

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(15819 A Yeoho Road)		
8 th Election District	*	OFFICE OF
3 rd Council District		
Jonathan M. & Shannon Hershfield	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2016-0004-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Jonathan M. and Shannon Hershfield, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit the non-density transfer of a 10.767 acre parcel to the adjoining property owners.

Appearing at the public hearing in support of the request was Jonathan Hershfield. Bruce E. Doak, a licensed surveyor, assisted the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the request, but both provided suggested conditions for inclusion in the final Order.

As it stands, there are two adjoining parcels of land relevant to this case. As shown on the site plan (and until May, 2015) Bruce and Fran Hershfield owned a 20.00 acre parcel and a 20.76 acre parcel, both of which are zoned R.C. 2. In May 2015, the Hershfields transferred the subject property (i.e., the 20.76 acre parcel) to Jonathan and Shannon Hershfield, Petitioners. See Deed,

Ex. 5. Petitioners plan to construct a dwelling on the property, but propose to transfer a 10.76 acre parcel to be combined with the adjoining 20 acre parcel (owned by Petitioners' parents) so as to create a 30.76 acre parcel and a 10.00 acre parcel. Petitioners stated this will allow for agricultural activities to continue on the larger parcel. As is clear from the title of the zoning request, density on either parcel would not be affected in any way by the proposed transfer.

THEREFORE, IT IS ORDERED this 30th day of September, **2015** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 to permit the non-density transfer of a 10.767 acre parcel to the adjoining property owners, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comments submitted by DOP and DPR, which are attached hereto and incorporated herein.

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

JEB:sln

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County