accessory structures. The land that will be transferred from the Flanagan property is largely wooded, and has for years been used and maintained by Mr. Goff with the Flanagan's permission. At this point, the Flanagans wish to formally transfer the property to Mr. Goff, and the conveyance is not for the purpose of transferring any density, but merely to provide additional land and to establish a new property line between these respective owners, consistent with the actual use and topographical features of these parcels.

A Zoning Advisory Committee (ZAC) comment received on April 21, 2009 from Wallace Lippincott, Jr., on behalf of the Department of Environmental Protection and Resource Management (DEPRM), which stated in pertinent part that his Department supports this proposal and that the transfer is a property line adjustment that is small and has minimal impact on agriculture. Similarly, a comment received from the Office of Planning also indicated that they did not oppose the requested relief.

Based upon the testimony and evidence offered, I easily find that the Petition for Special Hearing should be granted. Clearly, there will be no detrimental impact to any adjacent property owners. Moreover, as noted above, there is no density or rights of subdivision being conveyed.

Thus, there will be no alteration to the existing property rights of these owners, and the Petition for Special Hearing shall be granted.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 12th day of May 2009, that the Petition for Special Hearing to approve the conveyance of a 2.4-acre parcel from the land of Michael and Alex Flanagan to Michael A. Goff (owner of an adjacent tract) for non-density purposes, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is strictly for a non-density transfer and there are no density or development rights associated with this conveyance. No residential structures, other than accessory structures, are to be located on this portion of the land. There are no rights of subdivision associated with this transfer.

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

WJW:dlw

____SIGNED_____
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County