

IN RE: PETITION FOR VARIANCE

W side of York Road, 23 feet NW of
the c/l of Sparks Road
8th Election District
3rd Councilmanic District
(14954 York Road)

Thomas A. Traill
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* CASE NO. 2011-0212-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by the legal owner of the subject property, Thomas A. Traill. Petitioner is requesting Variance relief from Section 1A08.6.B.5.a(3) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a principal building setback from the rear lot line of 6 feet in lieu of the required 50 feet for an existing dwelling. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., the professional land surveyor who prepared the site plan. Mr. Traill, the Petitioner, was not able to attend the hearing. There were no Protestants or interested persons in attendance.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the west side of York Road just south of Sparks Road in Sparks. The property contains 6.80 acres split zoned R.C.4 and R.C.7, and is improved with an existing two story single-family dwelling and an existing barn.

ORDER RECEIVED FOR FILING

Date 3-7-11

By [Signature]

Mr. Doak testifying on behalf of the property owner stated that Dr. Traill purchased the subject property in 2002 and converted the existing barn on the property into a residence. Dr. Traill has been residing in the barn on the property since that time. His overall plan has always been to renovate and reconstruct the old existing house that is situated on the property. He is now ready to proceed with the demolition and reconstruction of a new home on the subject property, and after which he will discontinue using the barn as a residence. Mr. Doak testified that Dr. Traill has worked with the Baltimore County reviewing agencies to gain approval for the reconstruction of this house. The original house was built in 1885 and the owner intends to keep the original log portion of that house and incorporate the old log portion into the new construction. The old house as situated contains 2400 square feet of living space and the newly constructed house once finished will comprise 3400 square feet. In order to proceed with the plans to reconstruct this dwelling, the requested variance is necessary.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated February 1, 2011, which indicate they do not oppose the Petitioner's request for a variance. A site visit was conducted on February 2, 2011, and it should be noted that as of that date an existing barn located on the property that is referenced below is currently being used for residential purposes, therefore the Office of Planning requests that condition 2 from Case No. 03-549-SPH, stating that "Upon completion of the renovations to the existing dwelling, the barn cannot be used for residential purposes. The Petitioner shall vacate the barn and cease using same for residential purposes within (90) days from the date of the issuance of a use and occupancy permit for the dwelling", shall be upheld. It is also requested that architectural elevations are submitted to the Office of Planning prior to the application for any building permit. Comments were received from the

ORDER RECEIVED FOR FILING

Date 3-7-11 2

By [Signature]

Department of Environmental Protection and Sustainability dated February 3, 2011, which indicate that development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains and comply with the Forest Conservation Regulations. Recordation in Land Records of a Forest Buffer Easement and its Declaration of Protective Covenants may be required prior to issuance of a building permit. Forest Conservation Law may be met by filing a Single Lot Declaration of Intent. Groundwater Management will need to review a proposed building permit to remodel the dwelling there. The well setback appears to be an issue. A variance may be necessary.

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. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

I further find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety, and general welfare. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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 7th day of March, 2011, by this Administrative Law Judge that Petitioner's Variance request from Section 1A08.6.B.5.a(3) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a principal building setback from the

ORDER RECEIVED FOR FILING

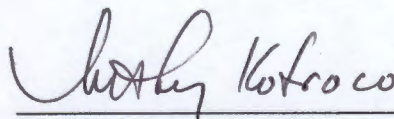
Date 3-7-11

By [Signature]

rear lot line of 6 feet in lieu of the required 50 feet for an existing dwelling be and is hereby GRANTED, subject to the following:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is 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, Petitioner 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. 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).
4. Architectural elevations shall be submitted to the Office of Planning for review and approval prior to the application for any building permit.
5. The Petitioner shall be required to discontinue the use of the existing barn as a residence within 90 days from the date that a use and occupancy permit is issued for the newly constructed house. The Petitioner shall be required to remove the cooking facilities from the barn so as not to have two residences upon a single lot.

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



TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 3-7-11

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 7, 2011

THOMAS A. TRAILL
14954 YORK ROAD
SPARKS MD 21152

Re: Petition for Variance
Case No. 2011-0212-A
Property: 14954 York Road

Dear Mr. Traill:

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.

Sincerely,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK/pz

Enclosure

c: Bruce Doak, Gerhold Cross & Etzel, Ltd., 320 East Towsontown Blvd., Suite 100, Towson
MD 21286



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at #14954 York Road
which is presently zoned R.C. 4 & R. C. 7

Deed Reference: 17042 / 37 Tax Account # 0808000425

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)

1A08.6 B.5.a.(3)

to allow a principal building setback from the rear lot line of 6' in lieu of the required 50' for an existing dwelling. *(TO BE REMODELED)*

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

TO BE DISCUSSED AT THE HEARING

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

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

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

Date

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Thomas A. Traill

Name - Type or Print

X
Signature

Name - Type or Print

Signature

14954 York Road

(410)-472-4369

Address

Telephone No.

Sparks,

Maryland

21152

City

State

Zip Code

Representative to be Contacted:

Bruce E. Doak (Gerhold, Cross & Etzel, Ltd.)

Name

320 E. Towsontown Blvd. Suite 100 (410)-823-4470

Address

Telephone No.

Towson,

Maryland

21286

City

State

Zip Code

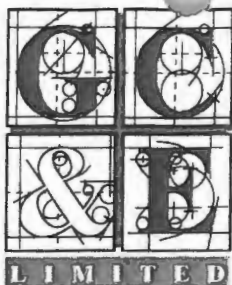
Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

Date

Case No. 2011-0212-A



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

October 21, 2010

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

3rd Councilmanic Dist

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

Beginning for the same at a point in the paving of York Road, 23 feet, more or less, northwesterly from the center of the intersection of York Road and Sparks Road, thence running and binding on the road way, the following course and distance, viz:

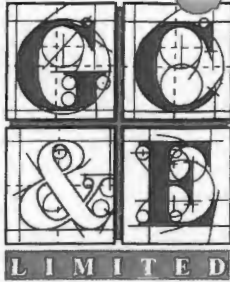
- (1) South 08 degrees 41 minutes 50 seconds East 168.15 feet, to the center of York Road, thence running and binding on the centerline of York Road, the following two courses and distances, viz:
- (2) South 03 degrees 56 minutes 40 seconds East 174.41 feet, and
- (3) South 00 degree 20 minutes 20 seconds East 130.33 feet, thence leaving the center of York Road and running and binding on the following eighteen courses and distances, viz:
- (4) South 72 degrees 52 minutes 40 seconds West 37 feet,
- (5) South 06 degrees 07 minutes 20 seconds East 11.53 feet,
- (6) South 82 degrees 42 minutes 50 seconds West 290.40 feet,
- (7) South 06 degrees 07 minutes 20 seconds East 300.08 feet,
- (8) South 82 degrees 41 minutes 50 seconds West 112.20 feet,
- (9) North 68 degrees 49 minutes West 209.52 feet,
- (10) South 79 degrees 26 minutes 50 seconds West 99 feet,
- (11) North 31 degrees 36 minutes 10 seconds East 469.95 feet,
- (12) South 66 degrees 34 minutes 20 seconds West 111.38 feet,
- (13) North 76 degrees 19 minutes 40 seconds West 212.15 feet,
- (14) North 00 degree 35 minutes 30 seconds West 157.11 feet,
- (15) North 73 degrees 00 minutes 30 seconds East 406.32 feet,
- (16) South 28 degrees 59 minutes 20 seconds East 73.26 feet,
- (17) North 68 degrees 00 minutes 40 seconds East 165.00 feet,
- (18) South 28 degrees 25 minutes East 132 feet,
- (19) North 68 degrees 00 minutes 40 seconds East 56.44 feet,
- (20) North 06 degrees 07 minutes 20 seconds West 170.14 feet, and
- (21) North 54 degrees 52 minutes 40 seconds East 55.50 feet to the zoning point of beginning.



Containing 7.66 Acres of land, more or less.

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

Item #0212



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

October 21, 2010

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

3rd Councilmanic District

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

Beginning for the same at a point in the paving of York Road, 23 feet, more or less, northwesterly from the center of the intersection of York Road and Sparks Road, thence running and binding on the road way, the following course and distance, viz:

(1) South 08 degrees 41 minutes 50 seconds East 168.15 feet, to the center of York Road, thence running and binding on the centerline of York Road, the following two courses and distances, viz:

(2) South 03 degrees 56 minutes 40 seconds East 174.41 feet, and

(3) South 00 degree 20 minutes 20 seconds East 130.33 feet, thence leaving the center of York Road and running and binding on the following eighteen courses and distances, viz:

(4) South 72 degrees 52 minutes 40 seconds West 37 feet,

(5) South 06 degrees 07 minutes 20 seconds East 11.53 feet,

(6) South 82 degrees 42 minutes 50 seconds West 290.40 feet,

(7) South 06 degrees 07 minutes 20 seconds East 300.08 feet,

(8) South 82 degrees 41 minutes 50 seconds West 112.20 feet,

(9) North 68 degrees 49 minutes West 209.52 feet,

(10) South 79 degrees 26 minutes 50 seconds West 99 feet,

(11) North 31 degrees 36 minutes 10 seconds East 469.95 feet,

(12) South 66 degrees 34 minutes 20 seconds West 111.38 feet,

(13) North 76 degrees 19 minutes 40 seconds West 212.15 feet,

(14) North 00 degree 35 minutes 30 seconds West 157.11 feet,

(15) North 73 degrees 00 minutes 30 seconds East 406.32 feet,

(16) South 28 degrees 59 minutes 20 seconds East 73.26 feet,

(17) North 68 degrees 00 minutes 40 seconds East 165.00 feet,

(18) South 28 degrees 25 minutes East 132 feet,

(19) North 68 degrees 00 minutes 40 seconds East 56.44 feet,

(20) North 06 degrees 07 minutes 20 seconds West 170.14 feet, and

(21) North 54 degrees 52 minutes 40 seconds East 55.50 feet to the zoning point of beginning.



Containing 7.66 Acre s of land, more or less.

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

Item #0212

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

No. **62296**

Date: **1/7/11**

PAID RECEIPT

BUSINESS ACTUAL TIME INM
 1/10/2011 1/07/2011 14:40:59 2

REG 0602 MAIL JENIA JEE
 RECEIPT # 719325 1/07/2011 OFLN

Dept 5 520 ZONING VERIFICATION
 CR NO. 062296

Recpt Tot \$75.00
 \$75.00 EX \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$75.00

Total: **\$75.00**

Rec From:

For: **zoning hearing - case # 2011-0207-A**

correction - # 2011-0212-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CASE NAME TRAIL PROPERTY
CASE NUMBER 2011-212-5
DATE 2/17/11

[illegible]

Deed1:

Deed2:

Exemption Information

Assessments	Class	07/01/2010	07/01/2011
	000	0	0
	000	0	0
	000		

NO

Special

Go Back
View Map
New Search

RESIDENTIAL
YES
1) /17042/ 37
2)

AT: Real Property Search

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.3A)
BALTIMORE COUNTY

District - 08 Account Number - 0808000425

Account Identifier:

Owner Information

Use: Principal Residence:
Deed Reference:

Owner Name:

Mailing Address:

TRAILL THOMAS A
14954 YORK RD
SPARKS MD 21152-9319

Location & Structure Information

Legal Description
6.806 AC SWS YORK RD
500 S SPARKS ROAD

Assessment Area
2

Plat No:
Plat Ref:

Subdivision

Block

County Use
04

Premises Address
14954 YORK RD

Property Land Area
6.80 AC

Map
34

Grid
10

Parcel
85

Town
Ad Valorem
Tax Class

Enclosed Area
2,068 SF

Special Tax
Areas

Primary Structure Built
2004

Basement
YES

Type
STANDARD UNIT

Exterior
FRAME

Value Information
Phase-in Assessments
As Of 07/01/2010
As Of 07/01/2011

907,030 609,100
0

11/04/2002
/17042/ 37

Price:
Deed2: \$0

Price:
Deed2: \$150,000

IN RE: PETITION FOR SPECIAL HEARING
W/S York Road, 23' SW of the c/l
Sparks Road
(14954 York Road)
8th Election District
3rd Council District

Thomas A. Traill
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-549-SPH

*previous
order*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

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

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

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

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

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

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

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
	DEVELOPMENT PLANS REVIEW	
2-3	DEPRM (if not received, date e-mail sent _____)	conditions
1-14	FIRE DEPARTMENT	nc
2-1	PLANNING (if not received, date e-mail sent _____)	conditions & comment
1-21	STATE HIGHWAY ADMINISTRATION	nc
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 2-1	
SIGN POSTING	Date: 1-31	Doak
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



















2









A









BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 24, 2011
Item Nos. 2011- 205, 206, 207, 208,
209, 210, 211, 212 and 214

DATE: January 24, 2011

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-01242011 -NO COMMENTS.doc

217@2:30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: February 1, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 14954 York Road

INFORMATION:

Item Number: 11-212

Petitioner: Thomas A. Traill

Zoning: RC 4 and RC 7

Requested Action: Variance

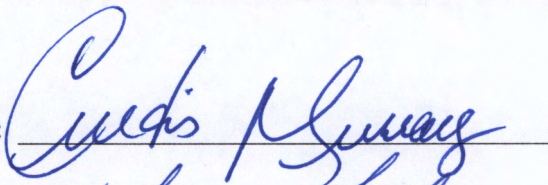
The petitioner requests a variance from Section 1A0.6.B.5.a.3 of the BCZR to allow a principal building setback from the rear lot line of 6 feet in lieu of the required 50 feet for an existing dwelling to be remodeled.

SUMMARY OF RECOMMENDATIONS:

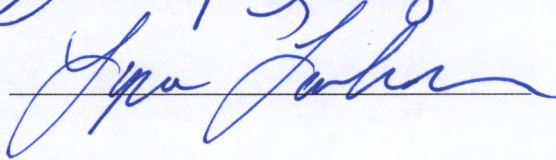
The Office of Planning does not oppose the petitioner's request for a variance from Section 1A0.6.B.5.a.3 of the BCZR to allow a principal building setback from the rear lot line of 6 feet in lieu of the required 50 feet for an existing dwelling to be remodeled. A site visit was conducted on February 2, 2011 and it should be noted that as of that date an existing barn located on the property that is referenced below is currently being used for residential purposes, therefore the Office of Planning requests that condition two from Case No. 03-549-SPH, stating that "Upon completion of the renovations to the existing dwelling, the barn cannot be used for residential purposes. The Petitioner shall vacate the barn and cease using same for residential purposes within (90) days from the date of the issuance of a use and occupancy permit for the dwelling." shall be upheld. It is also requested that architectural elevations are submitted to the Office of Planning prior to the application for any building permit.

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

Prepared by:



Division Chief:
JM/LL: CM



RECEIVED

FEB 07 2011

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

DATE: February 1, 2011

*Meeting 2-17-11**rec'd in zoning 2-10-11***SUBJECT:** 14954 York Road**INFORMATION:**

Item Number: 11-212
Petitioner: Thomas A. Traill
Zoning: RC 4 and RC 7
Requested Action: Variance

The petitioner requests a variance from Section 1A0.6.B.5.a.3 of the BCZR to allow a principal building setback from the rear lot line of 6 feet in lieu of the required 50 feet for an existing dwelling to be remodeled.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request for a variance from Section 1A0.6.B.5.a.3 of the BCZR to allow a principal building setback from the rear lot line of 6 feet in lieu of the required 50 feet for an existing dwelling to be remodeled. A site visit was conducted on February 2, 2011 and it should be noted that as of that date an existing barn located on the property that is referenced below is currently being used for residential purposes, therefore the Office of Planning requests that condition two from Case No. 03-549-SPH, stating that "Upon completion of the renovations to the existing dwelling, the barn cannot be used for residential purposes. The Petitioner shall vacate the barn and cease using same for residential purposes within (90) days from the date of the issuance of a use and occupancy permit for the dwelling." shall be upheld. It is also requested that architectural elevations are submitted to the Office of Planning prior to the application for any building permit.

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

Prepared by:**Division Chief:**
JM/LL: CM

2-17-11
TK
2:30

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

FEB 04 2011



ZONING COMMISSIONER

TO: Office of Administrative Law

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: February 3, 2011

SUBJECT: Zoning Item # 11-212-A
Address 14954 York Road
(Traill Property)

Zoning Advisory Committee Meeting of January 18, 2011.

X The Department of Environmental Protection and Sustainability 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).
- 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:

1. Recordation in Land Records of a Forest Buffer Easement and its Declaration of Protective Covenants may be required prior to issuance of a building permit. – *Glenn Shaffer; Environmental Impact Review*
2. Forest Conservation Law may be met by filing a Single Lot Declaration of Intent. – *Glenn Shaffer; Environmental Impact Review*
3. Groundwater Mgmt. will need to review a proposed building permit to remodel the dwelling there. The well setback appears to be an issue. (A variance may be necessary). – *Dan Esser; Groundwater Management*

(Continued)

Petition: 11-212-A (14954 York Road - Traill Property)

(Cont.)

4. The RC 7 zone limits the number of single-family residential dwellings on a lot to one. The landowner received approval in July 2003 Case No. 03-549 to use the existing barn temporarily for residential purposes while the main house was renovated. The house was not renovated but the barn has been converted to a dwelling. There were no specifics in Case No. 03-549 regarding the timing and ultimate discontinuation of the use of the second residence. It is recommended that this petition address that issue and require the landowner to discontinue the use at a certain time following getting the occupancy permit for the main house and that the landowner be required to remove the kitchen or other appropriate action to prevent the use of the "barn" for residential purposes.

– *Wally Lippincott, Jr.; Agricultural Preservation*

Case No.:

2011-0212-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 8, 2011

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

Dear Mr. Traill,

RE: Case Number 2011-0212 A, 14954 York Road, Sparks, MD 21152

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 7, 2011. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd. Suite 100, Towson, MD 21286

**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: # 2011-0212-A

14954 York Road
W/s York Road, 23 feet +/-
northwest of centerline of
Sparks Road
8th Election District

3rd Councilmanic District
Legal Owner: Thomas Traill

Variance: to allow a principal building setback from the rear lot line of 6 feet in lieu of the required 50 feet for an existing dwelling (to be remodeled).

Hearing: Thursday, February 17, 2011 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS 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 2/618 Feb. 1 266153

CERTIFICATE OF PUBLICATION

2/3/, 2011

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 2/1/, 2011.

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

S. Wilkinson

LEGAL ADVERTISING



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 1/21/2011

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

RE: Baltimore County
Item No. 2011-0212-A
MD 45
14954 YORK RD
THOMAS A. TRAIL PROP.
VARIANCE -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 1/13/2011. A field inspection and internal review reveals that an entrance onto MD 45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 14954 YORK RD, Case Number 2011-0212-A.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may email him at (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

For Steven D. Foster, Chief
Access Management Division

SDF/mb

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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.marylandroads.com



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

Meeting 2/17/10

January 14, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **January 18, 2011**

Item No.:

Administrative Variance: 2011-0207, 2011-0210A, 2011-0211A

Special Hearing: 2011-0205-SPH, 2011-0209-SPH

Variance: 2011-0208A, 2011-0212A

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Special Hearing / Exception: 2011-0214-SPHX

Comments:

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code dated July 19, 2010 prior to occupancy or the beginning of operation.

Other Comments:

Special Hearing: 2011-0206-SPH - No comments were made due to the plans being missing from the zoning packet.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 25, 2011

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: 2011-0212-A

14954 York Road

W/s York Road, 23 feet +/- northwest of centerline of Sparks Road

8th Election District – 3rd Councilmanic District

Legal Owners: Thomas Traill

Variance to allow a principal building setback from the rear lot line of 6 feet in lieu of the required 50 feet for an existing dwelling (to be remodeled).

Hearing: Thursday, February 17, 2011 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Bruce Doak, GC&E, 320 E. Towsontown Blvd., Ste. 100, Towson 21286
Mr. Traill, 14954 York Road, Sparks 21152

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 2, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 1, 2011 Issue - Jeffersonian

Please forward billing to:
Thomas Traill
14954 York Road
Sparks, MD 21152

410-472-4369

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0212-A

14954 York Road

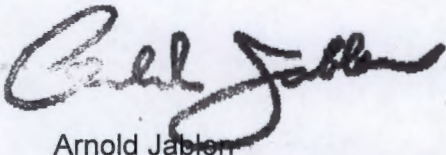
W/s York Road, 23 feet +/- northwest of centerline of Sparks Road

8th Election District – 3rd Councilmanic District

Legal Owners: Thomas Traill

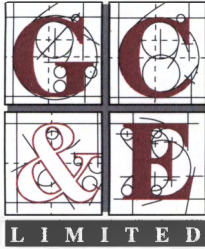
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105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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 #2011-0212-A

PETITIONER: Thomas Trail

DATE OF HEARING: 2/17/11

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

LOCATION:
14954 York Road

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

POSTED ON: 1/31/11



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 25, 2011

NOTICE OF ZONING HEARING

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Arnold Jablon
Director

AJ:kl

C: Bruce Doak, GC&E, 320 E. Towsontown Blvd., Ste. 100, Towson 21286
Mr. Traill, 14954 York Road, Sparks 21152

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- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

ZONING NOTICE

CASE #:2011-0212-A

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

PLACE: Room 205 Jefferson Building
TIME & 105 West Chesapeake Avenue, Towson, MD
DATE : 2:30 pm Thursday February 17, 2011

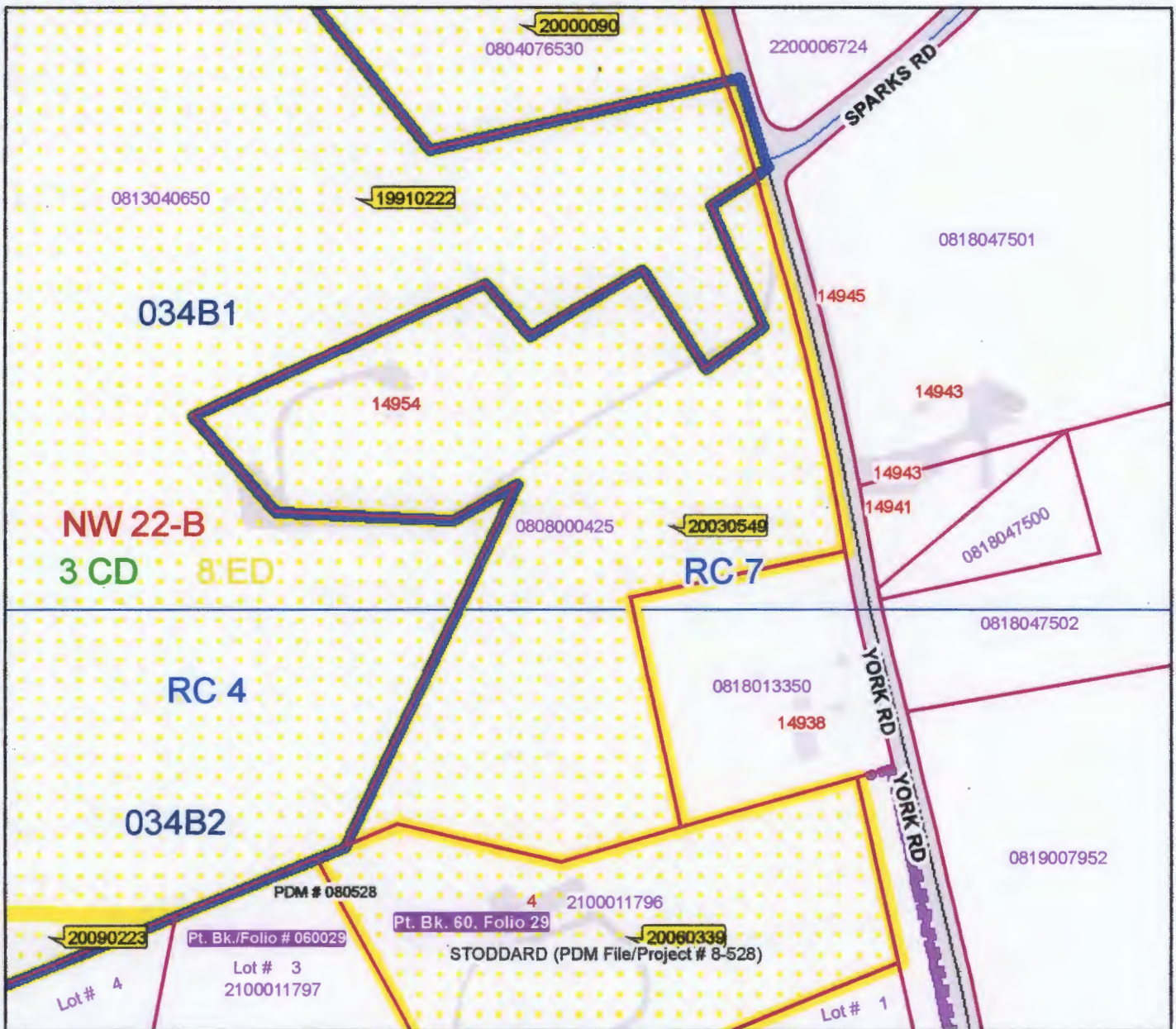
**Variance to allow a principal building
setback from the rear lot line of 6 feet in lieu
of the required 50 feet for an existing
dwelling (to be remodeled).**

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF HEARING. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE



14954 York Road



Publication Date: January 07, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 200 400 Feet
 1 inch = 200 feet

Item #0212

Item #0207

RE: PETITION FOR VARIANCE
14954 York Road
W Side York Road, NW of Sparks Road
8th Election and 3th Councilmanic Districts
Legal Owner: Thomas Traill

PETITIONER(S)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO: 2011-0212-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

JAN 19 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of January, 2011, a copy of the foregoing Entry of Appearance was mailed to:

Thomas Traill
14954 York Road
Sparks, Maryland 21152

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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: 2011-0212-A

Petitioner: Thomas A. Traill

Address or Location: # 14954 York Road

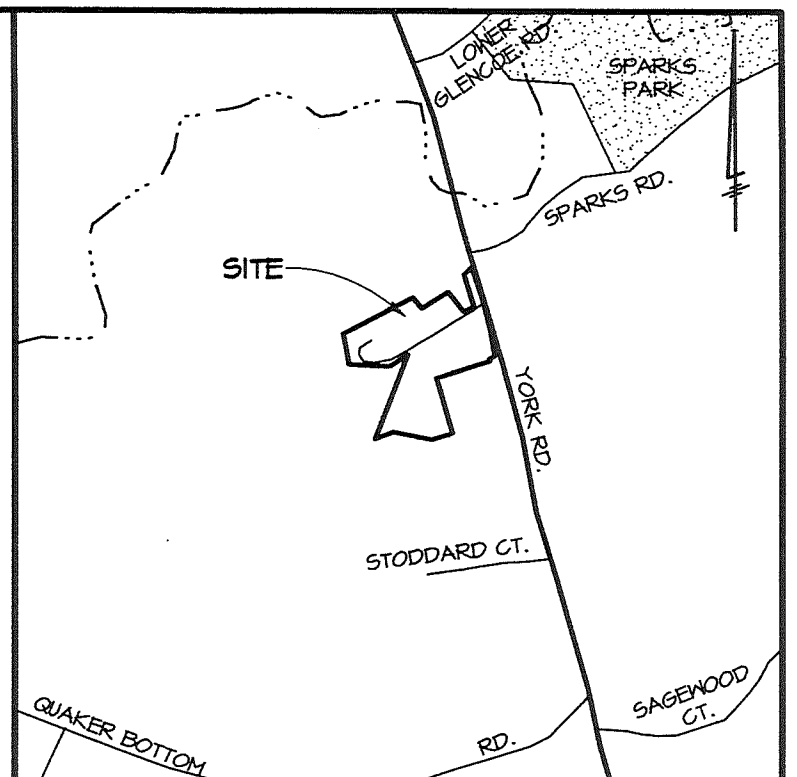
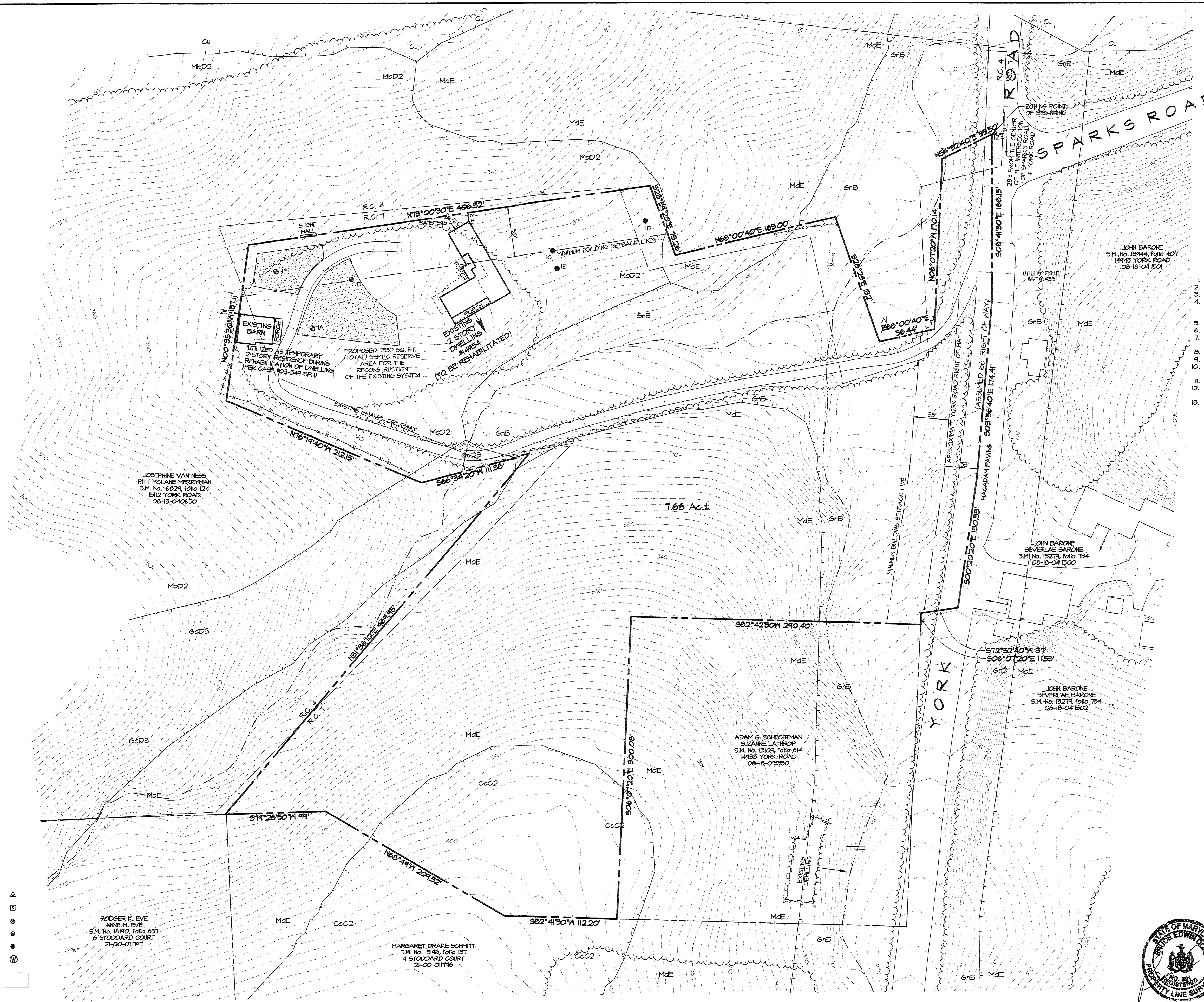
PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas A. Traill

Address: 14954 York Road

Sparks, MD, 21152

Telephone Number: (410) -472-4369



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 034B1 & 034B2.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM THE BALTIMORE COUNTY SOIL SURVEY MAP NO. 17.
4. CENSUS TRACT 4081 A.D.C. MAP & GRID 12 G-8
5. WATERSHED LOCH RAVEN SUBWATERSHED NONE
6. SCHOOL DISTRICT 14 REGIONAL PLANNING DISTRICT 304
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
10. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
11. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
12. AN INJECTOR PUMP WILL BE NEEDED FOR UTILIZATION OF THE PROPOSED SEPTIC RESERVE AREA BY THE DWELLING OR BY THE BARN.
13. THE EXISTING DWELLING IS NON-CONFORMING.
14. THE RIGHT OF WAY LINE SHOWN FOR YORK ROAD IS BASED ON THE ASSUMPTION THAT YORK ROAD HAS A 66' RIGHT OF WAY.
15. UPON THE ISSUANCE OF A USE AND OCCUPANCY PERMIT FOR THE RECONSTRUCTED DWELLING THE BARN SHALL BE VACATED AS A RESIDENCE WITHIN 90 DAYS AND RESTORED TO USE AS OUT BUILDING ONLY.

OWNER/DEVELOPER

THOMAS A. TRAILL
14954 YORK ROAD
SPARKS, MARYLAND 21152
(410) 472-4369

VARIANCE REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:

SECTION 1A08.6 B.5.a.(3)
TO ALLOW A PRINCIPAL BUILDING
SETBACK FROM THE REAR LOT LINE
OF 6' IN LIEU OF THE REQUIRED 50'
FOR AN EXISTING DWELLING.

PRIOR CASE:

SPECIAL HEARING REQUESTED
CASE # 03-544-SPH

SPECIAL HEARING TO PERMIT THE TEMPORARY
UTILIZATION OF THE EXISTING BARN FOR
RESIDENTIAL PURPOSES DURING REHABILITATION
OF THE EXISTING DWELLING
APPROVED JULY 25, 2003

PETITIONER'S

EXHIBIT NO. 1

#2011-0212-A

PLAT TO ACCOMPANY A
PETITION FOR VARIANCE
FOR THE

TRAILL PROPERTY

14954 YORK ROAD
Deed Ref: S.M. No. 17042 folio 37
Tax Account No.: 08-08-000425
Zoned R.C. 4 & R.C. 7; GIS Tiles: 034B1 & 034B2
Tax Map 34; Grid 10; Parcel 85
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Scale: 1"=50' Date: DECEMBER 28, 2010

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

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

LEGEND

- EXISTING WELL
- SEPTIC
- PROPOSED PERC TEST
- PASSED PERC TEST
- FAILED PERC TEST
- PROPOSED WELL AREA
- EXISTING DWELLING
- SOIL LINE
- WOODS LINE
- STREAM
- EXISTING PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS
- SLOPES > 25%

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
CcC2	Moderate: slope	Moderate: slope	Severe: slope
Cu	Severe: moderately high water table; flooding hazard.	Severe: flooding hazard	Severe: flooding hazard
GnB	Severe: high water table; moderately slow permeability.	Severe: high water table	Severe: high water table
GcD3, MdD2	Severe: slope	Severe: slope	Severe: slope

REVISION	DATE	COMPUTED: E.D.-L.	DRAWN: M.E.A.	CHECKED: B.E.D.	FILE: X:\Trail\ZONING_10-12-2010.pro

