

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(21201 West Liberty Road)		
7th Election District	*	OFFICE OF
3 rd Council District		
Herbert Schafer, Jr.	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2020-0226-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by Herbert Schafer, Jr. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 500.7 to request a non-density transfer of a 33.837 acre parcel of land from Herbert Schafer, Jr. (Parcel 213) to Herbert Schafer, Jr. (Parcel 247).

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

A Substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”) and from the Department of Planning (“DOP”). They did not oppose the requested relief subject to proposed conditions, which will be incorporated into the Order. A neighbor, Celia Davis, attended the hearing for informational purposes and upon learning of the relief requested she voiced no objections.

The Petitioner Herbert Schafer, Jr., appeared. Bruce Doak of Bruce E. Doak Consulting, LLC assisted the Petitioner in explaining the Site Plan and the requested relief. The subject property is approximately 37.937 acres and is split zoned RC 7 and RC 2.

Mr. Doak explained that Mr. Schafer owns in Case No. 95-260-SPH the property was configured in its current condition. The special hearing relief requested in this case would allow a non-density transfer of 33.837 acres from parcel 213 to parcel 247, both owned by Mr. Schafer. This would leave 4.11 acres around the old farmhouse, barn, and outbuildings at 21201 West Liberty Road (parcel 213) and transfer the rest to 21113 West Liberty Road (parcel 247). No additional density would be generated by this transfer. Because there is a forest buffer easement covering part of the land to be conveyed, it was agreed that the Petitioner would have prepared an Addendum to be incorporated into this Order, and made part of any contract and deed of sale for the property at 21113 West Liberty Road. This Addendum, which will be admitted as Petitioner's Exhibit 8, requires any buyer of the property to acknowledge that the property is subject to the forest buffer easement, and further requires them to acknowledge that they must, at their sole cost, grant and convey this easement to the County.

THEREFORE, IT IS ORDERED this 10th day of **February, 2021** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from the BCZR § 500.7 to request a non-density transfer of a 33.837 acre parcel of land from Herbert Schafer, Jr. (Parcel 213) to Herbert Schafer, Jr. (Parcel 247).is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner must comply with the DEPS ZAC comment, a copy of which are attached hereto and incorporated herein. Specifically, they must promptly record in the Land Records the forest buffer easement(s) that were erroneously not previously filed.
- Petitioner shall not convey the property at 21113 West Liberty Avenue unless the Addendum (Exhibit 8) is fully executed and incorporated into the contract of sale and fully complied with. The Addendum is attached hereto and incorporated herein.

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

Signed _____
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm