

<b>IN RE: PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
NW/side of Harris Mill Road, corner of		
Harris Mill & Stewartstown Roads	*	OFFICE OF ADMINISTRATIVE
<b>(2140 B Harris Mill Road)</b>		
7 <sup>th</sup> Election District	*	HEARINGS FOR
3 <sup>rd</sup> Council District		
	*	BALTIMORE COUNTY
Vallie V. and Kay Taylor		
Petitioners	*	<b>CASE NO. 2012-0086-SPH</b>
* * * * *		

**ORDER AND OPINION**

This matter comes before the Administrative Law Judge as Petition for Special Hearing filed by the legal owners of the property, Vallie V. and Kay Taylor. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a non-density transfer of 18 acres, more or less, from the property of Vallie V. Taylor and Kay Taylor to the property of Vallie V. Taylor, Jr. and Susan E. Taylor. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held for this case were Petitioners Vallie V. Taylor, Jr., and his mother, Kay Taylor, and Bruce E. Doak with Gerhold Cross & Etzel, Ltd., a professional land surveyor who prepared the site plan. The file reflects that the hearing was properly advertised and the property posted. There were no Protestants or other interested persons present. Dave Lykens appeared on behalf of the Department of Environmental Protection and Sustainability (DEPS).

The ZAC comments were received and made a part of the file. Comments were received from the Department of Planning on October 20, 2011, which indicated no opposition provided that this will not create any additional building lots. Mr. Lykens stated at the hearing that DEPS

has no objection to the special hearing request given that a red-lined site plan was prepared which addressed their concerns.

Testimony and evidence offered at the hearing demonstrated that the property which is the subject of this special hearing request consists of 20.54 acres, more or less, and is split zoned RC 2 and RC 7. The property is owned at this time by Vallie Taylor and his wife, Kay. For the most part the property is used in an agricultural fashion both as crops as well as pasture land for farm animals. In addition, the property is improved with a single family dwelling wherein Mr. and Mrs. Taylor reside as well as several outbuildings and farm buildings. The structures and the farm land in question are particularly shown on Petitioners' Exhibit 1, the plat that was filed to accompany this Petition for Special Hearing. At this time, Mr. and Mrs. Taylor are interested in conveying the bulk of their property by way of a non-density transfer to their son who is also named Vallie Taylor. The younger Mr. Taylor owns a single family residential dwelling shown on the plat to contain 4.87 acres on a triangularly shaped parcel of land. That property has direct access off Stewartstown Road.

As stated previously, Mr. and Mrs. Taylor, whose address is 2140 B Harris Mill Road are interested in conveying to their son approximately 17 acres of their farm land to be combined with the property already owned by the younger Mr. Taylor. Vallie and Kay Taylor will retain approximately 3 acres of land that will be kept with their single family home. The red-lined plat to accompany the Petitioner which was marked as Petitioners' Exhibit 1 shows the area of land that will be retained by Mr. and Mrs. Taylor. The original request was for a smaller area of land to be retained; however, the Department of Environmental Protection and Sustainability asked that an area be set aside for future septic reserve in the event the current septic system needs replacing. The plan was modified accordingly and the matter proceeded without any opposition

from DEPS.

I find that this non-density transfer can be accomplished without altering or affecting the existing density rights that are associated with either of these plots of land. Once the conveyance is accomplished, the elder Mr. and Mrs. Taylor will retain approximately 3 acres of land with their house that has a street address of 2140 B Harris Mill Road in Parkton, Maryland. The 17 acres of farmland will be conveyed to their son, Vallie Taylor, and will be combined with his existing 4.87 acres of land which is also shown on the site plan to accompany the petition. Given the lack of opposition to the request, and the support of the County reviewing agencies, I find that the special hearing to allow the transfer to occur should be granted.

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, this 18 day of November, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a non-density transfer of 17 acres, more or less, from the property of Vallie V. Taylor and Kay Taylor to the property of Vallie V. Taylor, Jr. and Susan E. Taylor, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioners may apply for their building permit and may be granted same upon receipt of this Order, however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
2. Petitioners shall comply with the ZAC comments received from the Department of Planning received on October 20, 2011; and the Department of Environmental Protection and Sustainability dated November 15, 2011, copies of which are attached hereto and made a part hereof.

3. The actual acreage of land to be transferred by way of this non-density transfer request may fluctuate due to the fact that the red-lined areas shown on the plan have yet to be surveyed.

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

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Signed \_\_\_\_\_  
TIMOTHY M. KOTROCO  
Administrative Law Judge for  
Baltimore County

TMK:pz