FINDINGS OF FACT AND CONCLUSIONS OF LAM

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located ct 17904 Gunpowder Road in the rural northern section of Baltimore County. The Petition is filed by Robert M. Tracey and Edith A. Tracey, property owners. The Co-Petitioners are David W. Tracey and Mendy C. Tracey, his wife, Contract Purchasers and son and daughter in-law of the property owners. Special Hearing relief is requested seeking the approval of the addition of 7.1469 acres of land to David W. and Mendy C. Tracey for agricultural purposes only, not for residential purposes (non-density transfer). This acreage is to be transferred to that parcel presently owned by David W. Tracey and Mendy C. Tracey and shown on the plat to accompany the Petition for Special Hearing as lot No. 2.

Appearing at the requisite public hearing held for this case was Mendy C. Tracey, co-Petitioner. Also present was Noy Snyder of A.L. Snyder, Inc., the surveyor who prepared the site plan. There were no Protestants

Testimony and evidence presented was that the subject site lies adjacent to Gunpowder Road in northern Baltimore County. This is a rural section of the County which is mainly devoted to agricultural purposes.

Mrs. Tracey testified and stated that she and her husband, David M. Tracey, own two lots of land at this location. These lots were formerly obtained from Mrs. Tracey's in-laws, Robert W. and Edith A. Tracey. Lot No.

1 is unimproved and lies immediately adjacent to Gunpowder Road. It is 6.7736 acres in area and is split moved R.C.2 and R.C.4. The predomi zoning of the property is R.C.2. The second percel is known as lot No. 2 and is situated to the rear of lot No. 1 off of Gumpowder Road. Lot No. 2 is approximately 5.37 acres in area and is moned entirely R.C.2. Lot No. 2 is improved with a single family dealling comed and occupied by Dav'd and

The exectal bearing Datition is requested because of a planned acquisition by the younger Mr. and Mrs. Tracey. Specifically, they planned to acquire a parcel to the south of their present holdings as shown on the site plan. This percel is 7.1469 acres in eree and is also somed R.C.2. The acquisition will not be for the purposes of further development. Rather, Mr. and Mrs. Tracey presently raise pheasants and quail on their property The additional land is to be acquired so as to provide a larger area for Mr. and Mrs. Tracey to pursue their bird raising activities. No new construction is planned on the site and the acresos will be devoted to these acricultural purposes and not for the construction of any buildings or houses.

Based upon the uncontradicted testimony as summarized above, I am persueded that the Petition for Special Hearing should be granted. It is clear that the proposed conveyance will not adversely affect the surrounding locale. This is particularly so in view of the fact that the transfer is not undertaken so as to support additional construction. Rather, it need be emphasized that the Traceva agricultural pursuits will be enhanced by this more. For this reason, I am permunded that the Petition should and will be greated

additional comments have been received from the Ecning Plans Advisory Committee. The Office of Public Morks states in their comment that the

existing 250 ft, wide drainess reservation and the limit of the existing flood plain should be shown on the plat. Mr. Snyder indicated that the plat smalld be an amended to reflect this omission. Moreover, the plat was amende ad at the public hearing to show that lot No. 2 is constituted to that many cel occupied by the existing single family deelling. Moreover, the Department of Environmental Protection and Resource Management requests that a restriction be placed in my Order prohibiting the use of the 7.1469 acre parcel to support a dwelling. As indicated above, the purpose of the dwelling is not for additional residential construction and the Petitioners were agreeable to such a restriction. Therefore, it shall be added.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE. IF IS OFFICED by the Zoning Commissioner of Baltimore County this 14 day of April, 1994 that, pursuant to the Petition for Special Hearing, approval of the addition of 7.1469 agree of land to David W. and Wendy C. Tracey for agricultural purposes only, not for residential purposes (non-density transfer), be and is hereby GRAFTED subject, however, to the following restrictions which is a condition precedent to the relief granted

The Petitioners are hereby ; ade assers that
proceeding at this time is at their one risk
until such time at the 30 day appellets process
reason, this Order is reversed; the Petitioners
could be required to return, and be responsible
for returning, said property to its original
condition.

The Petitioners shall submit an amended site plan clearly labeling lot No. 2 and indicating the flood plain and 250 ft. wide drainage reservation as requested by the ZMC comments.

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Baltimore County Government Zoning Commissioner Office of Planning and Zoning 1

Suite 113 Courthouse 400 Washington . venue Towson, MD 21204

(410) 887-4386

Anril 11. 1994

Mr. and Mrs. David W. Tracey 17904 Gunpowder Road Hampstead, Maryland 21074

RE: Case No. 94-327-SPH
Petition for Special Hearing
Robert W. Tracey, et ux, Logal Owners
David W. Tracey, et ux, Contract Purchasers, Petitioners

Enclosed please find the decision rendered in the above captions case. The Petition for Special Hearing has been granted, in accordan-with the attached Order.

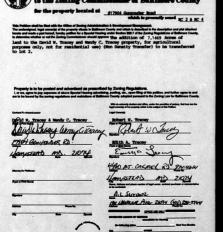
In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. Por further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

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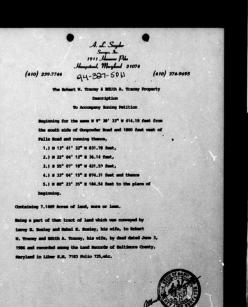
MRENCE E. SCHMIDT ning Commissioner r Baltimore County

LES:mmn encl. cc: Mr. Roy Snyder A.L. Snyder, Inc

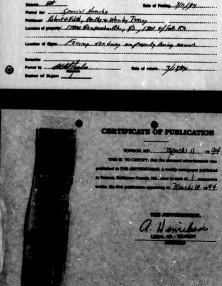
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Petition for Special Hearing
94.397.9 H
to the Zening Commissioner of Bultimere County



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94-307-204

