ORDER RECENED/FOR FILING Date

By

IN RE: PETITION FOR SPECIAL HEARING W/S York Road, 23' SW of the c/l

Sparks Road

(14954 York Road) 8<sup>th</sup> Election District 3<sup>rd</sup> Council District

Thomas A. Traill Petitioner

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- <sup>k</sup> Case No. 03-549-SPH

\* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Thomas A. Traill. The Petitioner requests a special hearing to approve the temporary utilization of an existing barn for residential purposes during the rehabilitation of an existing dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioner was Bruce E. Doak, the Surveyor who prepared the site plan. There were no Protestants or other interested persons present.

parcel located on the west side of York Road just south of Sparks Road in Sparks. The property contains a gross area of 7.66 acres, more or less, split zoned R.C.4 and R.C.7, and is improved with a single-family dwelling, which was built in 1885, and a barn. Testimony indicated that the dwelling is in extremely dilapidated condition and in need of substantial renovation as evidenced in photographs submitted at the hearing. Mr. Traill recently acquired the subject property and proposes an extensive plan for restoration and rehabilitation of both structures as shown in building elevation drawings submitted into evidence as Petitioner's Exhibits 3A through 3D. Apparently Mr. Traill intends to renovate the barn first and after those repairs are completed, rehabilitation will begin on the dwelling. In view of the extensive nature of the repairs necessary, the house will not be habitable during this beriod of rehabilitation. Thus, the Petitioner seeks special hearing relief to enable him to reside in the barn during that time. It was indicated that the Petitioner understood that the barn could not thereafter

be maintained as a separate dwelling unit. The relief requested is only on an interim basis during the rehabilitation of the existing dwelling.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. The Petitioner's efforts to rehabilitate this property and the buildings thereon are to be encouraged. Permitting the Petitioner to temporarily reside in the barn during the rehabilitation period is appropriate and will not result in any detrimental impacts to the surrounding locale. Mr. Doak was advised at the hearing that the Petitioner would be required to vacate the barn as a principal dwelling within ninety (90) days following the issuance of a use and occupancy permit for the dwelling by Baltimore County. Mr. Doak agreed to this restriction.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of July 2003 that the Petition for Special Hearing to approve the temporary utilization of an existing barn for residential purposes during the rehabilitation of an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Upon completion of the renovations to the existing dwelling, the barn cannot be used for residential purposes. The Petitioner shall vacate the barn and cease using same for residential purposes within ninety (90) days from the date of the issuance of a use and occupancy permit for the dwelling.

3) When applying for any permits, the site plan filed must reference this case, and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

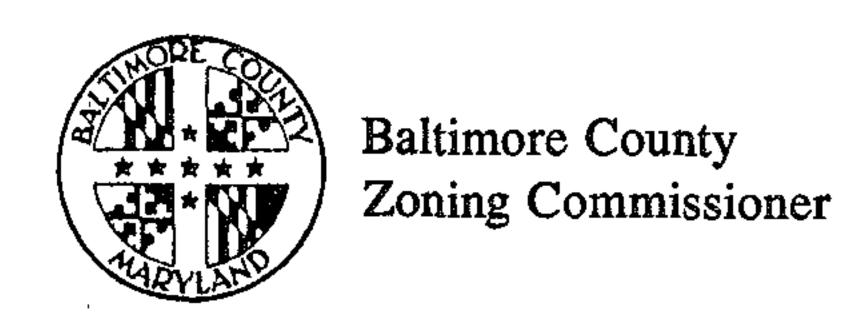
Zoning Commissioner for Baltimore County

LES:bjs

in Singu

OHDER THOEN

á



July 26, 2003

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

Fax: 410-887-3468

Mr. Thomas A. Traill 14954 York Road Sparks, Maryland 21152

RE: PETITION FOR SPECIAL HEARING
W/S York Road, 23' SW of the c/l Sparks Road
(14954 York Road)
8<sup>th</sup> Election District — 3<sup>rd</sup> Council District
Thomas A. Traill - Petitioner

Case No. 03-549-SPH

Dear Mr. Traill:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

L'AWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc:

Mr. Bruce E. Doak, Gerhold Cross & Etzel 320 E. Towsontown Blvd., Towson, Md. 21286 People's Counsel; Case/File



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

IWe do solemnly declare and affirm, under the penalties of

is the subject of this Petition.

perjury, that I/we are the legal owner(s) of the property which

for the property located at _	14954	York	Rono		
which is	. +	- , ,		FRC7	 

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal cwner(s) of the property situate in Baltimore County and which is described in the description and plat attached nereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

THE TEMPORARY UTILIZATION OF THE EXISTING BARN FOR RESIDENTUAL PURPOSES DURING REHABILIZATION OF THE EXISTING DWELLING

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

I, or we, agree to pay expenses of above Special Hearing, 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.

Contract Purchaser/Lessee:		Legal Owner(s):		
Name - Type or Print Signature		**************************************	TRAIL	
Address	Telephone No.	Signature  Name - Type or Print	<u></u>	
City	Zip Code	Signature		<del></del>
Attorney For Petitioner:		14954 YORK ROAD Address	4	10 472 436 Telephone No.
Name - Type or Print	<del></del>	City	M <sub>o</sub> State	<i>2)1<u>62</u></i> Zip Coce
Signature  Connector		Representative to be Con Bruce E. Dong Geruolo Cross & En Name	<del></del>	· · · · · · · · · · · · · · · · · · ·
Compeny Address	Тејерпопе №.	320 E. Towsouroum Ba Address		7- 823- 4470 Telephone No.
State	Zip Code	70w50~	State	2/286 Zip Code
		OFFICE US ESTIMATED LENGTH OF		
Case No 03-549-58H		UNAVAILABLE FOR HEAR		
Q Q 9/19/98 >	Revi	ewed By BR Da	te $5/$	19/03



### Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax. (410) 823-4473 • www.gcelimited.com

May 16, 2003

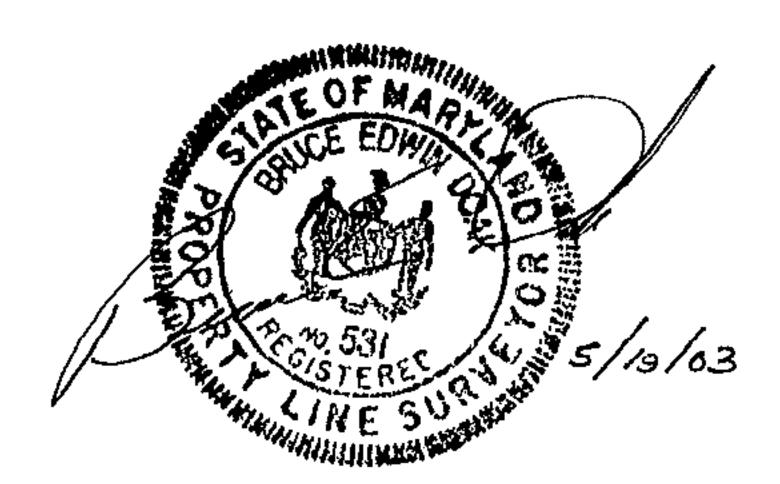
#### TRAIL PROPERTY 14954 YORK ROAD BALTIMORE COUNTY, MARYLAND

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the paving of York Road, 23 feet, more or less, northwesterly from the center of the intersection of York Road and Sparks Road, thence running and binding on the road way, the following course and distance, viz: (1) South 08 degrees 41 minutes 50 seconds East 168.15 feet, to the center of York Road, thence running and binding on the centerline of York Road, the following two courses and distances, viz: (2) South 03 degrees 56 minutes 40 seconds East 174.41 feet, and (3) South 0 degree 20 minutes 20 seconds East 130.33 feet, thence leaving the center of York Road and running and binding on the following eighteen courses and distances, viz: (4) South 72 degrees 52 minutes 40 seconds West 37 feet, (5) South 06 degrees 07 minutes 20 seconds East 11.53 feet, (6) South 82 degrees 42 minutes 50 seconds West 290.40 feet, (7) South 06 degrees 07 minutes 20 seconds East 300.08 feet, (8) South 82 degrees 41 minutes 50 seconds West 112.20 feet, (9) North 68 degrees 49 minutes West 209.52 seet, (10) South 79 degrees 26 minutes 50 seconds West 99 feet, (11) North 31 degrees 56 minutes 10 seconds East 469.95 feet, (12) South 66 degrees 34 minutes 20 seconds West 111.38 feet, (13) North 86 degrees 19 minutes 40 seconds West 212.15 feet, (14) North 00 degree 35 minutes 30 seconds West 157.11 feet, (15) North 73 degrees 00 minutes 30 seconds East 406.32 feet, (16) South 28 degrees 59 minutes 20 seconds East 73.26 feet, (17) North 68 degrees 00 minutes 40 seconds East 165.00 feet, (18) South 28 degrees 25 minutes East 132 feet, (19) North 68 degrees 00 minutes 40 seconds East 56.44 feet, (20) North 06 degrees 07 minutes 20 seconds West 170.14 feet, and (21) North 54 degrees 52 minutes 40 seconds East 55.50 feet to the zoning point of beginning.

Containing 7.66 Acre s of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23003

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DATE	5/19/03 ACCOUNT 8 0-1-	006-6150
	AMOUNT \$ 65.0	<u> </u>
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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: #03-549-SPH
14954 York Road
S/west corner of Sparks
and York Road
8th Election District
3rd Councilmanic District
Legal Owner(s): Thomas Traill
Special Hearing: to permit
the temporary utilization of
the existing barn for residential purposes during rehabilitation of the existing
dwelling.
Hearing: Wednesday, July 2,
2003 at 10:00 a.m. in Room

407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for

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

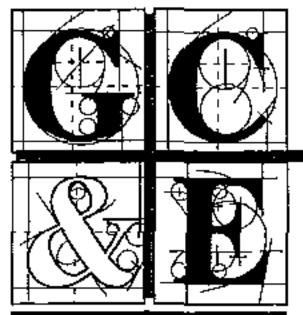
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 6/726 June 17 C610113

CERTIFICATE OF PUBLICATION

6/9/2003
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 6 17 ,20 <u>03.</u>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING



MIT

# Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone. (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

#### **CERTIFICATE OF POSTING**

RE: CASE # 03-549-SPH PETITIONER/DEVELOPER: THOMAS TRAILL DATE OF HEARING: July 2, 2003

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT **COUNTY OFFICE BUILDING, ROOM 111** 111 WEST CHESAPEAKE AVE. **TOWSON, MARYLAND 21204** 

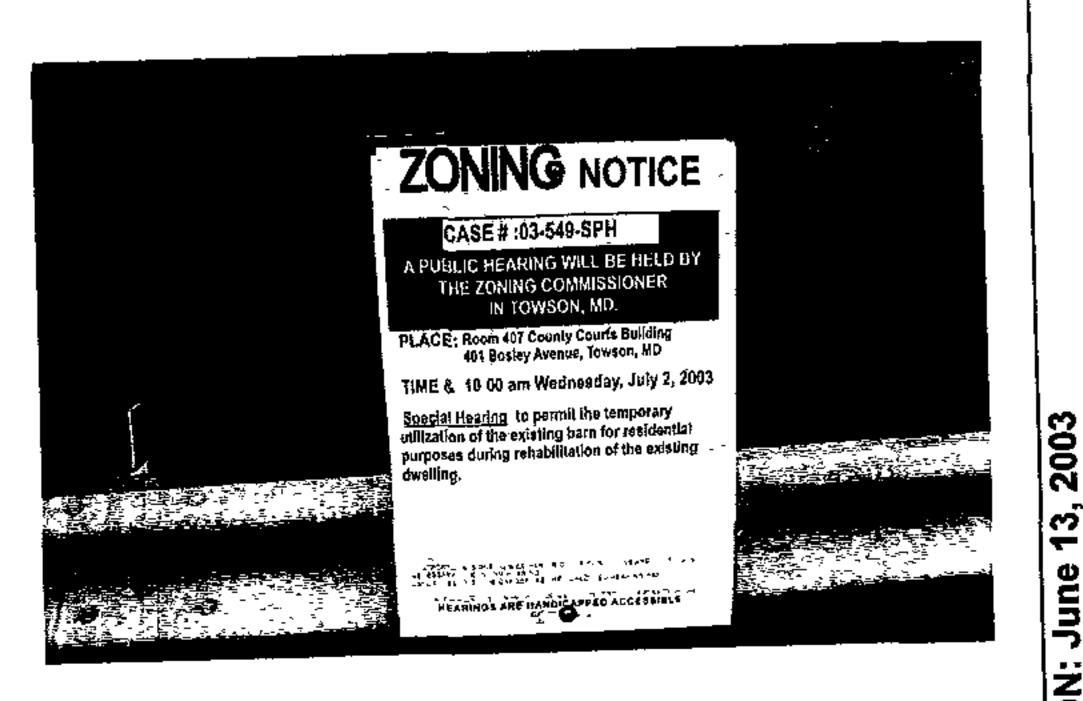
ATTENTION: REBECCA HART

LADIES AND 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

June

LOCATION: 14954 York Road



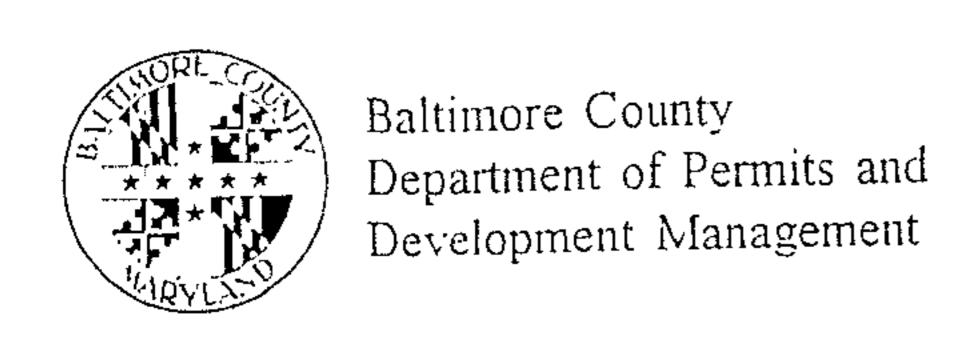
DATE:

June 17, 2003

SIGNATURE OF SIGN POSTER

**BRUCE DOAK** 

**GERHOLD, CROSS & ETZEL, LTD SUITE 100** 320EAST TOWSONTOWN BLVD **TOWSON, MARYLAND 21286** 410-823-4470 PHONE 410-823-4473 FAX



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

May 23, 2003

## 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: 03-549-SPH

14954 York Road

S/west corner of Sparks and York Roads

8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Thomas Traill

Special Hearing to permit the temporary utilization of the existing barn for residential purposes during rehabilitation of the existing dwelling.

Hearings:

Wednesday, July 2, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A STATE OF THE STA

Arnold Jablon Director

AJ:klm
C:-Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286
Thomas Traill, 14954 York Road, Sparks 21152

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 17, 2003.

(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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 17, 2003 Issue - Jeffersonian

Please forward billing to:

Thomas A. Traill 14954 York Road Sparks, MD 21152 410-472-4369

#### **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: 03-549-SPH

14954 York Road S/west corner of Sparks and York Roads 8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owner: Thomas Traill

Special Hearing to permit the temporary utilization of the existing barn for residential purposes during rehabilitation of the existing dwelling.

Hearings:

Wednesday, July 2, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

AND SANCE BY COMPANY

LAWRENCE E. SCHMIDT 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.

# DEPARTMENT OF ERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

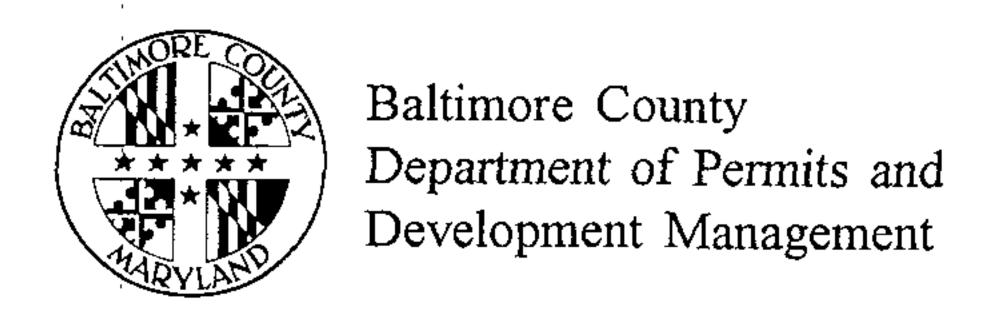
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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.

For Newspaper Advertising:
Item Number or Case Number: 03-549-5PH
Petitioner: THOMAS A. TRAILL
Address or Location: 14954 YORK ROAD SMAKE MO 21152
PLEASE FORWARD ADVERTISING BILL TO:
Name: THOMAS A. TRAILL
Address: 14954 YORK ROAD SPARKE MO 21152
Telephone Number:410- 472- 4369

Revised 2/20/98 - SCJ



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

June 27, 2003

Thomas A. Traill 14954 York Road Sparks, MD 21152

Dear Mr. Traill:

RE: Case Number: 03-549-SPH, 14954 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 2003.

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. Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 fail Stop #1105 .11 West Chesapeake Avenue 'owson, Maryland 21204

May 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 27, 2003

tem No.: 544, 547-551

ear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by his 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.

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

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.27.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 549

BR

Dear Ms. Hart:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/J/S 4 5. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

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

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley RBS FIST

DATE:

August 1, 2003

SUBJECT:

Zoning Item 549

Address

14954 York Road

#### AGRICULTURAL PRESERVATION

Once approved as a temporary use, such a use can often become permanent, ie barn rented out for residential use. If granted it is recommend that the following should occur:

1) Specific notation that residential use of a barn will cease on a specified date. 2) Before the U&O can be provided on the house, the bathroom and kitchen will be removed from the barn, and the barn can not be used for residential purposes.

Reviewer:

Wally Lippincott

Date: July 17, 2003

A/2

# BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

**DATE:** May 28, 2003

MAY 2 9 2003

SUBJECT:

Zoning Advisory Petition(s): Case(s) 03-549

ZONING COMMISSIONER

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:

**Section Chief:** 

AFK/LL:MAC

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** May 30, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 2, 2003

-Item Nos. 544, 545, 546, 547, 548, 549, and 551

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING 14954 York Road; SW corner Sparks & York Roads

8<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts Legal Owner(s): Thomas A. Traill

Petitioner(s)

\* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 03-549-SPH

#### **ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 29<sup>th</sup> day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to Bruce E Doak, Gerhold, Cross & Etzel, 320 E Towsontowne Boulevard, Towson, MD 21204, Representative for Petitioner(s).

FETER MAX ZIMMERMAN

Da 10 10 1000

People's Counsel for Baltimore County

#### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



#### Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

October 16, 2003

Ms. Laura Thul Penza, AIA Penza Associates Architects, Inc. 401 Woodbourne Avenue Baltimore, Maryland 21212

RE: PETITION FOR SPECIAL HEARING (14954 York Road) Thomas A. Traill - Petitioner Case No. 03-549-SPH

Dear Ms. Penza:

As a follow-up to our meeting on October 8, 2003 and in response to your subsequent letter of October 9, 2003 regarding the above-captioned matter, the following comments are offered.

As discussed, the Petition for Special Hearing in this case related to proposed renovations to a dwelling, which was built in 1885, and a barn. The Petitioner sought approval for the temporary utilization of the barn for residential purposes during the rehabilitation of the existing dwelling. Following the requisite public hearing on this matter, I granted the relief by Order dated July 26, 2003 and incorporated the site plan/plat prepared by Gerhold, Cross & Etzel, which was filed with the Petition and submitted into evidence at the hearing as Petitioner's Exhibit 1.

You have advised that a further investigation of the property and buildings thereon has disclosed that the barn is in such deplorable condition that it cannot be saved. Thus, rather than rehabilitate the structure, the building will be razed and a new structure built in its place, utilizing essentially the same footprint. The nature of the special hearing relief was primarily as to the use of the barn during the period of the rehabilitation of the dwelling. Apparently that use will not change, whether the existing barn is restored or whether it is razed and rebuilt. That is, the proposed use remains the same.

Under the circumstances, I believe that your request meets the spirit and intent of my Order dated July 26, 2003. The amended site plan you submitted has been incorporated into the case file and marked as Petitioner's Exhibit 1A and the floor plans for the barn accepted as Petitioner's Exhibit 1B. I further understand that the new barn will not generate the need for any variance or other relief under the B.C.Z.R. Thus, permits can be issued for razing and constructing a new barn, pursuant to the Order previously issued in the above-captioned matter. However, all restrictions imposed in that Order shall remain in full force and effect and at such time as the house is restored, the barn can no longer be used as a primary residence. Moreover, it cannot be leased or used as a second dwelling unit or as an apartment.

Kindly contact me should you have any other questions on this matter.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County





#### PENZA ASSOCIATES ARCHITECTS, INC.

RECEIVED

October 9, 2003

OCT - 9 2003

ZONING COMMISSIONER

Mr. Larry Schmidt Zoning Commissioner for Baltimore County Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204

> RE: Traill Residence @ 14954 York Road Spirit and Intent Case No. 03-549-SPH

#### Dear Larry,

Thank you for meeting with Bob Infussi and me yesterday regarding Dr. Traill's property. As you requested, we are submitting this Spirit and Intent letter in reference to Case No. 03-549-SPH, in order to confirm that the Construction Documents are consistent with the intent of the Order, and so that permits can be issued for the construction work.

Since the existing stone foundation walls have been found to be in such deplorable structural condition, it is expected that the existing walls most likely will be demolished and new stone walls will be constructed in essentially the same footprint. Please refer to the attached floor plan A1-1 (9/30/03), which indicates the slight variation. Please also find attached the civil site plan A1-1 (09/30/03), for your reference.

We hope that our conversation today helped to clarify our intentions, and if there is anything else that you would like us to do, please do not hesitate to contact our office.

Sincerely,

Laufa Thul Penta, AlA Vice President

cc. Bob Infussi, letter only FAX 410-893-8647

LTP/pss enclosures

