

IN RE: PETITION FOR SPECIAL HEARING

N/Side of Traceys Store Road, 1,800 feet
N of Foreston Road
5th Election District
3rd Councilmanic District
(3030 Traceys Store Road)

Ronald E. and Dennis L. Wilhelm
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2011-0226-SPH**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Special Hearing filed by the owners of the subject property, Ronald E. and Dennis L. Wilhelm. Petitioners request Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the non-density transfers of 2.322 acres from Lot 1 to Lot 2 and 0.946 of an acre from Lot 1 to Lot 3. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the special hearing request were Petitioner Ronald E. Wilhelm, one of the property owners, and Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., the professional land surveyor who prepared the site plan and who is assisting the Petitioners in the permit process. The file reveals that the Petition was properly advertised and the property was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance.

Testimony and evidence presented revealed that the aforementioned properties are located at the northeast side of Traceys Store Road, just north of Foreston Road in the Parkton area of northern Baltimore County, and zoned R.C.2 and R.C.8.

ORDER RECEIVED FOR FILING

Date 3-16-11

By 

The Development Review Committee (DRC) decision [DRC #011811A] has been tabled pending the outcome of this hearing to allow non-density transfer of a 0.946 acre parcel and a 2.322 acre parcel to adjacent property owners.

Testimony was offered on behalf of Petitioners and revealed that Gerhold Cross & Etzel Ltd. had done a property line survey on behalf of the Petitioners and then, on behalf appeared before the DRC for the lot line adjustment. In mid January of 2011, they were verbally granted the approval for the adjustment, pending approval of the special hearing by the Administrative Law Judge.

Mr. Doak presented Exhibit 1 which was the Plat to Accompany the Request for Special Hearing. He redlined a correction, noting that after the adjustments, Lot 3 would contain 2.946 acres $\pm$ as opposed to the 4.946 acres $\pm$ that mistakenly appeared on the plat.

He related the history of the property. The entire area of Lots 1, 2, and 3 were originally purchased by Leonard and Aida Wilhelm, parents of the Petitioners. The original subdivision plat dated May 15, 1980 was presented as Petitioners' Exhibit 2. In 1980, the parents divided the property into three lots. They kept one lot and titled Lot 2 in the name of Ronald Wilhelm and Lot 3 in the name of Dennis Wilhelm. Both brothers built homes on their respective lots in 1981 and each has lived there for the past 30 years. In July, 2009, Mrs. Wilhelm, who had survived her husband, also died, leaving in the estate Lot 1 to both brothers. The request of the Petitioners to add 2.322 acres to Lot 2 and .096 acres to Lot 3, leaving 1.675 in Lot 1 represents their attempt to maintain the viability of the three lots while enlarging each of them. Since all three are zoned RC 2, Mr. Doak noted that the minimum acreage for a dwelling is 1 acre as well as setbacks of 35 feet from a residence to the property and 75 feet from the center of the road to the dwelling. He noted that in their requested new configuration, all three dwellings would meet those requirements. He

ORDER RECEIVED FOR FILING

Date 3-16-11

By jr

also stated that the surrounding land area around the homes is maintained by the Petitioners and will continue to be so. The house of the late parents on Lot 1 is presently the residence of the daughter of one of the brothers. That situation will also remain.

Pursuant to the DRC request, Petitioners contacted Mr. Robert Powell of the Department of Environmental Protection and Sustainability as the viability of the three lots. He was asked and did in fact certify that neither the septic nor the well water systems of any of the three residences would be affected in any way by the granting of the lot line request. The only loose end to be resolved was the granting of this special hearing request. There will be no other development of the property. In all other manner and form, the three houses and resultant lots will comply with all other applicable regulations.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated March 1, 2011 which indicates that they do not oppose the request for the non-density transfer provided that this will not create any additional building lots.

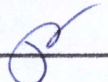
Considering all of the testimony and evidence presented, I am persuaded to grant the special hearing relief. I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED this 16th day of March, 2011 by this Administrative Law Judge that Petitioners' Special Hearing request from Section 500.7 of the

ORDER RECEIVED FOR FILING

Date 3-16-11

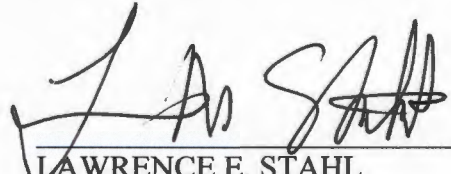
By  3

Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the non-density transfers of 2.322 acres from Lot 1 to Lot 2 and 0.946 of an acre from Lot 1 to Lot 3, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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



LAWRENCE E. STAHL
Administrative Law Judge
for Baltimore County

LES:pz

ORDER RECEIVED FOR FILING

Date 3-16-11

By 



KEVIN KAMENETZ
County Executive

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

March 16, 2011

RONALD E. AND DENNIS L. WILHELM
3008 TRACEYS STORE ROAD
PARKTON MD 21120

Re: Petition for Special Hearing
Case No. 2011-0226-SPH
Property: 3030 Traceys Store Road

Dear Messrs. Wilhelm:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. 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 "L. M. Stahl", is written over the printed name.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3030 TRACEYS STORE ROAD
which is presently zoned RC2 / RCB

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

THE NON-DENSITY TRANSFERS OF 2.322 ACRES FROM LOT 1 TO LOT 2
AND 0.946 OF AN ACRE FROM LOT 1 TO LOT 3.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Date

Telephone No.

City

By

State

Zip Code

Legal Owner(s):

RONALD E. WILHELM

Name - Type or Print

Ronald E. Wilhelm

Signature

DENNIS L. WILHELM

Name - Type or Print

Dennis L. Wilhelm

Signature

3008 TRACEYS STORE ROAD

Address

Telephone No.

PARKTON

City

MD

State

21120

Zip Code

Representative to be Contacted:

BRUCE E. DANK

GERHOLD CROSS & ETZEL, LTD.

Name

320 E. TOWSONTOWN BLVD.

Address

410-823-4470

Telephone No.

TOWSON

City

MD

State

21286

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2011-0226SPH

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By JCM

Date 1-28-11



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3030 Tracey's Store Road
which is presently zoned RCE/RCEB

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

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Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

RONALD E. WILHELM
Name - Type or Print _____

Ronald E. Wilhelm
Signature _____

DENNIS L. WILHELM
Name - Type or Print _____

Dennis L. Wilhelm
Signature _____

3008 TRACEY'S STORE ROAD
Address _____ Telephone No. _____

PARKTON MO 21120
City _____ State _____ Zip Code _____

Representative to be Contacted:

BRUCE E. DUNK
GERHOLD CROSS & ETZEL, LTD.
Name _____

320 E. TOWSONTOWN BLVD. 410-823-4470
Address _____ Telephone No. _____

TOWSON MO 21286
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2011-0226 SPH

REV 9/15/98

UNAVAILABLE FOR HEARING _____

Reviewed By Dem Date 1-2-11



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3030 TRACEY'S STORE ROAD
which is presently zoned RC2 / RC 8

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____
City _____ State _____ Zip Code _____
Date 3-16-11
By [Signature] Telephone No. _____

Legal Owner(s):

RONALD E. WILHELM
Name - Type or Print _____
Ronald E. Wilhelm
Signature _____
DENNIS L. WILHELM
Name - Type or Print _____
Dennis L. Wilhelm
Signature _____
3008 TRACEY'S STORE ROAD
Address _____ Telephone No. _____
PARKTON MD 21120
City _____ State _____ Zip Code _____

Representative to be Contacted:

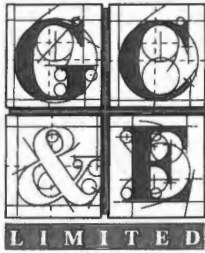
BRUCE E. DUNK
GERHOLD CROSS & ETZEL, LTD.
Name _____
320 E. TOWSONTOWN BLVD. 410-823-4470
Address _____ Telephone No. _____
TOWSON MD 21286
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2011-0226SPH
REV 9/15/98

UNAVAILABLE FOR HEARING
Reviewed By [Signature] Date 1-28-11



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

January 25, 2011

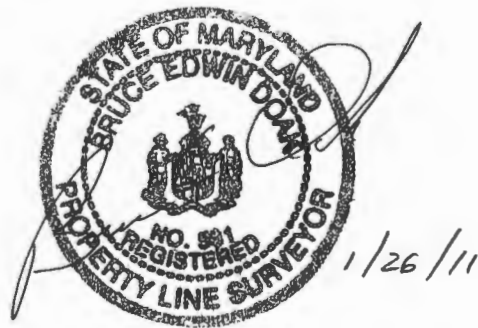
ZONING DESCRIPTION WILHELM PROPERTY

Beginning for the same on the north side of Traceys Store Road, 1,800'+/- north of Foreston Road, being Lots 1, 2 & 3 in the subdivision of "Wilhelm Property", as recorded in Baltimore County Plat Book E.H.K., Jr. No. 46 folio 58.

Containing 8.945 Acres of land, more or less.

Also known as #3008, #3030 & #3037 Traceys Store Road and located in the 5th Election District, 3rd Councilmanic District.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.





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

January 25, 2011

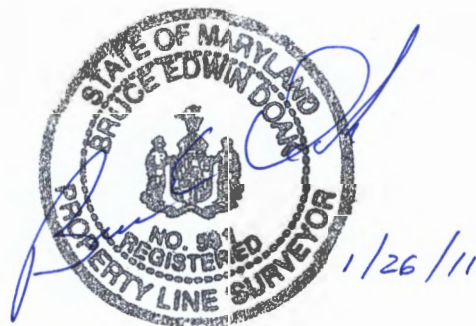
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This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.



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

63602

No.

Date: 1.28.11

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
01		000		6150					75.-

Total: 75.-

Rec From: R. WILHELM

For: 2011-0426-04

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 1, 2011

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

Heaving
3/11/11 10 AM

SUBJECT: 3030 Traceys Store Road

INFORMATION:

Item Number: 11-226

Petitioner: Ronald and Dennis Wilhelm

Zoning: RC 2 and RC 8

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request for the non-density transfer of 2.322 acres from Lot 1 to Lot 2 and 0.946 of an acre from Lot 1 to Lot 3, provided that this will not create any additional building lots. Correct the proposed acreage of lot 3 to 2.946 acres.

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

Prepared by:

Curtis R. Surace

Division Chief:

JM/LL: CM

Arnold Jablon

Case No.: 2011-0226 SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Red lined Plat to accompany Petition	
No. 2	Plat of Original Subdivision	
No. 3	Google Aerial photo of site	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

EXHIBIT NO. 3

PLEASE PRINT CLEARLY

CASE NAME WILHELM PROPERTY
CASE NUMBER 2011-0226-SP4
DATE 3/10/11

PETITIONER'S SIGN-IN SHEET

[illegible]

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2011-0226-SPH
3030 Traceys Store Road
N/side of Traceys Store Road, 1800 +/- north of Foreston Road
5th Election District
3rd Councilmanic District
Legal Owner(s): Ronald and Dennis Wilhelm

Speical Hearing: to permit the non-density transfers of 2.322 acres from Lot 1 to Lot 2 and 0.946 of an acre from Lot 1 to Lot 3.

Hearing: Thursday, March 10, 2011 at 10:00 a.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.

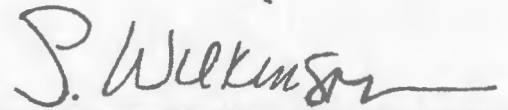
02/223 Feb. 24 267805

CERTIFICATE OF PUBLICATION

2/24/ 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 2/24/ 2011.

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



LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



MAR 03 2011

ZONING COMMISSIONER

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: March 3, 2011

SUBJECT: Zoning Item # 11-226-SPH
Address 3030 Traceys Store Road
(Wilhelm Property)

Zoning Advisory Committee Meeting of February 7, 2011.

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

Reviewer: JWL

Debra Wiley - Re: DEPS Comment Needed

From: Jeffrey Livingston
To: Wiley, Debra
Date: 3/2/2011 3:46 PM
Subject: Re: DEPS Comment Needed

I'll get those to you as soon as I have all of the comments.

>>> Debra Wiley 3/2/2011 3:43 PM >>>
Hi Jeff,

In reviewing next week's files, it appears that we're missing a comment from your department as follows:

CASE NUMBER: 2011-0226-SPH (ZONED R.C. 2 / R.C.8)
3030 Traceys Store Road
Location: N side of Traceys Store Road, 1800 feet N of Foreston Road
5th Election District, 3rd Council District
Legal owner: Ronald E. and Dennis L. Wilhelm

SPECIAL HEARING to permit the non-density transfers of 2.322 acres from Lot 1 to Lot 2 and 0.946 of an acre from Lot 1 to Lot 3.

Hearing: Thursday, 3/11/2011, 10:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 205

Thanks for your usual cooperation.

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

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.3A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 05 Account Number - 1800014166

Owner Information

Owner Name: WILHELM RONALD EUGENE
WILHELM DENNIS LEROY Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 3008 TRACEYS STORE RD
PARKTON MD 21120-9651 Deed Reference: 1) /29603/ 00030
2)

Location & Structure Information

Premises Address Legal Description
3030 TRACEYS STORE RD 4.945 AC
0-0000 3030 TRACEYS STORE RD
WILHELM PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0015	0024	0067		050000			1	2		0046/ 0058

Special Tax Areas Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1956	1,255 SF	4,9400 AC	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT BRICK	

Value Information

	Base Value	Value As Of 01/01/2011	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	195,160	146,300		
Improvements:	160,170	139,900		
Total:	355,330	286,200	355,330	286,200
Preferential Land:	0			0

Transfer Information

Seller:	WILHELM ADA M	Date:	06/22/2010	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/29603/ 00030	Deed2:	
Seller:	WILHELM ADA M	Date:	07/13/2007	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/25913/ 00024	Deed2:	
Seller:	WILHELM ADA M	Date:	01/09/2004	Price:	\$0

Type: NON-ARMS LENGTH OTHER**Deed1:** /19416/ 00384**Deed2:****Exemption Information****Partial Exempt Assessments****Class**

07/01/2011

07/01/2012

County

0.00

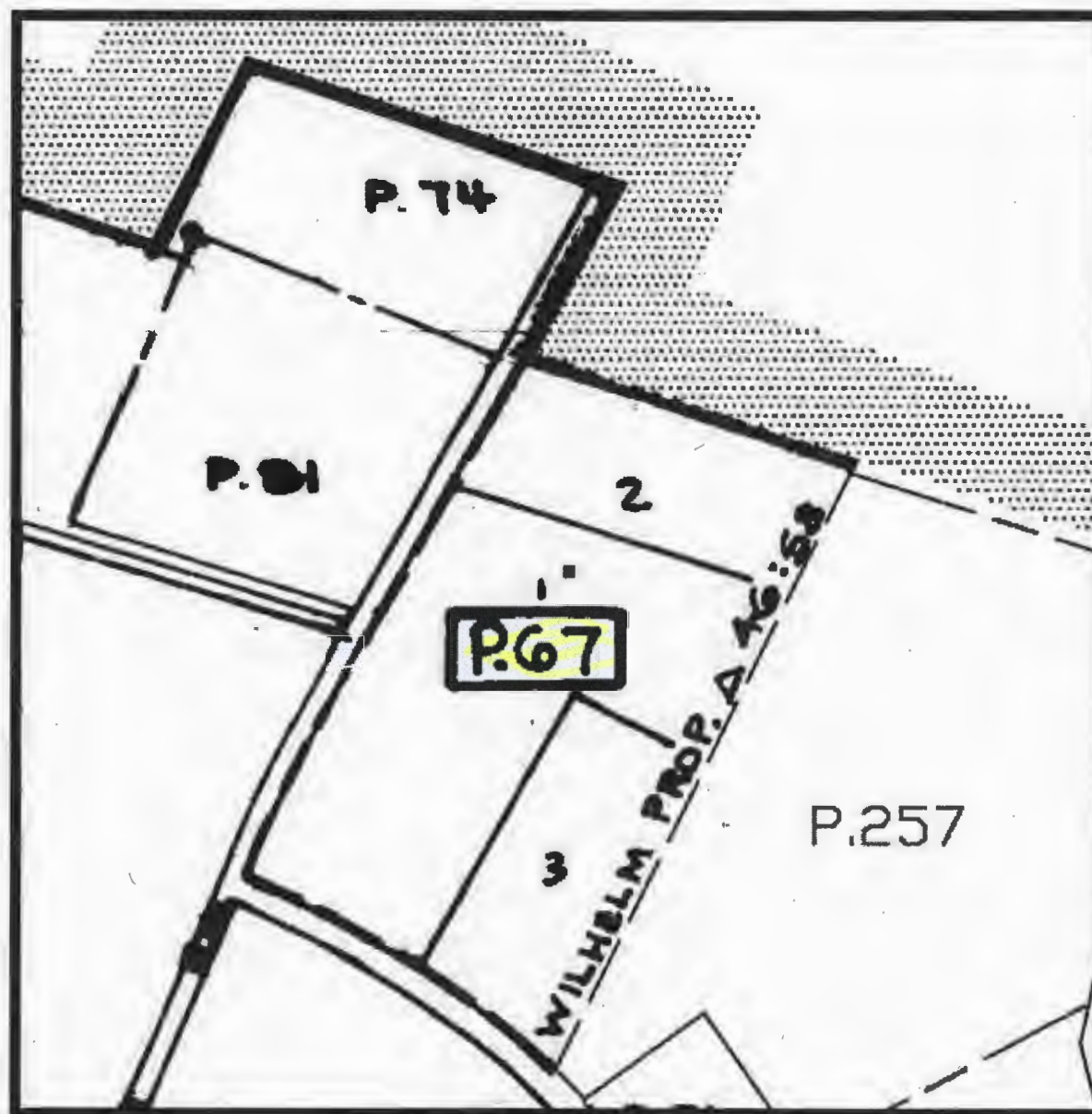
State

0.00

Municipal

0.00

Tax Exempt:**Special Tax Recapture:****Exempt Class:***** NONE ***



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the



KEVIN KAMENETZ
County Executive

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

February 28, 2011

Ronald & Dennis Wilhelm
3008 Traceys Store Rod
Parkton, MD 21120

RE: Case Number 2011-0226SPH , 3030 Traceys Store Road, Parkton, MD 21120

Dear Ronald & Dennis Wilhelm,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 28, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

No Date

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

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

SUBJECT: Zoning Advisory Committee Meeting
For February 14, 2011
Item Nos. 2011- 226, 227, 228, 229
and 230

DATE: February 10, 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-02142011 -NO COMMENTS.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
3030 Traceys Store Rd., N/side of * ZONING COMMISSIONER
Traceys Store Rd., 1800 +/- North of * FOR
Foreston Road * BALTIMORE COUNTY
5th Election & 3rd. Councilmanic District *
Legal Owner(s): Ronald & Dennis L. Wilhelm *
Petitioner(s) * 2011-0226-SPH

* * * * *

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.

RECEIVED

FEB 07 2011

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of February, 2011, a copy of the foregoing Entry of Appearance was mailed to Ronald E. & Dennis L. Wilhelm, 3008 Traceys Store Road, Parkton, MD 21120, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

February 17, 2011

CORRECTED NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0226-SPH

3030 Traceys Store Road

N/side of Traceys Store Road, 1800 +/- north of Foreston Road

5th Election District – 3rd Councilmanic District

Legal Owners: Ronald and Dennis Wilhelm

Special Hearing to permit the non-density transfers of 2.322 acres from Lot 1 to Lot 2 and 0.946 of an acre from Lot 1 to Lot 3.

→ Hearing: Thursday, March 10, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Bruce Doak, GC&E, 320 E. Towsontown Blvd., Towson 21204
Ronald & Dennis Wilhelm, 3008 Traceys Store Road, Parkton 21120

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 24, 2011**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE LAW HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

February 14, 2011.

NOTICE OF ZONING HEARING

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TO: PATUXENT PUBLISHING COMPANY
Thursday, February 24, 2011 Issue - Jeffersonian

Please forward billing to:

Bruce Doak
320 E. Towsontown Blvd. Ste.100
Towson, MD 21286

410-823-4470

NOTICE OF ZONING HEARING

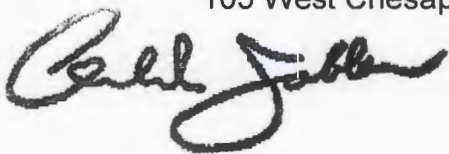
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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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 #2011-0226-SPH

PETITIONER: Ronald & Dennis
Wilhelm

DATE OF HEARING: 3/10/11

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

(see page 2 for full size photo)

LOCATION:

3030 Traceys Store Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

POSTED ON: 2/21/11

ZONING NOTICE

CASE # :2011-0226-SPH

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

PLACE: Room 205 Jefferson Building
105 W. Chesapeake Avenue, Towson 21204

TIME:
DATE : Thursday March 10, 2011
at 10:00 am

Special Hearing to permit the non-density
transfers of 2.322 acres from Lot 1 to Lot 2
and 0.946 of an acre from Lot 1 to Lot 3.

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 DAY OF HEARING. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2011-0226-SPH

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

PLACE

Eden Hill Western Building
100 W. Chesapeake Avenue, Towson 21204

TIME

Monday, March 14, 2011
at 03:00 pm

DATE

Special Hearing to permit the non-density
transfer of 2,322 acres from Lot 1 to Lot 2
and 0.9661 acres from Lot 1 to Lot 3

STANDARD MAP SHOWING AVE 0 ACCESSING 2





KEVIN KAMENETZ
County Executive

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

February 17, 2011

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C: Bruce Doak, GC&E, 320 E. Towsontown Blvd., Towson 21204
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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: 2011-0226 SPH
Petitioner: RONALD WILHELM
Address or Location: 3030 TRACEYS STORE Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: RONALD WILHELM
Address: 3008 TRACEYS STORE RD.
PARKTON, Md. 21120
Telephone Number: 410-823-4470

RAL NOTES

ay & Highway Widening, Slope Easements, & Drainage & Easements shown hereon are reserved unto the Developer hereby offered for dedication to Baltimore Co, Maryland. Developer, its Successors & Assigns shall convey said areas, by a Baltimore County, Maryland, at no cost. Coordinates shown hereon are based on assumed datum. Streets and/or Roads shown hereon and the mention thereof is for purposes of description only, and the same are intended to be dedicated to public use. The fee simple title in the lands thereof is expressly reserved in the grantors of the plat which this plat is attached, their heirs and assigns.

COORDINATES				
RTH	EAST	NO.	NORTH	EAST
2.1167	5452.9056	9	4991.4016	5034.4459
7.5156	5461.9527	10	5037.0904	5025.2370
0.6396	5000.4259	11	5252.6105	5164.9156
17.3303	5370.0008	12	4829.6943	5237.1918
13.0672	5366.9453	13	4999.0960	5041.0926
5.9107	5233.9233	14	5032.3289	5033.5424
7.3662	5162.7594	15	5216.8017	5153.5449
13.7774	5160.1729	16	5275.4362	5194.7699

CURVE DATA				
R	Δ	A	T	CHORD
201.47'	12°25'49"	195.57'	96.17'	N42°57'40"W 195.19'
904.47'	12°19'45"	195.07'	97.91'	N43°00'41"W 194.69'
990.00'	04°08'57"	71.69'	35.66'	N35°06'36"E 71.66'

DENSITY NOTES

ing Zoning of Property Area
Lots Allowed
Lots Proposed
way Widening Area
Area of Lots
ing Lot Size

R.C.-2
9.194 Ac.:
3 Lots
3 Lots
0.246 Ac.:
0.948 Ac.:
2.983 Ac.:

URVEYOR'S CERTIFICATE:

James W. McKee, a registered land surveyor of the State of Maryland do hereby certify that the land shown has been laid out & the plat thereof prepared in accordance with Sections of 72 A to 72 E, inclusive of the Annotated Code of Maryland, 1939 Edition, as enacted or amended by the Acts 5 of 1947, & subsequent acts, if any, amendatory thereto.

James W. McKee

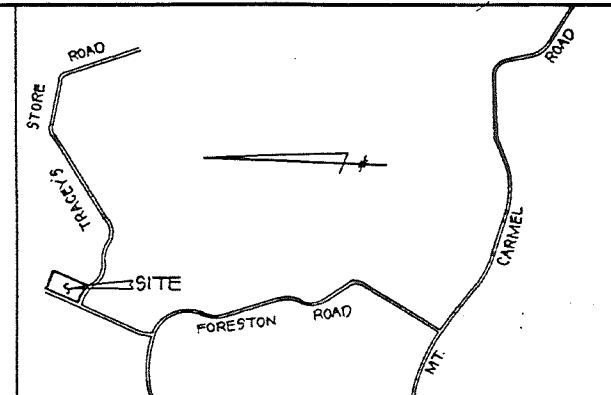
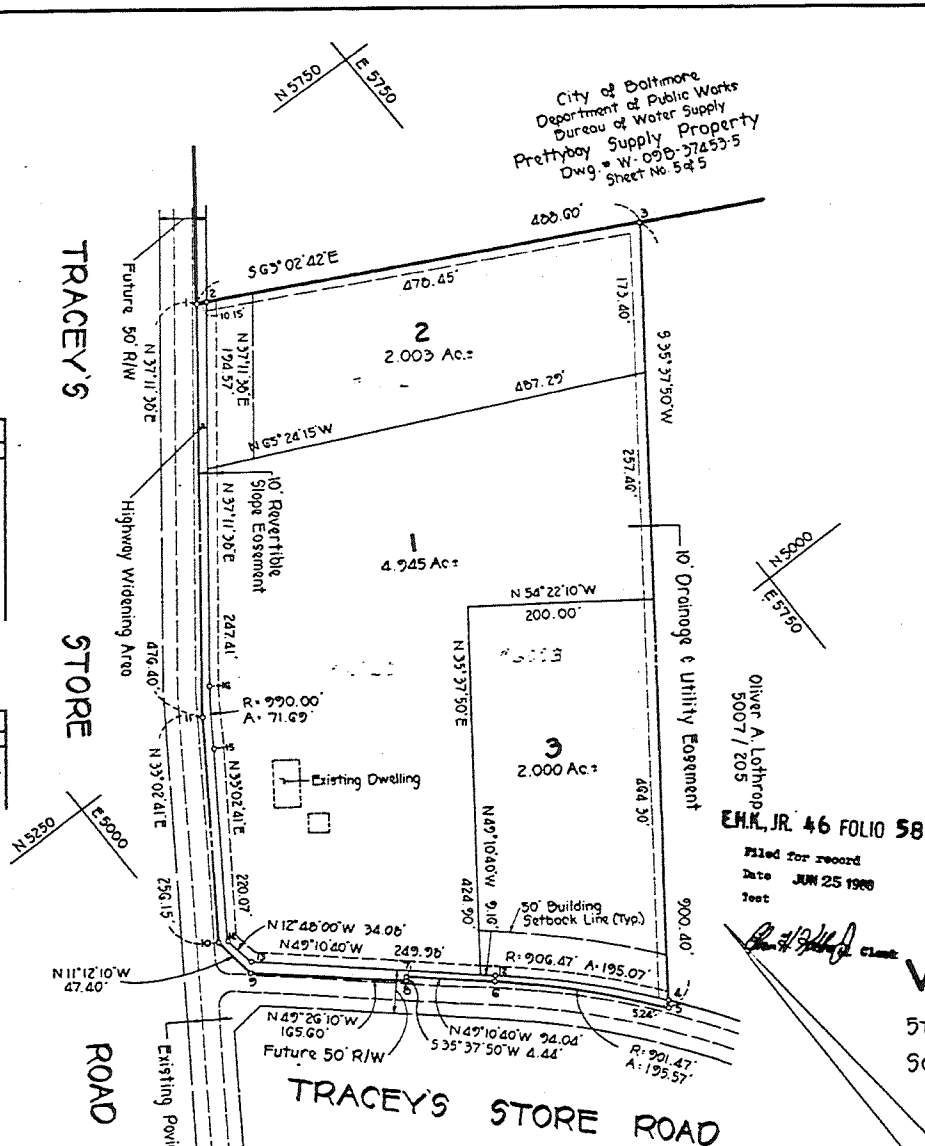
Date:

OWNER'S CERTIFICATE:

The requirements of Sections 72A to 72D of Article 17 of the Annotated Code of Maryland, 1939 Edition, Chapter 1016 of the Acts of 1945, as amended by Chapters 84 & 76b of the Acts 1947, and subsequent acts, if any, amendatory thereto so far as they concern the making of the plat & the setting of the markers have been complied with:

Owner of the Land shown hereon:

Owners Date:



VICINITY MAP SCALE: 1" = 2000'

Approved: Baltimore County Planning Board
Date: _____ Director

Approved: _____
Date: _____ County Health Officer

Approved: _____
Date: _____ County Roads Engineer

EHK, JR. 46 FOLIO 58

Filed for record
Date JUN 25 1980
Text

FINAL SUBDIVISION PLAT

OF THE

WILHELM PROPERTY

5TH. ELECTION DISTRICT

BALTIMORE Co., MD.

SCALE: 1" = 100'

MAY 15, 1980

FOR

OWNER

Leonard L. Wilhelm
c/o Ron Wilhelm
3k Creezy Hill Court
Cockeysville, Md. 21030

Deed References: 2922/221, 4660/95

P. W. A. Completed **NONE DHI**
Final Plat Checked:
Planning: _____
Engineering: _____
Survey: _____
Survey Date: _____

McKee, DuVal, & Associates, Inc.

Civil Engineers & Land Surveyors
1717 York Road - Lan Lea Building - Lutherville, Maryland, 21093

Job No.	Scale: 1" = 100'	Engr. J.W.M.	Drwn. G.C.S.	Sht. No.
79-17	Date: 5-15-80	Des. G.C.S.	Chk'd. D.W.D.	1 of 1

GENERAL NOTES

1. Highway & Highway Widening, Slope Easements, & Drainage & Utility Easements shown hereon are reserved unto the Developer and are hereby offered for dedication to Baltimore Co. Maryland. The Developer, its Successors & Assigns shall convey said areas, by deed, to Baltimore County, Maryland, at no cost.
2. ~~Courses & Coordinates~~ shown hereon are based on assumed datum.
3. The Streets and/or Roads shown hereon and the mention thereof in deeds are for purposes of description only, and the same are not intended to be dedicated to public use. The fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

COORDINATES

No.	NORTH	EAST	No.	NORTH	EAST
1	5632.1107	5452.9056	9	4991.4010	5034.4459
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7	4607.3062	5102.7594	15	5210.8017	5153.5449
8	4603.7774	5160.1729	16	5275.4362	5194.7699

CURVE DATA

FROM-TO	R	Δ	A	T	CHORD
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4-12	906.47	12°19'40"	195.07	97.91	N43°00'41"W 194.69'
15-16	990.00	04°08'57"	71.69	35.66	N35°06'30"E 71.66'

DENSITY NOTES

1. Existing Zoning of Property R.C.-2
2. Gross Area 9.194 Ac.±
3. No. of Lots Allowed 3 Lots
4. No. of Lots Proposed 3 Lots
5. Highway Widening Area 0.246 Ac.±
6. Net Area of Lots 8.948 Ac.±
7. Average Lot Size 2.983 Ac.±

SURVEYOR'S CERTIFICATE:

I, James W. McKee, a registered land surveyor of the State of Maryland do hereby certify that the land shown hereon has been laid out & the plat thereof prepared in accordance with Sections of 72 A to 72 E, inclusive of Article 17, of the Annotated Code of Maryland, 1939 Edition, as enacted or amended by the Acts of 1945 & 1947, & subsequent acts, if any, amendatory thereto:

James W. McKee

Date:

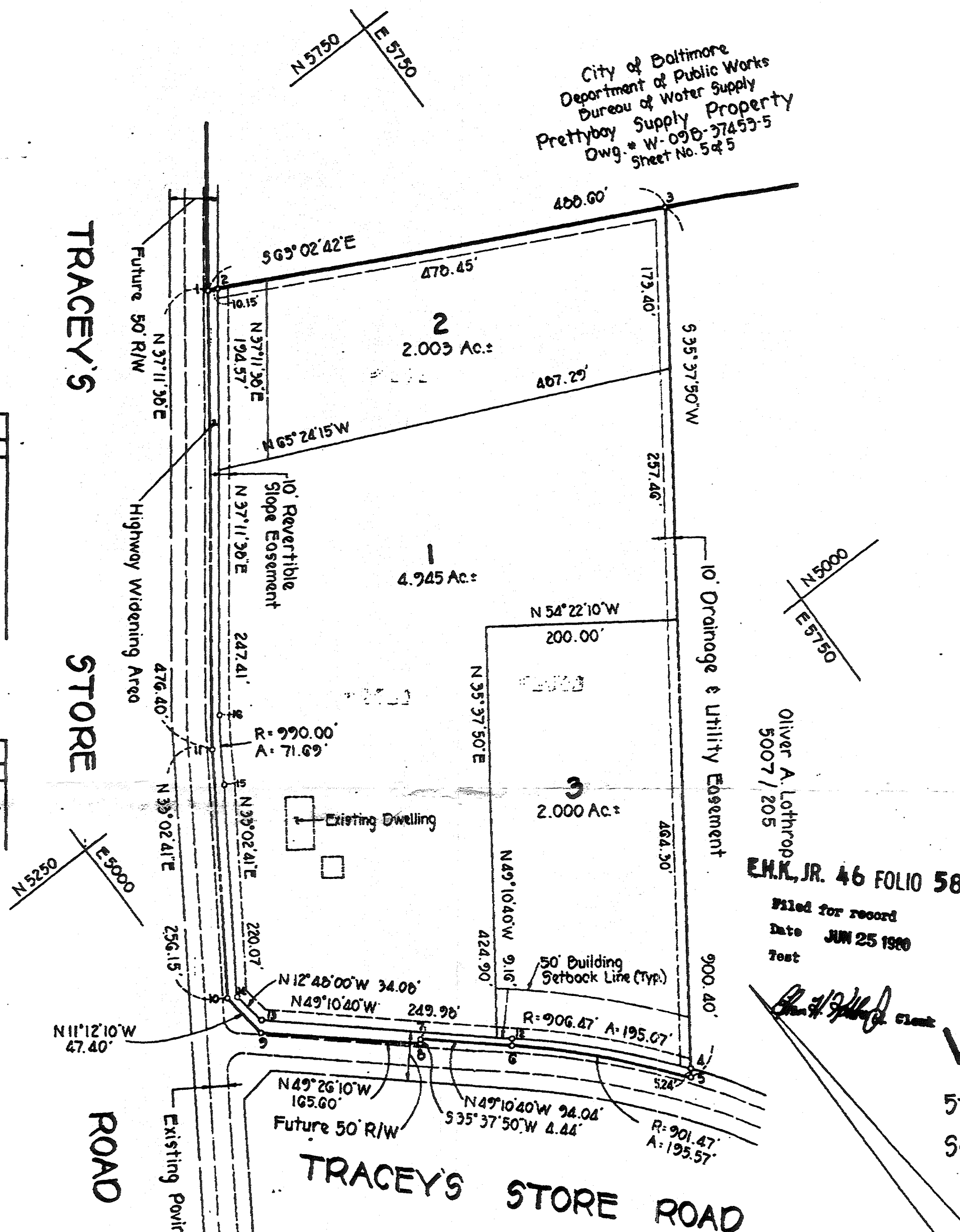
OWNER'S CERTIFICATE:

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Owner of the Land shown hereon:

Owners

Date:



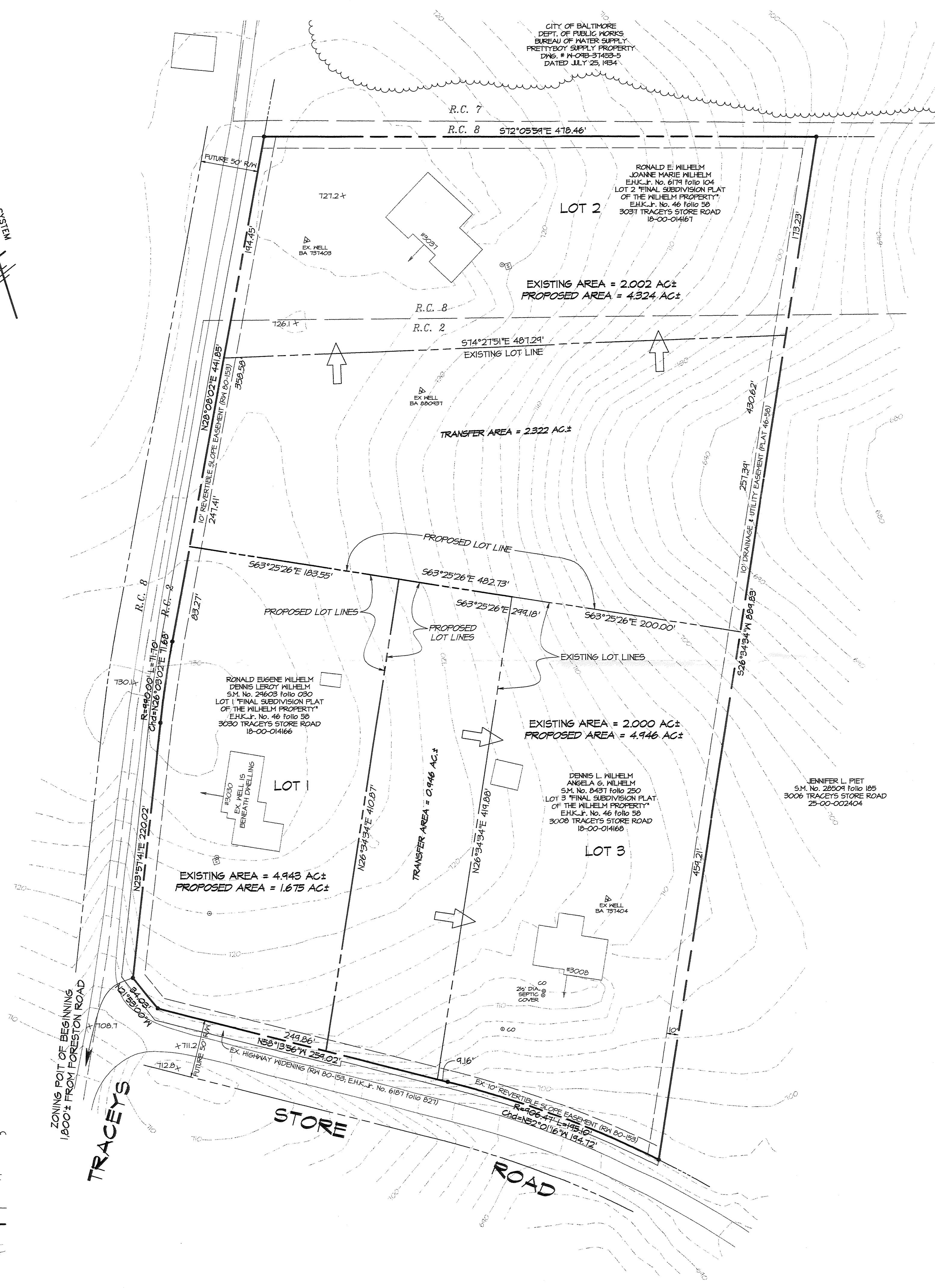
P. W. A. Completed None DHL
Final Plat Checked: _____
Planner: _____
Engineering: PKK
Street Name: Tracey's Store Road
Scale: 1" = 100'

MCKEE, DUVAL, & ASSOCIATES, INC.

Civil Engineers & Land Surveyors
1717 York Road - Lan Lea Building - Lutherville, Maryland, 21093

Job No. 79-17	Scale: 1" = 100' Date: 5-15-80	Engr.: J.W.M. Des.: G.C.S.	Drwn.: G.C.S. Chk'd.: D.W.O.	Sht. No. 1 of 1
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MARYLAND COORDINATE SYSTEM
NAD 83 (1983)



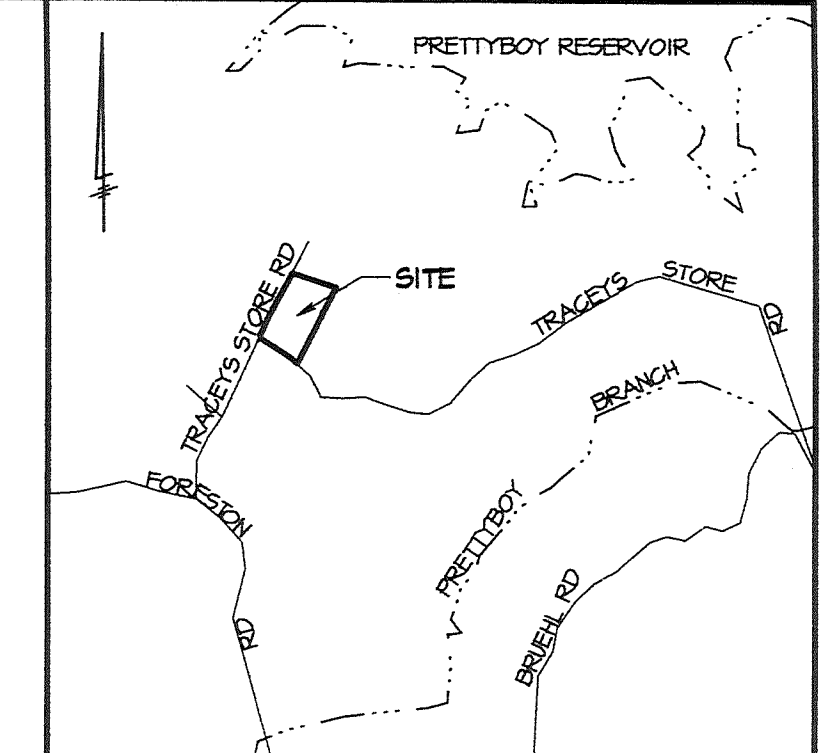
CITY OF BALTIMORE
DEPT. OF PUBLIC WORKS
BUREAU OF WATER SUPPLY
PRETTYBOY SUPPLY PROPERTY
DWS # H-008-37433-5
DATED JULY 25, 1984

R.C. 2 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO:
CENTERLINE OF ANY STREET 75'
FROM ANY BUILDING FACE TO:
LOT LINE OTHER THAN A STREET LINE 35'

R.C. 8 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO:
ANY PRINCIPAL BUILDING 80'
FROM ANY BUILDING FACE TO:
REAR LOT LINE 50'
FROM ANY BUILDING FACE TO:
THE RIGHT-OF-WAY OF PUBLIC
OR PRIVATE STREETS 35'



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 015C3.
3. CENSUS TRACT 405000 REGIONAL PLANNING DISTRICT 302 WATERSHED PRETTYBOY RESERVOIR SUBWERSHED NON-SERVICE ZONE SCHOOL DISTRICT: ELEMENTARY - FIFTH DISTRICT E.S.; MIDDLE - HEREFORD M.S.; HIGH - HEREFORD H.S. A.D.C. MAP & GRID 06 B6
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
8. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
9. ALL LOTS SHOWN HEREON ARE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

DENSITY CALCULATIONS AS SHOWN ON
"FINAL SUBDIVISION PLAT OF THE WILHELM PROPERTY"
E.H.K., Jr. No. 46 FOLIO 58, RECORDED JUNE 25, 1980

EXISTING ZONING	R.C.-2
GROSS AREA	9.194 Ac.±
No. of LOTS ALLOWED	3 LOTS
No. of LOTS PROPOSED	3 LOTS
HIGHWAY WIDENING AREA	0.246 Ac.±
NET AREA of LOTS	8.948 Ac.±
AVERAGE LOT SIZE	2.983 Ac.±

DRC REQUEST (DRC #011811A)

A-I-VIII EXEMPTION TO ALLOW A LOT LINE ADJUSTMENT

THE DRC DECISION HAS BEEN TABLED PENDING THE OUTCOME OF THE ZONING HEARING TO ALLOW NON-DENSITY TRANSFER OF A 0.946 ACRE PARCEL AND A 2.322 ACRE PARCEL TO ADJACENT PROPERTY OWNERS

SPECIAL HEARING REQUEST

TO APPROVE NON-DENSITY TRANSFERS OF 2.322 Ac.± FROM LOT 1 TO LOT 2 AND 0.946 Ac.± FROM LOT 1 TO LOT 3

LEGEND

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



PLAN TO ACCOMPANY A PETITION FOR SPECIAL HEARING

WILHELM PROPERTY

3030 TRACEY'S STORE ROAD
Deed Ref: R.D.A., Jr. No. 29603 folio 0030
Tax Account No.: 18-00-014166
Zoned R.C. 2; GIS Tile 015C3
Tax Map 15; Grid 24; Parcel 67; Lot 1
5th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50'

Date: JANUARY 21, 2011

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

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

REVISION	DATE	COMPUTED	DRAWN	CHECKED	FILE: X:\VW\wilhelm\TRACEY_STORE\zoning\plat.pro