

IN RE: **PETITION FOR VARIANCE**

NW/S Traceys Store Road, 600' NE of
Foreston Road

(Traceys Store Road)

5th Election District

3rd Council District

Allen Estep, et ux

Petitioners

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0085-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Allen Estep, and his wife, Valerie B. Estep. Petitioners request variance relief from Section 1A09.7B.5.b.1(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback (north side) of 100 feet for a proposed dwelling, in lieu of the required 300 foot setback as determined by the Director of the Department of Environmental Protection and Resource Management (DEPRM), from an adjacent property that has received preferential agricultural assessments in the prior five (5) years. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Allen and Valerie Estep, property owners, and Bruce E. Doak, a consultant with Gerhold, Cross & Etzel, Ltd., the property line surveyors who prepared the site plan for this property. Wally Lippincott, Jr., Land Preservation Manager with DEPRM, also appeared and participated via telephone conference during the hearing and provided direction on the proper location of a proposed landscape planting area to screen the future house and front yard area. There were no Protestants or other interested persons present, however, it is noted that eleven (11) letters of support were received from adjacent neighbors namely, Irene L. Altenburg, W. Ralph Wisner, Jr., Alvin H. and Marie E. Garrett, Joe Armacost, Ada M. Wilhelm, Donald E. Armacost, Jr., Anthony J.

COPY REQUIRED FOR PLANS

Date 12-2-08

By [Signature]

Valis, Ronald Wilhelm, Allen Turnbaugh, Marcia L. Alexander and Dennis L. Wilhelm. Their letters were received as Petitioners' Exhibit 3.

The subject property under consideration is a narrow, irregular rectangularly shaped parcel, environmentally constrained due to a stream and a forty (40) foot grade drop in topography (front to rear) located in northern Baltimore County on the west side of Traceys Store Road, just north of Foreston Road in Parkton. The property is a lot of record and contains a gross area of 4.6182 acres, more or less, zoned R.C.8 and is presently vacant and unimproved. Prior to County Council Bill No. 76-04 passed in August 2004, the property known as Parcel No. 219 on Maryland Tax Map 15, was zoned R.C.4. The Petitioners have owned and maintained the property since 1986, well prior to the current R.C.8 regulations, and have always intended to build a new single-family dwelling at some future time. Mr. Estep testified that except for the relief from the 300-foot setback from adjacent agriculturally assessed property, the lot meets all other requirements of the R.C.8 zoning classification. The lot has 335 feet of frontage on Traceys Store Road and is over 792 feet deep.

As set forth above, the need for variance relief arises by virtue of the adjacent lands (to the northeast owned by Irene L. Altenburg¹) as her property is suitable for agricultural production and entitled to agricultural or conservation easements. The regulations require, under these circumstances, that the proposed dwelling be constructed at least 300 feet from the adjacent property line(s). As illustrated on the site plan, the need for a 300-foot setback on a parcel 335 feet wide, which has been a lot of record created long ago (prior to 1970) would preclude the Petitioners from any use of this property. There was no dispute that the property is subject to the R.C.8 environmental enhanced provisions of the B.C.Z.R. Section 1A09.7B.3 requires that for residential development, the maximum area of the building envelope not exceed 20,000 square feet in size. The building envelope as shown meets the size requirements of the R.C.8 zone and the new home will be accessed from Traceys Store Road.

¹ Ms. Altenburg supports Petitioners' variance request as evidenced by her letter accepted as Petitioners' Exhibit 3.

ORDER REDEEMED FOR FILING
Date 12-2-08
By 032

In its initial Zoning Advisory Committee (ZAC) comment, DEPRM realized that a 300-foot setback was not possible, however, recommended that a 35-foot wide planted buffer be provided along the 530-foot northern boundary. Messrs. Estep and Doak demonstrated to the satisfaction of Wally Lippincott that to provide a buffer of this magnitude between the uses, while possible, would require an extensive cost, be extremely difficult, and provide little in the way of environmental enhancements. Given the topographical grades, the proposed home location, which is in a relatively flat area, Mr. Lippincott revised his ZAC comment as illustrated on Petitioners' Exhibit 4 to a reduced 140' x 25' planting area to screen the house and front yard.

Based upon the testimony and evidence presented, I am persuaded that relief should be granted and that the Petitioners have met the requirements set forth in Section 307 of the B.C.Z.R. The amendments to the plan appear appropriate and resolve the issues raised by DEPRM and the Office of Planning. The plan shows the adjacent agricultural use property owned by Irene L. Altenburg. The proposed area of landscape planting appears to be sufficient screening along that property line which will buffer the new house from the Altenburg parcel. Additionally, a note that any occupant of the new dwelling might be subject to an inconvenience of discomfort arising from the adjacent agricultural operations as found in B.C.Z.R. Section 1A09.8 will be added to the site plan and this Order. It is clear that relief can be granted and that there will be no detrimental impacts to adjacent properties or the health, safety or general welfare of the surrounding locale. It is clear that there will not be any increase in residential density, beyond that otherwise allowable by the B.C.Z.R., and that the relief requested is the minimum necessary to afford relief to the Petitioners, without impact or affect upon adjoining owners.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted. The existing and proposed use is expressly permitted as of right in the R.C.8 zone and the Petitioners would suffer real practical difficulty if the requested relief were not granted.

ORDER RECOMMENDED FOR FILING
Date 12-2-08
By [Signature]

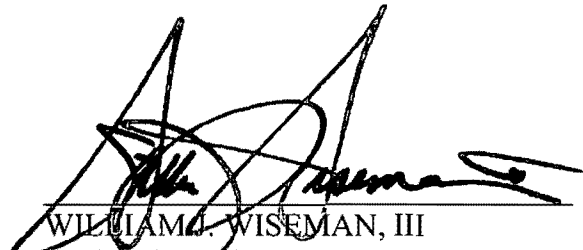
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 2nd day of December 2008, that the Petition for Variance seeking relief from Section 1A09.7B.5.b.1(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to reduce the 300 foot setback for a proposed dwelling from an adjacent property receiving preferential agricultural assessments to as close as one hundred (100) feet on the northeast side, in accordance with Petitioners' Exhibit 1, be and the same is hereby GRANTED; subject to the following restrictions:

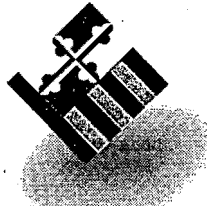
1. Prior to the issuance of any building permits, the development and use of the subject property shall comply with all environmental and forest buffer regulations as set forth in the ZAC comment submitted by DEPRM, dated November 6, 2008.
2. The proposed dwelling may be subject to inconveniences or discomforts arising from agricultural operations including but not limited to: noise, odors, fumes, dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure and the application by spraying or otherwise of chemical fertilizers. The County shall not consider an agricultural operation to be a public or private nuisance, if the operation complies with these regulations and all federal, state, or county health or environmental requirements.
3. Petitioners are hereby made aware that proceeding at this time is at their 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.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.

RECEIVED FOR FILING
Date 12-2-08
By [Signature]

WJW:dlw


WILLIAM M. WISEMAN, III
Zoning Commissioner
for Baltimore County



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 2, 2008

Allen Estep
Valerie B. Estep
3132 Traceys Store Road
Parkton, Maryland 21120

RE: PETITION FOR VARIANCE
NW/S Traceys Store Road, 600' NE of Foreston Road
(Traceys Store Road)
5th Election District - 3rd Council District
Allen Estep, et ux – Petitioners
Case No. 2009-0085-A

Dear Mr. and Mrs. Estep:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with restrictions, 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,

A handwritten signature in black ink, appearing to read "W. J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Boulevard,
Towson, Maryland 21286
Wally Lippincott, Jr., Land Preservation Manager, DEPRM
People's Counsel; Office of Planning; File



TAX. ACCO # 2000009086

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at TRACEY'S STORE Rd
which is presently zoned RC 8

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)

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

ALLEN ESTEP

Name - Type or Print

Allen Estep

Signature

VALERIE B. ESTEP

Name - Type or Print

Valerie B. Estep

Signature

3132 TRACEY'S STORE RD 410-239-3092

Address

Telephone No.

PARKLTON

MD

21120

City

State

Zip Code

Representative to be Contacted:

GERHARD, CHRIS & EVEL LTD

Name

320 ETOWSON TOWN BLVD

410-823-4470

Address

Telephone No.

TOWSON

MD

21286

City

State

Zip Code

OFFICE USE ONLY

Case No. 2009-0085-A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

REV 9/15/98

Date 12-2-08

Reviewed By CM

Date 9/23/08

By DW

TRACEYS STORE ROAD
Tax Account No.: 20-00-009086

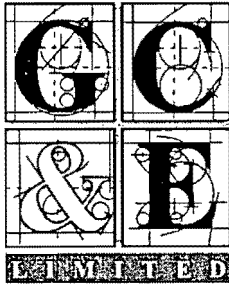
VARIANCES REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:

1A09.7.B.5.b.(1).(a)

*TO ALLOW 100' SETBACK FROM ADJACENT PROPERTY THAT IS
CULTIVATED, IN LIEU OF AT LEAST 300'.*

**This is a lot of record, never build on, and existing before this Zoning Regulation..*



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

September 17, 2008

ZONING DESCRIPTION

Allen Estep and Valerie B. Estep property
Traceys Store Road
Baltimore County, Maryland

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

Beginning for the same at a point 625 feet $\pm$ along the centerline of Traceys Store Road northerly from the centerline intersection of Foreston Road and Traceys Store Road being and running thence,

- 1) North 49 degrees 15 minutes 40 seconds West 792.72 feet,
- 2) North 52 degrees 32 minutes 23 seconds East 233.43 feet,
- 3) South 36 degrees 31 minutes 33 seconds East 118.31 feet,
- 4) North 56 degrees 23 minutes 56 seconds East 75.65 feet,
- 5) South 49 degrees 26 minutes 04 seconds East 193.35 feet,
- 6) South 57 degrees 36 minutes 51 seconds East 332.12 feet,
- 7) South 25 degrees 40 minutes 35 seconds West 335.62 feet to the point of beginning.

Containing 4.6182 Acres of land, more or less.



0005

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 AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **28599**

Date: **9-23-09**

PAID RECEIPT

NUMBERS ACTUAL TIME DAY
 12/23/2009 9:27/2009 14:09:45 7
 PER 4075 BALLET DOLL 100
 FOR RECEIPT # 40582 7-13-2009 50.00
 5 500 ZEROED UP BY CASHIER
 10/5/09
 Receipt for \$45.00
 \$45.00 @ \$1.00 ea
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		10150				65.00

Total: **65.00**

Rec From:

For:

EST. PROPERTY
TRACER'S STORE KS
2009 - 6085 - A
VALENTINE

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

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

Case: #2009-0085-A

3132 Traceys Store Road
N/west of Traceys Store Road
and Foreston Road
5th Election District
3rd Councilmanic District
Legal Owner(s): Allen & Valerie
Estep

Variance: to allow 100 feet
setback from adjacent property
that is cultivated in lieu of at
least 300 feet.

**Hearing: Monday, December
1, 2008 at 10:00 a.m. in
Room 104, Jefferson Build-
ing, 105 West Chesapeake
Avenue, Towson 21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

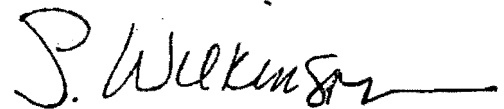
(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.
11/13/08 Nov: 13 188377

CERTIFICATE OF PUBLICATION

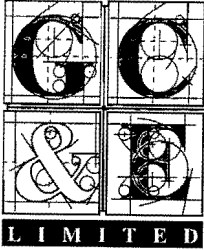
11/13/, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 11/13/, 2008.

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



LEGAL ADVERTISING



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#2009-0085-A

OWNER/DEVELOPER: Allen & Valerie
Estep

PETITIONER:

DATE OF HEARING: December 1,
2008

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

ATTENTION: KRISTEN MATTHEWS

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

(see page 2 for full size photo)

LOCATION:

3132 Traceys Store Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD

SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 11/13/08

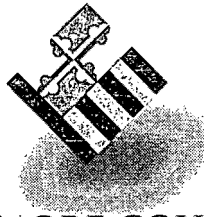
ZONING NOTICE

CASE # :2009-0085-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.**

PLACE: Room 104 Jefferson Building
TIME & 105 W. Chesapeake Avenue, Towson, MD
DATE : 10:00 am Monday December 1, 2008

Variance: to allow a 100 feet setback from an adjacent property that is cultivated in lieu of at least 300 feet.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 27, 2008
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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: 2009-0085-A

3132 Traceys Store Road
N/west of Traceys Store Road and Foreston Road
5th Election District – 3rd Councilmanic District
Legal Owners: Allen & Valerie Estep

Variance to allow 100 feet setback from adjacent property that is cultivated in lieu of at least 300 feet.

Hearing: Monday, December 1, 2008 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Allen & Valerie Estep, 3132 Traceys Store Road, Parkton 21120
Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., NOVEMBER 14, 2008.**
- (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.

5th Nov. 15 2008

TO: PATUXENT PUBLISHING COMPANY

~~Tuesday~~, November 13, 2008 Issue - Jeffersonian

Thursday

Please forward billing to:

Allen & Valerie Estep
3132 Traceys Store Road
Parkton, MD 21120

410-239-3092

NOTICE OF ZONING HEARING

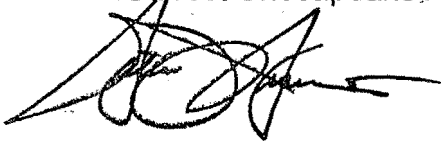
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0085-A

3132 Traceys Store Road
N/west of Traceys Store Road and Foreston Road
5th Election District – 3rd Councilmanic District
Legal Owners: Allen & Valerie Estep

Variance to allow 100 feet setback from adjacent property that is cultivated in lieu of at least 300 feet.

Hearing: Monday, December 1, 2008 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
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 AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

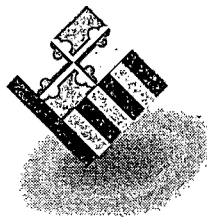
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0085-A
Petitioner: ALLEN & VALERIE ESTER
Address or Location: 311 TIZACEY'S STORE RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ALLEN & VALERIE ESTER
Address: 3132 TIZACEY'S STORE RD
PARKTON MD 21120-9653
Telephone Number: 410-239-3092



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 26, 2008

Allen & Valerie Estep
3131 Traceys Store Rd.
Parkton, MD 21120

Dear: Allen & Valerie Estep

RE: Case Number 2009-0085-A, 3131 Traceys Store Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 23, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 20, 2008

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

SUBJECT: 3132 Traceys Store Road

INFORMATION:

Item Number: 9-085

Petitioner: Allen and Valerie Estep

Zoning: RC 8

Requested Action: Variance

RECEIVED
OCT 24 2008

BY:

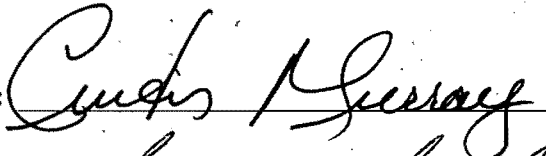
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning does not object to the requested variance from Section 1A09.7.B.5.b.(1).(a) of the BCZR to allow a 100 foot setback from an adjacent property that is cultivated, in lieu of the required 300 feet. This setback variance would not be out of character with the rest of the community and their setbacks from other homes and farmed fields. The 300' setback would render the lot un-buildable.

The plan should note that the occupants of the dwelling might be subject to an inconvenience or discomfort arising from the adjacent agricultural operations that may include noise, odors, fences, dust, the operation of machinery, etc... The provision of this note can be found in Section 1A09.8 of the BCZR.

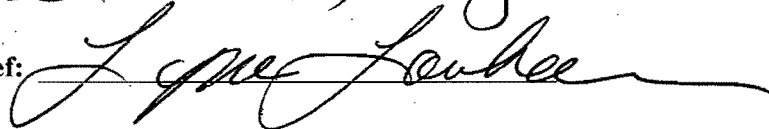
For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Reviewed by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: November 6, 2008
SUBJECT: Zoning Item # 09-085-A
Address 3132 Tracey's Store Road
(Estep Property)

RECEIVED
NOV 07 2008

BY:.....

Zoning Advisory Committee Meeting of October 6, 2008

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

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

A site inspection was conducted on October 23, 2008. A stream was located immediately adjacent to the property, with possible associated wetlands on site. This will project a forest buffer onto the property. A wetland/stream delineation and a forest buffer delineation are required. – Thomas Panzarella; Environmental Impact Review 10/24

DEPRM's Agricultural Preservation section can recommend approval of the variance if a 35-foot wide planted buffer is added along the property line in question. – *W.S.*
Lippincott; Agricultural Preservation

RE: PETITION FOR VARIANCE * BEFORE THE
3132 Tracey's Store Road; NW of Tracey's *
Store Road & Foreston Road * ZONING COMMISSIONER
5th Election & 3rd Councilmanic Districts *
Legal Owner(s): Allen & Valerie Estep * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-085-A

* * * * *

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 and all documentation filed in the case.

RECEIVED

OCT 22 2008

LN

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

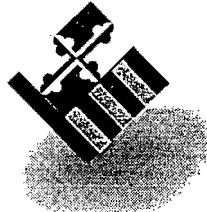
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 2008, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

December 11, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

Allen Estep
Valerie B. Estep
3132 Traceys Store Road
Parkton, Maryland 21120

RE: PETITION FOR VARIANCE - CLARIFICATION
NW/S Traceys Store Road, 600' NE of Foreston Road
(Traceys Store Road)
5th Election District - 3rd Council District
Allen Estep, et ux – Petitioners
Case No. 2009-0085-A

Dear Mr. and Mrs. Estep:

Following the issuance of my Order on December 2, 2008, it was brought to my attention that I neglected to include as a condition of approval "the requirement that a 25-foot wide x 140 foot long planting buffer be constructed along the front northern boundary of the property as illustrated on Petitioners' Exhibit 4". This evergreen landscape area is intended to buffer the proposed dwelling and front yard from the Altenburg agriculturally used farm.

This clarification does not alter the Order as this requirement was addressed (*See top of Page 3*) and, therefore, while not a change to the Order should have been mentioned in the restriction portion of the decision found on Page 4.

Please do not hesitate to call if you have any questions or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Boulevard,
Towson, Maryland 21286
Wally Lippincott, Jr., Land Preservation Manager, DEPRM
People's Counsel; Office of Planning; File

From: Wallace Lippincott
To: Wiseman, Bill
Date: 12/01/08 12:28:17 PM
Subject: Zoning Petition

Bill,

I met with the folks this am. They are feeling very aggrieved by the County. They felt my request was too burdensome and did not agree with it. I explained the purpose of the County law of 300 feet is to reduce potential conflict with adjacent agricultural uses. From our discussion, I thought it reasonable to reduce the buffer request to a 140 foot by 25 planting area to screen the house and front yard only. They did not want to do this but we parted amicably. So in conclusion, my recommendation is the smaller planting area as indicated on a sketch I provided to Bruce Doak. The plantings should be a mixture of evergreen and deciduous and there is no requirement on the size of the trees that are planted so the petitioner can do it themselves to save money so long as it grows up to be an effective buffer.

Thanks for consideration of this comment.

Wally

Wally Lippincott, Jr.
Balto County DEPRM
(410)887-3776

CC: bdoak; Lykens, David

CASE NAME ESTRO
CASE NUMBER 2009-0085-A
DATE 12/01/09

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
 Real Property Data Search (2007 vw1.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 05 Account Number 2000009086

Owner Information

Owner Name: ESTEP ALLEN Use: AGRICULTURAL
 ESTEP VALERIE B Principal Residence: NO
 Mailing Address: 3132 TRACEYS STORE RD Deed Reference: 1) / 7158/ 706
 PARKTON MD 21120-9653 2)

Location & Structure Information

Premises Address Legal Description
 TRACEYS STORE RD 4.6182 AC NWS
 TRACEYS STORE RD
 600 NE FORESTON RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
15	23	219						2	Plat Ref:

Special Tax Areas Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		4.61 AC	33

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2008	Phase-in Assessments As Of 07/01/2008	As Of 07/01/2009	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	1,720	1,720			
Improvements:	0	0			
Total:	1,720	1,720	1,720	1,720	
Preferential Land:	1,720	1,720	1,720	1,720	

Transfer Information

Seller: ALTENBURG IRENE	Date: 05/12/1986	Price: \$10,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 7158/ 706	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
 Exempt Class:

Special Tax Recapture:
 AGRICULTURAL TRANSFER TAX



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
 Real Property Data Search (2007 vw1.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 05 Account Number - 1700000004

Owner Information

Owner Name:	ESTEP ALLEN ESTEP VALERIE B	Use:	RESIDENTIAL
Mailing Address:	3132 TRACEYS STORE RD PARKTON MD 21120-9653	Principal Residence:	YES
		Deed Reference:	1) / 5497/ 719 2)

Location & Structure Information

Premises Address	Legal Description
3132 TRACEYS STORE RD	3.220 AC 346 N FORESTON ROAD FORESTON RIDGE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
15	23	91					4	2	Plat Ref: 37/ 101

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1976	1,641 SF	3.22 AC	04
Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2008	07/01/2009
Land	109,980	171,080		
Improvements:	184,470	242,110		
Total:	294,450	413,190	334,030	373,610
Preferential Land:	0	0	0	0

Transfer Information

Seller: GAYLORD BROOKS I NVESTMENT COMPANY	Date: 12/17/1974	Price: \$13,900
Type: IMPROVED ARMS-LENGTH	Deed1: / 5497/ 719	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

Prettyboy Hydrology 100 Foot Stream Buffer

0501035235

3124

RC 8

NW 30-G

TRACEY'S STORE RD

0523050890

2000009086

1700000005

5 ED

015C3

3 CD

Flood Zone X 3134

3127

1700009559

Pt. Bk. 39 Folio 146

1700000004

3132

Pt. Bk. 37 Folio 101

1700000001

3131

1600013637

1700000006

NW 29-G

RC 2

17805

1700000003

17801

Pt. Bk. 75 Folio 103

2400002993

2400002994

1700000016

17806

1700000017

17733

FORESTON RD

2000009036

0085

Case No.: 2009-0085-A TRACEYS STORE ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

o. 1	Site Plan	
o. 2	Photographs and Location Plan	
o. 3	Letters of Support	
o. 4	Reduced Buffer Area Approved by Wally Lippincott 12-1-08	
o. 5		
o. 6		
o. 7		
o. 8		
o. 9		
o. 10		
o. 11		
o. 12		



2



3







6



7

7





9



10



11

11





THIS IS THE PERSON THE LOT WAS
PURCHASED FROM OVER 20 YEARS AGO

Date 9-18-08

William Wiseman
Baltimore County Zoning Commissioner
Baltimore County Courts Building
401 Bosley Avenue
M.S. 3401
Towson, MD 21204

Re: Variance request by Allen Estep

Dear Mr. Commissioner,

I live at 3124 Tracy's Store Rd., which is close to the Estep property where a variance from one of the RC 8 setbacks is being requested. I do not think that the granting of the variance will harm me, so therefore I support Mr. Estep in his request.

Sincerely,

Irene L. Aitenburg

Name IRENE L. AITENBURG
Address 3124 Tracy's Store Rd.
Phone Number 410-239-3508

PETITIONER'S

EXHIBIT NO. 3
11 Letters of Support

Bill Wiseman - Re: Zoning Petition

From: Bill Wiseman
To: Lippincott, Wallace
Subject: Re: Zoning Petition
CC: Lykens, David

Thanks Wally-

Case No: 2009-0085-A. I WILL ACCEPT THIS COMPROMISE AS AN AMENDED ZAC COMMENT.

>>> Wallace Lippincott 12/01/08 12:28 PM >>>

Bill,

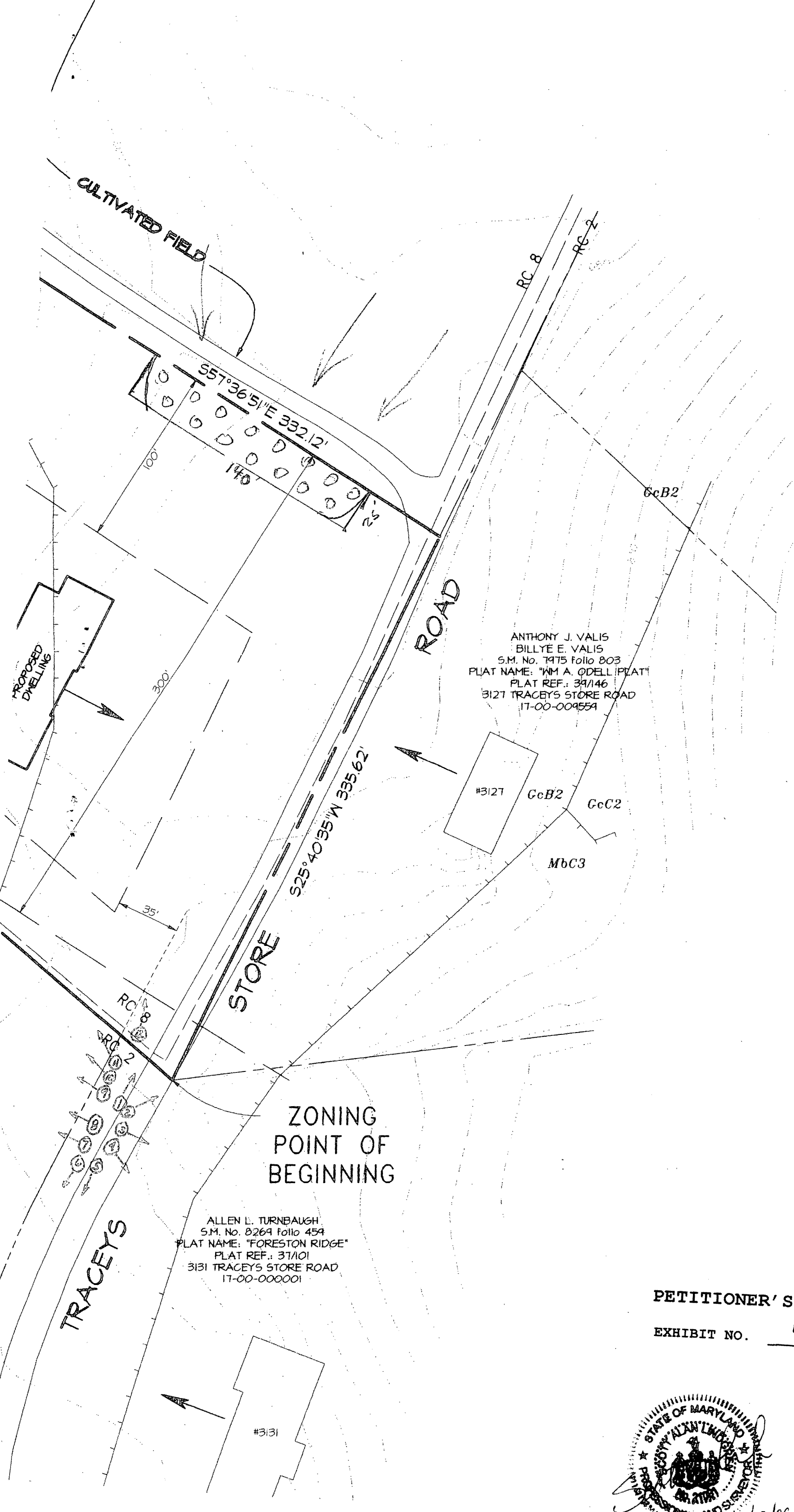
I met with the folks this am. They are feeling very aggrieved by the County. They felt my request was too burdensome and did not agree with it. I explained the purpose of the County law of 300 feet is to reduce potential conflict with adjacent agricultural uses. From our discussion, I thought it reasonable to reduce the buffer request to a 140 foot by 25 planting area to screen the house and front yard only. They did not want to do this but we parted amicably. So in conclusion, my recommendation is the smaller planting area as indicated on a sketch I provided to Bruce Doak. The plantings should be a mixture of evergreen and deciduous and there is no requirement on the size of the trees that are planted so the petitioner can do it themselves to save money so long as it grows up to be an effective buffer.

Thanks for consideration of this comment.

Wally

Wally Lippincott, Jr.
Balto County DEPRM
(410)887-3776

1. THE BOUNDARY SHOWN
2. THE TOPOGRAPHY SHOWN
3. THE SOIL TYPES SHOWN
4. THERE ARE NO KNOWN
5. THE SUBJECT PROPERTY
6. THE SUBJECT PROPERTY
7. THE SUBJECT PROPERTY
8. ALL LOTS SHOWN HERE
9. THE SUBJECT PROPERTY



ANTHONY J. VALIS
 BILLYE E. VALIS
 S.M. No. 7975 Folio 803
 PLAT NAME: "WM A. ODELL PLAT"
 PLAT REF.: 39/146
 3127 TRACEYS STORE ROAD
 17-00-009559

ALLEN L. TURNBAUGH
 S.M. No. 8269 Folio 459
 PLAT NAME: "FORESTON RIDGE"
 PLAT REF.: 37/101
 3131 TRACEYS STORE ROAD
 17-00-000001

VARIANCES
 BALTIMORE COUNTY
 1A09.7.B.5.b.(1).(a)
 TO ALLOW 1/2
 CULTIVATED

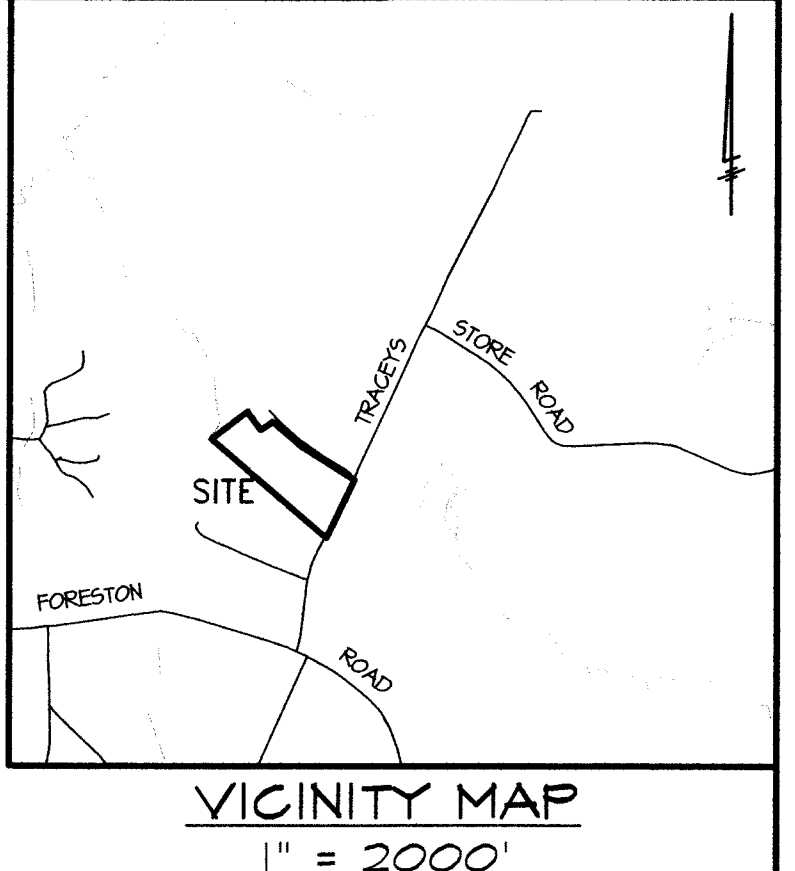
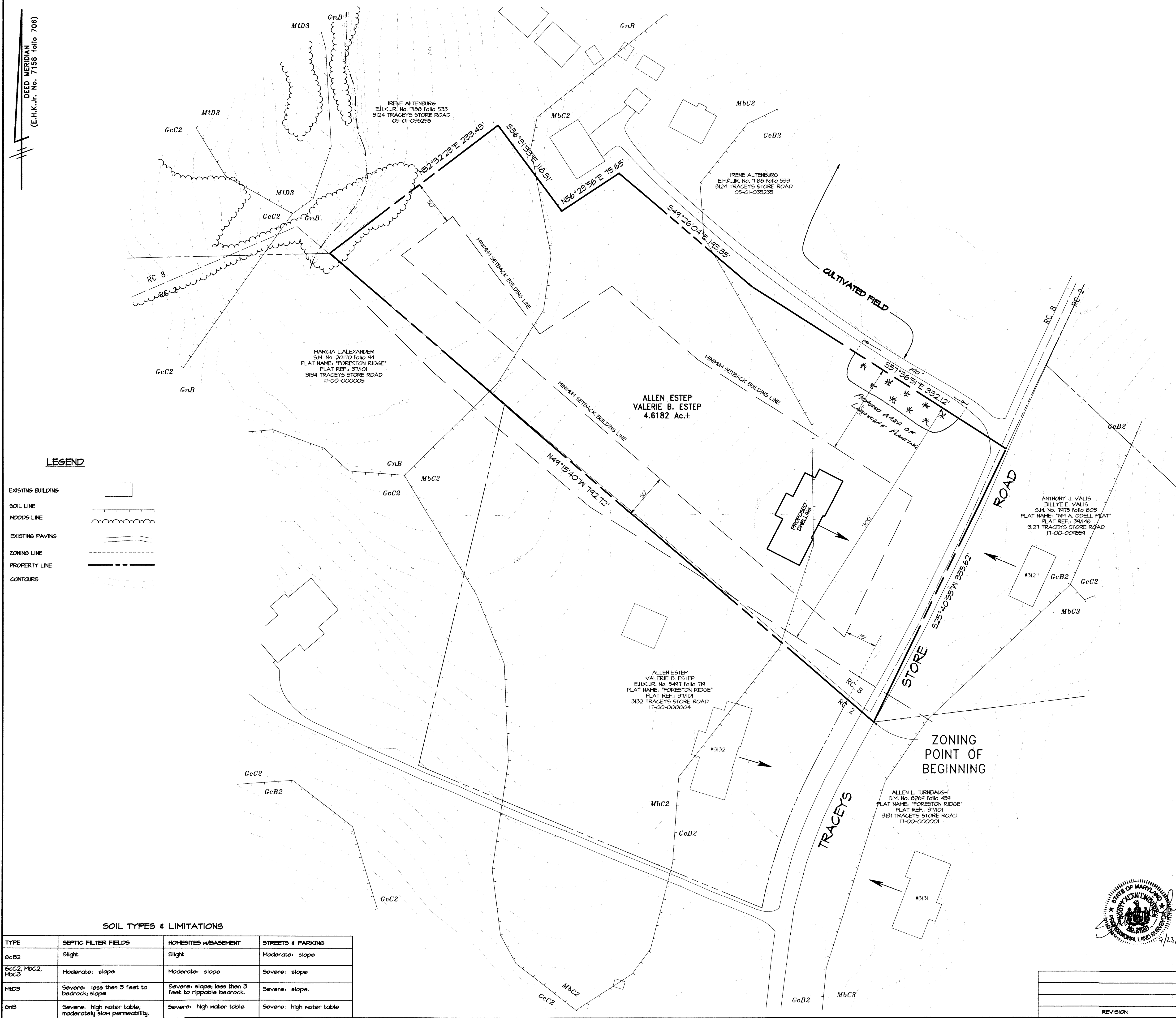
PETITIONER'S

EXHIBIT NO. 4



Scale

GE



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 015C3.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 8.
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
8. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
9. THE SUBJECT PROPERTY IS MAINTAINED AS HAY FIELD.

VARIANCES REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:
IA09.1.B.5.b.(1)(a)
TO ALLOW 100' SETBACK FROM ADJACENT PROPERTY THAT IS CULTIVATED, IN LIEU OF AT LEAST 300'.

OWNER/DEVELOPER
ALLEN ESTEP & VALERIE B. ESTEP
3132 TRACEYS STORE ROAD
PARKTON, MARYLAND 21120-9653
(410) 234-3042

PLAN TO ACCOMPANY A PETITION
FOR A VARIANCE
FOR THE

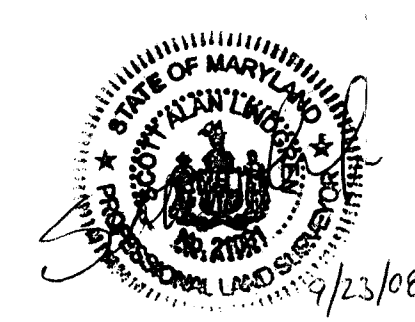
ESTEP PROPERTY

TRACEYS STORE ROAD
Deed Ref: E.H.K., Jr. No. 7158 folio 706
Tax Account No.: 20-00-009086
Zoned RC 8; GIS Tile 015C3
Tax Map 15; Grid 23; Parcel 219
5th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50' Date: SEPTEMBER 17, 2008

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



REVISION	DATE

COMPUTED:	DRAWN: G.L.M.	CHECKED:	FILE: X:\AP\Estep\hosea.doc
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PETITIONER'S

EXHIBIT NO. 1

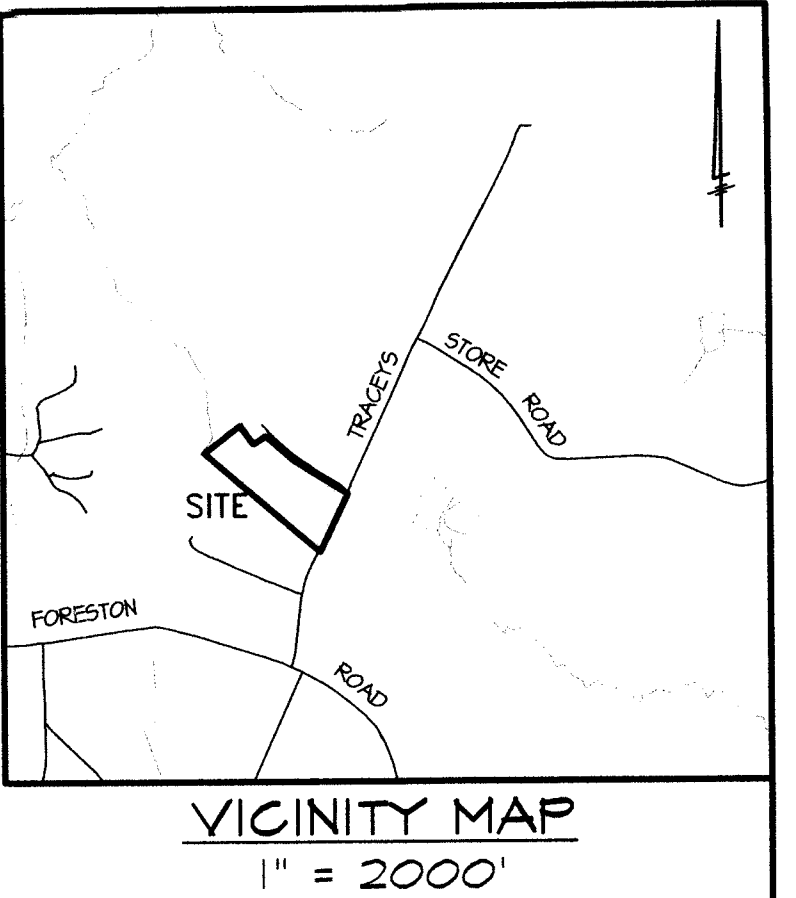
LEGEND

- EXISTING BUILDING
- SOIL LINE
- HOODS LINE
- EXISTING PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
GcB2	Slight	Slight	Moderate: slope
GcC2, MbC2, MbC3	Moderate: slope	Moderate: slope	Severe: slope
MtD3	Severe: less than 3 feet to bedrock; slope	Severe: slope; less than 3 feet to ripplable bedrock.	Severe: slope.
GnB	Severe: high water table; moderately slow permeability.	Severe: high water table	Severe: high water table

DEED MERIDIAN
(E.H.K., Jr., No. 7158 folio 706)



GENERAL NOTES

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VARIANCES REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:

1A03.1B.5b.(1)(a)

TO ALLOW 100' SETBACK FROM ADJACENT PROPERTY THAT IS CULTIVATED, IN LIEU OF AT LEAST 300'.

OWNER/DEVELOPER

ALLEN ESTEP & VALERIE B. ESTEP
3132 TRACEY'S STORE ROAD
PARKTON, MARYLAND 21120-9653
(410) 239-3092

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAN TO ACCOMPANY A PETITION
FOR A VARIANCE
FOR THE

ESTEP PROPERTY

TRACEY'S STORE ROAD

Deed Ref: E.H.K., Jr. No. 7158 folio 706

Tax Account No.: 20-00-009086

Zoned RC 8; GIS Tile 015C3

Tax Map 15; Grid 23; Parcel 219

5th ELECTION DISTRICT

3rd COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

Scale: 1"=50'

Date: SEPTEMBER 17, 2008

GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100

320 East Towsontown Boulevard

Towson, Maryland 21286

(410) 823-4470



REVISION	DATE	COMPUTED	DRAWN	C.L.M.	CHECKED	FILE

PETITIONER'S

EXHIBIT NO. 2

LEGEND

EXISTING BUILDING	
SOIL LINE	
WOODS LINE	
EXISTING PAVING	
ZONING LINE	
PROPERTY LINE	
CONTOURS	

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
GcB2	Slight	Slight	Moderate: slope
GcC2, MbC2, MbC3	Moderate: slope	Moderate: slope	Severe: slope
MbD3	Severe: less than 3 feet to bedrock; slope	Severe: slope; less than 3 feet to rippable bedrock	Severe: slope
GnB	Severe: high water table; moderately slow permeability	Severe: high water table	Severe: high water table