

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(920 Freeland Road)		
7th Election District	*	OFFICE OF
3 rd Council District		
Morris L. Bohlayer & Sharon A. Bohlayer	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2020-0218-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by Morris L. Bohlayer and Sharon A. Bohlayer. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 500.7 to permit the non-density transfer of 0.86 of an acre to a 4.541 acre lot from a 81.577 acre parcel of land to the adjoining property. Both properties have the same ownership. The subject properties are both zoned RC 2 and the proposed non-density transfer will not affect the density on either.

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 Planning (“DOP”). They did not oppose the requested relief. There were no protestants or interested parties at the hearing.

The property owner, Morris L. Bohlayer appeared. Bruce E. Doak, the licensed land surveyor who prepared the site plan, appeared and assisted the petitioners in presenting the case. The subject parcel is approximately 0.86 acres and is zoned RC 2. Mr. Doak explained that the petitioners want to annex this parcel to the existing parcel on which their residence and accessory

structures are sited. He explained that this parcel is heavily wooded with mature trees and not suitable for farming. Presently it is part of an 81.577 acre farm that adjoins the 4.541 acre residential lot. Petitioners have applied to place this farm acreage into a conservation easement for several years, and that is their continuing desire. This non-density transfer will “clean up” the property lines so that, after the transfer, the remaining 80.717 acres can be placed in conservancy easement, and this .86 acres will be combined with the existing 4.541 acre residential lot and will remain wooded.

Good cause having been shown it is, THEREFORE, ORDERED this **12th** day of **January, 2021** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from the BCZR § 500.7 to permit the non-density transfer of 0.86 of an acre to a 4.541 acre lot from a 81.577 acre parcel of land to the adjoining property. Both properties have the same ownership. The subject properties are both zoned RC 2 and the proposed non-density transfer will not affect the density on either be and is hereby GRANTED.

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