

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
S/S Greenspring Valley Road, 3,000' NW of	*	ZONING COMMISSIONER
Falls Road	*	
<b>(1021 Greenspring Valley Road)</b>	*	FOR
	*	BALTIMORE COUNTY
3 <sup>rd</sup> Election District	*	
2 <sup>nd</sup> Council District	*	
William C. Trimble, et ux, <i>Legal Owners</i>	*	
Stephen J. Immelt, <i>Contract Purchaser</i>	*	
	*	
<i>Petitioners</i>		<b>Case No. 2009-0288-SPH</b>

\* \* \* \* \*

**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, William C. Trimble, and his wife, Nancy G. C. Trimble. The Petitioners request a special hearing to approve the non-density transfer of 1.59 acres of land from the subject property to the contract purchasers and owners of an adjacent improved parcel Stephen J. Immelt, and his wife, Susan C. Immelt. 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.<sup>1</sup>

Appearing at the requisite public hearing in support of the requested relief was Bruce E. Doak, the registered property line surveyor with Gerhold, Cross & Etzel, Ltd., who prepared the site plan for this property. There were no Protestants or other interested persons in attendance at the public hearing.

Testimony and evidence presented revealed that the Mr. and Mrs. Trimble own a large

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<sup>1</sup> At the outset of the public hearing, Petitioners amended the petition for special hearing to reflect a reduction of the non-density transfer area from 2.12 acres to 1.59 acres. The decrease was to preserve productive land in agricultural use at the request of Wallace Lippincott, Jr., on behalf of the Department of Environmental Protection and Resource Management (DEPRM). Since the amendment simply reduced the land to be transferred, Petitioners were permitted to proceed.

historic manor home built in 1750 known as “Oakdene” and several outbuildings which are used for storage and agricultural purposes. Their tract of land is identified on the site plan as Parcel No. 354 and contains approximately 25.75 acres of land zoned R.C.2. The Trimble property is located on the south side of Greenspring Valley Road, not far from Falls Road in Brooklandville. Both properties are within the Greenspring Valley National Register District and have justifiably earned a reputation as being one of the finest residential areas in the entire metropolitan area. The property abuts another parcel of land owned by Stephen and Susan Immelt and used for residential and agricultural purposes. The Trimbles and the Immelts have entered into an agreement to transfer a small, 1.59-acre parcel from the Trimble holdings to Mr. and Mrs. Immelt in conjunction with the uses on the Immelt property. Testimony indicated that the Immelts own approximately 8.00 acres of land (Parcel No. 481) that is improved with a two-story, single-family dwelling and accessory structures. The land that will be transferred from the Trimble property is unimproved, largely wooded, and has for years been used and maintained by the Immelts with the Trimbles permission.<sup>2</sup> At this point, the Trimbles wish to formally transfer the property to the Immelts, 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. This transfer is within the spirit and intent of the Resource Conservation Zones involving the sale of small parcels. *See* the Zoning Commissioner’s Policy Manual (ZCPM) at Page 1A-3, Section 1A00.4.b(2).

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<sup>2</sup> Both properties were owned by the Trimbles and Susan Immelt’s grandmother who built the Immelt’s home in 1958 for her own use in her later years. Through inadvertence, she placed improvements such as gardens, driveway and septic systems on Parcel 354 that now encroach on the Trimble property. The families are now trying to clean up this situation allowing good titles to both parcels.

A Zoning Advisory Committee (ZAC) comment received on June 15, 2009 from Wallace Lippincott, Jr., on behalf of the Department of Environmental Protection and Resource Management (DEPRM), 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. Both properties are subject to an agricultural easement held by the Maryland Environmental Trust.

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 27<sup>th</sup> day of July 2009, that the Petition for Special Hearing to approve the conveyance of a 1.59-acre parcel from the land of William C. Trimble and Nancy G. C. Trimble to Stephen J. Immelt and Susan C. Immelt (owners 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