



KATHERINE A. KLAUSMEIER
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

March 4, 2025

Neil Lanzi, Esquire – nlanzi@wcsllaw.com
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, MD 21204

RE: **AMENDED ORDER**
Petitions for Special Hearing & Variance
Case No. 2025-0008-SPHA
Property: Mt. Carmel Road

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dml
Enclosure

c: Bruce Doak bdoak@bruceedoakconsulting.com
Carol Tracey carol.t.8888@gmail.com
Elizabeth L Hammond ehammondcpa@msn.com
Karen nerakogudugu@icloud.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(Mt. Carmel Road)	*	OFFICE OF
5th Election District		
3rd Council District	*	ADMINISTRATIVE HEARINGS
RW Tracey, LLC		
Legal Owners	*	FOR BALTIMORE COUNTY
Carol Regina Tracey, Trustee of the Carol		
Regina Tracey Trust	*	Case No: 2025-0008-SPHA
Contract Purchaser		
	*	

Petitioners

* * * * *

AMENDED
OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owner, RW Tracey, LLC, and the contract purchaser Carol Regina Tracey, Trustee of the Carol Regina Tracey Trust, (“Petitioners”), for the unimproved property addressed as Mt. Carmel Road, Hampstead (“Property”). A Petition for Special Hearing pursuant to Baltimore County Zoning Regulations (“BCZR”), §500.7, was filed seeking approval to permit an existing lot that was created in 1935, to have an area of 0.963 of an acre, in lieu of the required one acre as set forth in BCZR, §1A01.3.B.2. Variance relief from BCZR, §1A01.3.B.2, was also filed to permit an existing lot that was created in 1935 to have an area of 0.963 of an acre, in lieu of the one acre minimum in a RC 2 zone.

A WebEx virtual hearing was conducted on February 25, 2025. The Petitions were properly advertised and posted. Petitioner, Carol Tracey, appeared in support of the Petition along with Bruce E. Doak of Bruce E. Doak Consulting, LLC, a Maryland registered property line surveyor, who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 1). Neil Lanzi, Esquire

of Wright, Constable & Skeen represented the Petitioners. Elizabeth L. Hammond, Trustee of The Lela S. Cox Amended and Restated Revocable Trust, legal owner of the adjoining farm addressed as 4510 Mt. Carmel Rd., testified at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Department of Environmental Protection and Sustainability (“DEPS”) and Development Plans Review (“DPR”)/Department of Public Works and Transportation, (“DPWT”), which agencies did not oppose the requested relief.

The Property is an unimproved parcel measuring 0.963 acres +/- which was created by Deed dated November 16, 1935 by and between James E. Rheten and Sadie E. Rheten, his wife, to Paul Cooper as filed in the Land Records of Baltimore County (Liber CWB, Jr. 962, folio 498). (Pet. Ex. 4). The Property is zoned Resource Conservation - Agricultural (RC-2).

Mr. Doak prepared a devolution of title for the Property as well as the adjoining farm owned by the Cox Trust (the “Cox Farm”). (Pet. Exs. 4 and 5). According to his title search, in 1926, the Property at issue here was one of two unimproved parcels of land which were part of the original 90 acre Cox Farm. The second parcel (known as Parcel 12 on the Tax Map) measures 5.113 acres +/- and was also sold by the Rhetens to Paul Cooper on November 16, 1935 in the same Deed (“Parcel 12”). Each of these out-parcels were subsequently sold by Paul Cooper and eventually purchased by RW Tracey, LLC, which entity continues to hold legal title to both. Both the Property and Parcel 12 appear to be included within a single Tax Account Number (05-0503047477) as the total acreage for that account is 6.78 acres, and Parcel 12 is specifically identified therein. (Pet. Ex. 2). Judicial notice is taken that the SDAT information for the Cox Farm indicates that its total acreage is 84.881 acres, which is consistent with title search showing 6.096 acres +/- was transferred from the Cox Farm.

After Paul Cooper became the legal owner, he had a survey (undated) prepared outlining both the Property and Parcel 12. (Pet. Ex. 7). The aerial photograph submitted confirmed that both the Property, and Parcel 12, remain unimproved, with Parcel 12 being primarily wooded and located behind the Property. (Pet. Ex. 3). Petitioners also submitted street view photographs of the Property. (Pet. Exs. 6A-6K).

Carol Regina Tracey, the daughter of Robert W. Tracey, testified that she was authorized to represent RW Tracey, LLC. Ms. Tracy explained that her father expressed his interest in Ms. Tracey owning the Property and constructing a home there. In this Case, the Site Plan indicates that a single family dwelling could be constructed thereon, and would be able to meet all Bulk Regulations for the RC2 zone.

Elizabeth Hammond, a Trustee of the Cox Trust, 4510 Mt. Carmel Rd., testified that the SDAT tax map showed the Property as being part of the Cox Farm. (See File for Tax Map). Ms. Hammond indicated that she needed to obtain a survey of the Cox Farm and was concerned that her family had been paying taxes on the Property at issue here. She also testified that the Property was leased to David Tracey for farming.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

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

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). Special hearing relief is properly granted if it is within the spirit and intent of the zoning regulations and will not harm the public health, safety, or welfare.

BCZR, §1A01.3. reads as follows:

2. Lot size. A lot having an area less than one acre may not be created in an R.C.2 Zone.

BCZR, §101.1 defines 'Lot of Record' as:

LOT OF RECORD — A parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision or other condition thereof.

Petitioners seek approval that the Property, while less than 1 acre in size, is a lot of record and therefore is not being 'created' in the RC2 zone. It was an uncontroverted fact that the Property was created by Deed on November 16, 1935 which was long before the adoption of the BCZR in 1945, and, more specifically, the RC2 category in 1975. As such, the Property meets the definition of a "Lot of Record".

This same issue was addressed in Case No.: 2017-0122-SPHA, wherein OAH granted a Petition for Special Hearing to approve lots of record in an RC 2 zone which were less than 1 acre because those lots were created by Deed in 1925. On appeal in that Case, while the Petition for Special Hearing was not appealed, the Board of Appeals recognized that finding in its Opinion and Order. Granting the Petition for Special Hearing here is consistent with a prior OAH Order.

While BCZR, §1A01.3 for the RC2 zone does not contain the same language found in BCZR, §1A04.3.B.1.b(1) for the RC5 zone, which expressly permits a legal owner to file a Petition for Special Hearing to adjust the RC5 minimum 1.5 acre lot size when a lot has been in

existence prior to September 2, 2003, based on the facts here, I find that granting the Petition for Special Hearing is within the spirit and intent of the zoning regulations and will not harm the public health, safety, or welfare. Beginning on November 16, 1935, the same acreage (0.963 acres) has been transferred from the original owner, Paul Cooper, to new owners. In 1935, there was no minimum lot size. Accordingly, Petitioners here are not “creating” a new lot.

In response to a suggestion that the Petitioners transfer the deficient acreage from Parcel 12 to the Property to meet the minimum 1 acre size, Mr. Doak explained that the County regards such a transfer as ‘creating’ a lot. He explained that the Petition for Special Hearing could not *simultaneously* seek both the approval of the undersized lot of record, and the approval for a non-density transfer. He agreed that if the undersized lot were approved here, a non-density transfer could then be subsequently filed. After considering these options, I find that the need for the non-density transfer would become moot once the undersized lot is approved *in lieu of* the 1 acre minimum. For the reasons set forth herein, the Petition for Special Hearing will be granted.

VARIANCE

A Variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The proffered evidence was that initially, the Petitioners only filed for Special Hearing relief. A Petition for Variance was requested to be added. At the hearing, no evidence was produced as to the Variance factors and as such the Petition for Variance will be denied.

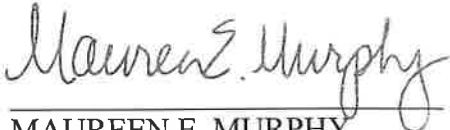
THEREFORE, IT IS ORDERED this 4th day of **March, 2025**, by this Administrative Law Judge that the Petition for Special Hearing from BCZR, §1A01.3.B.2, to permit an existing lot that was created in 1935 to have an area of 0.963 of an acre in lieu of the required one acre, be and it is hereby, **GRANTED** and;

IT IS FURTHER ORDERED that the Petition for Variance relief from BCZR, §1A01.3.B.2, which was filed in the alternative, to permit an existing lot that was created in 1935 to have an area of 0.963 of an acre in lieu of the one acre minimum in a RC 2 zone, be and it is hereby, **DENIED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. The Site Plan (Pet. 1) is attached hereto and incorporated herein.
3. Petitioners shall comply with DEPS ZAC comment which is attached hereto and incorporated herein.

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


MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm

GENERAL SITE INFORMATION

1. Ownership: RW Tracey LLC
4430 Mt Carmel Road Hampstead, MD 21074
2. Address: Mt Carmel Road Hampstead, MD 21074
3. Deed reference: JLE 49289/09 Parcel One
The subject lot was created November 16, 1935 CWS Jr 962/498
Area: 0.963 of an acre (per deed)
4. Tax Map / Parcel / Tax account #: 14 / 05-03-047477
5. Elected District: 3 Councilmanic District: 3
ADC Map: GIS tile: 014C3 Position sheet: 106NW10
Census tract: 405000 Census block: 240054050001046
Schools: Fifth District ES Hereford MS Hereford HS
6. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County.
All other information shown hereon was taken from Baltimore County GIS tile 014C3 and the information provided by Baltimore County on the Internet.
7. Improvements: Vacant. Proposed single family dwelling.

OFFICE OF ZONING

Zoning: R.C.2 There are no previous zoning cases on the subject parcels.

R.C.2 Setbacks for Residential Buildings

Front: 75 feet from the centerline of the road
Side / Rear: 35 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Prettyboy Reservoir URDL land type: 1

1. A future dwelling will be served by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

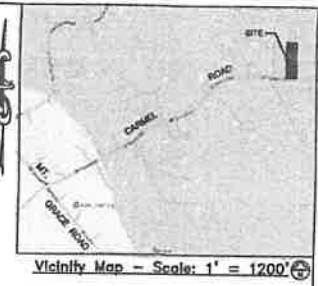
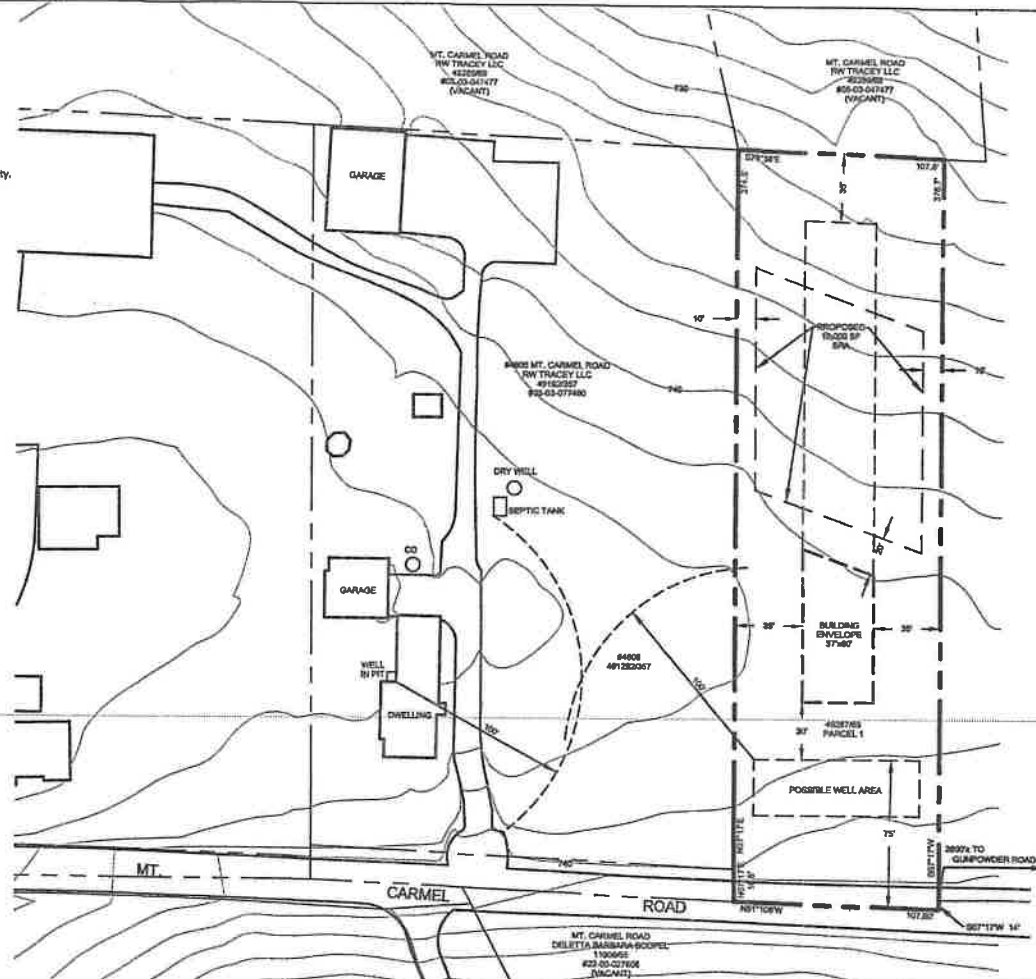
OFFICE OF PLANNING

Regional Planning District: Prettyboy District Code: 302

1. The subject property is not in a historic district.
2. Growth Tier: 4

PROPOSED DEVELOPMENT

To construct a single family dwelling on the subject lot.



94510 MT. CARMEL ROAD
EVERHARD J. COX, TRUSTEE
LELA B. COX, TRUSTEE
30813103
05-03-04842

Bruce E. Dask Consulting, LLC
Land Use Expert and Surveyor
3801 Saker Schoolhouse Road
Frostons, MD 21053
9-443-300-3330 m 410-419-4306
bdask@bruceedaskconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
R.W. TRACEY LLC PROPERTY
MT. CARMEL ROAD
BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 11/4/2024
Scale: 1"=80'

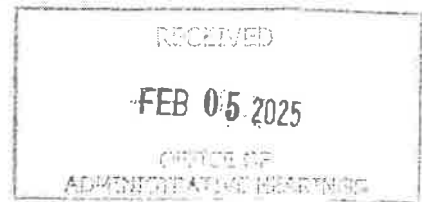


REVISION

Doc E-1 #1

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 5, 2025

SUBJECT: DEPS Comment for Zoning Item # 2025-0008-SPHA
Address: MT. CARMEL ROAD
Legal Owner: RW Tracey, LLC

Zoning Advisory Committee Meeting of January 31, 2025.

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:

Reviewer: Libby Errickson

-
1. EPS-GWM does not oppose the Zoning relief requested, but be advised that the following conditions will be required prior to building permit approval from GWM.
 - a. Ground Water Management approval must be obtained prior to approval of the building permit.

- b. A perc application must be submitted and approved by Ground Water Management prior to approval of a building permit. A minimum 10,000 square foot septic reserve area sufficient for an initial system installation and two replacement systems is required for a dwelling unit.
- c. The proposed well and septic reserve area must meet all requirements of COMAR 26.04.02 and COMAR 26.04.03. No variances will be considered for a vacant lot/new dwelling construction.

Additional Comments:

Reviewer: Mia Lowery



KATHERINE A. KLAUSMEIER
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

March 3, 2025

Neil Lanzi, Esquire – nlanzi@wcslaw.com
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, MD 21204

RE: Petitions for Special Hearing & Variance
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Property: Mt. Carmel Road

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Elizabeth L Hammond ehammondcpa@msn.com
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IN RE: **PETITIONS FOR SPECIAL HEARING** *
AND VARIANCE *
(Mt. Carmel Road) *
 5th Election District *
 3rd Council District *
 RW Tracey, LLC *
Legal Owners *
 Carol Regina Tracey, Trustee of the Carol *
 Regina Tracey Trust *
Contract Purchaser *

BEFORE THE
 OFFICE OF
 ADMINISTRATIVE HEARINGS
 FOR BALTIMORE COUNTY
Case No: 2025-0008-SPHA

Petitioners

* * * * *

OPINION AND ORDER

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Lela S. Cox Amended and Restated Revocable Trust, legal owner of the adjoining farm addressed as 4510 Mt. Carmel Rd., testified at the hearing.

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Mr. Doak prepared a devolution of title for the Property as well as the adjoining farm owned by the Cox Trust (the “Cox Farm”). (Pet. Exs. 4 and 5). According to his title search, in 1926, the Property at issue here was one of two unimproved parcels of land which were part of the original 90 acre Cox Farm. The second parcel (known as Parcel 12 on the Tax Map) measures 5.113 acres +/- and was also sold by the Rhetens to Paul Cooper on November 16, 1935 in the same Deed (“Parcel 12”). Each of these out-parcels were subsequently sold by Paul Cooper and eventually purchased by RW Tracey, LLC, which entity continues to hold legal title to both. Both the Property and Parcel 12 appear to be included within a single Tax Account Number (05-0503047477) as the total acreage for that account is 6.78 acres, and Parcel 12 is specifically identified therein. (Pet. Ex. 2). Judicial notice is taken that the SDAT information for the Cox Farm indicates that its total acreage is 84.881 acres, which is consistent with title search showing 6.096 acres +/- was transferred from the Cox Farm.

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SPECIAL HEARING

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

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Petitioners seek approval that the Property, while less than 1 acre in size, is a lot of record and therefore is not being 'created' in the RC2 zone. It was an uncontroverted fact that the Property was created by Deed on November 16, 1935 which was long before the adoption of the BCZR in 1945, and, more specifically, the RC2 category in 1975. As such, the Property meets the definition of a "Lot of Record".

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existence prior to September 2, 2003, based on the facts here, I find that granting the Petition for Special Hearing is within the spirit and intent of the zoning regulations and will not harm the public health, safety, or welfare. Beginning on November 16, 1935, the same acreage (0.963 acres) has been transferred from the original owner, Paul Cooper, to new owners. In 1935, there was no minimum lot size. Accordingly, Petitioners here are “creating” a new lot.

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VARIANCE

A Variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The proffered evidence was that initially, the Petitioners only filed for Special Hearing relief. A Petition for Variance was requested to be added. At the hearing, no evidence was produced as to the Variance factors and as such the Petition for Variance will be denied.

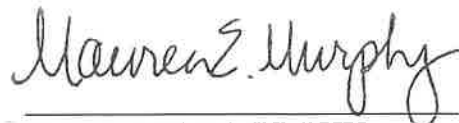
THEREFORE, IT IS ORDERED this 3rd day of **March, 2025**, by this Administrative Law Judge that the Petition for Special Hearing from BCZR, §1A01.3.B.2, to permit an existing lot that was created in 1935 to have an area of 0.963 of an acre in lieu of the required one acre, be and it is hereby, **GRANTED** and;

IT IS FURTHER ORDERED that the Petition for Variance relief from BCZR, §1A01.3.B.2, which was filed in the alternative, to permit an existing lot that was created in 1935 to have an area of 0.963 of an acre in lieu of the one acre minimum in a RC 2 zone, be and it is hereby, **DENIED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. The Site Plan (Pet. 1) is attached hereto and incorporated herein.
3. Petitioners shall comply with DEPS ZAC comment which is attached hereto and incorporated herein.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm

GENERAL SITE INFORMATION

1. Ownership: RW Tracey LLC
4400 Mt Carmel Road Hampstead, MD 21074
2. Address: Mt Carmel Road Hampstead, MD 21074
3. Deed reference: JLE 45283/003 Parcel One
The subject lot was created November 16, 1935 CWB J 962/498
4. Area: 0.953 of an acre (per deed)
5. Tax Map / Parcel / Tax account #: 14 / ___ / 05-03-047477
6. Election District: 5 Councilmanic District: 3
AGC Map: GIS file 014C3 Position sheet: 1D8WV10
Census tract: 405200 Census block: 340054050001046
Schools: Fifth District ES: Hereford MS Hereford HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS files 014C3 and the information provided by Baltimore County on the Internet.
8. Improvements: Vacant. -proposed single family dwelling.

OFFICE OF ZONING

Zoning: R.C. 2 There are no previous zoning cases on the subject parcels.

R.C. 2 Setbacks for Residential Buildings

Front: 75 feet from the centerline of the road
Side / Rear: 35 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Prettyboy Reservoir URDL land type: 1

1. A future dwelling will be served by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

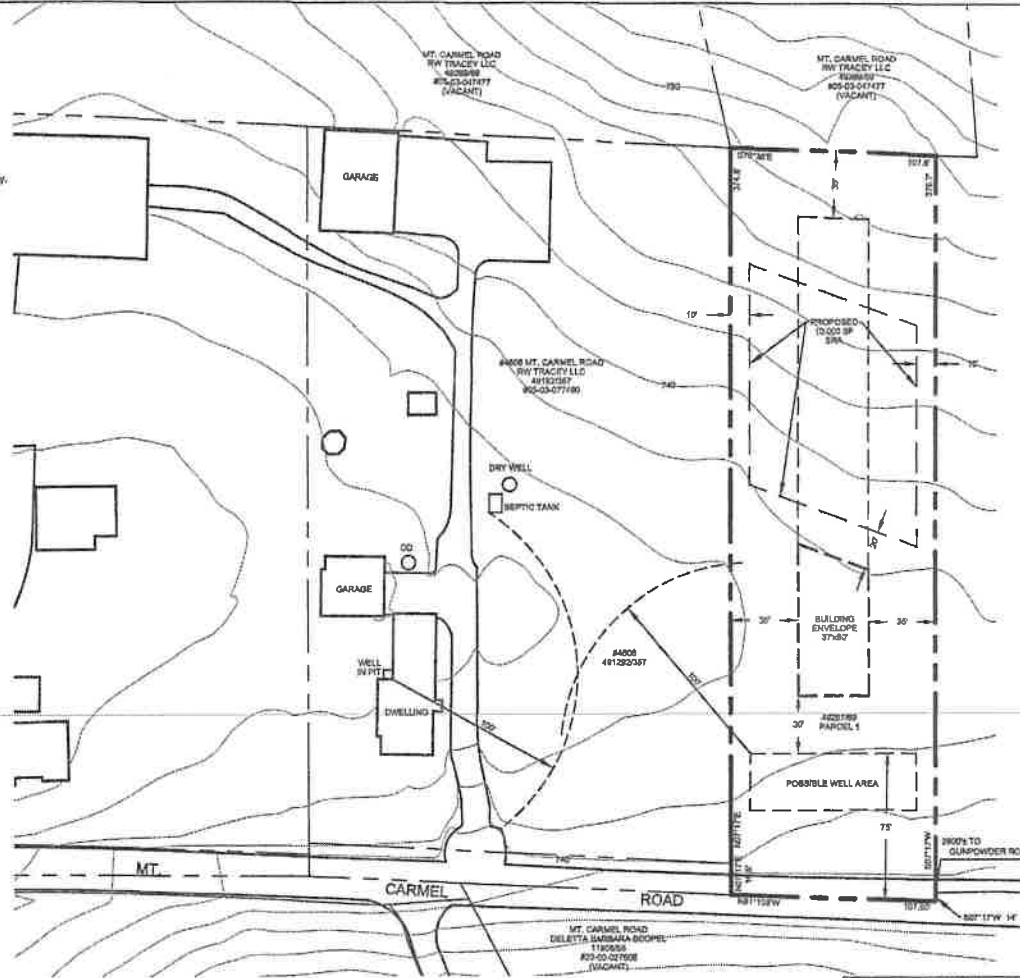
OFFICE OF PLANNING

Regional Planning District: Prettyboy District Code: 302

1. The subject property is not in a historic district.
2. Growth Tier: 4

PROPOSED DEVELOPMENT

To construct a single family dwelling on the subject lot.



Vicinity Map - Scale: 1" = 1200'

84510 MT. CARMEL ROAD
EVERARD P. COX TRUSTEE
LELA B. COX TRUSTEE
581 5108
805-03-043430

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3901 Belter Schoolview Road
Pikesville, MD 21113
o 443-900-3530 f 410-419-4903
bdoak@bruceedoakconsulting.com

**PLAN TO ACCOMPANY
A ZONING PETITION
FOR
R.W. TRACEY LLC PROPERTY
MT. CARMEL ROAD
BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT**

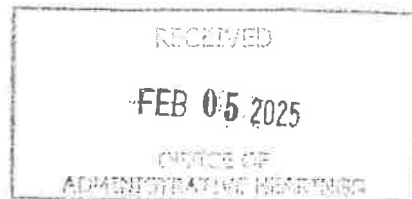
Date: 11/4/2024
Scale: 1"=60'



Dr. E. #1

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 5, 2025

SUBJECT: DEPS Comment for Zoning Item # 2025-0008-SPHA
Address: MT. CARMEL ROAD
Legal Owner: RW Tracey, LLC

Zoning Advisory Committee Meeting of January 31, 2025.

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:

Reviewer: Libby Errickson

-
1. EPS-GWM does not oppose the Zoning relief requested, but be advised that the following conditions will be required prior to building permit approval from GWM.
 - a. Ground Water Management approval must be obtained prior to approval of the building permit.

- b. A perc application must be submitted and approved by Ground Water Management prior to approval of a building permit. A minimum 10,000 square foot septic reserve area sufficient for an initial system installation and two replacement systems is required for a dwelling unit.
- c. The proposed well and septic reserve area must meet all requirements of COMAR 26.04.02 and COMAR 26.04.03. No variances will be considered for a vacant lot/new dwelling construction.

Additional Comments:

Reviewer: Mia Lowery



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address Mt CARMEL ROAD which is presently zoned RC2
Deed References: 49289/69 PARCEL ONE 10 Digit Tax Account # 0503047477
Property Owner(s) Printed Name(s) RW TRACEY LLC

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED PAGE

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. a **Variance** from Section(s)

SEE ATTACHED PAGE

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED 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 petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee: Carol Regina Tracey
Trustee of the Carol Regina Tracey Trust
Dated March 24, 2022

Name - Type or Print
Carol Regina Tracey
Signature
16045 Stanglazer Pl. Bonita Springs FL
Mailing Address City State
34135 443-487-1672 carol.t.888@gmail.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

RW TRACEY LLC
Name #1 - Type or Print Name #2 - Type or Print
 David Tracey, manager
Signature #1 Signature #2 TITLE
4430 Mt CARMEL ROAD HAMPSTEAD MD
Mailing Address City State
21074 410-984-4621 david.eric@eng.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

J. Neil Lenzi
Name - Type or Print
M. J. Ham
Signature
10 Olympic Pkce Ste 501 MD
Mailing Address City State
21204, 410-659-1390
Zip Code Telephone # Email Address
nlenzi@wclaw.com

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC
Name - Type or Print
Bruce E Doak
Signature
3801 BAKER SCHOOLHOUSE ROAD FREEWIND MD
Mailing Address City State
21053 410-419-4906
Zip Code Telephone # Email Address
BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2025-0008-SPHA Filing Date 1/11/25

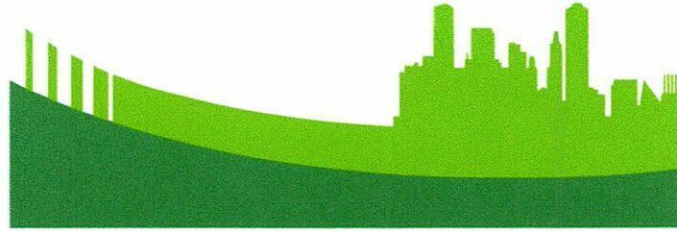
Do Not Schedule Dates: _____ Reviewer M

REV. 10/4/11

Zoning Hearing Petitions Being Requested

Special Hearing to permit an existing lot that was created in 1935 to have an area of 0.963 of an acre in lieu of the required one acre per Section 1A01.3.B.2 BCZR

Variance to permit an existing lot that was created in 1935 to have an area of 0.963 of an acre in lieu of the one acre minimum in a RC 2 zone per Section 1A01.3.B.2 BCZR



Zoning Description

Mt. Carmel Road
Fifth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the northern side of Mt Carmel Road, being westerly 2,800', more or less, from the centerline of Gunpowder Road, thence running to the center of said road and running on the outlines of the subject property 1) South 07 degrees 17 minutes West 14 feet, thence running in the center of said road and continuing to run on the outlines of the subject property 2) North 81 degrees 08 minutes West 107.60 feet, thence leaving said centerline and continuing to run on the outlines of the subject property 3) North 07 degrees 17 minutes East 16.5 feet to the north side of said road, thence leaving said road and continuing to run on the outlines of the subject property, the three following courses and distances, viz. 4) North 07 degrees 17 minutes East 374.5 feet, 5) South 79 degrees 38 minutes East 107.6 feet and 6) South 07 degrees 17 minutes West 376.7 feet to the point of beginning.

Containing 0.963 of an acre of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

GENERAL SITE INFORMATION

- Ownership: RW Tracey LLC
4430 Mt Carmel Road Hampstead, MD 21074
- Address: Mt Carmel Road Hampstead, MD 21074
- Deed references: JLE 49289/69 Parcel One
The subject lot was created November 16, 1935 CWB Jr 962/498
- Area: 0.963 of an acre (per deed)
- Tax Map / Parcel / Tax account #: 14 / / 05-03-047477
- Election District: 5 Councilmanic District: 3
ADC Map: GIS tile: 014C3 Position sheet: 108NW10
Census tract: 405000 Census block: 240054050001046
Schools: Fifth District ES Hereford MS Hereford HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County.
All other information shown hereon was taken from Baltimore County GIS tiles 014C3 and the information provided by Baltimore County on the Internet.
- Improvements: Vacant. Proposed single family dwelling.

OFFICE OF ZONING

Zoning: R.C. 2 There are no previous zoning cases on the subject parcels.

R.C. 2 Setbacks for Residential Buildings

Front: 75 feet from the centerline of the road
Side / Rear: 35 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Prettyboy Reservoir URDL land type: 1

- A future dwelling will be served by a private well and septic system.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

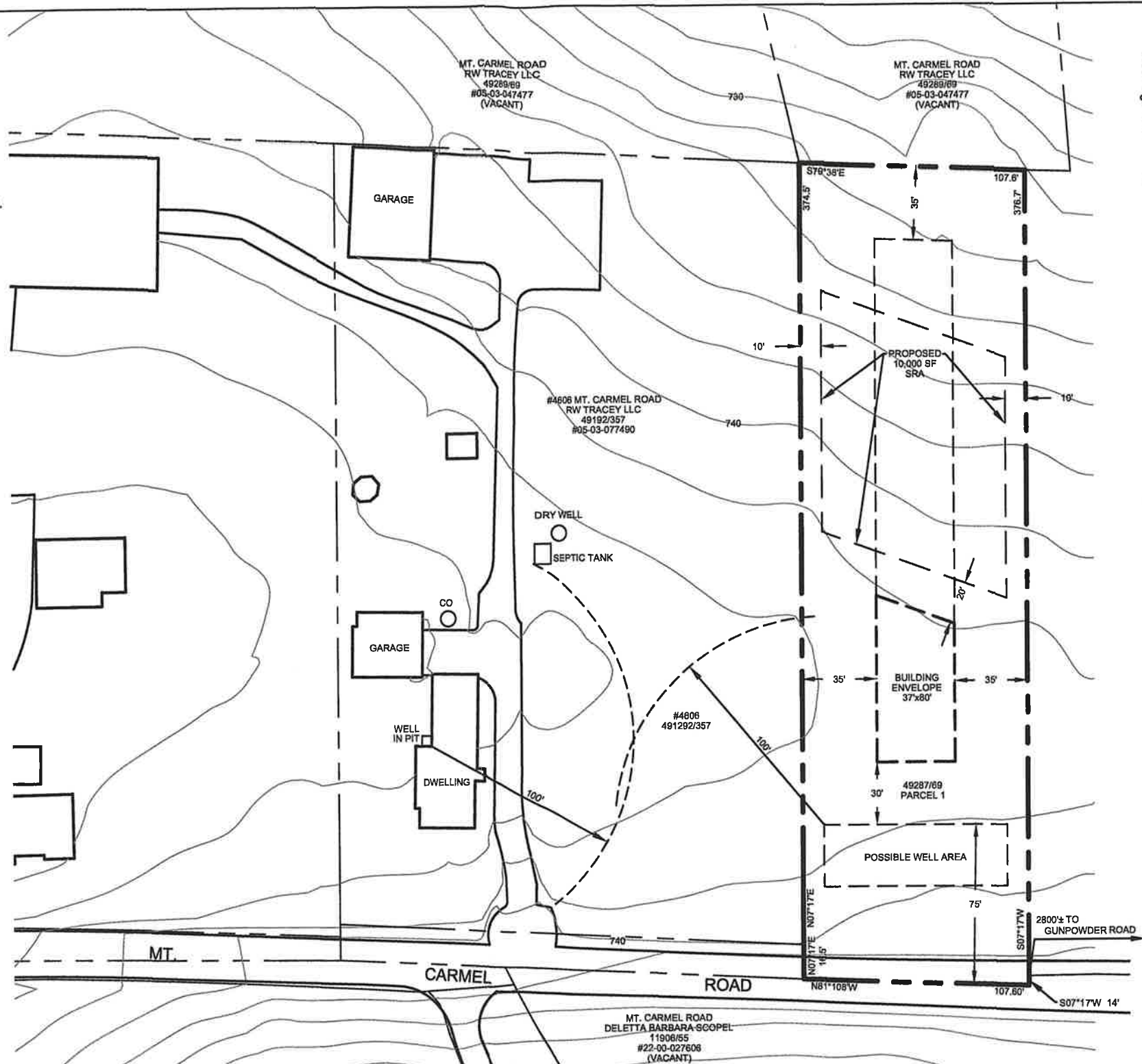
OFFICE OF PLANNING

Regional Planning District: Prettyboy District Code: 302

- The subject property is not in a historic district.
- Growth Tier: 4

PROPOSED DEVELOPMENT

To construct a single family dwelling on the subject lot.



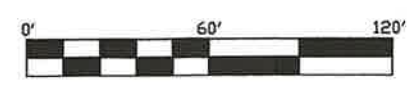
Vicinity Map - Scale: 1" = 1200'

#4610 MT. CARMEL ROAD
EVERARD F. COX, TRUSTEE
LELA S. COX, TRUSTEE
35813/108
#05-03-048430

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5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT**

Date: 11/4/2024
Scale: 1" = 60'



REVISION

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: _____
Property Address: MT CARMEL ROAD - NORTH SIDE
Property Description: 0.963 OF AN ACRE OF LAND, 2,800' WESTERLY
OF GUNPOWDER ROAD
Legal Owners (Petitioners): R. W. TRACEY LLC
Contract Purchaser/Lessee: CAROL REGINA TRACEY

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK
Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC
Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053

Telephone Number: 410-419-4906

10/03/24

EVOLUTION OF TITLE

B. DOAK

R W TRACEY LLC

0.963 AC 49289/69
PARCEL DNG
6/9/2024

ROBERT W. TRACEY

0.963 AC 10966/115 PARCEL DNG
3/8/1995

HESTER F. COOPER
PAUL R. COOPER

0.963 AC 6368/765
2/3/1982

PAUL R. COOPER
HESTER F. COOPER

0.963 AC / 5618/301
2/2/1976 } PRIOR REF.
DORIS E. PENNINGTON

1622/264
1/23/1947

PAUL R. COOPER
HESTER F. COOPER

0.963 AC 1622/264 FIRST
1/23/1947 PARCEL

DORIS E. PENNINGTON

0.963 AC 1622/262
1/23/1947

PAUL R. COOPER
HESTER R. COOPER PAUL R. COOPER

0.963 AC 955/491 962/498
11/8/1935 11/16/1935

JAMES E. RYTON et al

560 496/118 (3) PARCELS 634/206
3/31/1926

JAMES E. BOYLAN JR

TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND
COUNTY TRANSFER TAX KP
ART 11 TITLE 3 SUBTITLE 2.11-3-202
RECORDATION TAX KP
T,P,ART 12-108 Date 08-06-2024

Baltimore County Cir Crt
IMP FD SURE \$40.00
RECORDING FEE \$20.00
TOTAL \$60.00
JLE AP
Aug 07, 2024 12:50 pm

TRANSFER INTO LLC
TAX EXEMPT PURSUANT TO §12-108(bb) and §13-207(a)(18)
and §13-305 (h)

NO TITLE EXAMINATION
NO CONSIDERATION

Tax ID: 05-03-047477, 05-03-047475

DEED

THIS DEED made this 13 day of July, 2024, by and between **ROBERT W. TRACEY**, party of the first part, hereinafter referred to as the "GRANTOR," and **RW Tracey, LLC**, a Maryland Limited Liability Company, party of the second part, hereinafter referred to as "GRANTEE."

WITNESSETH, that in consideration of the sum of Zero Dollars (\$0.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, that said Grantor, does hereby grant and convey unto Grantee, as SOLE OWNER, its successors and/or assigns, in FEE SIMPLE, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows:

SEE ATTACHED SCHEDULE A

TOGETHER with the buildings thereupon, and rights, alleysways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD this said described lot of ground and premises to GRANTEE, as Sole Owner, its successors and/or assigns, in FEE SIMPLE.

AND the party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed, that he will warrant specially the property hereby granted, and that he will execute such further assurances of the same as may be requisite.

As evidenced by the signatures below, the GRANTOR confirms: (a) the transfer of the real estate is for no other consideration than the issuance of membership interest in the GRANTEE; (b) the members of the GRANTEE are identical to the GRANTOR (sole member of the conveying real estate enterprise); (c) GRANTEE'S allocations of profits and losses are identical to its current allocation in the real estate enterprise; (d) transfer is part of the discontinuation of the real estate enterprise; and (e) all non-primary residence real property owned by GRANTOR is being conveyed to GRANTEE.

SIGNATURES AND NOTARY CONTINUE ON THE FOLLOWING PAGE

REVIEWED SDAT
BY JZ DATE 7-10-24

ADDITIONAL TRANSFER TAX DUE
AMOUNT 271.20 RECORDED 67.80
DATE 7/9/2024
CODED _____

WITNESS the hand and seal of said GRANTOR.

Robert W. Tracey (SEAL)
ROBERT W. TRACEY

STATE OF MARYLAND, CITY/COUNTY OF Carroll, to wit:

I HEREBY CERTIFY, That on this 4th day of Apr, 2024, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Robert W. Tracey known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and ~~who~~ acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

WITNESS WHEREOF, I hereunto set my hand and official seal.



[Signature]
NOTARY PUBLIC

CERTIFICATION

THIS IS TO CERTIFY, that the within instrument has been prepared by a Maryland Attorney or a party to the within instrument.

[Signature]
Andrew M. Winick, Esquire

UPON RECORDING, RETURN TO:
Breza & Associates, LLC
11019 McCormick Road, Suite 400
Hunt Valley, MD 21031

SCHEDULE A

Parcel 1 - 05-03-047477- Agricultural - parcel 1 and 2

PARCEL ONE: BEGINNING for the first for the outlines to include the same at a stone at the easternmost corner of that lot of land conveyed by Wesley Ports and wife to Charles Carroll Wheeler and wife dated April 6, 1933, and recorded among the Land Records of Baltimore County in Liber LMcLM No. 911, folio 172, etc., and running thence reversing the North 82½ degrees West 48½ perches lines in a deed from George W. Ports, Trustee, to Wesley Ports dated June 12, 1880, and recorded among the aforesaid records in Liber WMI No. 140, folio 47, etc., South 79 degrees 38 minutes East 107.6 feet to a stone thence by a line of division as now located South 7 degrees 17 minutes West 376.7 feet to an iron pipe on the East side of the Hampstead-Beckleysville Road South 7 degrees 17 minutes West 14 feet to a point near the center of said road thence bounding thereon North 81 degrees 8 minutes West 107.60 feet to the abovementioned lot conveyed to Charles Carroll Weaver and wife running thence with the same North 7 degrees 17 minutes East 16.5 feet to a stone on the east side of the road North 7 degrees 17 minutes East 374.5 feet to the place of beginning and containing 0.963 of an acre of land, more or less.

PARCEL TWO: BEGINNING for the second parcel thereof at the end of the first line of the lot above described at a stone, said stone being the end of the South 13½ degrees East 57 perches line of a deed from George W. Ports, Trustee, to Wesley Ports dated June 12, 1880, and recorded among the Land Records of Baltimore County in Liber WMI No. 140, folio 47, etc., and running thence by lines of division as now located North 4 degrees East 700 feet to a stone North 8 degrees 15 minutes East 821.8 feet to a stone North 73 degrees 45 minutes West 99 feet to an old boundary stone marked "T" thence with the above mentioned deed, the two following lines, South 22 degrees 45 minutes West 660 feet to a stone marked "L" South 10 degrees 45 minutes East 940.5 feet to the place of beginning and containing 5.113 acres of land, more or less.

Being the same parcel of land which by Deed dated March 8, 1995 and recorded among the Land Records of Baltimore County on March 8, 1995, in Liber 10966, folio 115, was granted and conveyed by and between Hester F. Cooper unto Robert W. Tracey.

Parcel 2 - 05-03-047475- Agricultural

PARCEL FOUR: Beginning for the second thereof at the outlines to include the same at the beginning in a Deed from Andrew S. Schultz and others to Wesley Ports bearing date November 22, 1901, and recorded among the Land Records aforesaid in Liber NEM No. 257, folio 535, etc., and running thence with said Deed North 82 degrees West 5-8/10 perches South 16-1/4 degrees West 14 perches to a point where formerly stood a stone and marked chestnut tree on the northwest side of the Lower Beckleysville Road and thence along said road North 48-1/4 degrees East 165-4/10 feet to a stone thence by a line of division as located and agreed upon North 18 degrees East 104-1/2 feet to the first place of beginning, containing 18,000 square feet of land, more or less.

Being the same parcel of land which by Deed dated March 8, 1995 and recorded among the Land Records of Baltimore County on March 8, 1995, in Liber 10966, folio 115, was granted and conveyed by and between Hester F. Cooper unto Robert W. Tracey.

MARYLAND FORM WH-AR Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2024

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor ROBERT W. TRACEY

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).
BALT CNTY - LOWER BECKLEYSVILLE 0503047475 AND MT CARMEL 0503047477

3. Reasons for Exemption

- Resident Status** As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.
- Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
- Principal Residence** Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

[Signature] _____ ROBERT W. TRACEY 6/4/24
 Witness Name **Date

[Signature] _____
 Signature

3b. Entity Transferors

 Witness/Attest

 Name of Entity

By _____
 Name **Date

 Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 49289, p. 0073, MSA_CE62_49146. Date available 08/09/2024. Printed 09/25/2024.

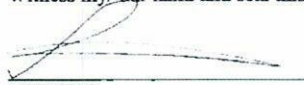
AFFIDAVIT

RE: 0503047477 and 0503047475

UNDER THE PENALTIES OF PERJURY, we, the undersigned, having been duly sworn in accordance with law, do hereby solemnly swear and affirm that to the best of our knowledge, information and belief, as follows:

- A) the transfer of the above-referenced property was for no consideration other than the issuance of membership interest in the limited liability company;
- B) the members of the limited liability company are identical to the members of the conveying real estate enterprise;
- C) each member's allocation of the profits and losses of the limited liability company are identical to that member's allocation of the profits and the losses of the conveying real estate enterprise;
- D) the transfer is part of a discontinuation of the real estate enterprise; and
- E) all real property owned by the transferors and used in the conduct of any real estate enterprise is being conveyed to a single limited liability company.

Witness my/our hand and seal this 4th day of June, 2024.

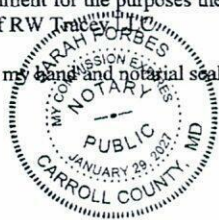

WITNESS


 (SEAL)
Robert W. Tracey

STATE OF Maryland, CITY/COUNTY OF Chesell, to wit:

I HEREBY CERTIFY THAT on this 4th day of June, 2024, before me, the subscriber, a Notary Public of the jurisdiction aforesaid, personally appeared Robert W. Tracey, Individually and as a Member of RW Tracey, LLC, known to me (or satisfactorily proven) to be the person described in the foregoing instrument and made oath in due form of law, and under the penalties of perjury, that he is one of the Sole Members of RW Tracey LLC, that the matters and facts set forth herein are true and accurate, and that he executed the foregoing instrument for the purposes therein contained on behalf of himself as an individual and as a Member of RW Tracey LLC.

As witness, my hand and notarial seal.




NOTARY PUBLIC
My Commission Expires: _____

State of Maryland Land Instrument Intake Sheet

Baltimore City County: Baltimore
Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

1 Type(s) of Instruments
2 Conveyance Type
3 Tax Exemptions (if applicable)
4 Consideration and Tax Calculations

Finance Office Use Only
Transfer and Recordation Tax Consideration
Transfer Tax Consideration
Total Transfer Tax
Recordation Tax Consideration
TOTAL DTF

4 Consideration and Tax Calculations
Consideration Amount
Purchase Price Consideration \$ 0.00
Any New Mortgage \$
Balance of Existing Mortgage \$
Other \$
Full Cash Value \$

5 Fees
Amount of Fees
Recording Charge \$ 20.00
Surcharge \$ 40.00
State Recordation Tax \$
State Transfer Tax \$
County Transfer Tax \$
Other \$

6 Description of Property
SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).
District: 05
Property Tax ID No. (1): 0503047475, 0503047477
Grantor Liber/Folio:
Map:
Parcel No.:
Var. LOG: (5)
Subdivision Name:
Lot (Ja):
Block (3b):
Sect/AR (3c):
Plat Ref.:
Sq Ft. Acreage (4):
Location/Address of Property Being Conveyed (2):
Other Property Identifiers (if applicable):
Water Meter Account No.:
Residential X or Non Residential
Fee Simple X or Ground Rent Amount: N/A
Partial Conveyance? Yes X No Description, Apt. of Sq Ft. Acreage Transferred: N/A
If Partial Conveyance, List Improvements Conveyed: N/A
Doc. 1 - Grantor(s) Name(s): Robert W. Tracey
Doc. 2 - Grantor(s) Name(s):
Doc. 1 - Owner(s) of Record, if Different from Grantor(s):
Doc. 2 - Owner(s) of Record, if Different from Grantor(s):
Doc. 1 - Grantee(s) Name(s): RW Tracey, LLC
Doc. 2 - Grantee(s) Name(s):
New Owner's (Grantee) Mailing Address:

7 Transferred From
8 Transferred To
9 Other Names to Be Indexed
Doc. 1 - Additional Names to be Indexed (Optional)
Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information
Instrument Submitted By or Contact Person
Name: Sarah Forbes
Firm: Community Settlement Group, LLC
Address: 11019 McCormick Road, Suite 400
Hunt Valley, MD, 21031
Phone:
Return to Contact Person
Hold for Pickup
Return Address Provided
11 Assessment Information
IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
Yes X No Will the property being conveyed be the grantee's principal residence?
Yes X No Does transfer include personal property? If yes, identify:
Yes X No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)

Assessment Use Only - Do Not Write Below This Line
Terminal Verification Agricultural Verification Whole Part Tran. Process Verification
Transfer Number Date Received Deed Reference: Assigned Property No.:
Year 20 20
Geo. Map: Sub Block
Land Zoning: Grid Plat Lot
Buildings Use: Parcel Section Occ Cd.
Total Town Cd. Ex. St. Ex. Cd.
REMARKS:

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 49289, p. 0075, MSA_CE62_49146, Date available 08/09/2024. Printed 09/25/2024.

Space Reserved for County Validation

No 51368

James E Rheten et al) This Deed made this 16th day of November 1935 by James E Rheten and
Deed To) Sadie E Rheten his wife of Baltimore County State of Maryland part-
Paul Cooper) ties of the first part and the Hampstead Bank of Carroll County Md
U S S \$1.) a body corporate Mortgagee as party of the second part and Paul
Cooper of Baltimore County Maryland as party of the third part

Whereas the Hampstead Bank of Carroll County Md a body corporate is the holder of a Mortgage on the parcels of land hereinafter described they unite in this Deed for the purpose of conveying said property free clear and discharged from the operation and effect of their said Mortgage

Now Therefore this Deed Witnesseth that for and in consideration of the sum of Five Dollars and other good and valuable considerations the receipt of which is hereby acknowledged the said parties of the first and second part do hereby grant convey and release unto the said Paul Cooper his heirs and assigns in fee simple free clear and discharged from their respective interests and estates therein all those two parcels of land situated in the Fifth Election District of Baltimore County and which according to survey made by Harry S Merfit Civil Engineer on November 9th 1935 are described as follows

Beginning for the outlines to include the same at a stone at the Easternmost corner of the lot of land conveyed by Wesley Perts and wife to Charles Carroll Wheeler and wife dated April 6th 1933 and recorded among the Land Records of Baltimore County in Liber L McL M No 911 Folio 172 etc and running thence reversing the North 82½ degrees West 48½ perches line in a deed from George W Perts Trustee to Wesley Perts dated June 12th 1890 and recorded among the aforesaid records in Liber W M I No 140 Folio 47 etc South 79 degrees 38 minutes East 107.6 feet to a stone thence by a line of division as now located South 7 degrees 17 minutes West 376.7 feet to an Iron pipe on the East side of the Hampstead Beckleysville Road South 7 degrees 17 minutes West 14 feet to a point near the centre of said Road thence bounding thence North 81 degrees 8 minutes West 107.6 feet to the above mentioned lot conveyed to Chas Carroll Weaver and wife running thence with the same North 7 degrees 17 minutes East 16.5 feet to a stone on the east side of the Road North 7 degrees 17 minutes East 374.5 feet to the place of beginning containing nine hundred and sixty three one thousandths (0.963) of an acre of land more or less

Beginning for the second parcel thereof at the end of the first line of the lot above described at a stone and stone being the end of the South 13½ degrees East 57 perched line of a Deed from George W Perts Trustee to Wesley Perts dated June 12th 1890 and recorded among the Land Records of Baltimore County in Liber W M I No 140 Folio 47 etc and running thence by line of division as now located North 4 degrees east 700 feet to a stone North 8 degrees 15

SEL. PER TICKET JUN 10 1935

BALTIMORE COUNTY COURTHOUSE BALTIMORE MARYLAND

minutes East 821.8 feet to a stone North 73 degrees 45 minutes West 99 feet to an old bound-
ary stone marked T thence with the above mentioned used the two following lines South 22
degrees 45 minutes West 660 feet to a stone Marked L South 10 degrees 45 minutes East 940.5
feet to the place of beginning Containing 5.113 acres of land more or less

Being a part of the tract of land which by deed dated March 31st 1926 and recorded
among the Land Records of Baltimore County in Liber W P C No 634 folio 206 etc was conveyed
by James E Beylan Jr Assignee to James E Rhoten and wife

Together with the buildings and improvements thereupon erected and all and every the
rights ways roads waters privileges appurtenances and advantages to the same belonging or
in anywise appertaining

To Have and to Hold the aforesaid parcels of land with the privileges appurtenances and
advantages to the same belonging or in anywise appertaining unto and to the proper use and
benefit of the said Paul Cooper his heirs and assigns in fee simple

And the said James E Rhoten and Sadie E Rhoten his wife hereby covenant that they
will warrant specially the property hereby conveyed that they have ~~some~~ not act matter
or thing whatsoever or permitted to be done anything which will encumber said property and
that they will execute such further assurances as may be requisite

Witness the hands and seals of the parties of the first part and the corporate seal of the
party of the second part and the signature of William H S Allgire President of the Hampstead
Bank of Carroll County Md a body corporate

Correction Addition of Md made before execution

Test	James E Rhoten	(Seal)
Hubert B Miller	Sadie E Rhoten	(Seal)
	Hampstead Bank of Carroll County Md	
J William Kelbaugh	a body corporate	
Secretary-Treasurer	By William H S Allgire	(Corporate Seal)
	President	

State of Maryland Carroll County to wit

I Hereby Certify that on this 18th day of November 1935 before me the subscriber a
Notary Public in and for the County aforesaid personally appeared James E Rhoten and Sadie
E Rhoten his wife and Wm H S Allgire President of the Hampstead Bank of Carroll County Md
a body corporate and they each acknowledged the foregoing Deed to be their respective acts
and the act of said body corporate

Witness my hand and Notarial Seal

Herbert B Miller
Notary Public (Notarial Seal)

Recorded Nov, 21st 1935 at 11 30 A M and Exd per C Willing Browne Jr - Clerk

No 51349
 The Home Friendly Ins Co)
 Deed To) This Deed made this fourteenth day of November in the year
 The Glen Real Estate Co) nineteen hundred and thirty-five by The Home Friendly Insurance
 U S \$ \$1.50) Company a body corporate of the State of Maryland of the first
) part
) Witnesseth that in consideration of the sum of One Thousand
) two Hundred and fifty (\$1250.00) Dollars the said The Home Friendly Insurance Company a body

BALTIMORE COUNTY CIRCUIT COURT (Land Records) CWB Jr. 962, P. 0499, MSA, CE62, 817. Date available 01/18/2006. Printed 10/03/2024.

MAR 10 1936



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address Mt CARMEL ROAD which is presently zoned RC2
Deed References: 49289/69 PARCEL ONE 10 Digit Tax Account # 0503047477
Property Owner(s) Printed Name(s) RW TRACEY LLC

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED PAGE

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. a **Variance** from Section(s)

SEE ATTACHED PAGE

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED 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 petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee: Carol Regina Tracey
Trustee of the Carol Regina Tracey Trust
Dated March 24, 2022

Name - Type or Print
Carol Regina Tracey
Signature
16045 Stanglazer Pl. Bonita Springs FL
Mailing Address City State
34135 443-487-1672 carol.t.888@gmail.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

RW TRACEY LLC
Name #1 - Type or Print Name #2 - Type or Print
David Tracey, manager
Signature #1 Signature #2 TITLE
4430 Mt CARMEL ROAD HAMPSTEAD MD
Mailing Address City State
21074 410-984-4621 david.eric@eng.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

J. Neil Lanza
Name - Type or Print
M. Lanza
Signature
10 Olympic Place Ste 501 MD
Mailing Address City State
21204 410-559-1390
Zip Code Telephone # Email Address
nlanza@westlaw.com

Representative to be contacted:

Bruce E. Doak
Name - Type or Print
Bruce E. Doak Consulting LLC
Signature
3801 Baker Schoolhouse Road FreeMD MD
Mailing Address City State
21053 410-419-4906
Zip Code Telephone # Email Address
BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2025-0008-SPHA Filing Date 1/11/25

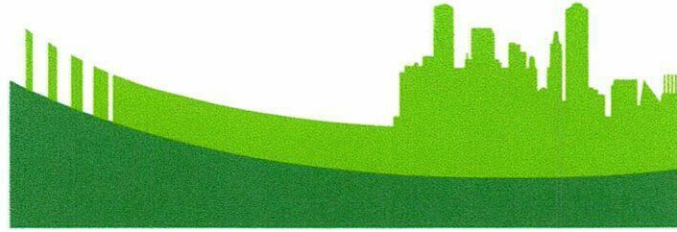
Do Not Schedule Dates: _____ Reviewer M

REV. 10/4/11

Zoning Hearing Petitions Being Requested

Special Hearing to permit an existing lot that was created in 1935 to have an area of 0.963 of an acre in lieu of the required one acre per Section 1A01.3.B.2 BCZR

Variance to permit an existing lot that was created in 1935 to have an area of 0.963 of an acre in lieu of the one acre minimum in a RC 2 zone per Section 1A01.3.B.2 BCZR



Zoning Description

Mt. Carmel Road

Fifth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the northern side of Mt Carmel Road, being westerly 2,800', more or less, from the centerline of Gunpowder Road, thence running to the center of said road and running on the outlines of the subject property 1) South 07 degrees 17 minutes West 14 feet, thence running in the center of said road and continuing to run on the outlines of the subject property 2) North 81 degrees 08 minutes West 107.60 feet, thence leaving said centerline and continuing to run on the outlines of the subject property 3) North 07 degrees 17 minutes East 16.5 feet to the north side of said road, thence leaving said road and continuing to run on the outlines of the subject property, the three following courses and distances, viz. 4) North 07 degrees 17 minutes East 374.5 feet, 5) South 79 degrees 38 minutes East 107.6 feet and 6) South 07 degrees 17 minutes West 376.7 feet to the point of beginning.

Containing 0.963 of an acre of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

GENERAL SITE INFORMATION

- Ownership: RW Tracey LLC
4430 Mt Carmel Road Hampstead, MD 21074
- Address: Mt Carmel Road Hampstead, MD 21074
- Deed references: JLE 49289/69 Parcel One
The subject lot was created November 16, 1935 CWB Jr 962/498
- Area: 0.963 of an acre (per deed)
- Tax Map / Parcel / Tax account #: 14 / / 05-03-047477
- Election District: 5 Councilmanic District: 3
ADC Map: GIS tile: 014C3 Position sheet: 108NW10
Census tract: 405000 Census block: 240054050001046
Schools: Fifth District ES Hereford MS Hereford HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County.
All other information shown hereon was taken from Baltimore County GIS tiles 014C3 and the information provided by Baltimore County on the Internet.
- Improvements: Vacant. Proposed single family dwelling.

OFFICE OF ZONING

Zoning: R.C. 2 There are no previous zoning cases on the subject parcels.

R.C. 2 Setbacks for Residential Buildings

Front: 75 feet from the centerline of the road
Side / Rear: 35 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Prettyboy Reservoir URDL land type: 1

- A future dwelling will be served by a private well and septic system.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

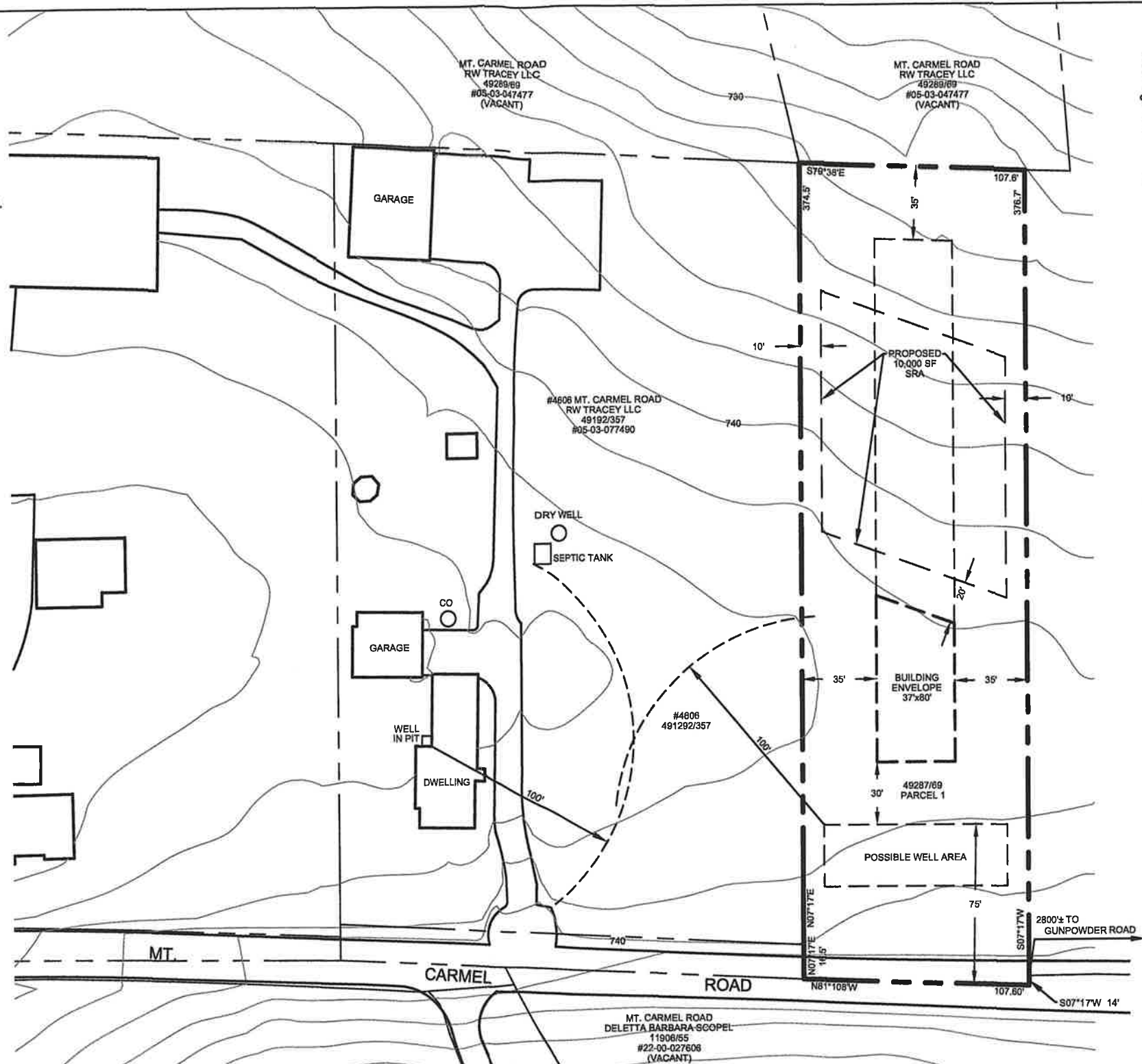
OFFICE OF PLANNING

Regional Planning District: Prettyboy District Code: 302

- The subject property is not in a historic district.
- Growth Tier: 4

PROPOSED DEVELOPMENT

To construct a single family dwelling on the subject lot.



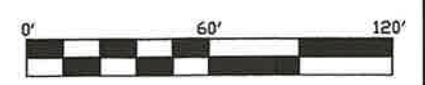
Vicinity Map - Scale: 1" = 1200'

#4610 MT. CARMEL ROAD
EVERARD F. COX, TRUSTEE
LELA S. COX, TRUSTEE
35813/108
#05-03-048430

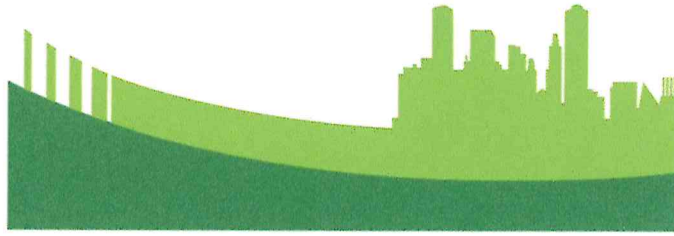
Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

**PLAN TO ACCOMPANY
A ZONING PETITION
FOR
R.W. TRACEY LLC PROPERTY
MT. CARMEL ROAD
BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT**

Date: 11/4/2024
Scale: 1" = 60'



REVISION



CERTIFICATE OF POSTING

January 31, 2025

_____ amended for second inspection

Re:
Zoning Case No. 2025-0008-SPHA
Legal Owner: RW Tracey, LLC
Hearing date: February 25, 2025

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **Mt Carmel Road**.

The signs were initially posted on **January 31, 2025**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink that reads "Bruce E. Doak". The signature is stylized and cursive.

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

Case #: 2025-0008-SPHA

Mt. Carmel Road

(N/side of Mt Carmel Rd, 2800' from centerline of Gunpowder Rd)

Council District 3, Election District 5
Legal Owners: RW Tracey, LLC

VARIANCE: To permit an existing lot that was created in 1935 to have an area of 0.963 of an acre in lieu of the one acre minimum in a RC-2 zone, per Baltimore County Zoning Regulations (BCZR), Section 1A01.3.B.2.

SPECIAL HEARING: To permit an existing lot that was created in 1935 to have an area of 0.963 of an acre in lieu of the one acre minimum in a RC-2 zone, per Baltimore County Zoning Regulations (BCZR), Section 1A01.3.B.2.

Hearing Date: Tuesday, February 25, 2025 at 11:00 a.m.

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21284. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 - Towson, Maryland 21284 - Phone 410.887.1568, ext. 11

Email: administrativehearings@baltimecountymd.gov

HANDICAPPED ACCESSIBLE

ZONING HEARING

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 105, Towson, Maryland 21284, Phone: 410-321-3300 ext. 207
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext 0
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

ZONING HEARING

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Mt. Carmel Road

(N/side of Mt Carmel Rd, 2800' from centerline of Gunpowder Rd)

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Legal Owners: RW Tracey, LLC**

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Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21284 - Phone 410-887-3868, ext.0

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 05 **Account Number -** 0503047477

Owner Information

Owner Name: RW TRACEY LLC **Use:** AGRICULTURAL
Principal Residence: NO
Mailing Address: 4430 MOUNT CARMEL RD **Deed Reference:** /49289/ 00069
 HAMPSTEAD MD 21074-2938

Location & Structure Information

Premises Address: MT CARMEL RD **Legal Description:** 6.78 AC
 HAMPSTEAD 21074-2938 NS MT CARMEL RD
 8800 W FALLS RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0014 0024 0012 5030002.04 0000 2023 **Plat Ref:**

Town: None

Primary Structure BuiltAbove Grade Living AreaFinished Basement AreaProperty Land AreaCounty Use
 6.7800 AC 05

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
 /

Value Information

	Base Value	Value	Phase-in Assessments	
			As of 01/01/2023	As of 07/01/2024
Land:	1,500	1,500		As of 07/01/2025
Improvements	0	0		
Total:	1,500	1,500	1,500	1,500
Preferential Land:	1,500	1,500		

Transfer Information

Seller: TRACEY ROBERT W	Date: 08/07/2024	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /49289/ 00069	Deed2:
Seller: COOPER PAUL R	Date: 03/08/1995	Price: \$220,000
Type: ARMS LENGTH MULTIPLE	Deed1: /10966/ 00115	Deed2:
Seller: COOPER PAUL AG U SE 83-84	Date: 11/29/1947	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06368/ 00765	Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: January 27, 2025

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2025-0008-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No Comment.

DPW-T: No Exception taken.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 5, 2025

SUBJECT: DEPS Comment for Zoning Item # 2025-0008-SPHA
Address: MT. CARMEL ROAD
Legal Owner: RW Tracey, LLC

Zoning Advisory Committee Meeting of January 31, 2025.

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:

Reviewer: Libby Errickson

-
1. EPS-GWM does not oppose the Zoning relief requested, but be advised that the following conditions will be required prior to building permit approval from GWM.
 - a. Ground Water Management approval must be obtained prior to approval of the building permit.

- b. A perc application must be submitted and approved by Ground Water Management prior to approval of a building permit. A minimum 10,000 square foot septic reserve area sufficient for an initial system installation and two replacement systems is required for a dwelling unit.
- c. The proposed well and septic reserve area must meet all requirements of COMAR 26.04.02 and COMAR 26.04.03. No variances will be considered for a vacant lot/new dwelling construction.

Additional Comments:

Reviewer: Mia Lowery

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 1/31/2025

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2025-0008

INFORMATION:

Property Address: Mt Carmel Road
Petitioner: R. W. Tracey LLC
Zoning: RC-2
Requested Action: Special Hearing and Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing - To permit an existing lot that was created in 1935 to have an area of 0.963 of an acre in lieu of the required one acre per Section 1A01.3.B.2 BCZR

Variance - To permit an existing lot that was created in 1935 to have an area of 0.963 of an acre in lieu of the one acre minimum in a RC 2 zone per Section 1A01.3.B.2 BCZR

The subject property spans 0.963 acres in the Hampstead area of Baltimore County. Zoned RC-2, the property is designated primarily for agricultural use with a pond on it. The property is surrounded by other farms, forest areas, and residential dwellings. The Account number listed on the application does not point to the proposed lot but a connecting 6.78-acre land which according to the GIS is the same owner as listed on the application.

The RC-2 zone is a zoning district established to preserve the rural character of the area and promote low-density residential development. This district is intended to maintain the natural beauty and peacefulness of the surrounding countryside, while providing for compatible land uses and development patterns.

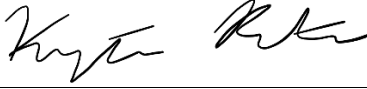
The applicant has not provided a practical hardship to justify the variance request, nor have they explained the reason for the requested special hearing and variance. The request seeks to permit an existing lot, created in 1935, to have an area of 0.963 acres instead of the required one acre, as stipulated in Section 1A01.3.B.2 BCZR.

While the Department does not object to the proposed relief request, it recommends that the Administrative Law Judge consider both the justification for the requested relief and the purpose of allowing the 0.963-acre lot to be recognized as one acre.

Additionally, the tax map indicates that the area shown on the site plan is part of a neighboring property rather than one of the parcels owned by the Petitioner. The Petitioner should clarify this discrepancy and confirm the ownership of the property in question.

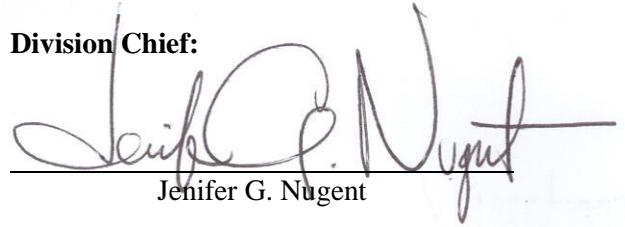
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: J. Neil Lenzi.

Joseph Wiley, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

