IN RE: DEVELOPMENT PLAN HEARING
& PETITIONS FOR SPECIAL HEARING
AND VARIANCE
E & W Middletown Road, N & S Rockdale Rd.
6th Election District
3rd Councilmanic District
(ARTHUR TRACEY PROPERTY)

\*

HEARIN

HEARING OFFICER

BEFORE THE

FOR BALTIMORE COUNTY

Case Nos. VI-262 & 04-455-SPHA

Russ Dickens/Elm Street Development

Developer/Petitioner

\* \* \* \* \*

## HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

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This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as the "Arthur Tracey Property" prepared by Morris & Ritchie Associates, Inc. The Developer is proposing to develop the subject property into 18 single-family dwellings. The subject property is located east and west on Middletown Road and north and south on Rockdale Road in the northern area of Baltimore County. The particulars of the manner in which the property is proposed to be developed are more specifically shown on Developer's Exhibit No. 1, the Development Plan entered into evidence at the hearing.

In addition to seeking approval of the Development Plan, the Petitioner has also requested special hearing approval pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R."), for the continued existence of an accessory tenant house and commercial agricultural buildings and structures, or, in the alternative, permit a variance from Section 1A01.3B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a 42 ft., 46 ft., 46 ft. and 57 ft. setbacks to the centerline of road for an existing tenant house and existing commercial agricultural buildings and structures, in lieu of the required 75 ft. setbacks and also from Section 1A01.3B.3 of the B.C.Z.R., to permit a 15 ft. and 22 ft. setback to a lot line, for an existing accessory tenant house, in lieu of the required 35 ft. setback.

The property was posted with Notice of the Hearing for the Development Plan on May 14, 2004, in order to notify all interested citizens of the requested approval of the Development Plan. However, this was not sufficient notice to the public as this posting must be 20 working days

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prior to the hearing for a Hearing Officer's Hearing. The property was subsequently posted with notice of the next hearing date of June 15, 2004. The property was once again posted with notice to the public on June 15, 2004 of the July 2, 2004 hearing.

In addition, the property was posted with Notice of Hearing for the special hearing and variance requests on May 14, 2004 and a Notice of Zoning Hearing was published in "The Jeffersonian" newspaper on May 13, 2004 to notify any interested persons of the scheduled hearing date of May 28, 2004.

As to the history of the project, a Concept Plan Conference was held on January 20, 2004 and a Community Input Meeting followed on February 11, 2004 at the Prettyboy Elementary School. A Development Plan Conference was held on May 5, 2004 and a Hearing Officer's Hearing was held on May 28, 2004 in Room 106 of the County Office Building.

Appearing at the hearing on behalf of the Development Plan approval request was Arthur S. Tracey, Joan Tracey, Richard Tracey, Barry Bowen, Jr., Neil Zurowski, Matt McMahon, Ernest Sheppe and Russ Dickens. David Taylor appeared on behalf of Morris & Ritchie Associates, Inc., the firm who prepared the Development Plan of the property. Joseph R. Woolman, Esquire and David Gildea, Esquire represented the Petitioners at the hearing.

Appearing as Protestants in the matter were Madaline & William Tampsett, Holly & Edward Shipley, Charles & Ann Swam and Jim Fortune. Appearing as interested citizens in the matter were George Gaffney and Marion Robinson, Richard Harris, Kenneth Bitter and James Spicer. J. Carroll Holzer, Esquire, represented the Protestants at the hearing.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Lloyd Moxley (Zoning Review), Bob Bowling and Phil Martin (Development Plans Review), Ron Goodwin (Bureau of Land Acquisition) and Walt Smith (Development Management), all from the Office of Permits & Development Management; R. Bruce Seeley and John Oltman from the Department of Environmental Protection and Resource Management ("DEPRM"); Mark Cunningham and Lynn Lanham from the Office of Planning; Jim Mezick from the Fire Department; Jan Cook from the Department of Recreation & Parks; and C. Robert

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Loskot, Assistant County Attorney for Baltimore County on behalf of the Law Office.

#### Developer Issues

The Developer raised no issues in presenting the Development Plan and recommended its approval as submitted subject to approval of the companion Special Hearing/ Variance requests.

## **County Issues**

The County agency representatives indicated that the Development Plan met all applicable County regulations with the following highlights:

#### Recreation and Parks

The representative from the Department of Recreation & Parks indicated that a waiver of local open space and payment of fee in lieu of had been approved by the department as shown by the letter dated May 27, 2004, a copy of which is in the file.

## Public Works

On May 28, 2004, Mr. Martin from the Department of Public Works indicated that his department supported the Developer's request for a waiver of street lighting such that only one street light would be erected between Lots 2 and 3. This is a safety issue as it is on a curved portion of Rockdale Road. On July 2, 2004, Mr. Bowling reiterated this position which was accepted by Mr. Holzer for his clients.

Mr. Martin also noted that the County required a 60 ft. right-of-way on Rockdale Road and a 70 ft. right-of-way on Middletown Road, which would be owned by the homeowners association. Subsequently, Mr. Bowling indicated that they would not require grading the full length of Rockdale Road as previously noted, but would allow grading of the right-of-way only as needed for site distance at intersections and as a means of collecting water runoff.

On the second day of hearing, Mr. Bowling recognized Ms. Shipley's concern regarding water runoff from the subject property onto her property. He noted that the storm water management facilities proposed by the Developer would capture rain water falling on the subject site and conduct it to a suitable outfall. He opined that the development would have a minor

impact on Ms. Shipley's property, although some forest would be cleared in the process of developing the property.

Mr. Bowling also noted a problem granting Mr. Swam an easement across the Tracey property that would document Mr. Swam's use of a farm road to his home and fields to Rockdale Road. Mr. Swam indicated that he had used the road for the past 33 years and wanted an easement documenting this fact. Neither the Developer nor any member of the Tracey family disputed the truth of Mr. Swam's claim and ordinarily would have been happy to execute a document to be recorded in the Land Records of Baltimore County to that effect.

However, Mr. Bowling indicated that the part of the Tracey property across which Mr. Swam's road traversed had previously been the subject of a State Agricultural Preservation Easement. By this easement, the State purchased Tracey's development rights and consequently was not automatically willing to allow Mr. Swam a road easement across this now preserved farmland. Apparently, Mr. Swam must apply for a waiver from the State. Both the Developer and the Tracey family indicated that they would fully support Mr. Swam's request for waiver at the State review and a note was added to the redline plan documenting the Swam farm road.

## Department of Environmental Protection and Resource Management (DEPRM)

The representative of DEPRM had no comments available at the time of the first day's hearing because a review had not been completed.

Subsequently, the Developer requested that the department grant a variance by which two existing roads would be allowed within the proposed conservancy area. On the second day of hearing, Mr. Seeley indicated that the department had granted the requested variance and that the Developer had executed an agreement regarding forest buffer and forest conservation on July 2, 2004. Because of the complexity of the plan, the department requested a review of the plan prior to the project manager's approval.

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In response to Ms. Shipley's concerns regarding storm water flowing onto her property after the Tracey property is developed, the representative from DEPRM indicated that generally water from this development will be collected and discharged in a southerly direction rather than flow towards Ms. Shipley's home in the opposite direction. In response to another question from Ms. Shipley regarding the clearing of forest for the septic reserve area of the new homes, the representative indicated that such forests are not cleared until the septic reserve area is actually needed in the future.

## Bureau of Land Acquisition

The representative of this agency requested that a note be added to the Development Plan regarding rights-of-way in case of any future road widening.

## Office of Planning

On the second day of hearings, the representative of the Office of Planning indicated that they supported the Developer's request to waive the requirement to locate certain trees beyond those trees identified in the June 10, 2004 Scenic Route Report. These were minor deciduous trees over 4 inches in caliper, major deciduous tress over 12 inches in caliper, and all conifer tress over 25 ft. in height within the net buildable area. See Memo form Arnold Keller to Timothy Kotroco dated June 15, 2004.

#### **Community Issues**

While Mr. Holzer represented most of the Protestants, counsel did not represent Ms.

Shipley and Mr. Harris who also attended the hearing. Ms. Shipley was concerned about rain water runoff from the property onto her property and potential problems with her well if the new homes also use well water. Mr. Harris wanted to preserve the scenic aspects of Rockdale Road to the extent possible by saving trees along the road.

In keeping with in informal nature of the hearing, Paul Scott from Geotechnologies reviewed the State regulations regarding well permits and observed that this property was 400 acres and would recharge any water drawn from the new wells with ease. The Developer indicated that he was willing to enter into an agreement regarding adjoining wells.

### Agreement

On the second day of the hearing after some discussion off the record, Mr. Holzer and Mr. Woolman indicated that they had reached a tentative agreement on the outstanding issues in this case. This involved moving the location of a lot, protecting the tree line on Rockdale Road, well replacement, access issues, etc. The attorneys indicated that they would reduce the tentative agreement to writing for the next scheduled hearing. Both attorneys indicated that once a final agreement was reached, they would be requesting terms of the agreement be incorporated into an Order approving the Development Plan that would also be enforceable by the County.

On the third day of hearing, the attorneys indicated that in spite of substantial and sustained negotiations, there was still some concern on the part of several residents of the community.

The Developer noted that as the result of the continuing discussion with the community, they revised the redline plan that was introduced and accepted as Developer's Exhibit No. 3, hereinafter described as the "Modified Redline Plan". This modified plan was reviewed and approved by the County agencies in general and DEPRM in particular.

Thereafter, several members of the community raised concerns regarding the agreement.

Mr. Fortune was concerned about who would enforce the agreement. He was worried that he would have to take on the Developer in court and at his expense, if the Developer did not accomplish something that was promised in the agreement. Thereafter, a general discussion of

enforcement of private agreements by the County ensued with the assurance that if the agreement was incorporated into the Order, the County could and would enforce its terms. He also expressed concern regarding water runoff damage to his barn, the legal status of his driveway, a proposed land swap, surveying his driveway, and a request that hunting be prohibited on Tracey property near his home.

Mr. Swam expressed concern regarding a farm road access to Rockdale Road from his home and fields, which lie across the Tracey property from Rockdale Road. He indicated that he had been using this right-of-way across the Tracey property for the past 33 years. The farm road leads to his home in one branch on the top side of the "Y" and his fields on the other branch on the top side of the "Y". The bottom of this right-of-way then connects to Rockdale Road. This road was documented on Developer's Exhibit No. 4, which was made part of the file in this case. Mr. Swam requested that the Tracey's acknowledge this right-of-way in a written document, which describes the right-of-way and would be recorded in the Land Records of Baltimore County.

The representative of the Tracey family readily acknowledged the right-of-way as described above and on Developer's Exhibit No. 4. However, the Developer's attorney explained that that portion of the Tracey property over which the right-of-way traversed was subject to the State's easement for agricultural preservation. In short, the Tracey's previously sold the development rights to this portion of the property and promised to keep that section in agricultural uses. As such, the State had the authority to accept or deny any rights-of-way or farm roads in the agricultural preservation easement area. In fact, the State has a hearing process in which parties such as Mr. Swam can present their case and have the State approve the right-of-way.

After a long discussion regarding the process and pledges of support for Mr. Swam's application for the right-of-way by the Developer and the Tracey family, Mr. Swam agreed to the terms of the Agreement. These pledges of support included a new term in the Agreement by which the Developer will pay the cost of Mr. Swam's application and any refund demanded by the State by giving up some of its exclusive control over the land.

Subsequent to approval of the Agreement by the Developer and Community, the Office of Law for Baltimore County reviewed the Agreement in regard to enforceability by the County. Robert Loskot, Esquire, Assistant County Attorney, questioned four items in the agreement. See letter to Joseph Woolman, Esq. dated August 17, 2004, from Mr. Loskot, which is made part of the file. As the result of the County Attorney's review, the parties agreed to three of Mr. Loskot's four issues, which by further agreement are to be incorporated into the Order in this case. See Letter from Joseph Woolman, Esquire dated September 29, 2004, which is also made part of the file of this case.

Finally, the representative from DEPRM indicated that the modified plan had been reviewed and approved by DEPRM as shown by the written comments dated August 10, 2004, copies of which were included in the file in this case.

## Applicable Law

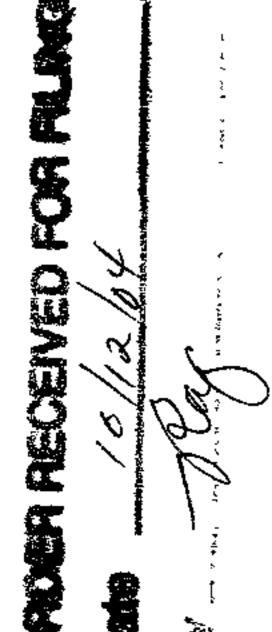
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- § 32-4-228. SAME CONDUCT OF THE HEARING.
- a) Hearing conducted on unresolved comment or condition.
  - (1) The Hearing Officer shall take testimony and receive evidence regarding any unresolved comment or condition that is relevant to the proposed Development Plan, including testimony or evidence regarding any potential impact of any approved development upon the proposed plan.
  - (2) The Hearing Officer shall make findings for the record and shall render a decision in accordance with the requirements of this part.
- (b) Hearing conduct and operation. The Hearing Officer:

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- (i) Shall conduct the hearing in conformance with Rule IV of the Zoning Commissioner's rules;
- (ii) Shall regulate the course of the hearing as the Hearing Officer considers proper, including the scope and nature of the testimony and evidence presented; and
- (iii) May conduct the hearing in an informal manner.

## § 32-4-229. SAME – DECISION OF THE HEARING OFFICER.

- (a) Final decision.
  - (1) (i) The Hearing Officer shall issue the final decision within 15 days after the conclusion of the final hearing held on the Development Plan.
    - (iii) The Hearing Officer shall file an opinion, which includes the basis of the Hearing Officer's decision.
  - (2) If a final decision is not rendered within 15 days:
    - (i) The Development Plan shall be deemed approved as submitted by the applicant; and
    - (ii) The Hearing Officer shall immediately notify the participants that:
      - 1. The Development Plan is deemed approved; and
      - 2. The appeal period began on the fifteenth day after the conclusion of the final hearing.
- (b) Appeals. A final decision of the Hearing Officer on a Development Plan may be appealed to the Board of Appeals in accordance with Part VIII of this subtitle.
- (c) Conditions imposed by Hearing Officer.
  - (1) This subsection does not apply to a Development Plan for a Planned Unit Development.
  - (2) In approving a Development Plan, the Hearing Officer may impose any conditions if a condition:
    - (i) Protects the surrounding and neighboring properties;
    - (ii) Is based upon a comment that was raised or a condition that was proposed or requested by a participant;
    - (iii) Is necessary to alleviate an adverse impact on the health, safety, or welfare of the community that would be present without the condition; and
    - (iv) Does not reduce by more than 20 %:
      - 1. The number of dwelling units proposed by a residential Development Plan in a DR 5.5., DR 10.5, or DR 16 zone; or
      - 2. The square footage proposed by a non-residential Development Plan.



(3) The Hearing Officer shall base the decision to impose a condition on factual findings that are supported by evidence.

Prior Law Still Applicable Section 26-206 of the B.C.Z.R. Development Plan Approval.

(b) The hearing officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations promulgated pursuant to section 2-416 et seq. of the Code, provided that the final approval of a plan shall be subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

## Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

## Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### Testimony and Evidence

The Tracey property, on which the subject development is proposed, contains 399.61 acres zoned RC 2 and RC 4. The Developer proposes to build 17 new single-family dwellings on the RC 4 portion of the property. The RC 2 portion of the property, of approximately 371

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acres (Lot 18), will remain in agriculture subject to the State's Agricultural Land Preservation Easement.

In regard to the zoning case, the Petitioner requested that I approve a request for special hearing pursuant to Section 500.7 of the B.C.Z.R., that the existing tenant house remain as part of Lot 18 and to recognize this tenant house as a legally existing nonconforming structure. In addition, the Petitioner requested that I find that any deficiency or increase in deficiency (inclusive of setback) is the result of a public taking for the purpose of the widening of Middletown Road pursuant of the Zoning Commissioner's Manual, Section 1B01.2.C.3. Recognizing that minimum setbacks shall be as required by the Baltimore County Building Code pursuant to Section 404.11.A of the B.C.Z.R., the Petitioner also requested that I approve the existing commercial agricultural buildings and structure

The tenant house and barns (commercial agricultural buildings) are shown on the plat to accompany variance hearing on Sheet V-5. This sheet shows that the tenant house and barns lie astride Middletown Road, which apparently is paved 23 ft. and has a proposed right-of-way of 70 ft. Proffered testimony indicated that the County would like to acquire the full 70 ft. of right-of-way, if and when the State Agricultural Preservation Commission allows such. This portion of the property is subject to the Commission's recorded agricultural easement.

These structures lie in that part of the property zoned RC 2. As such, all structures are to be setback 75 ft. from the centerline of the road. Two barns would be located partially or fully within the 75 ft. setback line. In addition, the tenant house would be only 46 ft. from the centerline of Middletown Road and 22 ft. from the lot property boundary and would therefore not comply with the 35 ft. setback requirement of the RC 2 regulations. Proffered testimony indicated that the tenant house and barns had been part of the farming operations on the property well before the RC 2 zoning was imposed on the property.

## Findings of Fact and Conclusions of Law

DESCRIPTION OF THE PROPERTY OF

## Special Hearing/Variance Requests

The Developer requested by special hearing the recognition of the nonconforming structures on the property associated with the farming operations. These buildings are shown on Sheet V-5 of the Plan to Accompany. I have no doubt that these farm related buildings and structures were legal farming uses before the RC 2 regulations were imposed on the property in 1979. Specifically, I find that these uses have continued without abandonment or discontinuance since imposition of the RC regulations. I further find that these uses and structures have now a nonconforming status.

However, in its first request for relief, the Developer has tied the zoning deficiencies of these structures including setbacks to the widening of Middletown Road. There is no doubt the County would like the Developer to give the County a full 70 ft. right-of-way as the result of this Development Plan. However, the deficiencies, such as set backs, are defined to be from the centerline of the road in the RC 2 zone and not the edge of the road right-of-way as they are in other zones. Consequently, it appears to me that these structures would be deficient regardless of whether or not the County actually got the full right-of-way along Middletown Road. In short, the widening of Middletown Road is irrelevant to the deficiencies such as setbacks of these structures. In addition, the tenant house is too close to the property boundary and violates the 35 ft. setback. Clearly, this has nothing to do with the widening of Middletown Road.

That said however, I recognize these structures as legal nonconforming uses. As stated above, these structures were used in the farming operations much before the RC 2 zoning was imposed on the property and have continued without abandonment or discontinuance since that time. There is no need to grant variances to such nonconforming uses.

## Development Plan

## Swam Right-of-Way

In regard to Mr. Swam's request for a right-of-way across the Tracey property as shown on Developer's Exhibit No. 4, I find, as a matter of fact, that this right-of-way has been used as a farm road from Rockdale Road for more than 33 years providing access to both Mr. Swam's home and fields. I further find that Mr. Swam, as a matter of law, is entitled to this right-of-way and that I would certainly have required the Developer to grant an access easement to Mr. Swam as a condition of approval of this Development Plan. While I recognize that I do not have jurisdiction to grant such a condition over land in a State agricultural easement, I recommend to the State's Agricultural Preservation Commission to approve his application for such a right-of-way.

## Scenic Road Waiver

After considering the evidence and testimony in this case, I find that the Developer's request regarding scenic routes to waive the requirement to locate minor deciduous trees over 4 inches in caliper, major deciduous trees over 12 inches in caliper, and all conifer trees over 25 ft. in height within the net buildable area beyond those trees identified in the June 10, 2004 Scenic Route Report to be most reasonable. I note that the Office of Planning recommends approval of this waiver. Consequently, I will grant this waiver.

#### Agreement

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I find that the terms of the Agreement between the Developer and the Community dated August 12, 2004 and introduced into the record of this case as Joint Exhibit No. 1 protects the surrounding and neighboring properties. This agreement had several written iterations and was reduced to further writing such that a subsequent agreement, dated August 26, 2004 was signed and has become the final version. I also find that it is based upon a comment that was raised or

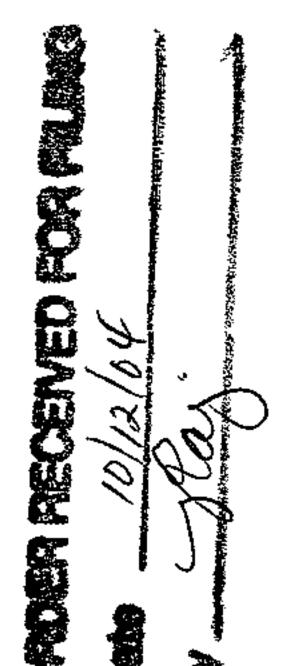
a condition that was proposed or requested by both participants and is necessary to alleviate an adverse impact on the health, safety, or welfare of the community that would be present without the condition. Therefore, I will incorporate the terms of the Agreement as a condition of approval of this Development Plan and further find that the terms of this Agreement shall be enforceable by the County.

## <u>Development Plan</u>

I further find that the Development Plan complies with the Development Regulations and applicable policies, rules and regulations promulgated pursuant to Section 2-416 et seq. of the Baltimore County Code, and that the plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Consequently, I will approve the Modified Redline Development Plan shown on Developer's Exhibit No. 3 with conditions.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 12 day of October, 2004, that the Development Plan known as the "Arthur Tracey Property", submitted into evidence as "Developer's Exhibit No. 3", be and it is hereby APPROVED subject to the following conditions:

- 1. The Department of Public Works requirements for street lighting in the development is waived such that only one street light will be erected between Lots 2 and 3 on the curved portion of Rockdale Road.
- 2. The Developer's request to waive the requirement to locate minor deciduous trees over 4 inches in caliper, major deciduous trees over 12 inches in caliper and all conifer trees over 25 ft. in height within the net buildable area beyond those trees identified in the June 10, 2004 Scenic Route Report is hereby GRANTED.
  - 3. Trees located on the septic reserve areas as shown on Developer's Exhibit No. 3 shall be cleared of forest only when that portion of the reserve area is actually needed for use in the septic system.
  - 4. The terms of the Agreement dated August 26, 2004 between the Developer and the Community, along with the comments from the Office of Law, as shown by the letters dated August 17, 2004 and September 29, 2004 to and from Joseph Woolman, Esquire and included in the file of this case, are hereby incorporated in this Order and shall be enforceable by the County.



IT IS FURTHER ORDERED, that the Special Hearing requested for approval of the continued existence of an accessory tenant house and commercial agricultural buildings and structures as nonconforming uses, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petitioner's request for Special Hearing filed pursuant to Section 500.7 of the B.C.Z.R., that the existing tenant house remain as part of Lot 18 and to recognize this tenant house as a legally existing nonconforming structure; that any deficiency or increase in deficiency (inclusive of setback) is the result of a public taking for the purpose of the widening of Middletown Road pursuant of the Zoning Commissioner's Manual, Section 1B01.2.C.3; that the existing commercial agricultural buildings and structure recognizing that minimum setbacks shall be as required by the Baltimore County Building codes pursuant to BCZR Section 404.11.A, be and is hereby DENIED; and

IT IS FURTHER ORDERED, that the Developer's request to grant a variance from Section 1A01.3B.3 of the B.C.Z.R. for a 42 ft., 46 ft., 46 ft. and 57 ft. setbacks to the centerline of road for an existing tenant house and existing commercial agricultural buildings and structures, in lieu of the required 75 ft. setbacks and also from Section 1A01.3B.3 of the B.C.Z.R., to permit a 15 ft. and 22 ft. setback to a lot line, for an existing accessory tenant house, in lieu of the required 35 ft. setback, be and is hereby DENIED as moot.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

## 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 12, 2004

David Gildea, Esquire Joe Woolman, Esquire Gildea, LLC 300 E. Lombard Street, Suite 1440 Baltimore, Maryland 21202

Re: Hearing Officer's Hearing Case No. VI-262
Property: E & W Middletown Road, N & S Rockdale Road
6th Election District, 3rd Councilmanic District
(Arthur Tracey Property)

Dear Messrs. Gildea & Woolman:

Enclosed please find the decision rendered in the above-captioned Development Plan case.

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 & 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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj

c: David Taylor, 1220-C E. Joppa Road, Suite 505, Towson, MD 21286
Joan M. Tracey, 20815 Middletown Road, Freeland, MD 21053
Neil Zurowski, 11 Colonial Oaks Ct., Phoenix, MD 21131
Russ Dickens, 5072 Dorsey Hall, Ste. 220, Ellicott City, MD 21042
George Gaffney & Marion Robinson, P. O. Box 566, Monkton, MD
C. J. Swam, 2916 Rockdale Road, Freeland, MD 21053
W. C. & Madaline Tampsett, 3141 Rockdale Road, Freeland, MD 21053
Holly & Edward Shipley, 20621 Slab Bridge Road, Freeland, MD 21053
Jim Fortune, 3135 Rockdale Road, Freeland, MD 21053



Visit the County's Website at www.baltimorecountyonline.info



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# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property lo	cated at 20815 Middletown Rd. (proposed lot
	which is presently zoned
This Petition shall be filed with the Department of Permits as owner(s) of the property situate in Baltimore County and which is made a part hereof, hereby petition for a Special Hearing under County, to determine whether or not the Zoning Commissioner shall be filed with the Department of Permits as owner(s).	described in the description and plat attached hereto and
THE CONTINUED EXISTENCE OF HOUSE AND COMMERCIAL AGR. STRUCTURES, OR, IN THE ACTE	AN ACCESSORY TEMANT ICULTURAL BUILDINGS AND RNATIVE; GRANT A VARIANCE.
Property is to be posted and advertised as prescribed by the zoni I, or we, agree to pay expenses of above Special Hearing, advertising, zoning regulations and restrictions of Baltimore County adopted pursual	posting, etc. and further agree to and are to be bounded by the nt 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:	<u>Legal Owner(s):</u>
Name - Type of Print  Signature  Russ Dickens	Arthur S. Tracey  Name-Type or Print  Signature  Arthur S. Tracey  Name-Type or Print  Signature
Address Russ Dickers  Russ Dickers  Russ Dickers  Russ Dickers  Russ Dickers  Telephone No.	A. Richard Tracey  Name-Type or Print
McLean, VA 22101 (410) 570-1204 City State Zip Code	a. Richard Traces Signature
Attorney For Petitioner:	20815 Middletown Rd. U  Address Telephone No.
Joseph R. Woolman III Name - Type or Print	Freeland, MD 21053-9731
Signature	City State Zip Code  Representative to be Contacted:
Companyildea, LLC	Joseph R. Woolman III Name
301 N. Charles St., Suite 900 Address Telephone No.	301 N. Charles St., Suite
Baltimore, MD 21201 (410) 234-0070 City State Zip Code	Balt, MD 21201 410-234-0070
R	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING
Case No. 04-455-5PHA	UNAVAILABLE FOR HEARING

Reviewed By



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 20815 Middletown Rd (proposed lot 18)

Which is presently zoned RC-2

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

See attached.

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

To be presented at hearing.

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.

Legal Owner(s):

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

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:

Gase No. \_() Y~ 455-50HA

REV 9/15/98

Name Of Print . Name Of Print . Name (1)	Arthur S. Tracey
Name	- Type or Print
Gignature Buss Dickens	Signature Signature
6820 Elm Street, Suite 200	
Address Telephone No.	A. Richard Tracey Name-Type or Print
McLean, VA 22101 (410)570-1204 City State Zip Code	a. Richard Tracey Signature
Attorney For Petitioner:	20815 Middletown Rd.
Joseph R. Woolman, IIP Name-Type of Print	Address Freeland, MD 21053-9731
Signature was seen to see the second of the	State Zip Code  Representative to be Contacted:
Gildea LLC Company	Joseph R. Woolman, III Name
301 N. Charles St., Suite 900 Address Telephone No.	301 N. Charles St., Suite 900
	Address Telephone No.
Baltimore, MD 21201 (410)234-0070 City State Zip Code	Baltimore, MD 21201 (410)234-007( City State Zip Code
	OFFICE USE ONLY
80 10 1 1 0 0	

Reviewed By

## **Attachment to Petition for Variance**

- 1. BCZR Section 1A01.3B.3 To permit a 42′, 46′, 46′, and 57′ setbacks to centerline of road, for an existing tenant house and existing commercial agricultural buildings and structures, in lieu of the required 75′ setback.
- 2. BCZR Section 1A01.3B.3- To permit a 15' and 22' setback to a lot line, for an existing accessory tenant house, in lieu of the required 35' setback.



ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



## **Zoning Description Proposed Lot 18 - #20815 Middletown Road**

Beginning at a point located in the centerline of Middletown Road which has a paving width of 26 feet at the distance of 45 feet southeasterly of the nearest intersecting street, Rockdale Road which has a paving width of 21 feet. Thence the following courses and distances:

South 18 degrees 01 minutes 45 seconds East, 26.88 feet; North 69 degrees 28 minutes 15 seconds East, 490.09 feet; South 74 degrees 01 minutes 45 seconds East, 25.08 feet; South 54 degrees 31 minutes 45 seconds East, 79.20 feet; South 87 degrees 31 minutes 45 seconds East, 48.18 feet; South 54 degrees 31 minutes 45 seconds East, 2298.53 feet; South 37 degrees 24 minutes 09 seconds West, 1699.50 feet; South 32 degrees 09 minutes 30 seconds West, 2833.88 feet; North 45 degrees 48 minutes 58 seconds West, 829.02 feet; North 31 degrees 25 minutes 02 seconds West, 1569.05 feet; South 56 degrees 40 minutes 41 seconds West, 1921.71 feet; North 38 degrees 19 minutes 15 seconds West, 327.25 feet; South 32 degrees 05 minutes 45 seconds West, 165.00 feet; North 16 degrees 16 minutes 29 seconds West, 1849.60 feet; North 54 degrees 03 minutes 06 seconds East, 1816.94 feet; South 12 degrees 03 minutes 27 seconds East, 14.18 feet; North 59 degrees 51 minutes 32 seconds East, 2763.06 feet; South 18 degrees 46 minutes 45 seconds East, 199.39 feet; South 69 degrees 28 minutes 15 seconds West, 38.18 feet to the point and place of beginning, being known and designated as #20815 Middletown Road.

Containing a gross area of 399.6157 acres of land, more or less.

Saving and Excepting from the above described parcel of land a parcel of land located on the northwest side of Rockdale Road, southwest of Middletown Road containing 3.0027 acres of land, more or less, as described in a deed dated June 6, 1969 from Edward H. Ensor and Edna G. Ensor to Arthur Richard Tracey and Ruth Ann Tracey and recorded among the Land Records of Baltimore County, Maryland in Liber O.T.G. 5000, folio 555.

Saving and Excepting Also from the firstly described parcel of land the following parcel, said parcel being located on the northerly side of Rockdale Road and being Lots 1-10 and associated Stormwater Management Areas as shown on plan entitled "Development Plan – Arthur Tracey Property" dated March 10, 2004 and prepared by Morris & Ritchie Associates, Inc., viz:

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax. (410) 821-1748 www.mragta.com

Beginning at a point located on the northerly side of Rockdale Road which has a paving width of 21 feet at the distance of 3100 feet southwesterly of the nearest intersecting street, Middletown Road which has a paving width of 26 feet. Thence the following courses and distances: Southwesterly by a non-tangential curve to the right having a radius of 645.00 feet, an arc length of 70.45 feet, the chord of said arc bearing South 60 degrees 58 minutes 01 seconds West, 70.42 feet; South 64 degrees 05 minutes 46 seconds West, 852.81 feet; Southwesterly by a tangential curve to the left having a radius of 430.00 feet, an arc length of 286.43 feet, the chord of said arc bearing South 45 degrees 00 minutes 49 seconds West, 281.16 feet; South 25 degrees 55 minutes 51 seconds West, 210.74 feet; North 64 degrees 04 minutes 09 seconds West, 208.14 feet; North 00 degrees 48 minutes 21 seconds East, 144.30 feet; North 12 degrees 48 minutes 19 seconds East, 28.62 feet; North 34 degrees 26 minutes 36 seconds West, 150.27 feet; South 64 degrees 25 minutes 32 seconds West, 91.85 feet; North 75 degrees 36 minutes 07 seconds West, 74.00 feet; North 07 degrees 13 minutes 03 seconds East, 73.59 feet; North 20 degrees 26 minutes 36 seconds East, 134.46 feet; North 62 degrees 50 minutes 53 seconds East, 71.37 feet; North 84 degrees 25 minutes 40 seconds East, 116.07 feet; North 61 degrees 08 minutes 04 seconds East, 121.03 feet; North 67 degrees 10 minutes 31 seconds East, 215.70 feet; North 81 degrees 31 minutes 07 seconds East, 148.83 feet; North 67 degrees 21 minutes 16 seconds East, 284.46 feet; North 04 degrees 05 minutes 46 seconds East, 85.00 feet; South 85 degrees 54 minutes 14 seconds East, 115.93 feet; North 64 degrees 05 minutes 46 seconds East, 161.10 feet; South 25 degrees 54 minutes 14 seconds East, 45.00 feet; South 25 degrees 54 minutes 14 seconds East, 20.00 feet; North 64 degrees 05 minutes 46 seconds East, 215.20 feet; South 20 degrees 17 minutes 00 seconds East, 287.54 feet to the point and place of beginning and containing an area of 13.8070 acres, more or less.

Saving and Excepting Also from the firstly described parcel of land the following parcel, said parcel being located on the southerly side of Rockdale Road and being Lots 11-17 and associated Stormwater Management Areas as shown on plan entitled "Development Plan – Arthur Tracey Property" dated March 10, 2004 and prepared by Morris & Ritchie Associates, Inc., viz:

Beginning at a point located on the southerly side of Rockdale Road which has a paving width of 21 feet at the distance of 3490 feet southwesterly of the nearest intersecting street, Middletown Road which has a paving width of 26 feet. Thence the following courses and distances: South 25 degrees 54 minutes 14 seconds East, 125.00 feet; South 64 degrees 05 minutes 46 seconds West, 162.00 feet; South 25 degrees 54 minutes 14 seconds East, 142.59 feet; South 82 degrees 15 minutes 56 seconds East, 43.36 feet; South 21 degrees 28 minutes 28 seconds East, 189.67 feet; South 64 degrees 05 minutes 46 seconds West, 106.45 feet; North 25 degrees 54 minutes 14 seconds West, 70.74 feet; North 70 degrees 54 minutes 38 seconds West, 21.21 feet; South 64 degrees 05 minutes 09 seconds West, 138.21 feet; North 70 degrees 54 minutes 14 seconds West, 73.44 feet; South 64 degrees 05 minutes 46 seconds West, 136.59 feet; South 11 degrees 13

minutes 50 seconds East, 55.04 feet; South 25 degrees 55 minutes 51 seconds West, 263.80 feet; South 21 degrees 56 minutes 51 seconds West, 226.99 feet; South 21 degrees 56 minutes 51 seconds West, 182.02 feet; North 68 degrees 25 minutes 43 seconds West, 210.00 feet; South 21 degrees 34 minutes 17 seconds West, 40.67 feet; South 66 degrees 34 minutes 17 seconds West, 92.40 feet; North 60 degrees 52 minutes 16 seconds West, 40.29 feet; North 29 degrees 07 minutes 44 seconds East, 5.08 feet; Northeasterly by a tangential curve to the left having a radius of 530.00 feet, an arc length of 69.91 feet, the chord of said arc bearing North 25 degrees 21 minutes 00 seconds East, 69.86 feet; North 21 degrees 34 minutes 17 seconds East, 374.61 feet; Northeasterly by a tangential curve to the right having a radius of 970.00 feet, an arc length of 73.80 feet, the chord of said arc bearing North 23 degrees 45 minutes 04 seconds East, 73.79 feet; North 25 degrees 55 minutes 51 seconds East, 392.96 feet; North 45 degrees 00 minutes 49 seconds East, 246.46 feet; North 64 degrees 05 minutes 46 seconds East, 532.09 feet to the point and place of beginning and containing an area of 10.9421 acres of land, more or less.

Containing a net area of 371.8639 acres of land, more or less, and being located in the Sixth Election District of Baltimore County, Maryland.



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The Zoning Commissioner of Baltimore County, by authority of the Zoning And Hegitations of Baltimore County, by authority of the Zoning And Hegitations of Baltimore County, by the Zoning And Hegitations of Baltimore County, by the Zoning And Hegitations of Baltimore County, by the Zoning And Hegitation District a Surface of Middletown Road As Hoteral Tracey.

Legal Dynar(s): Artinu S. and A. Hoteral Tracey.

Legal Dynar(s): Artinu S. and A. Hoteral Tracey.

Contract Purchaser Elm Street Development, inc.

Contract Purchaser Elm Street Development, inc.

Contract Purchaser Elm Street Development, inc.

Seetel Hearing: to permit the continued existance of an Screet Hearing: to permit the continued existance of an Screet Hearing: to permit the continued existance of an accessory tenant house and commercial anguluturi, buildings and structures, or in the alternative grant and structures, or permit and existing and structures, or permit and existing and structures, or permit of the required (35-foot and 22-foot and

i, that the annexed advertisement was published uccessive weeks, the first publication appearing ewspaper published in Baltimore County, Md., in the following weekly n once in each of

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LEGAL ADVERTISING

# Department of Permits a Development Management

Development Processing County Office Building 111 W Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr, County Executive Timothy M Kotroco, Director

May 17, 2004

Joseph R. Woolman III Gildea, LLC. 301 N. Charles Street, Ste. 900 Baltimore, Maryland 21201

Dear Mr. Woolman:

RE: Case Number:04-455-SPHA, 20815 Middletown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 1, 2004.

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,

U. Cal Robal.

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Arthur S. Tracey & A. Richard Tracey 20815 Middletown Road Freeland 21053-9731 Elm Street Development Inc. 6820 Elm Street, Ste. 200 McLean, VA 22101



Visit the County's Website at www.baltimorecountyonline.info

## Fire Department



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



# Baltimore County

James T Smith, Jr., County Executive John J Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

April 9, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 12, 2004

Item No.:

341, 450-456

Dear Ms. Hart:

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.

6. 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



Visit the County's Website at www.baltimorecountyonline.info

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

TO:

Tim Kotroco

FROM:

R. Bruce Seeley (185) 100

DATE:

April 19, 2004

SUBJECT:

Zoning Item

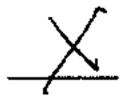
# 04-455

Address

20815 Middletown Rd. (proposed lot 18)

Zoning Advisory Committee Meeting of April 12, 2004

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.



The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

The continued use of the existing tenant building is recommended by the Baltimore County Agricultural Advisory Board.

Reviewer: Wallace Lippincott

Date: April 22, 2004

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

TO:	Tim Kotroco		
FROM:	R. Bruce Seeley nes/JPO		
DATE:	April 19, 2004		
SUBJECT:	Zoning Item # 04-455 Address 20815 Middletown Rd. (proposed lot 18)		
Zoning	g Advisory Committee Meeting of April 12, 2004		
The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.			
The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:			
The continued use of the existing tenant building is recommended by the Baltimore County Agricultural Advisory Board.			

Wallace Lippincott

Date: April 22, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

Reviewer:



## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 23, 2004

Granted of

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 5-012 and 5-13

Administrative Variance

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.

MAC/LL



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

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.13.04

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

RE:

Baltimore County

Item No. 455 JMP

Dear. Ms. Matthews:

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,

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

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# Department of Permits a Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



## **Baltimore County**

James T. Smith, Jr, County Executive Timothy M Kotroco, Director

April 13, 2004

Arthur S. Tracey A. Richard Tracey 20815 Middletown Road Freeland, Maryland 21053-9731

Dear Mr. Tracey:

RE: Case Number: 04-455-SPHA

The above matter, previously scheduled for May 19, 2004, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

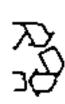
Very truly yours,

Timothy Kotroco

**Director** 

TK: clb

C: Joseph Woolman III Gildea, LLC. 301 N. Charles Street, Ste. 900 Baltimore 21201 Elm Street Development, Inc. Russ Dickens 6820 Elm Street, Ste. 200 McLean, VA 22101



#### GILDEA, LLC

DAVID K. GILDEA DAVIDGILDEA@GILDEALLC.COM 301 NORTH CHARLES STREET SUITE 900

SEBASTIAN A. CROSS SCROSS@GILDEALLC.COM BALTIMORE, MARYLAND 21201 TELEPHONE 410-234-0070 FACSIMILE 410-234-0072 www.gildeallc.com

JOSEPH R. WOOLMAN, III

JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN DHOLMAN@GILDEALLC.COM

STUART W. COX SCOX@GILDEALLC.COM April 1, 2004

Mr. Timothy Kotroco, Director Department of Permits and Development Management 111 W. Chesapeake Avenue, Room 111 Towson, MD 21204

> Elm Street/ Arthur Tracey Property / PDM # VI-262 Re:

Dear Tim:

Pursuant to Baltimore County Code (BCC) Section 26-206.1, the applicant for the above referenced project hereby requests that the Petitions for Special Hearing and Variance be combined with the Development Plan and heard together at the Hearing Officer's Hearing.

Should you have any questions regarding this matter, please contact me. With kind regards, I am

Very truly yours,

Joseph R. Woolman, III

JRW: bhb

Russ Dickens, Elm Street Development, Inc.

David L. Taylor, Morris & Ritchie

David K. Gildea, Esquire

## OWNER / APPLICANT / DESIGN CONSULTANT:

. PROPERTY OWNER:

ARTHUR TRACEY & RICHARD TRACEY 20815 MIDDLETOWN ROAD

FREELAND, MD 21053-9731 2. <u>DEVELOPER / APPLICANT</u>

ELM STREET DEVELOPMENT 6820 ELM STREET, SUITE 200 McLEAN, VA 22101 ATTN: MR. RUSS DICKENS

3. PLAN PREPARED BY:

MORRIS & RITCHIE ASSOCIATES, INC. (MRA) 1220-C EAST JOPPA ROAD, SUITE 505 TOWSON, MD 21286 ATTN: MR. DAVID L. TAYLOR, JR., ASLA

## SITE DATA / GENERAL NOTES:

	ACREAGE: GROSS ACREAGE: NET ACREAGE: NET ACREAGE OF PROPOSED LOT 18:	384.03 ACRES ± (16,728,346.8 SF±)
2.	EXISTING ZONING:	$R.C.2 = 299.107 AC\pm$ $R.C.4 = 94.902 AC\pm$ (AREA 1) $R.C.4 = 2.604 AC\pm$ (AREA 2) RESIDENTIAL/AGRICULTURAL
	EXISTING LAND USE:	RESIDENTIAL/AGRICULTURAL
4.	PROPERTY INFORMATION	0005004005 (m. 05)
	a. TAX ACCOUNT NUMBER:	. 0605061027 (P. 25)
		0605061026 (P. 39)
		0605061025 (P. 109)
	b. DEED REFERENCE:	14461/443, 14461/437
	c. COUNCILMANIC DISTRICT:	· · · · · · · · · · · · · · · · · · ·
	d. ELECTION DISTRICT:	
	e. CENSUS TRACT:	
	f. ADC MAP LOCATION:	
	q. BALTIMORE COUNTY ZONING MAP REFERENCES:	· · · · · · · · · · · · · · · · · · ·
	h. TAX MAP:	
	i. PARCEL:	. 25, 39, 109
	j. WATERSHED:	PRETTYBOY
	k. SUBSEWERSHED:	NONE

5. PROPOSED USE = SINGLE FAMILY RESIDENTIAL / AGRICULTURE

6. CONSERVANCY AREA:

CONSERVANCY AREA REQUIRED: R.C. 4 AREA 1 (94.902 AC± X 0.70) \_\_\_\_\_\_ 66.43 AC± R.C. 4 AREA 2 (2.604 AC± X 0.70) \_\_1.83 AC± TOTAL CONSERVANCY AREA REQUIRED: 68.26 AC± CONSERVANCY AREA PROPOSED: R.C. 4 AREA 1\_ 66.89 AC± R.C. 4 AREA 2\_

TOTAL CONSERVANCY AREA PROPOSED: 7. OPEN SPACE:

OPEN SPACE REQUIRED - 11,700 S.F. ACTIVE AND 6,300 S.F. PASSIVE OR A COMBINATION THEREOF AS SPECIFIED IN SECTION III.D.3; OPEN SPACE PROVIDED 0 S.F. ACTIVE AND 0 S.F. PASSIVE. WAIVER REQUESTED & FEE IN LIEU TO BE PAID.

69.49 AC±

8. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

9. EXISTING WELL AND SRA LOCATIONS ARE APPROXIMATE BASED ON DOCUMENTS AT DEPRM AND FIELD OBSERVATION.

10. THERE ARE EXISTING WELLS AND SEPTIC SYSTEMS ON THIS SITE.

11. ULTIMATE RIGHT-OF-WAY: . 70' ULTIMATE RIGHT-OF-WAY MIDDLETOWN ROAD:\_\_ . 60' ULTIMATE RIGHT-OF-WAY

12. MIDDLETOWN ROAD AND ROCKDALE ROAD ARE COUNTY ROADS.

13. NO ZONING HISTORY IS ON FILE AT BALTIMORE COUNTY FOR THIS SITE.

14. LOT 18 IS AN EXISTING FARM USED FOR COMMERCIAL AGRICULTURE USES AND

WILL CONTINUE AS A FARM USED FOR COMMERCIAL AGRICULTURAL PURPOSES. 15. PER MR. STEVE WEBBER, BALTIMORE COUNTY BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING, MIDDLETOWN ROAD AND ROCKDALE ROAD ARE NOT WITHIN A TRAFFIC DEFICIENT AREA.

16. LOTS 1-18 HAVE BEEN PERCED AND APPROVED BY BALTIMORE COUNTY DEPRM WITH CORRESPONDING SEPTIC RESERVE AREAS AS SHOWN. EACH LOT SHALL BE SERVICED BY AN INDIVIDUAL CONVENTIONAL SEPTIC.

17. THIS PROJECT IS OUTSIDE OF THE URBAN RURAL DEMARCATION LINE.

19. THERE ARE NO PROPOSED PUBLIC OR PRIVATE ROADS AND NO ASSOCIATED ENTRANCES. THERE ARE SIX (6) PRIVATE DRIVEWAYS ALONG MIDDLETOWN AND ROCKDALE ROAD WHICH SHALL REMAIN. THERE ARE ELEVEN PROPOSED DRIVEWAYS ALONG ROCKDALE ROAD. NO

CURBING EXISTS OR IS PROPOSED AT ANY EXISTING OR PROPOSED DRIVEWAY. 20. NO SIGNAGE EXISTS OR IS PROPOSED.

21. NO PUBLIC WATER OR SEWER IS AVAILABLE TO THIS SITE.

22. THERE ARE NO F.A.R. CALCULATIONS OR AMENITY OPEN SPACE. 23. THERE ARE NO FIRE HYDRANTS IN THE VICINITY OF THIS SITE.

24. THIS SITE IS NOT IDENTIFIED AS AN EXISTING OR IMPENDING FAILURE ON

BASIC SERVICE MAPS. 25. THE PROPERTY IS WITHIN A 100 YEAR FLOOD PLAIN. A 100-YEAR FLOOD PLAIN STUDY HAS BEEN ACCEPTED FOR FILING BY BALTIMORE COUNTY MARCH 3, 2004 PER FIRM MAP 240010-0050B AND FIRM

MAP 240010-0025B THE 100 YEAR FLOOD PLAIN IS IN ZONE "C".

## FIRE SUPPRESSION UNDERGROUND STORAGE TANK:

THIS DEVELOPMENT IS SUBJECT TO THE RURAL WATER REQUIREMENTS OF THE BALTIMORE COUNTY FIRE PREVENTION CODE; SECTION 7-5.6. THIS DEVELOPMENT SHALL UTILIZE A PROPOSED UNDERGROUND WATER STORAGE TANK ALONG ROCKDALE ROAD TO MEET THIS REQUIREMENT.

## SCENIC ROUTE:

MIDDLETOWN ROAD IS DESIGNATED AS A "SCENIC ROUTE" ON THE "SCENIC RESOURCE MAP" IN THE MASTER PLAN 2010.

## ANTICIPATED ACTION:

1) HEARING OFFICER TO APPROVE CODED NOTE A08—"EXISTING TENANT HOUSE TO REMAIN AS A PART OF LOT 18", RECOGNIZING THAT IT IS THE CONTINUED EXISTENCE OF A LEGALLY EXISTING NONCONFORMING STRUCTURE, AND THAT ANY DEFICIENCY OR INCREASE IN DEFICIENCY, (INCLUSIVE OF SETBACK), IS THE RESULT OF TAKING FOR THE PURPOSE OF WIDENING MIDDLETOWN ROAD. THIS RECOGNITION IS PURSUANT TO BALTIMORE COUNTY ZONING COMMISSIONER'S POLICY MANUAL SECTION 1B01.2.C.3.

2) HEARING OFFICER TO APPROVE CODED NOTE A14—"EXISTING COMMERCIAL AGRICULTURAL BUILDINGS AND STRUCTURES", RECOGNIZING THAT MINIMUM SETBACKS SHALL BE AS REQUIRED BY THE BALTIMORE COUNTY BUILDING CODES, PURSUANT TO BCZR SECTION 404.11.A.

## ALTERNATIVE RELIEF REQUESTED:

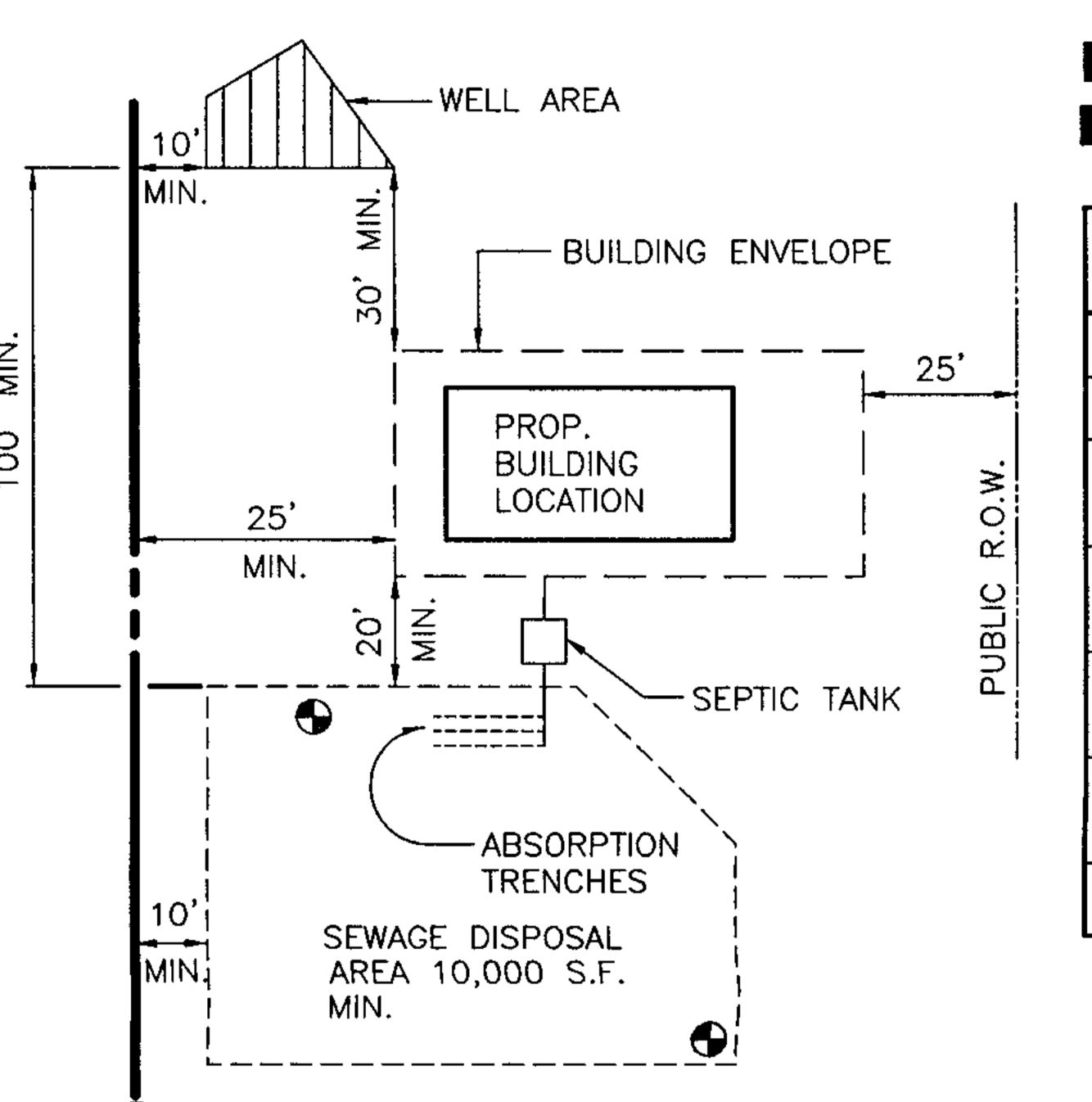
BALTIMORE COUNTY, TO DETERMINE WHETHER OR NOT THE ZONING COMMISSIONER SHOULD APPROVE THE CONTINUED EXISTENCE OF AN ACCESSORY TENANT HOUSE, AND COMMERCIAL AGRICULTURAL BUILDINGS AND STRUCTURES, OR, IN THE ALTERNATIVE;

2) PETITION FOR A VARIANCE FROM: a. BCZR SECTION 1A01.3B.3-TO PERMIT A 42', 46', 46', AND 57' SETBACKS TO CENTERLINE OF ROAD, FOR AN EXISTING TENANT HOUSE AND EXISTING COMMERCIAL AGRICULTURAL BUILDINGS

AND STRUCTURES, IN LIEU OF THE REQUIRED 75' SETBACK. b. BCZR SECTION 1A01.3B.3-TO PERMIT A 15' AND 22' SETBACK TO A LOT LINE, FOR AN EXISTING ACCESSORY TENANT HOUSE, IN LIEU OF THE REQUIRED 35' SETBACK.

# ARTHUR TRACEY PROPERTY

20815 MIDDLETOWN ROAD FREELAND, MARYLAND 21053-9731 BALTIMORE COUNTY



DISTANCE

## BUILDING SETBACKS & HEIGHT RESTRICTIONS

BUILDING SETBACK/HEIGHT RESTRICTION	ZONING	
DESCRIPTION	R.C.2	R.C.4
FROM CENTERLINE OF STREET	75'	
LOT OTHER THAN STREET LINE	35'	
FROM PUBLIC STREET ROW OR PROPERTY LINE		25'
FROM EDGE OF PAVING OF PRIVATE ROAD		35'
FROM ADJACENT R.C.2 ZONE LINE		100'
FROM CONSERVANCY AREA USED FOR AGRICULTURAL PURPOSES		50'
MAXIMUM BUILDING HEIGHT	35'	35'

## TYPICAL DIMENSIONS NOT TO SCALE

BEARING

S12'03'27"E

S69'28'15"W

S18'01'45"E

S74°01'45"E

S54'31'45"E

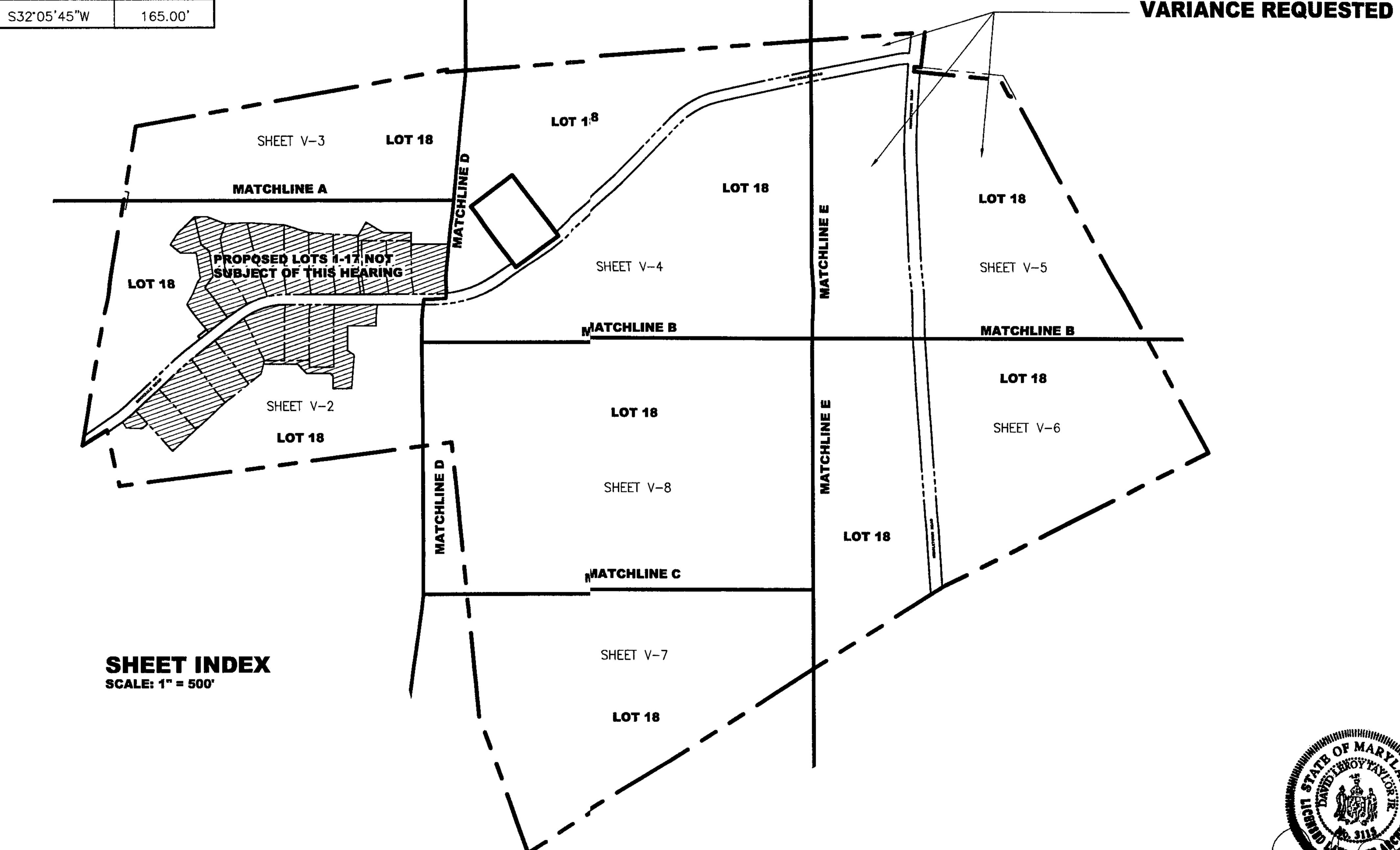
S87'31'45"E

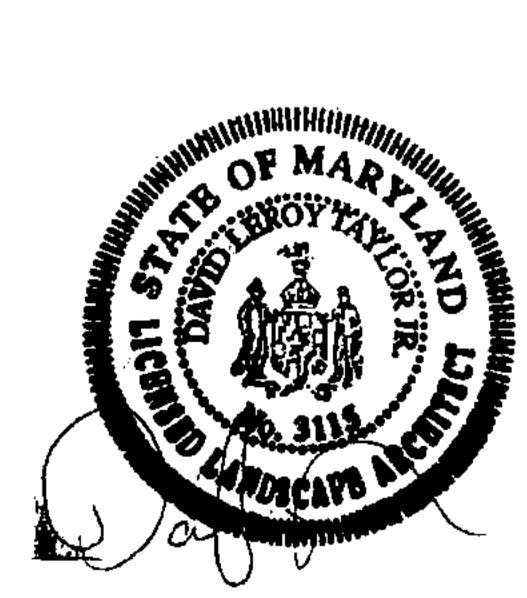
# OPEN SPACE / PARKING / DWELLING UNITS

DESCRIPTION	REQUIRED	PERMITTED	PROPOSED
1. OPEN SPACE	18,000 S.F.		FEE IN LIEU OF
2. PARKING	36 P.S.		36 P.S.
3. R.C.2. DWELLING UNITS		5	1
3. R.C.4. DWELLING UNITS		19	17

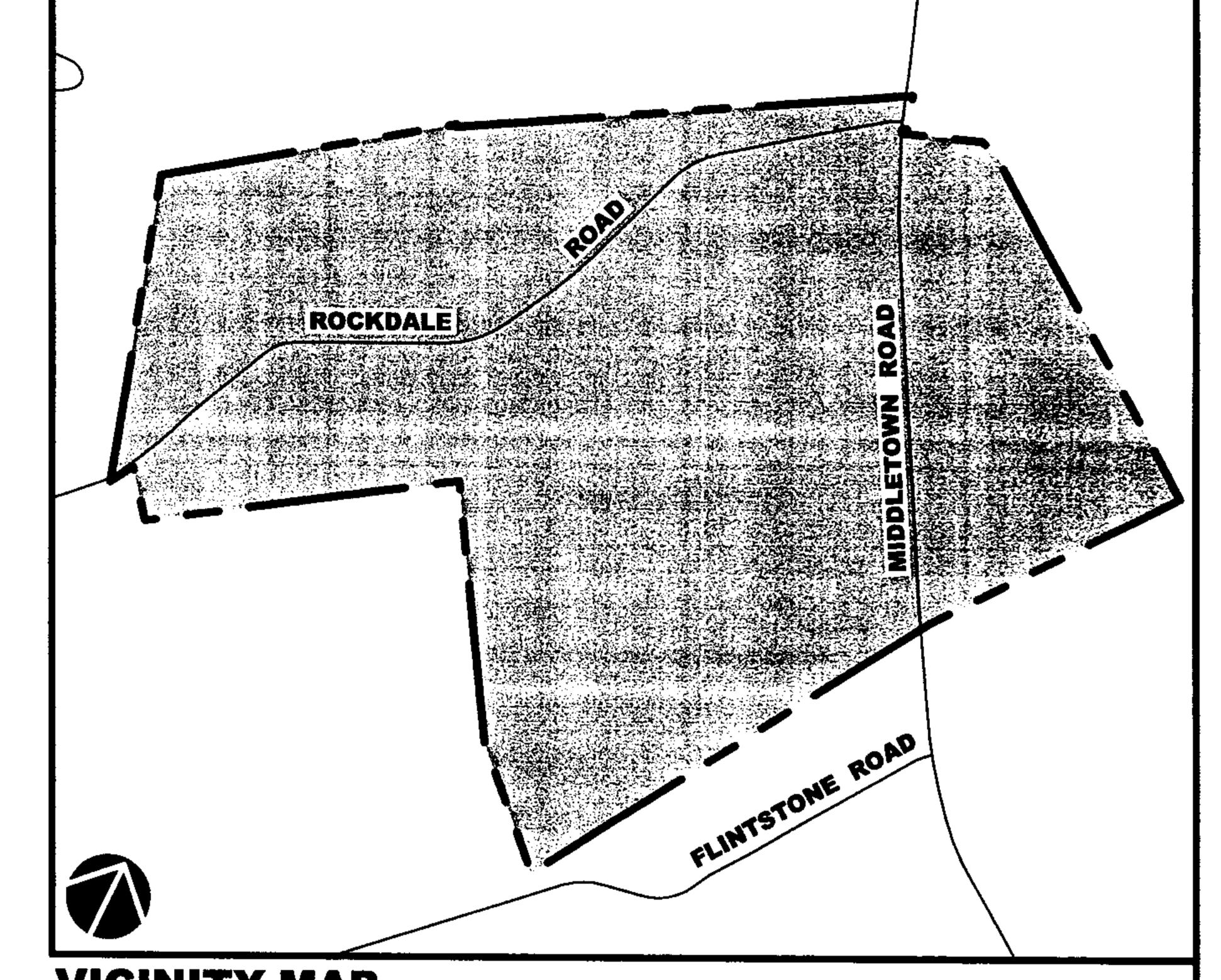
## LOT INFORMATION

		ONIMATION	
	LOT NUMBER	TOTAL LOT ACREAGE	ADDRESS
	1	1.63 AC+/-	3018 ROCKDALE ROAD
	2	1.57 AC+/-	3016 ROCKDALE ROAD
	3	1.68 AC+/-	3014 ROCKDALE ROAD
	4	1.53 AC+/-	3012 ROCKDALE ROAD
	5	1.23 AC+/-	3010 ROCKDALE ROAD
	6	1.15 AC+/-	3008 ROCKDALE ROAD
	LOT NUMBER       TOTAL LOT ACREAGE       A         1       1.63 AC+/-       3018         2       1.57 AC+/-       3016         3       1.68 AC+/-       3019         4       1.53 AC+/-       3019         5       1.23 AC+/-       3019         6       1.15 AC+/-       300         7       1.12 AC+/-       300         8       1.01 AC+/-       300         9       1.01 AC+/-       300         10       1.34 AC+/-       300         11       1.30 AC+/-       302         12       1.71 AC+/-       302         13       1.22 AC+/-       301         14       1.23 AC+/-       301         15       1.28 AC+/-       301         16       1.05 AC+/-       300	3006 ROCKDALE ROAD	
	8	1.01 AC +/-	3004 ROCKDALE ROAD
	9	1.01 AC+/-	3002 ROCKDALE ROAD
	10	1.34 AC+/-	3000 ROCKDALE ROAD
	11	1.30 AC+/-	3023 ROCKDALE ROAD
	12	1.71 AC+/-	3021 ROCKDALE ROAD
	13	1.22 AC+/-	3019 ROCKDALE ROAD
	14	1.23 AC+/-	3015 ROCKDALE ROAD
	15	1.28 AC+/-	3011 ROCKDALE ROAD
	16	1.05 AC+/-	3009 ROCKDALE ROAD
ROPOSED LOT 18 IS JBJECT OF THIS HEARING——	17	1.17 AC+/-	3003 ROCKDALE ROAD
	18	371.86 AC+/-	20815 MIDDLETOWN ROAD
		LOT 18 ACRAGE INC IN AND ROCKDALE RO	LUDES RIGHT OF WAY FOR DAD.





PDM #VI-262



VICINITY MAP SCALE: 1" = 1000'

## CODED NOTES: \

## A: GENERAL

A01. PROPOSED USE-IN-COMMON DRIVEWAY FOR LOTS 1-4. A02. PROPOSED HIGHWAY WIDENING AREA SHALL BE DEDICATED TO

BALTIMORE COUNTY (PUBLIC).

A03. EXISTING DRIVEWAY SHALL REMAIN. A04. EXISTING MARYLAND AGRICULTURAL LAND PRESERVATION

FOUNDATION AGRICULTURE EASEMENT. A05. FOREST BUFFER EASEMENT PER SSEV.

A06. PROPOSED 50' HOA LANDSCAPE EASEMENT BUFFER. WELLS DRIVEWAYS AND CONSTRUCTION GRADING SHALL BE PERMITTED WITHIN THE EASEMENT BUFFER AREA.

A07. PROPOSED PRIVATE ACCESS EASEMENT SHALL BE DEDICATED TO THE RESPECTIVE PROPERTY OWNERS WHICH THE EASEMENT PROVIDES ACCESS.

A08. EXISTING TENANT HOUSE SHALL REMAIN AS PART OF LOT 18. A09. EXISTING SEPTIC RESERVE AREA SHALL BE ABANDONED PRIOR TO TO RECORD PLAT APPROVAL. A NEW SEPTIC AREA SHALL BE

A10. PROPOSED FOREST BUFFER EASEMENT PER VARIANCE REQUEST.

A11. PROPOSED FOREST CONSERVATION EASEMENT. A12. EXISTING UNDERGROUND STORAGE TANK SHALL REMAIN.

A13. PARCEL A. PARCEL SHALL BE DEDICATED TO OWNER OF PARCEL 98 IN FEE

A14. EXISTING COMMERCIAL AGRICULTURAL BUILDINGS AND STRUCTURES. B: UTILITY

BO1. FIRE SUPPRESSION EASEMENT WITH 12,000 GALLON WATER

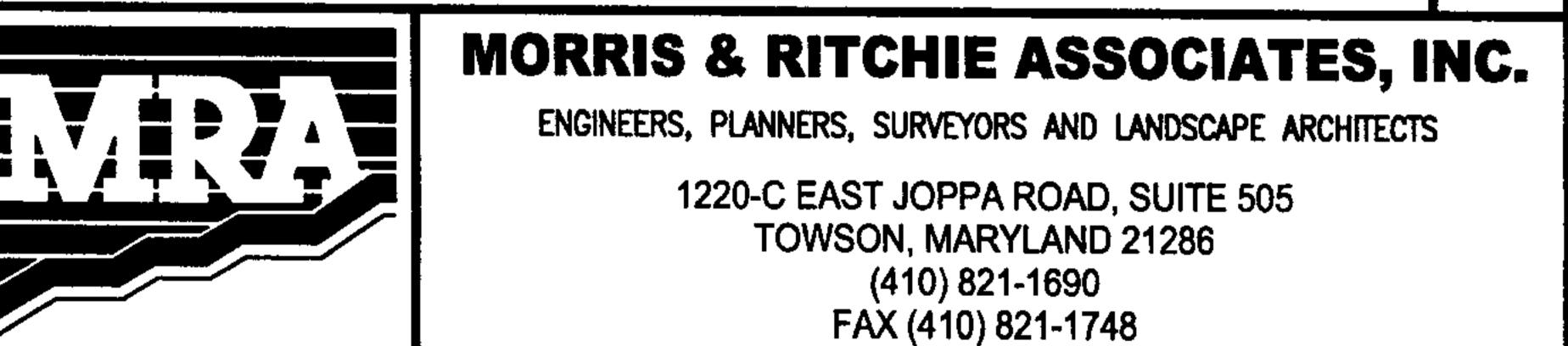
TANK FOR FIRE SUPPRESSION. FIRE SUPPRESSION EASEMENT SHALL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION (HOA).

BO2. PROPOSED BALTIMORE COUNTY STORM WATER MANAGEMENT RESERVATION. STORM WATER MANAGEMENT RESERVATION SHALL BE DEDICATED TO BALTIMORE COUNTY.

# SHEET INDEX:

SHEET NO. DESCRIPTION PLAN TO ACCOMPANY VARIANCE HEARING PLAN TO ACCOMPANY VARIANCE HEARING

A COMBINED ZONING AND PLAN APPROVAL HEARING HAS BEEN REQUESTED.






MARYLAND COORDINATE

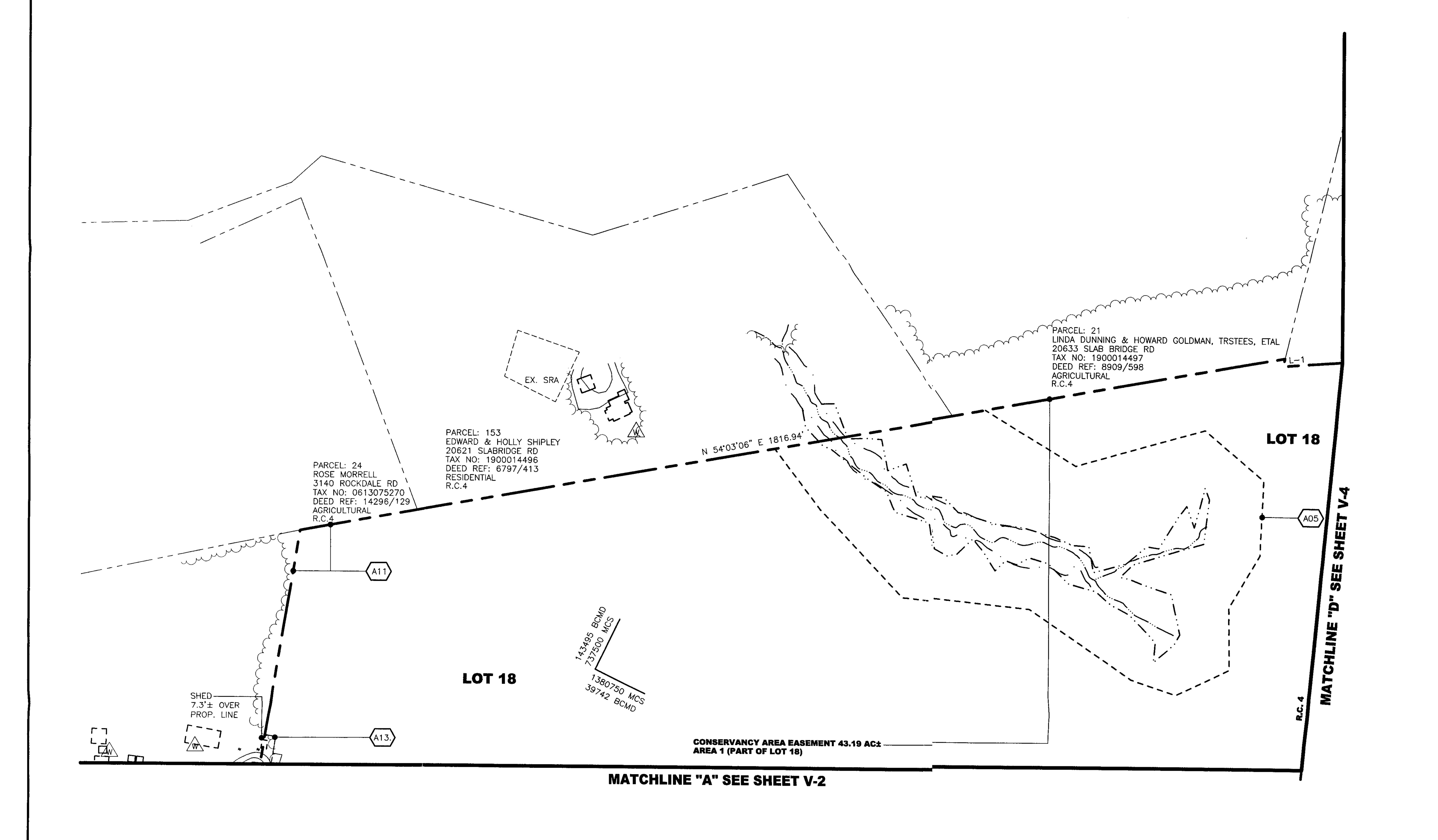
SYSTEM (MCS)

ARTHUR TRACEY PROPERTY 20815 MIDDLETOWN ROAD (PROPOSED LOT 18) FREELAND, MARYLAND 21053-9731

> 6th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.: 12676
		SCALE: AS NOTED
		DATE: 3/26/04
		DRAWN BY: JHK
		DESIGN BY: DLT
		REVIEW BY: DLT
		SHEET: 1 OF 8



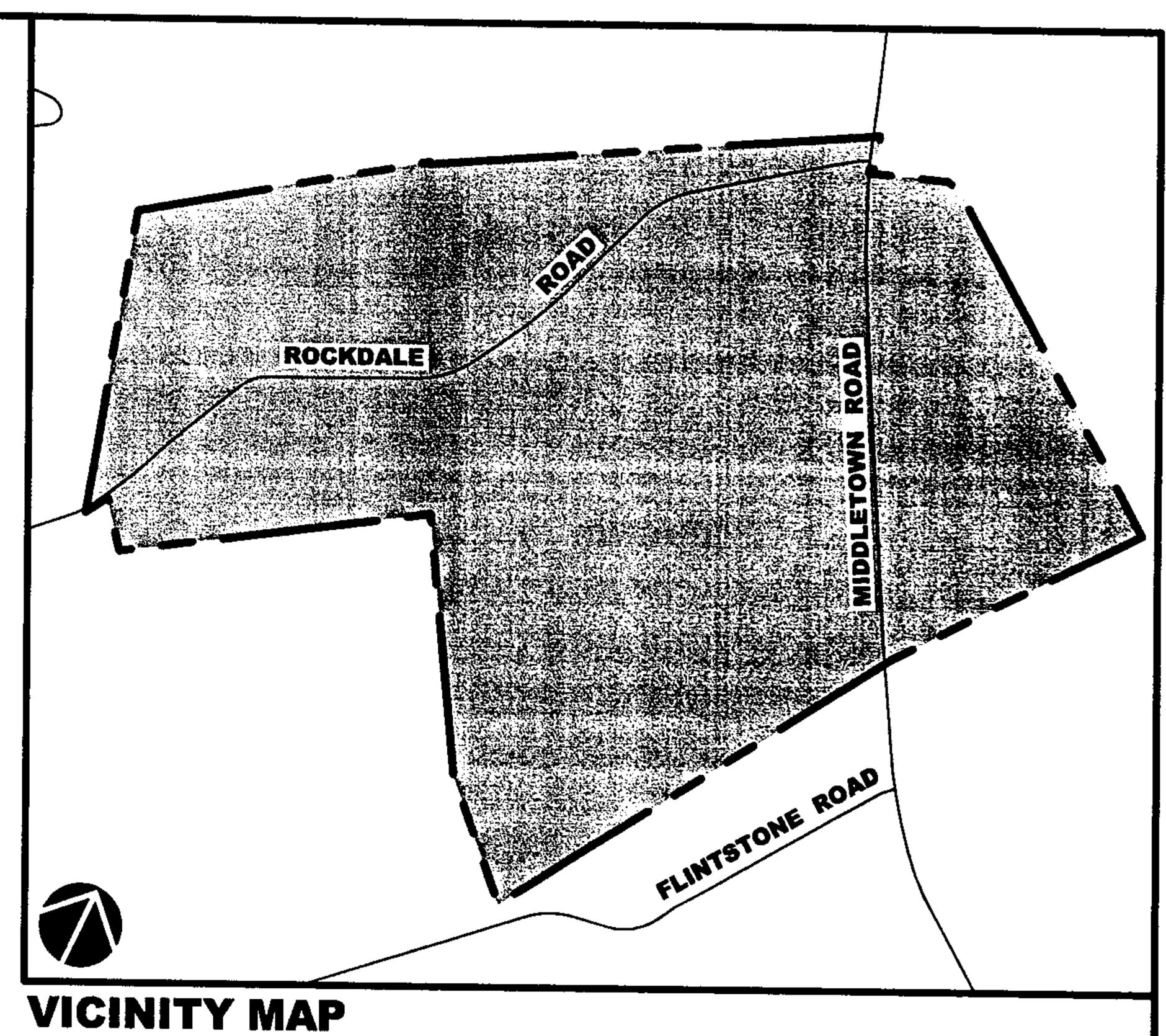


## **GENERAL NOTES:**

1. SEE SHEET V-1 FOR CODED NOTES DESCRIPTION.



PDM #VI-262



# SCALE: 1" = 1000'

## SITE I ECEND.

SIIE LEGENL	
	LINE / VEGETATION
	↑ PROPOSED WOODS LINE / VEGETATION
	PROPERTY LINE
	- EXISTING RIGHT-OF-WAY
	- PROPOSED RIGHT-OF-WAY
	- EXISTING 2' CONTOUR - EXISTING 10' CONTOUR
	- LIMIT OF SOILS / SOIL TYPE
	- BUILDING SETBACK LINE
RC2	- EXISTING ZONING
	- EXISTING 100 YEAR FLOODPLAIN
	- EXISTING WETLAND
	- EXISITNG STREAM / POND
OH OH	- EXISTING OVERHEAD ELECTRIC LINE
	PROPOSED CONSERVANCY AREA EASEMENT
	<ul> <li>FOREST BUFFER EASEMENT PER</li> <li>SSEV</li> </ul>
	PROPOSED FOREST BUFFER EASEMENT PER VARIANCE
	- PROPOSED FOREST CONSERVATION EASEMENT
	EXISTING STRUCTURE
W	EXISTING WELL LOCATION
	PROPOSED WELL LOCATION
EXIST. SRA	EXISTING SEPTIC RESERVE AREA (SRA)
	PROPOSED BUILDING ENVELOPE / FRONT ORIENTATION
● 1A ● 1B 1C ●	PROPOSED SEPTIC RESERVE AREA 10,000 S.F. MINIMUM WITH PERC TEST LOCATIONS
	SLOPES >25%
$\odot$	PROPOSED SHADE TREE
$\widetilde{\odot}$	PROPOSED FLOWERING TREE
$\odot$	PROPOSED EVERGREEN TREE



# MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

PLAN TO ACCOMPANY VARIANCE HEARING

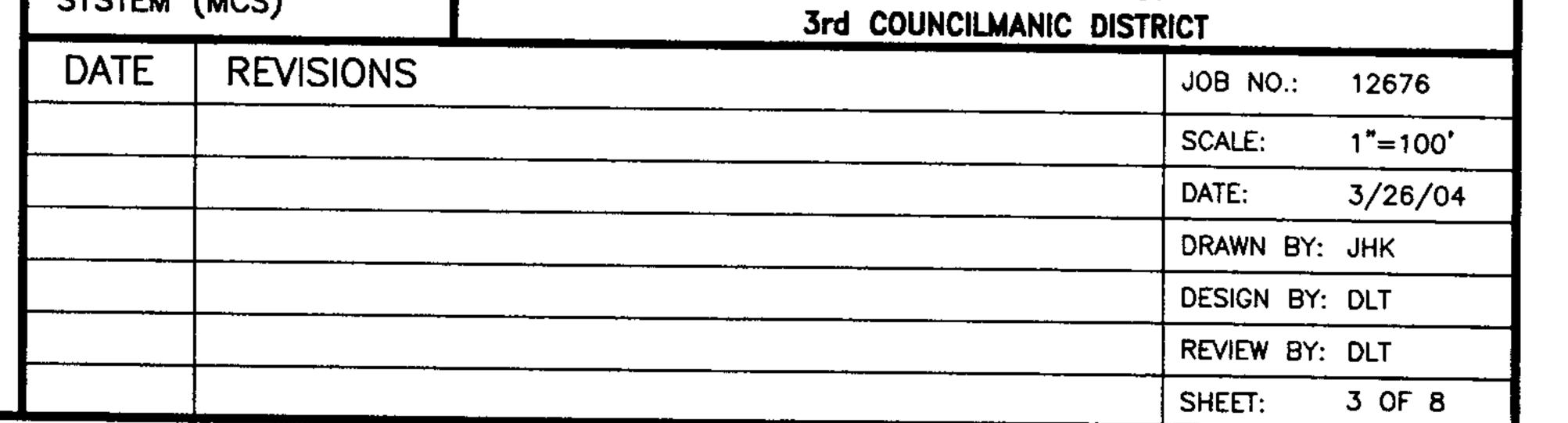
1220-C EAST JOPPA ROAD, SUITE 505 TOWSON, MARYLAND 21286 (410) 821-1690 FAX (410) 821-1748





## ARTHUR TRACEY PROPERTY

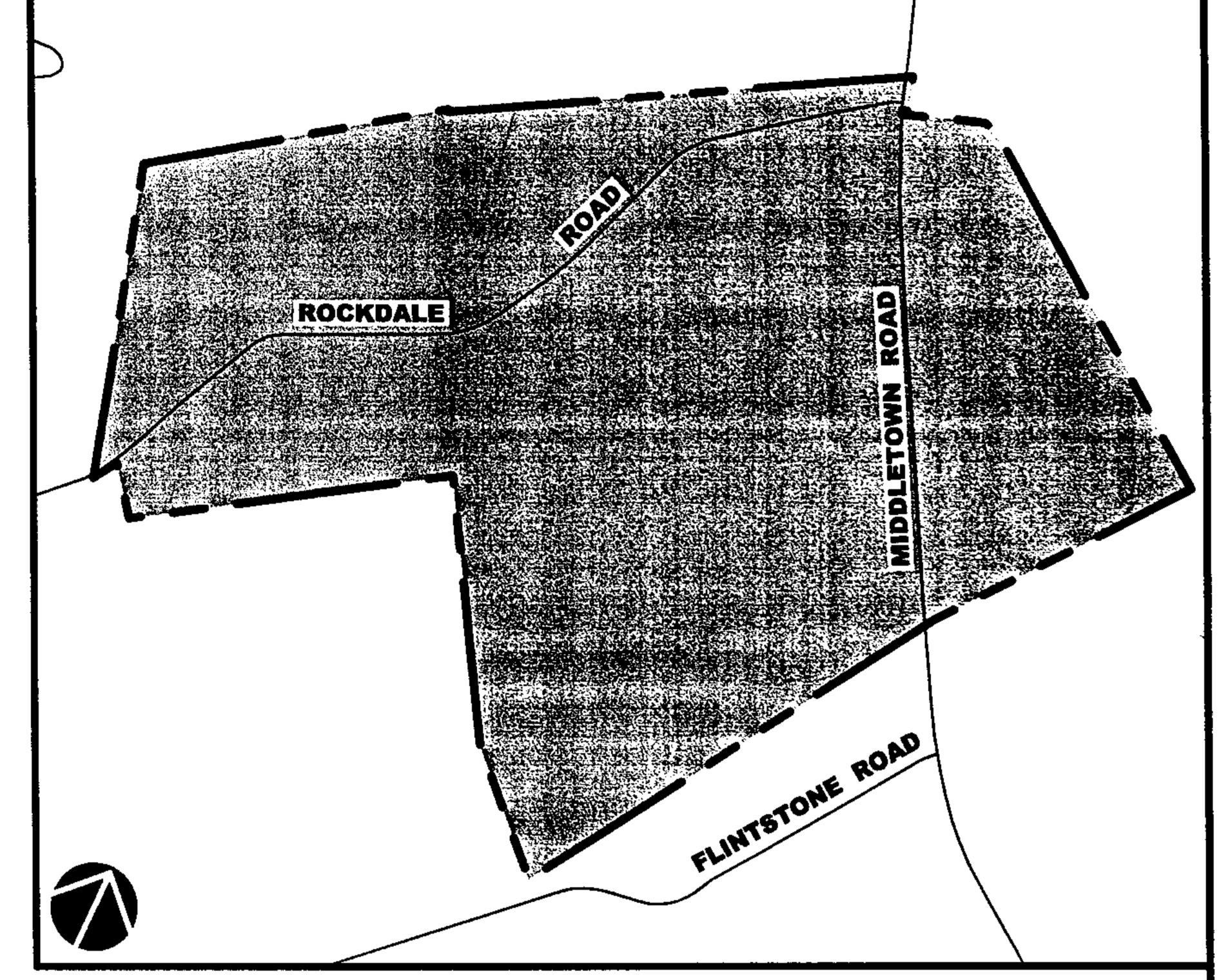
20815 MIDDLETOWN ROAD (PROPOSED LOT 18) FREELAND, MARYLAND 21053-9731

6th ELECTION DISTRICT









VICINITY MAP SCALE: 1" = 1000'

#### SITE LEGEND:

211E FEGEUR:	
	LINE / VEGETATION PROPOSED WOODS LINE / VEGETATION
	EXISTING RIGHT-OF-WAY PROPOSED RIGHT-OF-WAY
112 110	
	EXISTING ZONING EXISTING 100 YEAR FLOODPLAIN
	EXISITNG STREAM / POND
—— он —— он	EXISTING OVERHEAD ELECTRIC LINE
	PROPOSED CONSERVANCY AREA EASEMENT
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	PER VARIANCE
	PROPOSED FOREST CONSERVATION EASEMENT
	EXISTING STRUCTURE
<u>w</u>	EXISTING WELL LOCATION
	PROPOSED WELL LOCATION
EXIST. SRA	EXISTING SEPTIC RESERVE AREA (SRA)
	PROPOSED BUILDING ENVELOPE / FRONT ORIENTATION
10 0 1B	PROPOSED SEPTIC RESERVE AREA 10,000 S.F. MINIMUM WITH PERC TEST LOCATIONS
	SLOPES >25%
(·)	PROPOSED SHADE TREE
$\widetilde{\odot}$	PROPOSED FLOWERING TREE
•	PROPOSED EVERGREEN TREE
	MADDIE & DITCHIE ACCACIAT



### MORRIS & RITCHIE ASSOCIATES, INC.

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1220-C EAST JOPPA ROAD, SUITE 505 TOWSON, MARYLAND 21286 (410) 821-1690 FAX (410) 821-1748



PLAN TO ACCOMPANY VARIANCE HEARING


ARTHUR TRACEY PROPERTY

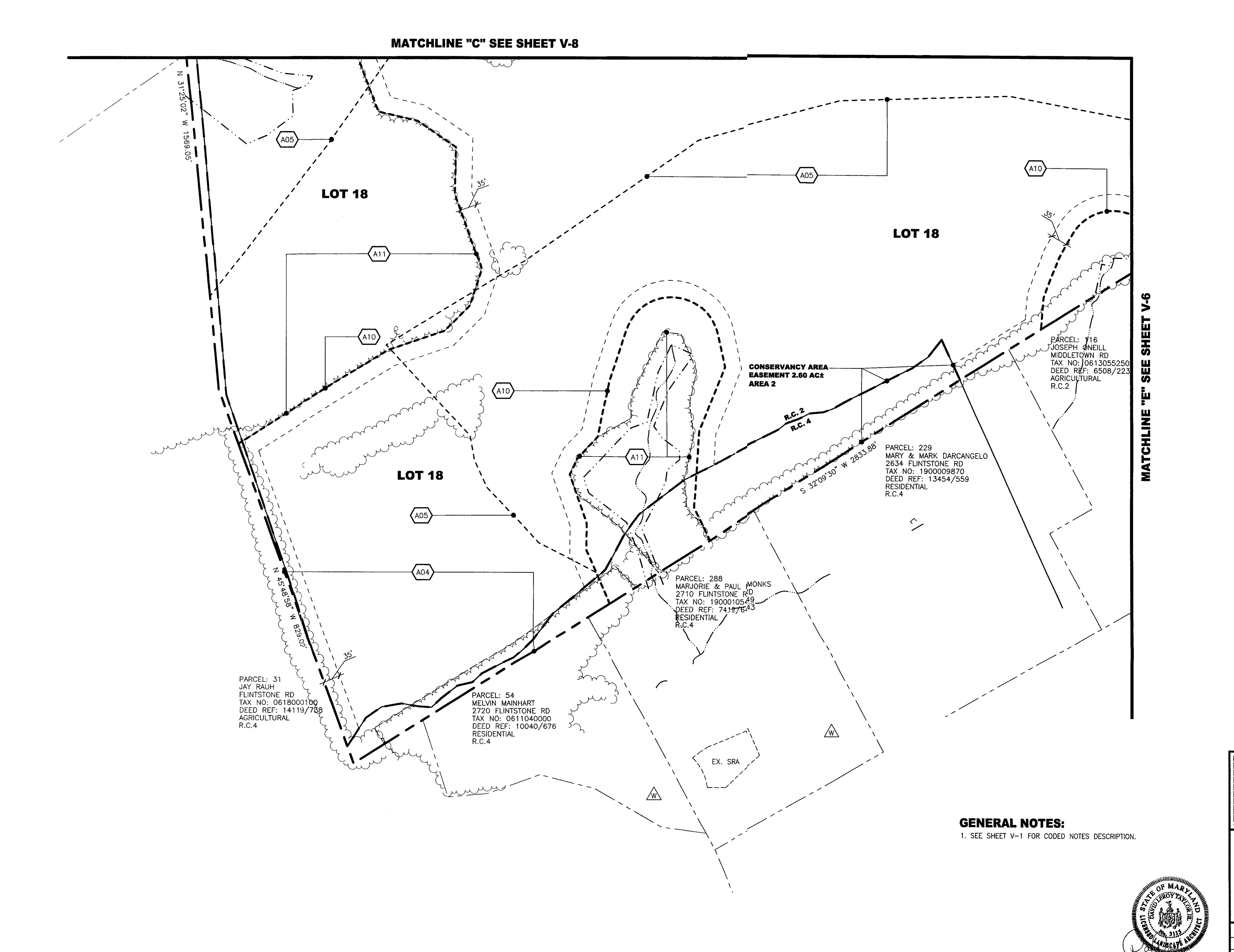
20815 MIDDLETOWN ROAD (PROPOSED LOT 18) FREELAND, MARYLAND 21053-9731

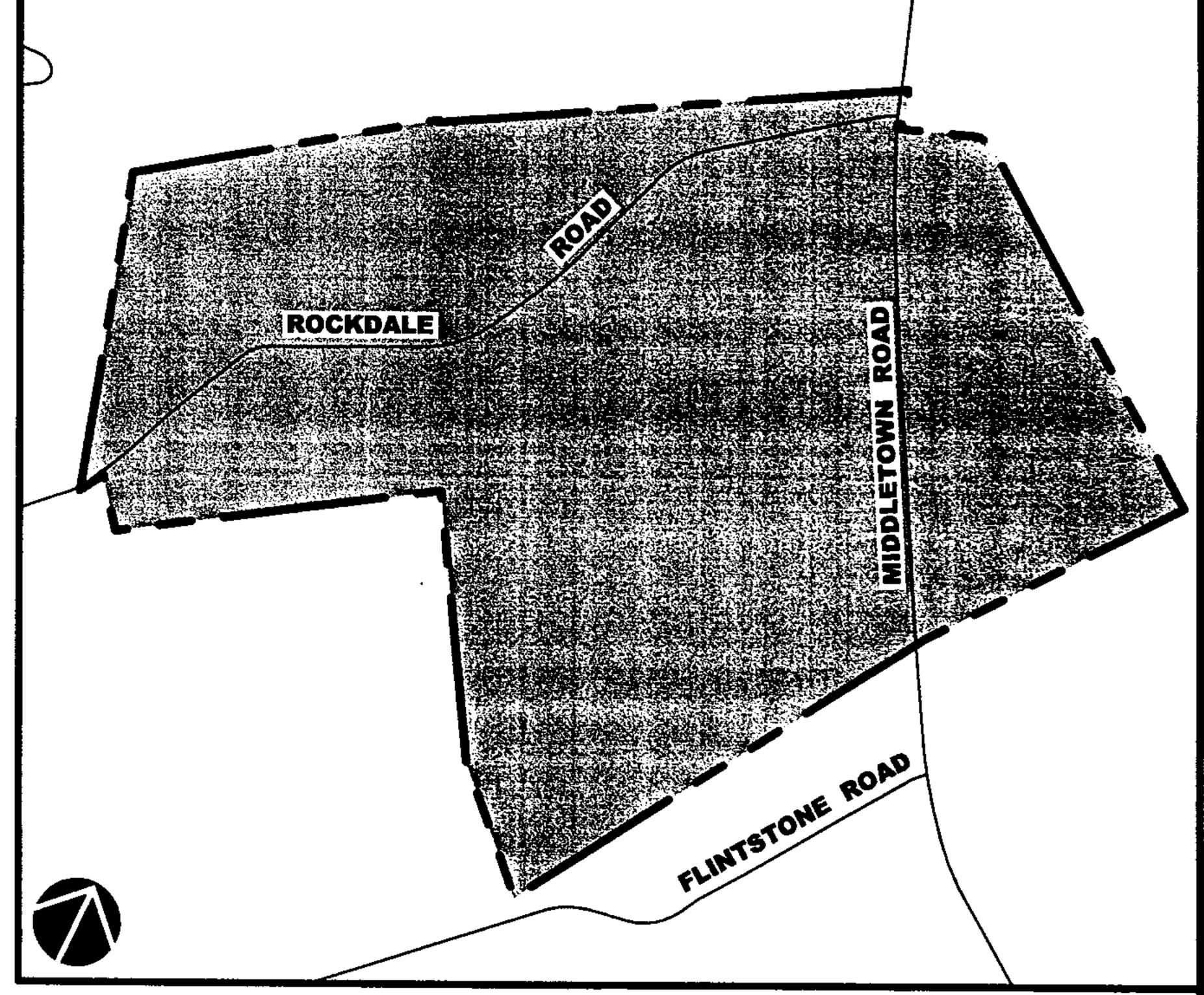
6th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

ATE	REVISIONS	JOB NO.:	12676
		SCALE:	1"=100'
		DATE:	3/26/04
		DRAWN BY:	JHK
		DESIGN BY:	DLT
		REVIEW BY:	DLT
····		SHEET:	5 OF 8

PDM #VI-262







#### VICINITY MAP SCALE: 1" = 1000'

#### SITE LEGEND:

	EXISTING WOODS LINE / VEGETATION
$\bigcirc \bigcirc $	·
	PROPERTY LINE
	EXISTING RIGHT-OF-WAY
	PROPOSED RIGHT-OF-WAY
112	EXISTING 2' CONTOUR
110	EXISTING 10' CONTOUR
////////	LIMIT OF SOILS / SOIL TYPE
<del></del>	EXISTING EASEMENT
	BUILDING SETBACK LINE
RC2	EVICTINO ZONINO
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	EXISTING 100 YEAR FLOODPLAIN
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	EXISTING OVERHEAD ELECTRIC LINE
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PLAN TO ACCOMPANY VARIANCE HEARING

ARTHUR TRACEY PROPERTY

20815 MIDDLETOWN ROAD (PROPOSED LOT 18)
FREELAND, MARYLAND 21053-9731

6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

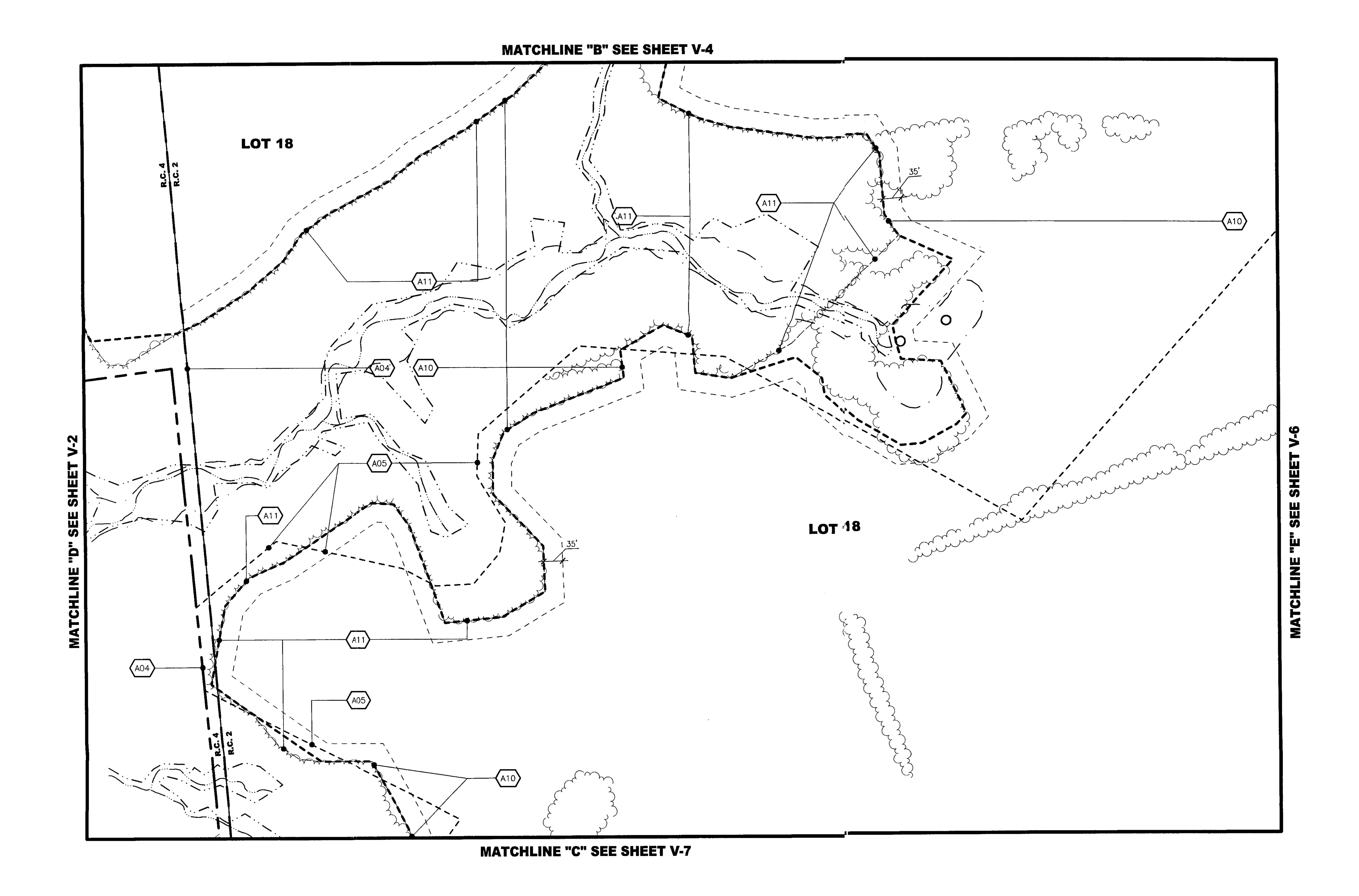
DATE	REVISIONS	JOB NO.:	12676
		SCALE:	1"=10
		DATE:	3/26/
······································		DRAWN BY:	JHK
		DESIGN BY:	DLT
		REVIEW BY:	DLT

PROPOSED SHADE TREE

PROPOSED FLOWERING TREE

PROPOSED EVERGREEN TREE

PDM #VI-262



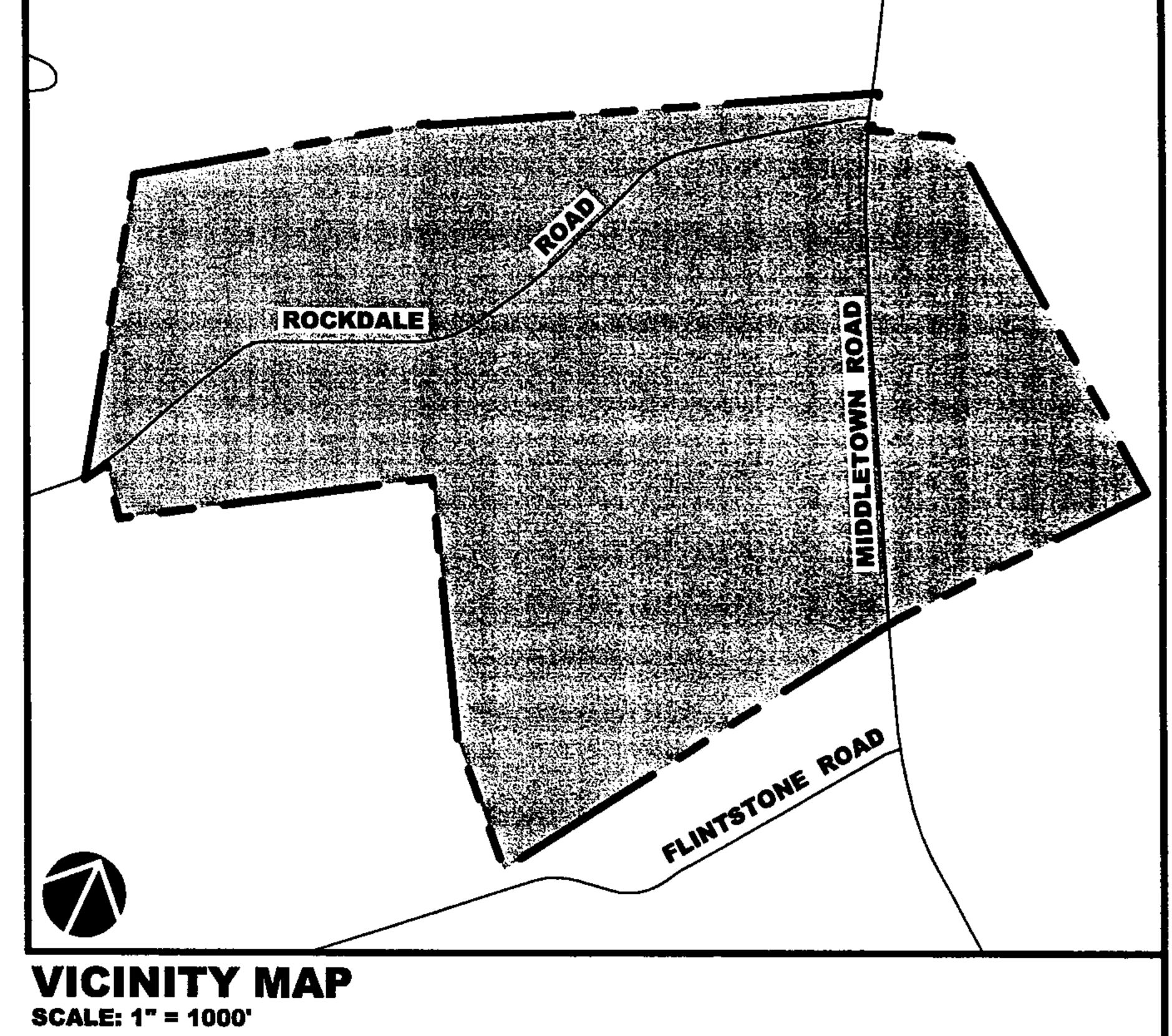
**GENERAL NOTES:** 

1. SEE SHEET V-1 FOR CODED NOTES DESCRIPTION.





DATE REVISIONS PDM #VI-262



#### SITE LEGEND:

	EXISTING WOODS LINE / VEGETATION
	PROPOSED WOODS LINE / VEGETATION
	PROPERTY LINE
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PLAN TO ACCOMPANY VARIANCE HEARING

ARTHUR TRACEY PROPERTY

20815 MIDDLETOWN ROAD (PROPOSED LOT 18)
FREELAND, MARYLAND 21053-9731

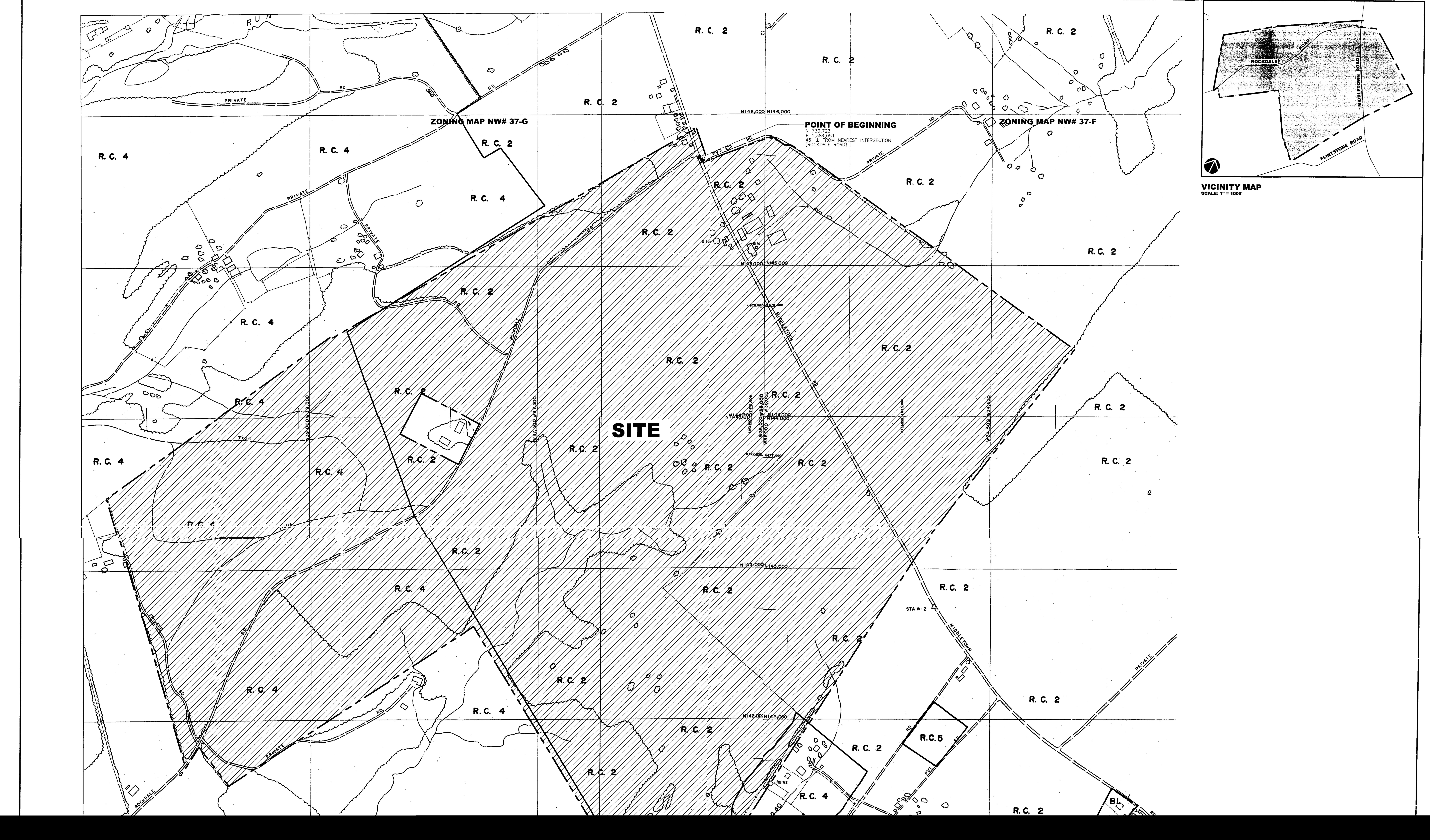
6th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT JOB NO.: 12676

1"=100"

3/26/04

DESIGN BY: DLT

SHEET: 8 OF 8



#### CERTIFICATE OF POSTING

RE: Case No.: 04-455-5PHA Petitioner/Developer: ELM STREET Date of Hearing/Closing: 114/28 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} 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: MIDDLETOWN RD The sign(s) were posted on (Month, Bay, Year) Sincerely, (Signature of Sign Poster) (Date) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

PETITION FOR SPECIAL HEARING RE:

AND VARIANCE

20815 Middletown Rd (Proposed Lot 18) E &\* W Side of Middletown Rd, 45' SE Rockdale Rd 6<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts Legal Owner(s): Arthur S & A. Richard Tracey

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

FOR

**BALTIMORE COUNTY** 

04-455-SPHA

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. Harmus amusimus

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 13<sup>th</sup> day of April, 2004, a copy of the foregoing Entry of Appearance was mailed to Joseph R. Woolman, III, Esquire, Gildea, LLC, 301 N. Charles Street, Suite 900, Baltimore, MD 21201, Attorney for Petitioner(s).

RECEIVED

APR 13 2004

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 4, 2004 Issue - Jeffersonian

Please forward billing to:

David K. Gildea, Gildea, LLC. 301 North Charles Street, Suite 900 Baltimore, Maryland 21201 410-234-0070

#### **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: 04-455-A

20815 Middletown Road

East and West side of Middletown Road, 45-feet Southeast of Rockdale Road

6<sup>th</sup> Election District—3<sup>rd</sup> Councilmanic District Legal Owners: Arthur S. and A. Richard Tracey Contract Purchaser: Elm Street Development, Inc.

Special Hearing to permit the continued existence of an accessory tenant house and commercial agricultural building and structures, or in the alternative, grant a variance.

<u>Variance</u> to permit a 42-foot, 46-foot, 46-foot, and 57-foot setbacks to centerline of road, for an existing tenant house and existing commercial agricultural buildings and structures in lieu of the required 75-foot setback and to permit a 15-foot and 22-foot setback to a lot line for an existing accessory tenant house, in lieu of the required 35-foot setback.

Hearing: Wednesday, May 19, 2004 at 11:00 A.M. Room 407 County Courts Building

401 Bosley Avenue.

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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, May 13, 2004 Issue - Jeffersonian

Please forward billing to:

David K. Gildea, Gildea, LLC. 301 North Charles Street, Suite 900 Baltimore, Maryland 21201

410-234-0070

#### NOTICE OF ZONING HEARING

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Hearing: Friday, May 28, 2004 at 9:00 A.M. Room 106 County Baltimore County Office Building 111 West Chesapeake Avenue.

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 Permits a Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

April 9, 2004

#### 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: 04-455-A

20815 Middletown Road

East and West side of Middletown Road, 45-feet Southeast of Rockdale Road

6<sup>th</sup> Election District—3<sup>rd</sup> Councilmanic District

Legal Owners: Arthur S. and A. Richard Tracey

Contract Purchaser: Elm Street Development, Inc.

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Hearing: Wednesday, May 19, 2004 at 11:00 A.M. Room 407 County Courts Building 401 Bosley Avenue.

Timothy Kotroco

Director

TK: clb

C: Arthur S. Tracey and A. Richard Tracey 20815 Middletown Road Freeland 21053-9731 Joseph R. Woolman III Gildea, Inc. 301 N. Charles Street, Ste. 900 Baltimore 21201 Elm Street Development, Inc 6820 Elm Street, Ste. 200 McLean VA 22101

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY.WEDNESDAY MAY 4, 2004

- (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.

## Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

April 13, 2004

#### REVISED NOTICE OF ZONING HEARING

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20815 Middletown Road

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Timothy Kotroco Director

TK: clb

C: Arthur S. Tracey and A. Richard Tracey 20815 Middletown Road Freeland 21053-9731 Joseph R. Woolman III Gildea, Inc. 301 N. Charles Street, Ste. 900 Baltimore 21201 Elm Street Development, Inc 6820 Elm Street, Ste. 200 McLean VA 22101

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY.FRIDAY MAY 14, 2004

- (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.

# DEPARTMENT OF PERMITS 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 Newspa	<u>per Advertising:</u>	
Item Number	or Case Number	04-455-5PHA
Petitioner	TRA-CEY	
Address or La	ocation. 20815	MIDPLETOWN ROAD (proposed (of 18)
	RWARD ADVERTIS	
		a Gildeall
Address <u>S</u>	21 N. Char	Ics St. Scite 900
B	altimore n	1021201
Telephone No	umber:	