

IN RE: PETITION FOR VARIANCE

SW side of Troyer Road; 2825 feet S
of the c/l of Shepperd Road
10th Election District
3rd Councilmanic District
(17000 Troyer Road)

Thomas and Barbara Smockiewicz
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2011-0017-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Thomas and Barbara Smockiewicz. Petitioners are requesting Variance relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the construction of a new single-family dwelling on an unimproved lot with a rear setback of 15 feet in lieu of the required 35 feet. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

This case was originally scheduled for the requisite public hearing on October 20, 2010 before the undersigned. At that time, several interested citizens, including Susan Marshall and Frances Burns of nearby Shepperd Road and Monkton Road, respectively, attended the hearing, as well as James Constable, Esquire. Mr. Constable represented Ms. Marshall and also attended in his capacity as Chairman of The Manor Conservancy. The case was postponed at that time in order to give Petitioners and The Manor Conservancy and interested neighbors an opportunity to discuss the matter further and attempt to resolve any potential outstanding issues with the project. The case was re-scheduled for November 12, 2010 and again postponed for the reasons given above. Appearing at the public hearing on December 14, 2010 in support of the variance request

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Date 12-15-10

By B3

were Petitioners Thomas and Barbara Smockiewicz. There were no Protestants or interested persons in attendance on that hearing date, although Petitioners and The Manor Conservancy have come to an agreement on issues that arose during the pendency of the hearing, which will be expounded on further in this Order.

Testimony and evidence offered revealed that the subject property is irregular shaped and contains approximately 1.558 acres or 67,866 square feet, more or less, zoned R.C.2. The property is located on the southwest side of Troyer Road, just west of Old York Road and south of Shepperd Road, in the Monkton area of Baltimore County. As shown on the site plan, the property has almost total frontage along Troyer Road and is extremely wide along the road with very little depth; specifically, the property measures approximately 1,300 feet wide by only 100 feet at its deepest point. According to Petitioners, as well as the tax records that were marked and accepted into evidence as Petitioners' Exhibit 2, the property is known as Parcel 151 and is the remainder of a large tract of land that was divided four ways by the Old York Land Company in 1964. This parcel was evidently left over and was sold to John Mulloy, et al. in 1968. Petitioners purchased the property about one year ago.

The property meets the current area requirements for the R.C.2 Zone and has passed a perc test and at this juncture, Petitioners desire to construct a home on the site; however, there are several constraints inherent to the property that make placement of a home difficult. As stated above, the property is very wide and not very deep. It also has some steep grades and slopes as depicted on the topographical map that was marked and accepted into evidence as Petitioners' Exhibit 3. The aerial photograph that was marked and accepted into evidence as Petitioners' Exhibit 4 also illustrates the rural farmland and wooded areas that surround the property.

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Date 12-15-10

By RZ

As a result of the aforementioned issues, Petitioners propose to place the dwelling in the area of the property that has the most depth. A drawing showing the proposed placement of the dwelling on the property next to an aerial photograph was marked and accepted into evidence as Petitioners' Exhibit 5. This exhibit also indicates the limited area of disturbance for construction of the home, proposed yard area, and driveway. The remainder of the property would remain wooded and undisturbed as shown. Petitioners' proposed dwelling would be a two-story Tudor style home with a side loading two car garage, as depicted on the rendering and elevation drawings that were marked and accepted into evidence as Petitioners' Exhibit 5. According to Petitioners, development of the subject site would be a marked improvement to the property, which is currently littered with trash and debris that can be seen in the photographs of the property collectively marked and accepted into evidence as Petitioners' Exhibit 7. In sum, the property meets all zoning requirements except for the requested rear yard setback of 15 feet in lieu of 35 feet. In Petitioners' view, when balanced against the constraints of the property and desirability of developing this leftover parcel, the variance necessary in this case is relatively minor and should be granted.

In addition to the above, Petitioners indicated they had been in communication with the Manor Conservancy during the last several months and had reach an agreement with the Conservancy regarding preservation of the property as to existing trees, particularly along Troyer Road. As a result of this agreement entitled "Declaration of Covenants," which was marked and accepted into evidence as Petitioners' Exhibit 8, Manor Conservancy agreed not to object to the requested variance.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection

ORDER RECEIVED FOR FILING

Date 12-15-10

3

By PB

and Resource Management dated September 7, 2010 that indicates development of the property must comply with the Forest Conservation Regulations. Development of this site may require compliance with the Baltimore County Code, Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains. This site will get a thorough review by Groundwater Management at the building permit stage. Revised comments from DEPRM dated October 19, 2010 indicate that this site is adjacent to a Maryland Agricultural Land Preservation Easement and in an Agricultural Preservation area. It is also adjacent to a Maryland Agricultural Preservation District. A variance for the rear yard setback puts the proposed house closer to the agricultural use which can lead to conflicts between agricultural uses and residential. Comments were also received from the Bureau of Development Plans Review dated July 30, 2010 which indicates that the limit of the flood plain must be shown on the site plan. Comments were received from the Office of Planning dated September 7, 2010 which indicates that they do not entirely support the variance request. Before Planning could make a decision on approval or denial, a number of comments needed to be addressed as listed in the ZAC comment and expounded on further as conditions in the Order.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Clearly, this is a unique site, with its irregular shape, in terms of extreme wideness with very little depth. There are also grades and slopes associated with the property and it is very wooded and vegetated, as compared with surrounding areas. Moreover, in my judgment, it is these unique features that drive the need for the variance. Although this is a buildable lot that meets the minimum acreage requirement of the

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Date 12-15-10

By B3

R.C.2 Zone, the lack of depth of the property necessitates the variance from the rear yard setback requirement.

Further, I find that strict compliance with the Zoning Regulations would create a practical difficulty and unreasonable hardship that would result in a denial of a reasonable and beneficial use of the property. Finally, I find that the variance request can be granted in strict harmony with the spirit and intent of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995), and in such a manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 15th day of December, 2010 by this Deputy Zoning Commissioner that Petitioners' Variance request from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the construction of a new single family dwelling on an unimproved lot with a rear setback of 15 feet in lieu of the required 35 feet be and is hereby **GRANTED**, subject to the following conditions:

1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. Troyer Road is a Baltimore County designated scenic route. Along this portion of Troyer Road the views are enclosed toward this property with open views on the opposite side of the road. The intent of the Scenic Route guidelines in the Comprehensive Manual of Development Policies is to retain the character of the route. In this instance, preservation of

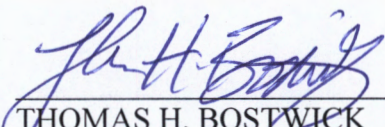
ORDER RECEIVED FOR FILING

Date 12-15-10

the existing tree/vegetative cover with a minimum 30' buffer of retained vegetation within the property boundary as well as no clearing of the right-of way are necessary to retain the enclosed view (page 180, Comprehensive Manual of Development Policies).

4. The plan should indicate that the proposal is within the My Lady's Manor National Register Historic District.
5. Label the front orientation of the dwelling so that it faces Troyer Road. The arrow pointing to building (H) would be easily confused with building orientation.
6. Submit elevations of the proposed dwelling that demonstrate that the architectural character is compatible with the rural/historic character of the area.
7. Show the proposed driveway connection.
8. Provide a proposed grading plan with all of the site improvements shown and the limit of disturbance delineated.
9. Petitioners shall comply with the agreement entitled "Declaration of Covenants" by and between Petitioners and The Manor Conservancy that was accepted into evidence as Petitioners' Exhibit 8.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 12-15-10

By Pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 15, 2010

THOMAS AND BARBARA SMOCKIEWICZ
116 NORTH POTOMAC STREET
BALTIMORE MD 21224

Re: Petition for Special Hearing and Variance
Case No. 2011-0017-A
Property: 17000 Troyer Road

Dear Mr. and Mrs. Smockiewicz:

Enclosed please find the decision rendered in the above-captioned 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 and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: James Constable, Esquire, 2300 Shepperd Road, Monkton, MD 21111
Susan Marshall, 3001 Shepperd Road, Monkton, MD 21111
Frances Burns, 2616 Monkton Road, Monkton, MD 21111



TAX. ACCOUNT # 1013085410

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at TROYER ROAD W/S
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)

26-1278

Section 1A01.3.B.3

To permit the construction of a new single family dwelling on an unimproved lot with a rear setback of 15feet in lieu of the required 35 feet.

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

THE LOT IS LARGE ENOUGH TO QUALIFY FOR SINGLE RESIDENCE BUT THE SHAPE OF THE LOT DOES NOT ALLOW TO COMPLY WITH DISTANCE REQUIREMENTS.

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 N/A
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print N/A
Signature _____
Company _____
Address _____ Date 12-15-10 Telephone No. _____
City _____ By [Signature] State _____ Zip Code _____

Legal Owner(s):

THOMAS SMOCZKIEWICZ
Name - Type or Print
Signature Thomas Smoczkiwicz
BARBARA SMOCZKIEWICZ
Name - Type or Print
Signature Barbara Smoczkiwicz
116 N. POTOMAC STREET 240-882
Address Telephone No. 9097
BALTIMORE MD 21224
City State Zip Code

Representative to be Contacted:

Name N/A
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 7/12/10

Case No. 2011-0017-A

ZONING DESCRIPTION

Zoning description for 17000 Troyer Road, Monkton Maryland, 21111

Beginning at a point on the southwest side of Troyer Road, which is 20feet wide at a distance of 2825 feet south of the centerline of the intersection of Shepperd Road which is 20feet wide.

(1)North 56° 34' West 184.26 feet, (2)North 46° 46' West 106.10 feet, (3) North 39° 23' West 109.60 feet, (4)North 29° 30' West 118.00 feet, (5) North 26° 36' West 373.50 feet, (6)North 24° 27' West 169.30 feet, (7)North 17° 11' West 169.80 feet and (8) North 14° 59' West 115.61 feet to intersect said West most right of way line of the new Troyer Road at the distance of 23.16 feet Southwest of center line station 13+94.69, thence binding on said West most right of way, (9) South 21° 53'40" East 206.97 feet, (10)South 26° 32'40" East 201.67 feet, (11)South 31° 20'50" East 302.42 feet, (12) South 36° 06'30" East 300.82 feet, (13)South 34° 07' East 200.15 feet and (14)South 36° 21' East 104.48 feet to the place of beginning.

Containing 1.558 acres of land more or lass. Also known as 17000 Troyer Road and located in the 10th Election District and 3rd Councilmanic District.

2011-0017-A

**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: 2011-0017-A
Petitioner: Thomas & Barbara Smoczykiewicz
Address or Location: 17000 Troyer Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas Smoczykiewicz
Address: 116 N Potomac St.
Baltimore Md 21224
Telephone Number: 240 - 882 9097

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 53983

Date: 7/12/10

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.00

Total: 65.00

Rec From: Thompson Barbara Smockiewicz

For: 17000 Troyer Rd
Monticello Md 21111
2011-0017-A

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: # 2011-0017-A

1700 Troyer Road

S/west side of Troyer Road, at a distance of 2825 feet south of the centerline of Shepperd Road

10th Election District — 3rd Councilmanic District

Legal Owner(s): Thomas & Barbara Smockiewicz

Variance: to permit the construction of a new single family dwelling on an unimproved lot with a rear setback of 15 feet in lieu of the required 35 feet.

Hearing: Wednesday, October 20, 2010 at 9:00 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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 10/627 October 5

256686

CERTIFICATE OF PUBLICATION

10/7/, 2010

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 10/5/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: Oct 2, 2010

RE: Case Number: 2011-0017-A

Petitioner/Developer: Tom Smoczykiewicz

Date of Hearing/Closing: Oct 20, 2010 9AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 17000 Troyer Rd

The sign(s) were posted on Oct 2, 2010
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2011-0017-A

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

JEFFERSON BUILDING - RM104
PLACE: 1500 CHELSEA AVE., TOWSON 21204

DATE AND TIME: OCT 20, 2010 9AM WED.

REQUEST: TO PERMIT THE CONSTRUCTION
OF A NEW SINGLE FAMILY DWELLING ON AN
UNIMPROVED LOT WITH A REAR SETBACK
OF 15 FEET IN LIEU OF THE REQUIRED
25 FEET.

REQUIREMENTS FOR TO APPEAR ON OTHER CONDITIONS ARE SAME
TO CANTON HEARING CALL 410-343-1443
DO NOT REMOVE THIS SIGN AND POST UNIT
NAME

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 5, 2010 Issue - Jeffersonian

Please forward billing to:
Thomas Smockiewicz
116 N. Potomac Street
Baltimore, MD 21224

240-882-9097

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: 2011-0017-A

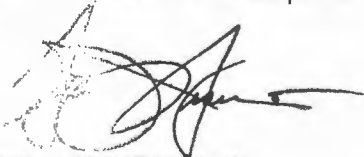
17000 Troyer Road

S/west side of Troyer Road, at a distance of 2825 feet south of the centerline of Shepperd Road
10th Election District – 3rd Councilmanic District

Legal Owners: Thomas & Barbara Smockiewicz

Variance to permit the construction of a new single family dwelling on an unimproved lot with a rear setback of 15 feet in lieu of the required 35 feet.

Hearing: Wednesday, October 20, 2010 at 9:00 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.



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

August 12, 2010

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: 2011-0017-A

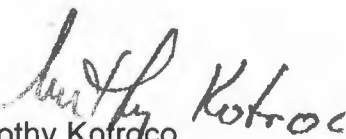
17000 Troyer Road

S/west side of Troyer Road, at a distance of 2825 feet south of the centerline of Shepperd Road
10th Election District – 3rd Councilmanic District

Legal Owners: Thomas & Barbara Smockiewicz

Variance to permit the construction of a new single family dwelling on an unimproved lot with a rear setback of 15 feet in lieu of the required 35 feet.

Hearing: Monday, September 13, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Smockiewicz, 116 N. Potomac Street, Baltimore 21224

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 28, 2010.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 26, 2010 Issue - Jeffersonian

Please forward billing to:
Thomas Smoczkiwicz
116 N. Potomac Street
Baltimore, MD 21224

240-882-9097

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: 2011-001
17000 Troyer Road
S/west side of Troyer Road,
10th Election District – 3rd Co
Legal Owners: Thomas & Ba

Variance to permit the constr
rear setback of 15 feet in lieu o

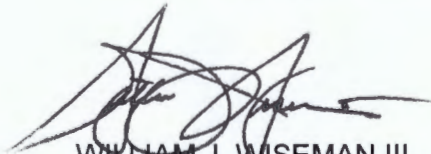
Hearing: Monday, September
105 West Chesapeake

*Cancelled publishing
request on
8/19/10 w/ Ellen
@ Jeffersonian.*

interline of Shepperd Road

an unimproved lot with a

rson Building,



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.

Zoning Review
County Office Building
111 West Chesapeake Avenue Room 111
Towson Maryland 21204

Case number 2011-0017-A
17000 Troyer Road.

To Whom It May Concern:
Please reschedule Zoning Hearing do to my absence at the time reserved of September 13th. My wife and I will be out of United States until October 16th 2010. Please reschedule the hearing after that time.
Thank you in advance

Thomas Smockiewicz

Thomas Smockiewicz
116 N. Potomac Street
Baltimore Ma 11204
tell # 240 882

Reschedule for
mid to late
October

OK
to Postpone
Daniel T. Rocco



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

September 1, 2010

NEW 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: 2011-0017-A

17000 Troyer Road

S/west side of Troyer Road, at a distance of 2825 feet south of the centerline of Shepperd Road
10th Election District – 3rd Councilmanic District

Legal Owners: Thomas & Barbara Smockiewicz

Variance to permit the construction of a new single family dwelling on an unimproved lot with a rear setback of 15 feet in lieu of the required 35 feet.

Hearing: Wednesday, October 20, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Smockiewicz, 116 N. Potomac Street, Baltimore 21224

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 5, 2010.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
October 22, 2010

NEW 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: 2011-0017-A

17000 Troyer Road

S/west side of Troyer Road, at a distance of 2825 feet south of the centerline of Shepperd Road
10th Election District – 3rd Councilmanic District

Legal Owners: Thomas & Barbara Smoczkiwicz

Variance to permit the construction of a new single family dwelling on an unimproved lot with a rear setback of 15 feet in lieu of the required 35 feet.

Hearing: Friday, November 12, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Smoczkiwicz, 116 N. Potomac Street, Baltimore 21224
Susan Marshall, 3001 Shepperd Road, Monkton 21111
Frances Burns, 2616 Monkton Road, Monkton 21111



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

October 14, 2010

Thomas & Barbara Smockkiewicz
116 N. Potomac St.
Baltimore, MD 21224

Dear: Thomas & Barbara Smockkiewicz

RE: Case Number 2011-0017-A, Troyer Rd.W/S

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 12, 2010. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

TB 10/20
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 19 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: October 19, 2010

SUBJECT: Zoning Item # 11-017-A (revised)
Address 17000 Troyer Road
(Smockiewicz Property)

Zoning Advisory Committee Meeting of July 19, 2010

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

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

Additional Comments:

Development of this site may require compliance with The Baltimore County Code, Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains. – *Tom Panzarella; Environmental Impact Review*

This site will get a thorough review by Groundwater Management at the building permit stage. – *Dan Esser; Groundwater Management*

This site is adjacent to a Maryland Agricultural Land Preservation Easement and in an Agricultural Preservation area. It is also adjacent to a Maryland Agricultural Preservation District. A variance for the rear-yard setback puts the proposed house closer to the agricultural use which can lead to conflicts between agricultural uses and residential. – *W.S. Lippincott; Agricultural Preservation*

BW
9-13-10
9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 07 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 7, 2010
SUBJECT: Zoning Item # 11-017-A
Address 17000 Troyer Road
(Smockiewicz Property)

see comments
dated
10-19-10

Zoning Advisory Committee Meeting of July 19, 2010

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

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

Additional Comments:

Development of this site may require compliance with The Baltimore County Code, Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains. – Tom Panzarella; Environmental Impact Review

This site will get a thorough review by Groundwater Management at the building permit stage. – Dan Esser; Groundwater Management

BW 9/13
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 7, 2010

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

SUBJECT: 17000 Troyer Road

INFORMATION:

Item Number: 11-017

Petitioner: 17000 Troyer Road

Property Size:

Zoning: RC 2

Requested Action: Variance

Hearing Date:

RECEIVED

SEP 09 2010

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not entirely support this variance request. Before Planning can make decision on approval or denial the following comments must be addressed:

1. Confirm with the PDM zoning that density exists on this parcel through a devolution of title.
2. Troyer Road is a Baltimore County designated scenic route. Along this portion of Troyer Road the views are enclosed toward this property with open views on the opposite side of the road. The intent of the Scenic Route guidelines in the Comprehensive Manual of Development Policies is to retain the character of the route. In this instance, preservation of the existing tree/vegetative cover with a minimum 30' buffer of retained vegetation within the property boundary as well as no clearing of the right-of way are necessary to retain the enclosed view (page 180, Comprehensive Manual of Development Policies).
3. The plan should indicate that the proposal is within the My Lady's Manor National Register Historic District
4. Label the front orientation of the dwelling so that it faces Troyer Road. The arrow pointing to building (H) would be easily confused with building orientation.
5. Submit elevations of the proposed dwelling that demonstrate that the architectural character is compatible with the rural/historic character of the area.
6. Show the proposed driveway connection.
7. It is not clear from the plan proposal that the property has access to Troyer Road. The plan does not label existing or proposed right-of way. Clarify.

8. Provide a proposed grading plan with all of the site improvements shown and the limit of disturbance delineated.

Prepared By:

Curtis M. Young

Section Chief:

Lyne Parker

AFK/LL:DZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 30, 2010

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 2, 2010
Item No.: 2011-017

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Show the limit of flood plain.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2011-017-08022010.doc



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 20, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 2, 2010

Item No.: **Variance:** 2010-0363A, 2011-0008A - 0010A,
2011-0012A - 0014A, and 2011- 0017A.

Administrative Variance: 2011- 0011A, 2011- 0016A, and
2011- 0019A - 0020A.

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable and required to be corrected or incorporated into the final plans for the above listed properties.

The Fire Marshal's Office has no comments at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JULY 26, 2010

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

RE: Baltimore County
Item No. 2011-0017-A
17000 TROYER ROAD
SMOZKIEWICZ PROPERTY
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0017-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

RE: PETITION FOR VARIANCE * BEFORE THE
17000 Troyer Road; SW/S Troyer Road, * ZONING COMMISSIONER
2825' S of c/line of Sheperd Road *
10th Election & 3rd Councilmanic Districts
Legal Owners: Thomas & Barbara Smockkiewicz* FOR
Petitioner(s) * BALTIMORE COUNTY
* 2011-017-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

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

RECEIVED

JUL 27 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of July, 2010, a copy of the foregoing Entry of Appearance was mailed to Thomas & Barbara Smockkiewicz, 116 N. Potomac, Baltimore, Maryland 21224, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Kristen Lewis
To: Wiley, Debra
Date: 9/10/2010 10:13 AM
Subject: Re: Files for Next Week

Hello,

2011-0017-A has been postponed until October 20, and after checking, I believe that 2011-0018-A is still over there possibly with Tom. A new notice or anything was never done, it was a continued case that I was told to just add on the calendar.

>>> Debra Wiley 9/10/2010 10:01 AM >>>
TGIF !!

The files were delivered and we are missing two (2):

2011-0017-A & 2011-0018-A

Please advise as to the status. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

AB ✓ 2011-0017 9am
P/P to 10/30
orig. set for 9-13 @ 9am
Rm. 104
per letter base 9-21

Bice OR Tom

From: Debra Wiley
To: Lewis, Kristen
Date: 9/10/2010 11:42 AM
Subject: Case No. 2011-0017-A - 9/13 @ 9 AM

Hi Kristen,

Please find attached a ZAC comment from the Office of Planning (OP) for the above matter. It appears that OP does not entirely support the request and need items to be addressed before deciding to approve or deny.

Can you please put this comment in the file since you indicated it was being rescheduled for 10/20.

Also, by separate email I will be forwarding you the DEPRM comment and ask that you file it as well.

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From: Debra Wiley
To: Lewis, Kristen
Date: 9/10/2010 11:42 AM
Subject: 2011-0017-A - 9/13 @ 9 AM

Hi Kristen,

Per my previous email, here's the ZAC comment from DEPRM. Thanks again.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

MEMORANDUM

DATE: October 20, 2010

TO: To The File

FROM: Thomas H. Bostwick
Deputy Zoning Commissioner for Baltimore County

SUBJECT: Case No. 2011-0017-A – located at 17000 Troyer Road
Thomas and Barbara Smockiewicz, Petitioners

This matter came before me on Wednesday, October 20, 2010 in Room 104 of the Jefferson Building. Petitioners have requested variance relief for a rear yard setback in order to construct a new home on the subject property located on the southwest side of Troyer Road, just south of Shepperd Road, in Monkton and zoned R.C.2. The property is an unimproved parcel known as Parcel 151. It is a long, narrow strip of land and appears to have existed as a property of record since at least 1968 according to Tax Records. Petitioners have owned the property for about a year.

Petitioners Mr. and Mrs. Smockiewicz appeared at the hearing. Also appearing as interested citizens (and potential Protestants) were Susan Marshall and Frances Burns who live nearby on Shepperd Road and Monkton Road, respectively. Also appearing as an attorney for Ms. Marshall was James Constable, Esq. He also appeared in his capacity as Chairman of the Manor Conservancy. Wally Lippincott with DEPRM, who is also the Administrator of the County's land preservation programs, also appeared.

Mr. Constable requested a postponement indicating that neither his organization or his clients had really had an opportunity to discuss and consider Petitioners' plans for the property and the related variance request. Petitioners indicated they had responded to the comments from Planning and had not heard back from Planning, plus they hoped to meet with Mr. Constable's organization and present their plans for the property and answer any questions the community might have. They did not oppose the postponement request.

As a result, I postponed the case. Since it was posted and advertised properly, I indicated that notice of a re-scheduled hearing DOES NOT need to be re-posted or re-advertised.

Please make sure that the following persons are notified of the next hearing date:
Susan Marshall, 3001 Shepperd Road, Monkton, MD 21111
Frances Burns, 2616 Monkton Road, Monkton, MD 21111

I directed Petitioners and Mr. Constable to contact Kristen Lewis at (410) 887-3391 in order to re-schedule. This matter can be assigned to either Bill Wiseman or myself.

c: Kristen Lewis, Zoning Review Office

From: Patricia Zook
To: Lewis, Kristen
Date: 10/20/2010 11:01 AM
Subject: Case 2011-0017-A - 17000 Troyer Road - postponed from this morning
Attachments: IO-11-0017-A memo to file-postponed.doc

Hello Kristen -

Attached is Tom's memorandum to the case file.

Please make sure that the following persons are notified of the next hearing date:

Susan Marshall, 3001 Shepperd Road, Monkton, MD 21111 and
Frances Burns, 2616 Monkton Road, Monkton, MD 21111

The file is being returned to PDM.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

M E M O R A N D U M

DATE: November 12, 2010

TO: To The File

FROM: Thomas H. Bostwick
Deputy Zoning Commissioner for Baltimore County

SUBJECT: Case No. 2011-0017-A – located at 17000 Troyer Road
Thomas and Barbara Smockiewicz, Petitioners

The above-referenced case was again postponed by the agreement of the parties. A tentative date was set for December 14, 2011 in room 104 at 2:00 PM.

The case does not need to be re-posted or re-advertized.

c: Kristen Lewis, Zoning Review Office

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>10-30</u>	DEVELOPMENT PLANS REVIEW	<u>comment</u>
<u>10-19 revised</u>	DEPRM (if not received, date e-mail sent _____)	<u>comment</u>
<u>7-20</u>	FIRE DEPARTMENT	<u>nc</u>
<u>9-7</u>	PLANNING (if not received, date e-mail sent _____)	<u>doesn't entirely support</u>
<u>7-26-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>10-5-10</u>	
SIGN POSTING	Date: <u>10-2-10</u>	<u>Pelton</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

CASE NAME _____
CASE NUMBER 2011-0017-A
DATE 10-20-10

CASE NAME _____
CASE NUMBER 2011-0017-A
DATE 10-20-10

[illegible]

PLEASE PRINT CLEARLY

CASE NAME Troyer Road Property
CASE NUMBER 2011-0017-A
DATE 10-20-10

CITIZEN'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

CASE NAME Troy Road Property
CASE NUMBER 2011-0017-A
DATE 10-20-10

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

[illegible]

CASE NAME _____
CASE NUMBER 2011-0017-A
DATE 12-14-10

CASE NAME _____
CASE NUMBER 2011-0017-A
DATE 12-14-10

[illegible]

Case No.: 2011-0017-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	tax record + map	
No. 3	topographical map	
No. 4	aerial photo	
No. 5	drawing to show proposed area of disturbance / building area	
No. 6	picture + elevations of proposed home	
No. 7	Photos of property	
No. 8	Declaration of Covenants	
No. 9		
No. 10		
No. 11		
No. 12		



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1d)

Go Back
View Map
New Search

Account Identifier: District - 10 Account Number - 1013085410

Owner Information

Owner Name: SMOCKIEWICZ THOMAS
 SMOCKIEWICZ BARBARA
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 116 N POTOMAC ST
 BALTIMORE MD 21224-1337
Deed Reference: 1) /28795/ 251
 2)

Location & Structure Information

Premises Address TROYER RD
Legal Description 1.558 AC WS TROYER R

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
23	17	151						2	Plat Ref:

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		1.55 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2008	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	4,650	4,650		
Improvements:	0	0		
Total:	4,650	4,650	4,650	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: MULLOY JOHN E,ET AL	Date: 10/27/2009	Price: \$20,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /28795/ 251	Deed2:
Seller: OLD YORK LAND CO MPANY	Date: 07/26/1968	Price: \$1,200
Type: IMPROVED ARMS-LENGTH	Deed1: / 4902/ 586	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

PETITIONER'S

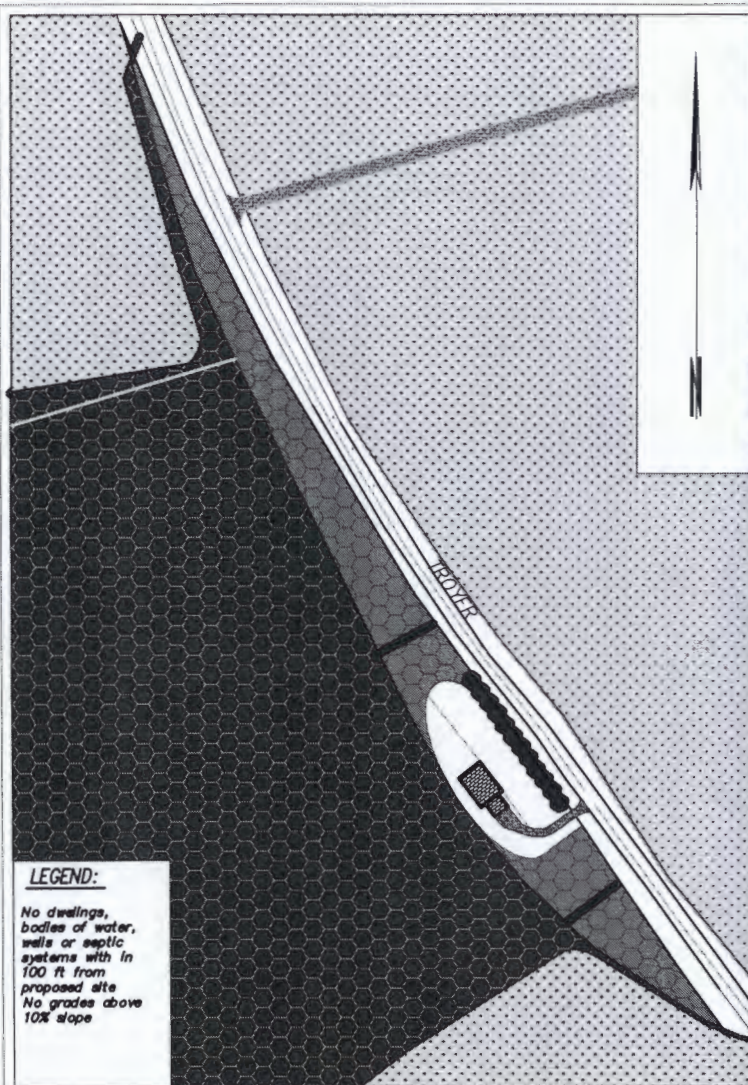
EXHIBIT NO.



PETITIONER'S

EXHIBIT NO.

4



OWNER
Thomas and Barbara
Smockiewicz

INTER - PLAN
BUREAU GEODEZYJNE
31-619 Kraków, ul. Ofic Bielskiego 29
tel. +48 12 641-01-29
Poland
mgr inż. HENRYK KACZMARCZYK

LOT - Troyer Road
Mankton, Maryland 21111

Dist. 10 Prop #1013085410 P.151
Scale 1" = 100'
1.558 AC ±

Batto.Co.
NOV.11.2009
Rev 1



PETITIONER'S

EXHIBIT NO. 5

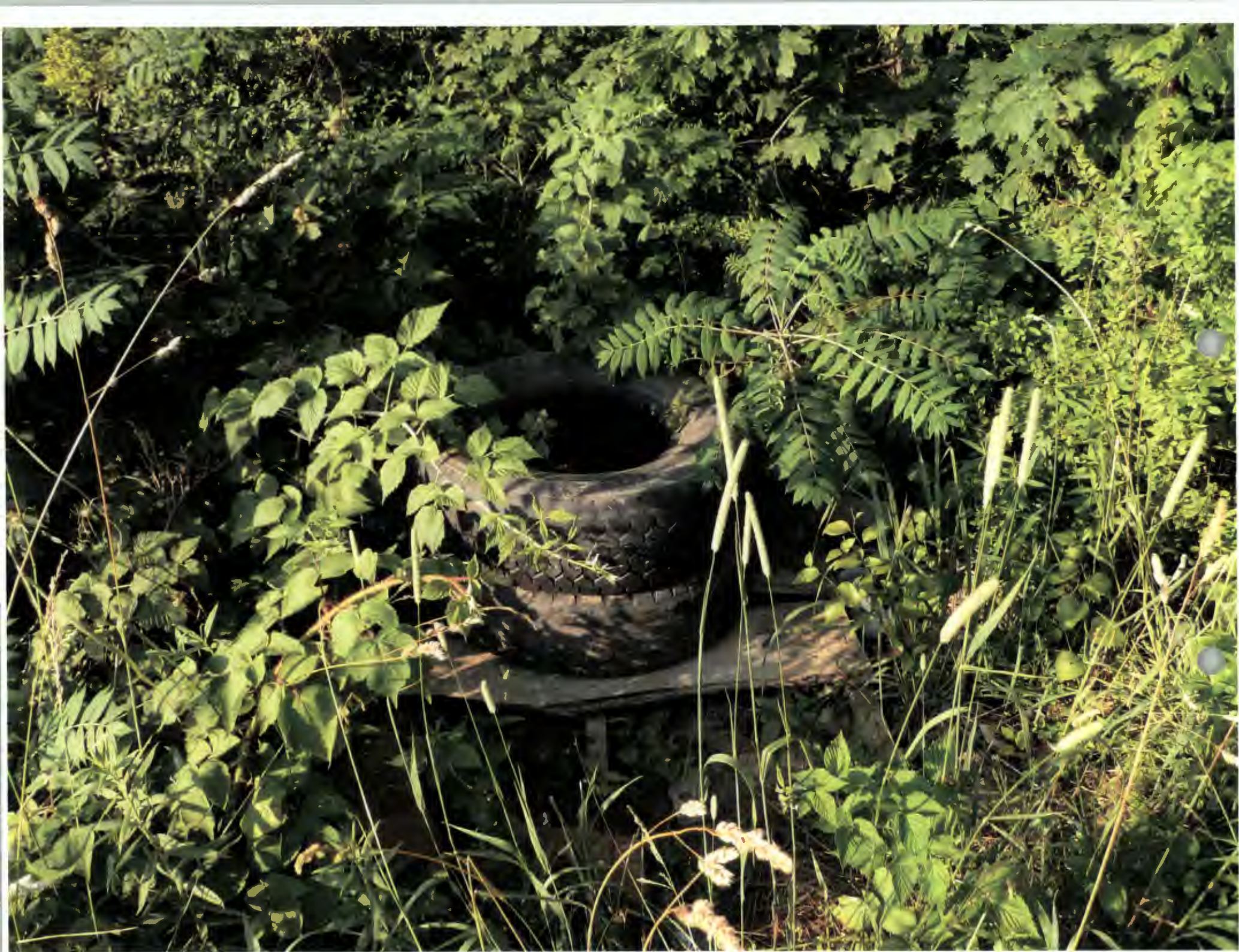


PETITIONER'S

EXHIBIT NO. 6



PETITIONER'S
EXHIBIT NO. 7













DECLARATION OF COVENANTS

WHEREAS, Thomas Smockiewicz, and Barbara Smockiewicz, his wife ("Grantors") are owners of a certain tract of land (the "Property") on the east side of Troyer Road in the 10th Election District of Baltimore County, MD, which they acquired by Deed dated October 27, 2009, recorded among the Land Records of Baltimore County in Liber 28795, folio 251, and

WHEREAS, The Manor Conservancy, Inc. ("Grantee"), is a qualified non-profit land trust its mission is to preserve land and advocate responsible land use policies consistent with the rural character of northern Baltimore County and

WHEREAS, Grantors desire to construct a residence on the Property yet require a zoning variance to authorize a reduced rear line setback restriction from 35 feet as required by current County regulations to 15 feet, claiming that the variance is necessary because of the unique nature and shape of the Property, and

WHEREAS, Grantee has agreed not to object to the variance allowing the reduction in the rear line setback to 15 feet so long as Grantors agree to maintain and plant trees in a restricted area (the Restricted Area") as hereinafter set forth,

NOW, THEREFORE, in consideration of one dollar (\$1.00) and the mutual promises and covenants of the parties set forth below, the parties agree as follows:

1. "Restricted Area" shall mean all that part of the Property between the residence and Troyer Road as shown on Exhibit A attached hereto and made a part hereof.
2. Grantor shall keep and maintain each tree on the Property within the Restricted Area with a trunk diameter equal to or greater than ten (10) inches ("Protected Tree"). A driveway may be constructed in the Restricted Area so long as the northern most side of the entrance to Troyer Road is no less than one hundred feet (100') from that point on Troyer Road marked "B" on Exhibit A where Line A will intersect Troyer Road and the driveway exits the Restricted Area on the house side of that area such that the northern most side of the driveway is no less than seventy-five feet (75') from point "C" on Line A.
3. Within three (3) months from the issuance of a use and occupancy permit for the residence on the Property, Grantor shall plant additional trees in the Restricted Area so that there is one new tree within 10 feet of the trunk of each existing Protected Tree. Each tree planted shall have a height of at least 5 feet when planted. Planted trees shall be deemed Protected Trees. Grantor shall make an effort to plant trees that are native to northern Baltimore County such as, by way of example: sassafras, cherry, sycamore, red cedar, and tulip poplar.
4. Grantor shall be free to clear underbrush in the Restricted Area. Underbrush shall not include trees, but shall include foliage such as multiflora rose and other bush like plants.
5. Grantor shall maintain all Protected Trees and replace any tree that becomes diseased or dies with a new tree with a height of at least 5 feet. Planted replacements shall become Protected Trees.

(00251953v. (05609.00002))

PETITIONER'S

EXHIBIT NO. 8

1" = 200'

17011

1016045190

657.6

652.8

17001

023C2

634.8

1013021170

531.1

640

630

620

630

1011035420

Flood Zone X

NE 27-C

RC 2

3 CD 10 ED

620

618.3

1013085410

601.3

023C3

1008080075

627.3

TROYER RD

611.8

1700003373

PETITIONER'S

EXHIBIT NO.

3

Layer (See Carl Richards)

(PDM File/Project #)

1015037205

2400012348 Lot # 1

PDM # 100412

17027

Pt. Bk./Folio # MP03099

2400012349

Lot # 2

023C2

TROYER RD

1016045190

OLD YORK-MARYLAND HISTORIC TRUST PARCEL 1002085490

17011

17001

17001

1013021170

1011035420

3 CD

NE 27-C

RC 2

10 ED

1013085410

023C3

1700003373

1008080075

1013021171 SHEPPERD-MARYLAND HISTORIC TRUST PARCEL

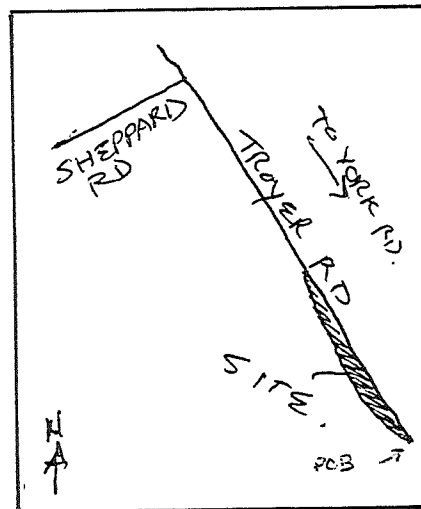
1700003374

16800

2011-0017-A

Plan For Zoning Variance

1388' ↑ N
to Shepperd Rd.



Vicinity Map

LEGEND:

H - building
W - well
S - Septic

Septic tank field - 10443 sqft

No dwellings, bodies of water, wells or septic systems within 100 ft from proposed site

No grades above 10% slope

Percolation Test Locations are marked as P1 P2 P3 ⊗

Proposed 15' P/L setback for prop dwlg.

Proposed dwlg.

C/L Troyer Rd.

POB 2825' to Shepperd Rd.

Lot has existed as shown prior to Nov 25, 1979

No dwlg. within 500+ ft of proposed dwlg.

Property Address:
17000 Troyer Road
Monkton, MD 21111

District 10
Acct # 1013085410

Owner:
Thomas & Barbara
Smockiewicz

LOCATION INFORMATION

Election District 10
Council Manic District 3
Scale 1" = 100'
Map # 023C3/023C2
Map 23 Grid 17 Parcel 151
Zoning RC 2
Lot Size $\frac{1.558}{\text{ACREAGE}}$ $\frac{67866.}{\text{SQUARE FEET}}$

Sewer Private
Water Private
Chesapeake Bay
Critical Area: NO
100 Year Flood Plane: YES
Historic: NO
Zoning History: NONE

2011-0017-A

PETITIONER'S
EXHIBIT NO. 1