

IN RE: PETITION FOR VARIANCE  
N/S Traceys Road, 1321' W  
centerline of Yeoho Road  
5th Election District  
3rd Councilmanic District  
(2218 Traceys Road)

Gregory & Sharon Daily  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 02-484-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Gregory and Sharon Daily. The Petitioners are requesting a variance for property located at 2218 Traceys Road, which is zoned R.C.2. The variance request is to permit rear and side yard setbacks of 35 ft. in lieu of the required 50 ft. for a single-family, residential dwelling.

Appearing at the hearing on behalf of the variance request were Herbert and Anne Hochhalter and Sean Schmidt, representing Hicks engineering, the engineers who prepared the site plan of the property. Appearing in opposition to the Petitioners' request were Timothy and Monica Bowden, adjacent property owners.

Testimony and evidence indicated that the property, which is the subject of this variance request, is part of Lot 11 of the subdivision known as "High Meadow", located on the west side of Yeoho Road in Sparks. The property owner is desirous of subdividing Lot 11 into 2 separate lots of record. Lot 1A would contain the existing dwelling wherein Mr. & Mrs. Hochhalter use to reside. They have since moved to Westminster, Maryland. The new owners of the property are Gregory and Sharon Daily. The second lot would be an unimproved lot shown on the site plan as Lot 2 and would contain 1.13 acres of land. The Petitioners have proceeded through the subdivision process in order to create this new lot. However, a variance is necessary in that the

ORDER RECEIVED FOR FILING  
Date 7/1/02  
By R. Jensen

house that they wish to have constructed on the property would be situated 35 ft. from the rear and side property lines in lieu of the required 50 ft.

A question arose at the hearing as to whether the current R.C.2 zoning setback of 35 ft. applies to this lot, or the 50 ft. setback which was the setback requirement in effect at the time the High Meadow subdivision was approved. I find that the setback requirement of 50 ft., which was the requirement in effect at the time that this subdivision was approved does apply to this lot and, therefore, it is necessary for the Petitioners to obtain a variance to allow the proposed dwelling to be situated only 35 ft. from the rear and side property lines.

As stated previously, Mr. & Mrs. Bowden, adjacent property owners who reside at 2210 Traceys Road, appeared in strong opposition to the Petitioners' request. The Bowden's testified that a house constructed on this property would not be in character and keeping with the other homes located in the surrounding community. They believe a house constructed in close proximity to their house would devalue their property and would have a detrimental impact on their quality of life. Furthermore, the Bowden's question the location of the property line as shown on the site plan submitted into evidence as Petitioners' Exhibit No. 1. They ask that no house be constructed on the lot, or if one is permitted, that it meet all applicable setbacks.

After considering the testimony and evidence offered at the hearing, I find that the variance request to allow this house to be constructed on this unimproved lot with setbacks of 35 ft. to the rear and 35 ft. to the side should be denied. The subdivision of this lot in the fashion depicted on the site plan submitted is not in character and keeping with the surrounding lots along Traceys Road. In my opinion, the need for this variance is self-created, which resulted from the manner in which the property has attempted to be subdivided. Therefore, I do not

ORDER RECEIVED FOR FILING  
Date 5/1/02  
By R. Jensen

believe it is appropriate to grant a variance in this instance and the Petitioners must satisfy the 50 ft. side yard and rear yard setbacks applicable to this property.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, I find that the Petitioners' request for variance should be denied.

THEREFORE, IT IS ORDERED this 1<sup>st</sup> day of July, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance to allow side and rear yard setbacks of 35 ft. in lieu of the required 50 ft., be and is hereby DENIED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
\_\_\_\_\_  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date 7/1/02  
By R. Johnson



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

July 1, 2002

Mr. & Mrs. Gregory Daily  
2220 Traceys Road  
Sparks, Maryland 21152

Re: Petition for Variance  
Case No. 02-484-A  
Property: 2218 Traceys Road

Dear Mr. & Mrs. Daily:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been denied in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

Copies to:

Herbert & Anne Hochhalter  
156 Wampee Ct  
Westminster, MD 21157

Sean Schmid  
Hicks Engineering Co., Inc.  
200 E. Joppa Road, Suite 400  
Towson, MD 21286

Timothy & Monica Bowden  
2210 Tracey's Road  
Sparks, MD 21152



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 2218 Traceys Road

which is presently zoned RC - 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto made a part hereof, hereby petition for a Variance from Section(s)

*the building envelope* 101.3, <sup>A</sup>100.3b.3 (1 R.D.P.) to permit side and rear yard setbacks of 35 feet in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (including hardship or practical difficulty)

The proposed 35 foot and rear yard setbacks meet the requirements of current zoning of RC - 2

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

### Contract Purchaser/Lessee:

HERBERT H. AND ANNE M. HOCHHALTER  
Name - Type or Print

Herbert H Hochhalter Anne M. Hochhalter  
Signature

156 WAWPÉE CT 410 871 2086  
Address Telephone No.

WESTMINSTER MD. 21157  
City State Zip Code

### Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 02-484-A

By Rogers  
Date 7/1/02  
220 9/15/98

### Legal Owner(s):

Gregory Daily  
Name - Type or Print

Gregory Daily 5/1/02  
Signature

Sharon Daily  
Name - Type or Print

Sharon Daily 5/1/02  
Signature

2220 Traceys Road 410-472-9229  
Address Telephone

Sparks, MD 21152-9546  
City State Zip Code

### Representative to be Contacted:

Hicks Engineering Co., Inc./Sean Schmid  
Name

200 E. Joppa Road Suite 400 410-494-0001  
Address Telephone No.

Towson, MD 21286  
City State Zip Code

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_  
Reviewed By BR Date 5/1/02

ORDER RECEIVED FOR FILING  
Date 7/1/02  
By Rogers

Zoning Description for 2218 Traceys Road.

Beginning at a point on the north side of Traceys Road which is 60 feet wide, at a distance of 1321 feet west of the centerline of Yeoho Road which is 70 feet wide.

Thence departing Traceys Road and binding on part of Lot 9 "Highmeadow" as recorded among the Land Records of Baltimore County as Plat E.H.K., JR. 36 Folio 127 the following four courses: N 23° 26' 44" W 99.19 feet, N 44° 26' 44" W 147.90 feet, N 25° 05' 58" W 228.53 feet, and S 66° 33' 16" W 150.00 feet.

Thence departing Lot 9 And running through Lot 11 "Highmeadow" for new lines of division the following five courses: S 24° 59' 35" E 114.28 feet, S 77° 13' 43" E 86.27 feet, S 28° 15' 06" E 137.20 feet, S 70° 17' 38" E 32.46 feet, S 32° 08' 20" E 142.96 feet to the North side of Traceys Road.

Thence binding on the North side of Traceys Road N 66° 33' 16" E 80.00 feet to the point of beginning. Containing 1.13 acres of land, being part of Lot 11 "Highmeadow", located in the 5<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.



**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET & FINANCE**  
**MISCELLANEOUS RECEIPT**

No. **13331**

DATE 5/1/02 ACCOUNT R001-006-6150  
AMOUNT \$ 50.00

RECEIVED FROM: Herbert Hochhalter

FOR: Zoning Variance

**PAID RECEIPT**

BUSINESS	ACTUAL	TIME
5/02/2002	5/01/2002	14:25:55
REG M504	WALKIN DDOL DHD DRAMER	2
>>RECEIPT #	180880	5/01/2002 OFLN
Dept	5 528 ZONING VERIFICATION	
CR NO.	013331	
Receipt Tot	\$50.00	
50.00 CK	.00 CA	
Baltimore County, Maryland		

**DISTRIBUTION**  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

*Item # 484*

**CASHIER'S VALIDATION**



**NOTICE OF ZONING  
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-484-A  
2218 Traceys Road  
N/S Traceys Road, 1321' W  
centerline Yeoho Road  
5th Election District  
3rd Councilmanic District  
Legal Owner(s): Sharon &  
Gregory Daily  
Contract Purchaser: Anne M. &  
Herbert Hochhalter

**Variance:** to permit side and rear yard setbacks of the building envelope 35 feet in lieu of the required 50 feet.

**Hearing:** Wednesday, June 26, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/6/675 June 11 C54430C

# CERTIFICATE OF PUBLICATION

6/13/2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/11/2002.

- The Jeffersonian
- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter
- North County News

*J. Wilkinson*

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-484-A

Petitioner/Developer: TRACEY, MOORE, ETAL

Date of Hearing/Closing: 6/26/02

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

.4" brand fax transmittal memo 7671		# of pages ▶ 1
To	From O'KEEFE	
Co.	ZONING - COMM.	
Dept.	Phone # 512-4621	
Fax # 410-887-3468	Fax # 666-0929	

Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 2218 - TRACEYS RD.

The sign(s) were posted on 6/10/02  
(Month, Day, Year)

Sincerely,

*Patrick M. O'Keefe SA*  
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

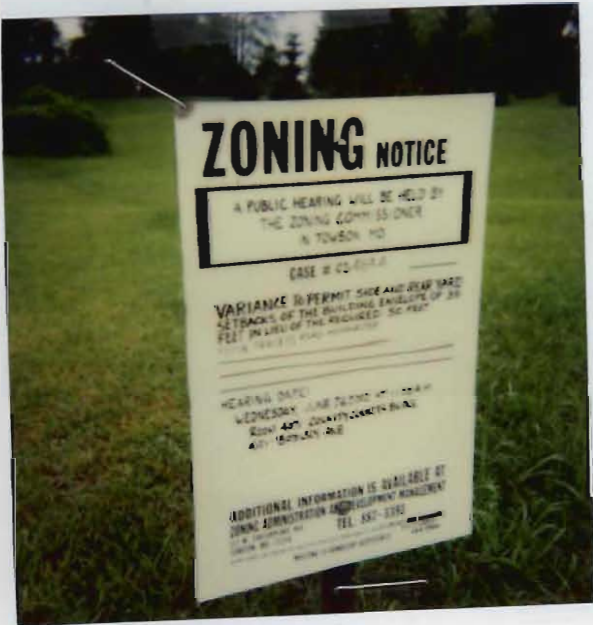
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



02-484-A  
2218 - TRACEYS RD.

6/26

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 02-484-A  
Petitioner: GREGORY & SHARON DAILY  
Address or Location: 2220 TRACEYS ROAD SPARKS, MD 21152

PLEASE FORWARD ADVERTISING BILL TO:

Name: HERBERT HOCHHALTER

Address: 156 WAMPEE COURT  
WESTMINSTER, MD 21157

Telephone Number: 410-871-2086

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, June 11, 2002 Issue – Jeffersonian

Please forward billing to:  
Herbert Hochhalter  
156 Wampee Court  
Westminster MD 21157

410 871-2086

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## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-484-A  
2218 Traceys Road  
N/S Traceys Road, 1321' W centerline Yeoho Road  
5<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owner: Sharon & Gregory Daily  
Contract Purchaser: Anne M & Herbert Hochhalter

Variance to permit side and rear yard setbacks of the building envelope 35 feet in lieu of the required 50 feet.

HEARING: Wednesday, June 26, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

  
Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Director's Office  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
410-887-3353  
Fax: 410-887-5708

May 23, 2002


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Variance to permit side and rear yard setbacks of the building envelope 35 feet in lieu of the required 50 feet.

HEARING: Wednesday, June 26, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon   
Director

C: Sharon & Gregory Daily, 2220 Traceys Road, Sparks 21152  
Mr. & Mrs. Herbert Hochhalter, 156 Wampee Court, Westminster 21157

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 11, 2002.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

June 21, 2002

Mr. & Mrs. Gregory Daily  
2220 Traceys Road  
Sparks MD 21152

Dear Mr. & Mrs. Daily:

RE: Case Number: 02-484-A, 2218 Traceys Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 01, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

*W. Carl Richards, Jr.*

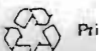
W. Carl Richards, Jr. GDZ  
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Mr. & Mrs. Herbert H Hochhalter, 156 Wampee Court, Westminster 21157  
Hicks Engineering Co Inc, Sean Schmidt, 200 E Joppa Road Suite 400, Towson 21286  
People's Counsel

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)





Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

May 9, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 13, 2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

472, 475-479, 482-487

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office  
PHONE 887-4881, MS-1102F

cc: File


Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

DATE: May 29, 2002

FROM:  Robert W. Bowling  
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting  
for May 13, 2002  
Item No. 473, 475, 476, 477, 478, 479, 481, 482, 483, 484,  
485, 486 and 487

The Bureau of Development Plans Review has reviewed the  
subject zoning items and we have no comments.

RWB:CEN  
Cc: file



*Jim  
01/26*

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** May 20, 2002

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

MAY 2

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 02-463, 02-476, & 02-484

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

*Mark A. Cunningham*

Section Chief:

*Arnold F. Keller*

AFK/LL:MAC



**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 5.10.02

Mr. George Zahner  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 484 BR

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

A handwritten signature in black ink, appearing to read 'K. A. McDonald Jr.', written in a cursive style.

*K* Kenneth A. McDonald Jr., Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

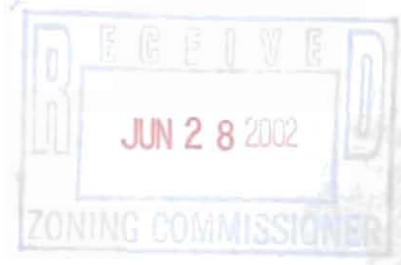
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Jan  
6/26

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon  
FROM: Todd Taylor *TGT*  
DATE: June 25, 2002  
SUBJECT: Zoning Petition 484  
ADDRESS: 2218 Tracey's Road



**Agricultural Preservation Comments:**

This property is subject to conditional approval based on the existing land owner providing documentation that shows the owner of lot 9 was ok with sharing the existing driveway. Rational for this condition is that the lot is constrained by size and configuration. If the variance requested is approved it will permit a larger house with greater impact. The sharing of a driveway would provide for the reduction of impacts such as impervious surfaces.

Reviewer: Wally Lippincott

Date: June 25, 2002

RE: PETITION FOR VARIANCE  
2218 Traceys Road, N/S Traceys Rd,  
1321' W of c/I Yeoho Rd  
5th Election District, 3rd Councilmanic

Legal Owner: Gregory & Sharon Daily  
Contract Purchaser: Herbert & Anne Hochhalter  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 02-484-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**



PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 22<sup>nd</sup> day of May, 2002 a copy of the foregoing Entry of Appearance was mailed to Sean Schmidt, Hicks Engineering Company, Inc., 200 E. Joppa Road, Suite 400, Towson, MD 21286, representative for Petitioners.



PETER MAX ZIMMERMAN

THE HOCHHALTER PROPERTY

2220 Traceys Road

01-117-M

Minor Subdivision 1<sup>st</sup> Review

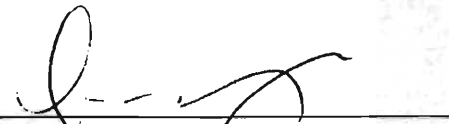
Plan Date: 12/07/01

Comments Date: 12/28/01

After review with PDM staff the following has been determined:

- This property currently exists as Lot 11 of the Highmeadow subdivision. In order to further divide this lot you must apply to the Development Review Committee (DRC) for a refinement to the existing JSPC plan (PDM file no. V-39). If said refinement is approved by the DRC the minor subdivision process would not apply. An amended record plat may be required. You may contact the Office of Development Management at (410) 887-3335 for information.
- This property is currently zoned RC2 which would allow a further division of the existing lot. The property is subject to the RDP zoning requirements that were in place at the time the property was created. These requirements include but are not limited to, 50' property line setbacks for the principal structure and a Minimum Linear Lot Dimension of 150 feet. Any requirements of Section 1A00.3 BCZR (1970) that cannot be met must be variances.

Any requests for further information from the Zoning Office must include a reference to the minor subdivision file number 01-117-M and a copy of these comments must accompany written correspondence or revised plans.



Lloyd T. Moxley  
Planner II  
Zoning Review

TO WHOM IT MAY CONCERN:

I am the owner of Lot #9 Highmeadow, which is also 2212 Traceys Road, in Sparks. I understand that the property owners of the proposed new lot in front of my property, Mr. and Mrs. Herb Hochhalter, have applied for permission to sell that lot with a building set-back restriction of 35 feet, instead of the present 50 feet. This shall serve as my approval for same. I have no objection to the change in the set-back restriction. I believe that, if anything, this would allow for a larger house to be built in front of my home, and that would mean a lesser potential for any adverse effect upon the property value of my land. This property lies within the subdivision of Highmeadow and is still subject to the square footage restrictions currently in place.

Please feel free to contact me for any additional input into the consideration of this application by Mr. and Mrs. Hochhalter. I can be reached at 410-771-8273 (h) or 410-296-3767 (w).

Date:

6/18/02

*Cheryl H. Schweizer*

Cheryl H. Schweizer  
2212 Traceys Road  
Sparks, MD 21152

Monica Bowden  
2210 Tracey Rd  
Sparks, MD 21152

Arnold Jablon  
Director of P.D.M.  
111 W. Chesapeake Ave  
Towson, MD 21204

Re: Variance Hearing, case 02-484A

Dear Mr. Jablon:

In response to the hearing as stated above, I would like to bring you a few of my concerns about the building proposals located on this subdivision lot on Tracey Road.

My concerns are the followings:

1. My house is situated across from the private drive next to the subdivision lot. It will have a profound impact on the quiet living of my family if a house is being built there. We certainly respect the owners' right to use their property, but we should at least have been informed of the proposal. Nobody had ever advised my husband and me of anything until I saw the above Zoning sign being posted about 10 days ago.
2. I hope the County should have advised us much earlier so we had enough time to prepare for the hearing. My husband travels globally, by working with hundreds of people worldwide. He had to come home suddenly from Europe to attend this hearing. To give us at least 3 months or more will be the prudent thing to do.
3. We now have the questions about the accuracy of the information being provided by the subdivision owners at the hearing, such as the property line and other issues. We wish we could have this information earlier.
4. There have been many disputes on Tracey during the last few years. This one is the latest addition. With the way the residents who handle their issues here, I personally feel there are a lot of unnecessary disruptions that have affected our family life negatively.
5. If your office can help and at least give us enough time to prepare for anything, please kindly do so.

Thank you very much for your consideration in this matter.

Truly,



Monica Bowden

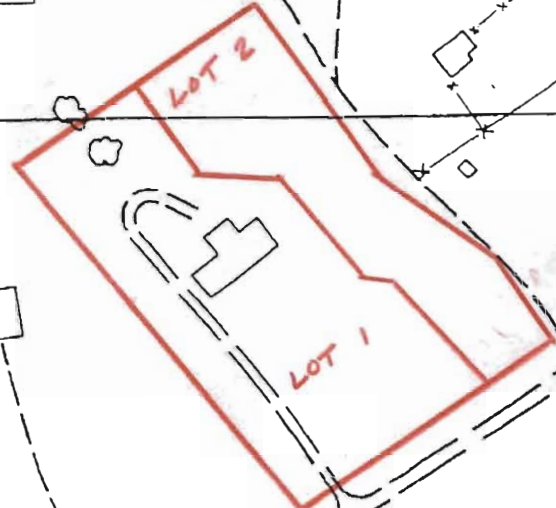
7/3/02  
wca  
file  
To: GZ  
File  
7/8/02 wca



MAP  
NW 25F

R.

C. 2



R. C. 2

R. C. 2

R. C. NW 25F

#484



**GENERAL NOTES:**

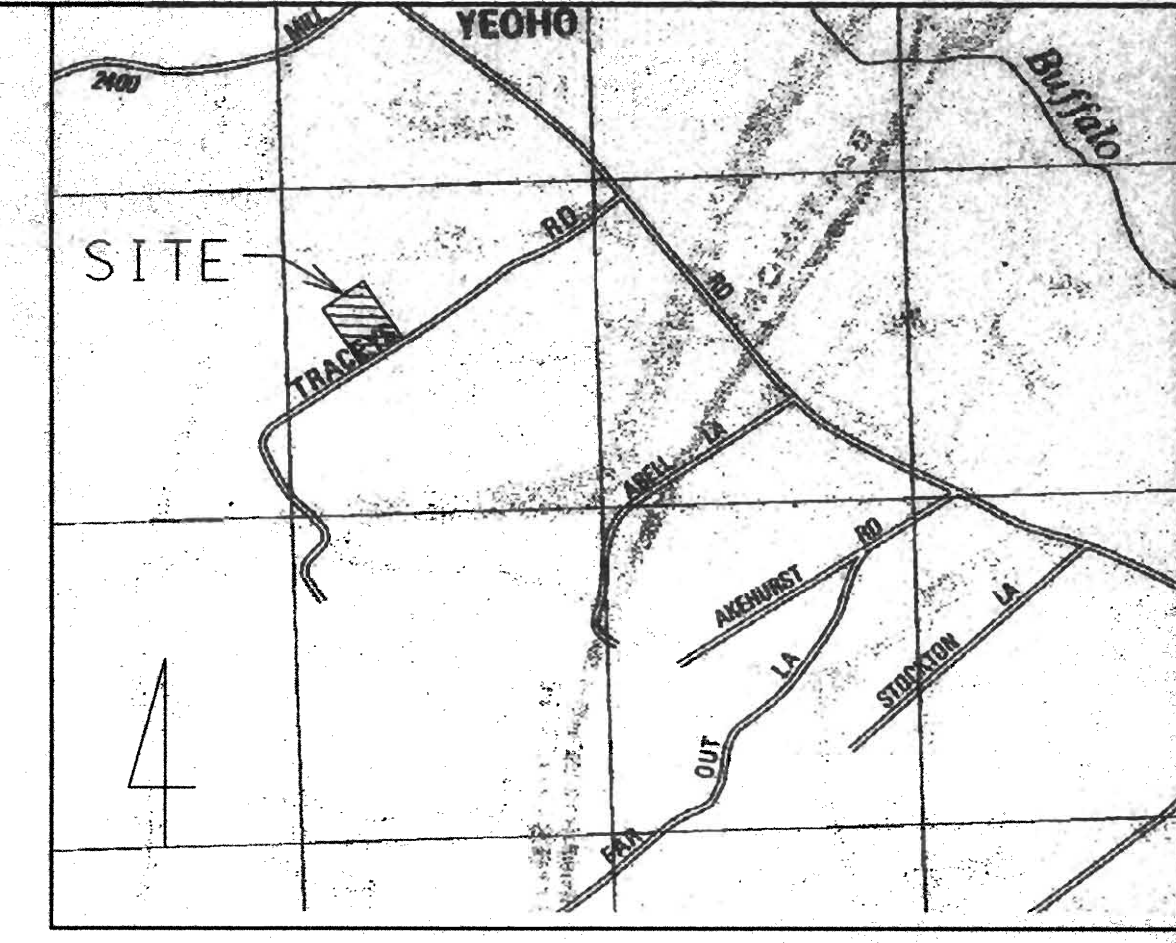
1. PROPERTY OUTLINE PREPARED BY DOLLENBERG BROTHERS SURVEYORS AND CIVIL ENGINEERS. PLAT DATED JUN.26.1973 TOPOGRAPHY TAKEN FROM BALTIMORE COUNTY GIS TITLES NO. 27A1 AND 27A2.
2. THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, HAZARDOUS MATERIALS SITES OR UNDERGROUND STORAGE TANKS, OR HISTORIC BUILDINGS ON SITE.
3. THE EXISTING WELLS & SEPTIC SYSTEMS WILL BE INSPECTED & REPAIRS WILL BE REQUIRED IF NECESSARY.
4. "THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 1975. THE DEVELOPERS SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF SITE DWELLINGS."
5. THE AREAS BETWEEN THE SIGHT LINES AND THE CURB LINES MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTION.
6. THE SUBJECT PROPERTY HAS NO ZONING CASE HISTORY.

**STANDARD NONDISTURBANCE NOTE:**

"THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT."

**PROTECTIVE COVENANTS NOTE:**

"ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAYBE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS."



**VICINITY MAP**  
SCALE: 1"=4000'

**SITE DATA**

GROSS AND NET SITE AREA: 3.227 AC. +  
EX. ZONING: RC-2 (MAP NW-25F)  
DEED REFERENCE: 16072/134  
TAX ACCOUNT NO: 1600012196  
DENSITY ALLOWED: 2 SINGLE FAMILY DWELLINGS  
EXISTING USE: RESIDENTIAL  
TAX MAP 27 GRID 8 PARCEL 19 LOT 11  
CENSUS TRACT: 4050  
REGIONAL PLANNING DISTRICT: 302  
WATER SHED: 12 - BLACK ROCK RUN  
SUBSEWERSHED: B1  
SCHOOL DISTRICTS: 5TH DISTRICT ELE. HEREFORD HIGH/MIDDLE

**LEGEND**

- EX. CONTOURS
- PROP. WELL AREA
- PROP. 10,000 SF+ SEPTIC AREA
- EX. PERC. TEST LOCATION (TEST PASSED)
- 25% SLOPES ±

**REVISIONS**

DATE	DESCRIPTION	BY

**OWNER INFORMATION:**  
DAILY, GREGORY  
DAILY, SHARON  
2220 TRACEYS RD.  
SPARKS, MD. 21152

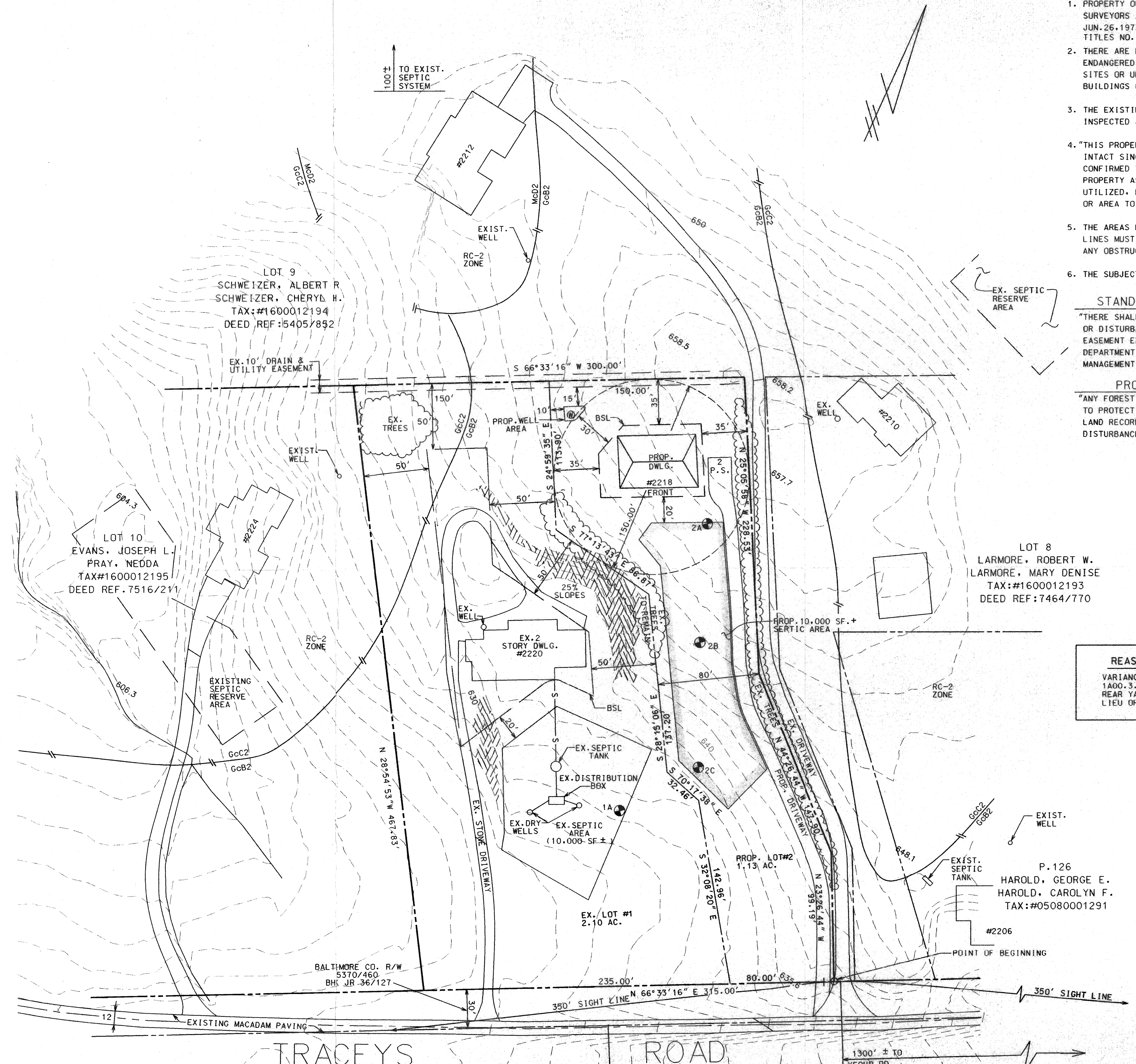
**HICKS ENGINEERING CO., INC.**  
ENGINEERS, SURVEYORS & PLANNERS  
200 EAST JOPPA ROAD - SUITE 402  
TOWSON, MARYLAND 21286-3160  
(410) 494-0001

**PROJECT TITLE:**  
DAILY PROPERTY  
#2220 TRACEYS RD.  
ELECTION DISTRICT 5TH  
COUNCILMATIC DISTRICT 3RD

**PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE**  
RESUBDIVISION OF LOT 11 HIGHMEADOW 36/127A

JOB NO.:	20222	DRAWING NO.:	C-1
DRAWN BY:	JPM/MEH	CHECKED BY:	SDS/PMN
DATE:	5-1-02	SCALE:	1"=40'
SHEETS PER SET:	1 OF 1		

**REASON FOR VARIANCE REQUEST**  
VARIANCE FROM B.C.Z.R. SECTION 101.3, 1400.3, B.3 (1 R.D.P.) TO PERMIT SIDE AND REAR YARD SETBACKS OF 35 FEET IN LIEU OF THE REQUIRED 50 FEET.



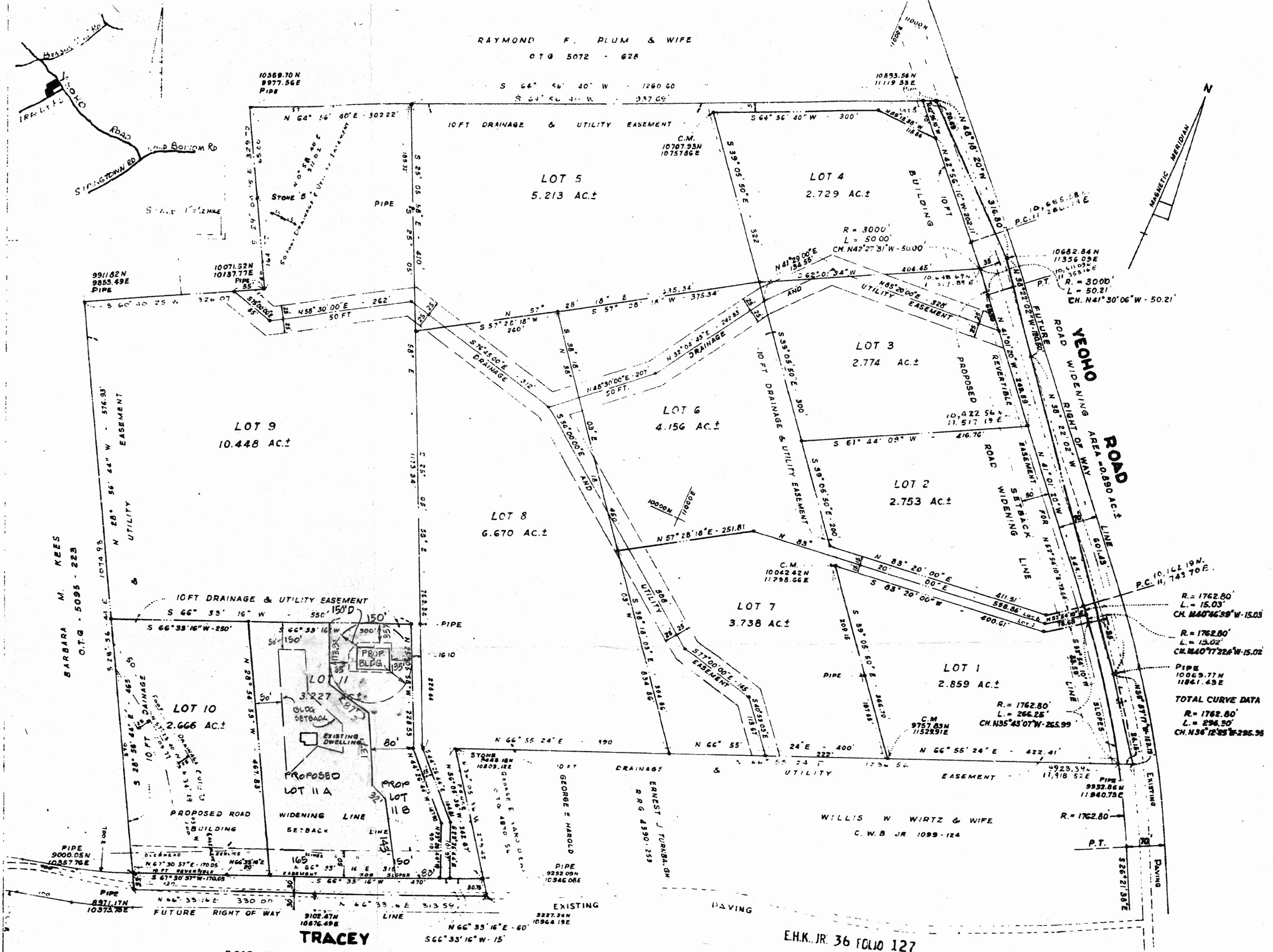
**TRACEYS ROAD**

P.27  
WIRTZ, DONALD WILBERT  
WIRTZ, ELIZABETH A  
TAX:#0523050577  
DEED REF. 7597/364  
17002 SUNSWPT LA.

P.26  
WIRTZ, VERNON WILLIS  
TAX#0523050575  
DEED REF. 6709/75  
16226 YEHO RD.

P.126  
HAROLD, GEORGE E.  
HAROLD, CAROLYN F.  
TAX:#05080001291

*Donald W. Wirtz, P.E.*  
Professional Engineer Seal



**TRACEY**  
ROAD WIDENING AREA = 0.447 AC±

THE STREETS AND / OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEED ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

THE COORDINATES SHOWN HEREON ARE BASED ON AN ASSUMED SYSTEM.

I CERTIFY THAT THE REQUIREMENTS OF SECTIONS 59 TO 62 OF ARTICLE 17, 1957 EDITION OF THE ANNOTATED CODE OF MARYLAND (TITLE CLERKS OF COURTS, SUBTITLE CLERKS OF CIRCUIT COURT) AS FAR AS THEY CONCERN THE MAKING OF THIS PLAT, HAVE BEEN COMPLIED WITH.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_  
GUNPOWDER LAND ASSOCIATES OWNERS

ADDRESS: PAPER MILL ROAD  
PHOENIX MD 21131  
CITY OR TOWN STATE ZIP CODE

DEED RECORDED IN LIBER 5331 FOLIO 181  
ALL LOT CORNERS MARKED WITH PIPE OR CONCRETE MONUMENT

FOR PANHANDLE LOTS: REFUSE COLLECTION, SNOW REMOVAL AND ROAD MAINTENANCE ARE PROVIDED TO JUNCTION OF PANHANDLE AND ROAD RIGHT OF WAY LINE ONLY AND NOT ONTO THE PANHANDLE LOT DRIVEWAY.

No. of Lots - 11  
Density - .22  
Zoned - R.D.P.

E.H.K. JR. 36 FOLIO 127  
Filed for Record  
Date JUN 26 1973  
Test: \_\_\_\_\_ Clerk

**ROAD**  
**HIGHMEADOW**  
LOCATED IN  
5TH DISTRICT BALTIMORE CO. MARYLAND  
AREA = 48.570 AC±

JOHN F. ETZEL REGISTERED LAND SURVEYOR DATE  
**PLAT TO ACCOMPANY DRC REQUEST**

<b>HIGHWAY DEPARTMENT OF BALTIMORE COUNTY</b> APPROVED: _____ DATE: _____ ROAD ENGINEER	<b>BALTIMORE COUNTY PLANNING BOARD</b> APPROVED: _____ DATE: _____ DIRECTOR	<b>BALTIMORE COUNTY HEALTH DEPARTMENT</b> APPROVED: _____ DATE: _____ DEPUTY STATE & COUNTY HEALTH OFFICER
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SCALE 1" = 100' MAY 8, 1973  
DOLLENBERG BROTHERS  
SURVEYORS AND CIVIL ENGINEERS  
709 WASHINGTON AVENUE  
TOWSON MARYLAND