IN THE MATTER OF THE APPLICATION OF STEPHEN G. HUBER, ET UX FOR A SPECIAL HEARING FOR NONCONFORMING USE ON PROPERTY LOCATED ON THE NORTH SIDE OF HALCYON ROAD, EAST OF STEVENSON ROAD (LOTS 1, 2, and 3) 3rd ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 88-254-SPH

: :

AMENDED OPINION AND ORDER

This matter again comes before the Board following the Board's granting of the Petitioner's Motion for Reconsideration. By way of review, the matter originally came to the Board as an appeal from the decision of the Zoning Commissioner which granted in part and denied in part a Petition for Special Hearing (nonconforming use) to permit multi-dwelling units on the site. The Board refers to and incorporates herein its Opinion and Order of October 5, 1988.

Following the issuance of that Order, the Board received a Motion for Reconsideration from the Petitioner's attorney requesting that the Board again examine the Petition to operate the second floor apartment unit at 3448 Halcyon Road (old blacksmith shop) as a nonconforming use. For that limited purpose, the Board reconvened.

Testimony was received from three witnesses, all offered by the Petitioner. First, the Petitioner, Michaela Huber, testified about the use of the property in 1983. She produced records of the unit's listing as an apartment by the real estate agent with whom the sale was consummated. She also produced records and receipts evidencing the fact that the second floor remained a viable apartment dwelling during its renovation and repair after her purchase.

Also testifying was Gloria Baker, the then office manager of the listing agent in 1982. She advised that her employer, Becker Realty, obtained

this listing from the Naylor estate in 1981 until its sale to the Hubers in 1983. During that period of time, Mrs. Baker testified that a tenant identified as a young lady with a small child occupied the property, until a collapsed roof necessitated her vacating the apartment in the winter/early spring of 1983.

Lastly, Mrs. Nichols, a long-time resident on the site, testified. She confirmed the testimony offered by her at the earlier hearing that the blacksmith's shop was continuously occupied since she moved on-site in 1964. However, she clarified her testimony from the prior hearing and confirmed Mrs. Baker's testimony as to the tenant occupying the second-floor apartment.

There was brief testimony presented on behalf of the protestants in the person of Ira Fader. The thrust of Mr. Fader's opposition is that the property is not zoned for commercialization and dense apartment use, and it should therefore not be allowed. Although we agree in spirit with Mr. Fader's sentiments, the law provides that nonconforming uses are legally permissible when in compliance with Section 104 of the Baltimore County Zoning Regulations. That is, a nonconforming use permits a legally recognized exception to the prescribed zoning regulations.

After considering the newly-offered testimony and that offered at the prior hearing, chiefly from Mrs. Reed, we are persuaded to grant the nonconforming use and will so order.

ORDER

Upon the Petition for Special Hearing and based upon all of the evidence received therein, it is this 28th day of February, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Board's Order

of October 5, 1988 be and is hereby AMENDED as follows:

1. Paragraph 2 thereof shall be stricken in its entirety, and in lieu thereof shall be inserted:

   "That the Petition for Special Hearing for Nonconforming Use for that property known as 3448 Halcyon Road (old blacksmith shop) be and is hereby GRANTED in part and DENIED in part so that the second-floor apartment may be used as a dwelling unit; however, the first floor may not be so used."

2. In all other respects, the Order of the Board dated October 5, 1988 shall remain as if repeated herein.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Arnold G. Foreman

Harry E. Buchheister, Jr.

IN THE MATTER OF THE APPLICATION OF STEPHEN G. HUBER, ET UX FOR A SPECIAL HEARING FOR NONCONFORMING USE ON PROPERTY LOCATED ON THE NORTH SIDE OF HALCYON ROAD, EAST OF STEVENSON ROAD (LOTS 1, 2, and 3) 3rd ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 88-254-SPH

: :

RULING ON MOTION
FOR RECONSIDERATION

The Board has received a Motion for Reconsideration filed by the Petitioner in the above-entitled case. Attached to the Motion are affidavits produced by Mrs. Traute Nickel and Mrs. Gloria Baker.

Upon reading of these affidavits and consideration of the testimony previously received by the Board at the hearing of this matter on August 30, 1988, the Board feels compelled that additional testimony should be received to clarify the issue of the second-floor apartment unit at 3448 Halcyon Road, also known as the "old blacksmith shop."

Therefore, the Board will grant the Petitioner's Motion for Reconsideration to schedule an additional hearing date to take testimony as to that issue and will so order.

ORDER

After due consideration of the Petitioner's Motion for Reconsideration, it is this 4th day of November, 1988 by the County Board of Appeals of Baltimore County ORDERED that the Petitioner's Motion be and is hereby GRANTED and that the case will be set in for an additional hearing date for consideration of whether the use at 3448 Halycon Road (also known as the "old blacksmith shop") is nonconforming.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

IN THE MATTER OF THE APPLICATION OF STEPHEN G. HUBER, ET UX FOR A SPECIAL HEARING FOR NONCONFORMING USE ON PROPERTY LOCATED ON THE NORTH SIDE OF HALCYON ROAD, EAST OF STEVENSON RD. (LOTS 1, 2, & 3) 3rd ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 88-254-SPH

: :

OPINION

This matter comes before the Board as an appeal from the decision of the Zoning Commissioner which granted in part and denied in part Petition for Special Hearing to permit multi-dwelling units on the site. Although this case was littered with inconsistencies and contradictions, there are several areas which appear beyond dispute. First, it appears uncontroverted that the site comprises approximately 1.3 acres in total and is zoned R.C. 5. Pursuant to Section 1A04.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), the maximum gross residential density of a lot of record zoned R.C. 5 is .667 dwellings per acre. Therefore, under the current zoning regulations, only one dwelling is allowed as a matter of right on this parcel. Further, the record discloses that this property was originally zoned "A" residential in 1945, which permitted no greater than two family dwelling units.

In 1955, the site was zoned R-40, which only permitted single-family dwelling units. Zoning for this property since 1955 has never permitted more than single-family dwelling units.

The parcel is divided into three lots which are shown on Petitioner's Exhibit No. 1. In their Petition for Special Hearing, the Petitioner requested the approval of a nonconforming use on lot #3 for a two-dwelling unit building and on lot #2 for a four-dwelling unit building, in addition to a two-dwelling unit building. At the hearing before this Board, the Petitioner in effect

amended its Petition for Special Hearing by submitting that the four-dwelling unit building previously petitioned for on lot #2 was actually 2 two-dwelling unit buildings. In consideration of this issue, the Board received testimony which convinces us that in fact the existing structure is not a four-dwelling unit for the purposes of the nonconforming use determination, but rather 2 two-dwelling units. That is, consideration of the infrastructure of these buildings, their roof lines, and their history convinces us that they should be considered as two dwellings and not one.

The first issue that the Board must consider is the scope of the appeal. The Petitioner has argued that only the properties known as 3446 and 3444 (collectively known as the stable area) should be considered by the Board. That is, the Petitioners are apparently satisfied with the Zoning Commissioner's ruling as to the properties known as 3456 Halcyon Road and 3448 Halcyon Road. Notwithstanding this request, the Board feels compelled to address all of the improvements listed within the Petition for Special Hearing. As a de novo hearing body, we are obligated to consider every issue which came before the Zoning Commissioner. In fact, the Notice of Appeal in and of itself requests our attention to "the decision of the Deputy Zoning Commissioner (sic), under date of February 29, 1988...." To entertain only a portion of the issues before the Zoning Commissioner would be improper.

Testimony elicited also indicated that the main family house has been on site for many years and pre-dates even the bungalow unit which was constructed in 1934. In view of the evidence of these two dwelling units prior to 1945, the Board must consider that date as applicable in consideration of the nonconforming use petition.

The Board received lengthy testimony from neighbors and residents alike of this property as to its history and use. In order to clarify this

testimony, it will be restated here as it pertains to each property.

1. Our first consideration is of the "main" house, which bears the address 3456 Halcyon Road and which is apparently the oldest structure on the property. In support of the Petition, Mrs. Reed testified that prior owners, the Naylors, and her uncle resided within the house in 1940. She therefore was able to place the use of that structure as a two-family dwelling unit since 1940. Mrs. Nichols also in support of the petition testified that that structure was used as a two-apartment unit since 1957 and offered testimony of her recollection of elderly relatives of the Naylors' family living within that building until their deaths, which she placed in 1978. In contrast, Mr. Frank testified that the Naylors occupied the house solely during his years as a tenant at the site from 1967 through 1970. Mr. Smith, a realtor and neighboring resident, also testified about a long period of non-occupancy following Mr. Naylor's death in 1981.

Section 104 of the B.C.Z.R. provides us with the standard for consideration in determining a nonconforming use. Particularly relevant is the language within that section which provides for the forfeiture of a nonconforming use during any period of abandonment or discontinuance for a period of one year or more. As Counsel for the Petitioner pointed out, Maryland law requires substantial evidence of the intent of abandonment. See Canada's Tavern, Inc. v. Town of Glen Echo, 260 Md. 206, 271 A.2d 664 (1970). Although we find no evidence of abandonment, the regulation does not require same. Rather, only a period in excess of one year of discontinuance of the use is necessary. In this regard, we find Mr. Frank's and Mr. Smith's testimony persuasive and will therefore order that the main house be used only as a one-family dwelling.

2. The second structure under our consideration is that building bearing the address 3448 and also known as the "old blacksmith shop." Prior to the hearing before the Zoning Commissioner, that building housed two apartments. However, in view of the Zoning Commissioner's finding that the one apartment was not a nonconforming use because of its construction within the past 10 years, the building currently supports only one apartment. We are in agreement with the Zoning Commissioner's finding in that regard. Turning our attention to the second floor apartment within that building, the testimony is clear that that apartment has existed for a long period, perhaps as early as 1935. Testimony was received that renters occupied that building even during the period of its use as a blacksmith shop. Again, however, the Board faces consideration of the discontinuance of this use. Even the Petitioner's witness, Mrs. Nichols, testified that the property fell to disrepair and was not occupied during a period beginning approximately 1981. According to her testimony, after Mr. Naylor's death, his estate was less than diligent in maintaining the properties. In this case, it seems apparent that not only did the use of this building as an apartment discontinue for a period greater than a year but there was actual abandonment by the owners. We will therefore prohibit use of this structure as a dwelling unit in view of the density restrictions on this parcel.

3. We will next consider the rear portion of the stable also referred to in testimony as bearing the address 3446 and formerly housing the barn portion of the stable. The testimony as to this structure, particularly from Mr. Reed, was persuasive. Her recollection was that the apartments have been actively rented since 1951 and that numerous horsemen rented those apartments well prior to that date. Based upon this testimony, we are convinced that the use predates the zoning regulations and has been continuous. Therefore, we find that the apartments at 3446 Halcyon Road are nonconforming.

Case No. 88-254-SPH
Stephen G. Huber, et ux

4. The question as to the apartment use at 3444 is more difficult to decide. There is no doubt that the current tenant, Mrs. Nichols, has occupied one of these apartments continuously since 1964. Additionally, Mrs. Reed testified that she recalled two units in that structure since 1965. Her prior recollection was somewhat less precise. Mrs. Reed could recall "at least one unit in 1952" within that structure. Her memory was uncertain as to how long and how many units existed in that structure prior to that date. Viewing this evidence in a light most favorable to the Petitioner, we are persuaded to allow one apartment to continue in that structure.

In summation, the Board will permit five dwelling units in total to exist on site; one in the main house (3456), one in the bungalow (3450), one in the one-story frame (3444), and two in the two-story block (3446). We are not unmindful of the burden which this decision places upon the property owner. The evidence is clear that the current owners have rehabilitated the property significantly and have improved the appearance and utility of the buildings thereon. Nonetheless, it is well settled that a nonconforming use should not be perpetuated any longer than necessary. Green v. Garrett, 192 Md. 52, 66 A.2d 589 (1971). Other than those structures which we have permitted specifically herein, the Board finds that the Petitioner has not met its burden. We are therefore mandated by the B.C.Z.R. to deny the petitions for nonconforming use as aforesaid in an attempt to bring the property within the scope and use intended by the R.C. 5 designation. For the aforementioned reasons, the Board will grant in part and deny in part the petitions for nonconforming use and will so order.

ORDER

Upon the Petition for Special Hearing and based upon the evidence received therein, it is this 5th day of October, 1988 by the County

Case No. 88-254-SPH
Stephen G. Huber, et ux

Board of Appeals of Baltimore County ORDERED:

1. That the Petition for Special Hearing for nonconforming use as to 3456 Halcyon Road be and is hereby DENIED, so that that structure may be used only as a single-family residence; and

2. That the Petition for Special Hearing for nonconforming use for that property known as 3448 Halcyon Road be and is hereby DENIED, so that that structure may not be used as a dwelling unit; and

3. That the Petition for Special Hearing for nonconforming use as to 3446 Halcyon Road be and is hereby GRANTED so that two apartment units may continue within that building; and

4. That the Petition for Special Hearing for nonconforming use as to that property known as 3444 Halcyon Road be and is hereby GRANTED in part and DENIED in part so that one apartment may continue to be maintained within that structure.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Arnold G. Foreman

Harry E. Buchheister, Jr.

IN RE: PETITION FOR SPECIAL HEARING N/S of Halcyon Road, 107.52 E. of Stevenson Rd. (Lot #1) N/S of Halcyon Road 304.45' E. of Stevenson Rd. (Lot #2); C/L of Stevenson Road, 107.52' of Halcyon Rd. (Lot #3)	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-254-SPH
Stephen G. Huber, et ux Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests approval of a nonconforming use for a two dwelling unit building located on Lot #3 and for a four dwelling unit building and, additionally, a two dwelling unit building located on Lot #2, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, represented by Jean K. Tullius, attorney, appeared and testified. The Petitioner was supported by the testimony of Ms. Reed and Mrs. Nickel. There were thirteen (13) Protestants present. Testimony was provided on behalf of the Protestants by Mr. Fader, Mr. Winer, Ms. Sexton, Mrs. Fader and Mr. Smith.

The testimony in this matter is very conflicting and somewhat confusing. The fundamental thrust of the Petitioner's case is that the three buildings located on the two lots in question have, since approximately 1939 until the present, been used as multi-family residential units. The land is zoned R.C.5.

Specifically, the Petitioner's testimony is that the two-story frame and shingle house shown in the three pictures, identified as Petitioner's Exhibit 2, has been used as a two family dwelling unit since approximately 1940. This dwelling house is known as 3456 Halcyon Road and is the two dwelling unit building located on Lot #3 which is requested as nonconforming.

ORDER RECEIVED FOR FILING
Date 3/29/88
By

The testimony of Ms. Reed tends to indicate that 3456 Halcyon Road has always been used as the home site dwelling unit for the property owners and has always been divided into an upstairs' apartment and a first floor main living area. Ms. Reed's testimony is that she has lived next door to the subject property or in the immediate vicinity since 1934. She stated that she visited many times in both the house and in the upstairs' apartment during the period 1940 through 1985. That she does not know of any occasion when either the upstairs apartment or the downstairs main living area has not been continuously occupied. She stated that 3456 Halcyon Road has had no breaks in occupancy of longer than one year in duration. Ms. Reed also testified that since the previous owners's death in 1985, she has not visited this property and does not know whether it has been occupied.

Mrs. Nickel testified that she has lived in the area for more than 25 years; that she has lived on the subject site from 1965 until present. That she knew the previous landowners since approximately 1965 and regularly visited the main dwelling house. According to her testimony, the main dwelling house has been occupied continuously since 1965 until present and that the upstairs' apartment has always had a tenant. She stated that she helped clean out the house in 1985 when the previous owners died. She was unable to testify about 1986, stating she has not been in the house.

The second subject building is known as 3444 Halcyon Road and is referred to on Petitioner's Exhibit 1 as a one story frame and block building. The testimony tends to indicate that prior to 1940, this building was used as a horse stable and, also, as two apartments for the horsemen. That the horse stable was converted to a total of four apartment units during the late 1940s or the early 1950s.

ORDER RECEIVED FOR FILING
Date 3/29/88
By

The testimony of Ms. Reed tends to indicate that there have been four apartments in the building known as 3444 Halcyon Road since approximately 1949. That prior to that time, the rear portion of the building was occupied by the employees of the then landowners who worked tending to the horses. The testimony by the Petitioner's witnesses tends to prove that the horsemen had two apartments in the rear of the building during the 1940's. That after the second World War, in Ms. Reed's opinion, the entire building was converted to four (4) apartments. Ms. Reed stated that the conversions did not take place before the end of the second World War (i.e., 1945). She believes the conversion took place in 1949.

The testimony of Mrs. Nickel is that since 1965 there have been four apartments in the building known as 3444 Halcyon Road. That she has personal knowledge that since 1965 none of those apartments have been unoccupied for [illegible] than 12 continuous months. Mrs. Nickel stated that she has lived in one [illegible]se apartments, herself, for many years. She stated that 3444 Halcyon [illegible] is shown in the pictures in Petitioner's Exhibit #3 and has been unchanged since 1965.

The third building, which is the subject of this special hearing, is a property known as 3446 Halcyon Road. It is shown on Petitioner's Exhibit 1 as a two story frame building located on Lot #2 immediately fronting on Halcyon Road. There are pictures of 3446 Halcyon Road in the file as Petitioner's Exhibit 4.

The Petitioner's testimony tends to indicate that this property was once used as a blacksmith shop and is presently used as two apartments. There is an apartment on the first floor and an apartment on the second floor of this building.

ORDER RECEIVED FOR FILING
Date 3/29/88
By

The testimony of Ms. Reed indicates that the apartment on the second floor of 3446 Halcyon Road has existed, to the best of her knowledge, since 1935. She also testified that the apartments have been continuously occupied since the very early 1940s. Ms. Reed stated that the apartment on the ground floor of 3446 Halcyon Road was created approximately 1980. That prior to 1980, the ground floor area of this building was used as a blacksmith shop and then as a general storage area.

The testimony of Mrs. Nickel tends to indicate that the second floor apartment of 3446 Halcyon Road has existed since, at least, 1965. She testified that she lived in the second floor apartment for approximately two years during 1965 and 1966. She also stated that the ground floor level apartment area was used as storage when she moved into the second floor apartment and that it was not converted into an apartment until the late 1970's or early 1980's.

The Protestants' testimony tends to indicate that the ground floor apartment in the building known as 3446 Halcyon Road has recently been created. That area has historically been used as an open air garage and/or storage area in connection with the old blacksmith shop. The testimony of Mrs. Fader and Mr. Smith clearly establishes that they have lived near the subject property for 30 and 74 years respectively.

Mr. Smith testified that, during his 74 years, he has visited the site, on many occasions, to employ the blacksmith. He said that during the years 1985 and 1986, there was no one living in the property known as 3456 Halcyon Road. He stated that the property had been for sale for a substantial period of time and that the house stood vacant during that period of time. He also stated that the first floor apartment in 3446 Halcyon Road was built in 1979 or 1980.

ORDER RECEIVED FOR FILING
Date 3/29/88
By

Likewise, on behalf of the Protestants, Ms. Sexton testified that she has been a resident of the area since 1956; that she has known the subject properties since approximately that time. That there has been only one apartment on the second floor of the blacksmith shop which is 3446 Halcyon Road. Mrs. Sexton testified that approximately 8 or 9 years ago, the ground floor area of 3446 Halcyon Road was enclosed and converted into an apartment.

Mr. Fader has lived in the area since 1958. His testimony was that the second floor apartment of 3446 Halcyon Road was not always occupied and that the ground floor apartment was built in 1979.

Clearly, the evidence establishes that 3446 Halcyon Road had one apartment on the second floor which has existed since the 1930's. That the second apartment on the ground floor has existed only since approximately 1980.

When viewed in a light most favorable to the Petitioner, the evidence seems to indicate that 3444 Halcyon Road has had two apartments since the early 1930's and that the two additional apartments were added to the building in 1949. All four apartments have been continuously occupied since 1949. The evidence is that the additional two apartments were added in 1949 when the horse stable was closed.

The evidence tends to establish that 3456 Halcyon Road was used as the main dwelling house, with an upstairs apartment. That this upstairs' apartment was used by many family members over the years. Sometimes, the upstairs' apartment was rented to others.

According to the best evidence, the subject property was included in the 1945 zoning process. In 1945, the land was zoned "A" residential which permitted no greater than two family dwelling units. Therefore, for any building to be nonconforming, it would had to have been in use prior to 1945.

ORDER RECEIVED FOR FILING
Date 3/29/88
By

In 1955, the subject site was zoned R-40 which only permitted single family dwelling units. The zoning for this property, since 1955, has never permitted more than single family dwelling units. Therefore, for a building to be more than a single family unit, it would have had to been used continuously that way since prior to 1955.

Clearly, the main house known as 3456 Halcyon Road meets this requirement. The two units were there in the early 1940s and have remained in use continuously since that time. It was permitted a two family dwelling unit under the 1945 zoning regulations. The Petitioner is, therefore, entitled to continue to use 3456 Halcyon Road as a two family dwelling unit.

When viewed in a light most favorable to the Petitioner, the evidence seems to indicate that 3444 Halcyon Road has had two apartments since the early 1930s. The evidence is that two additional apartments were added in 1949 when the horse stable was closed. The first two units are nonconforming, as they have always been occupied since 1945. The second two units were placed in this building sometime after 1949. The building was at the limit (2 units) of the 1945 "A" residential zoning, when the second two units were added. No zoning on this property has ever allowed more than two family units.

The building at 3444 Halcyon Road is not nonconforming in reference to the second two units. The third and fourth units were not established until after 1945 and, therefore, are not nonconforming.

The building known as 3446 Halcyon Road is easily resolved. The second floor apartment was in place and in continuous use since the 1930s. The first floor apartment was added approximately 1979. Clearly, the second floor apartment is nonconforming; however, the first floor apartment was built well after 1955 when the zoning permitted only single family dwelling units. The unit known as 3446 Halcyon Road is only permitted to have one dwelling unit.

ORDER RECEIVED FOR FILING
Date 3/29/88
By

The evidence proves that both 3444 and 3446 Halcyon Road were located on the same lot as early as 1940. That both are currently located on lot #2. Therefore, both 3444 and 3446 Halcyon Road are nonconforming on lot #2. The two units are both prior to the to the Zoning Regulations of Baltimore County. (i.e. 1945) Since both 3444 and 3446 Halcyon Road were in place and have been continuously occupied as dwelling units since prior to 1945, they are nonconforming on lot #2 as two dwelling units on one lot in the R.C. 5 zone.

Pursuant to the advertising, posting of property and public hearing held and for the reasons given above, the Petition for Special Hearing is denied in part and granted in part. Specifically, 3456 Halcyon Road is nonconforming for both the upstairs apartment and the ground floor main living space. The unit known as 3446 Halcyon Road is nonconforming as to the second floor apartment and not as to the ground floor apartment.

Finally, the original two units at 3446 Halcyon Road are nonconforming. However, the two apartments that were added in 1949 are unacceptable, not nonconforming and illegal.

THEREFORE, IT IS ORDERED this 29th day of February, 1988 that the relief requested in the Petition for Special Hearing to approve a nonconforming use, on lot #3 for a two dwelling unit building, known as 3456 Halcyon Road, be and is hereby GRANTED; and,

FURTHERMORE, IT IS ORDERED that the Petition for Special Hearing for an approval of a nonconforming use on lot #2 for a four (4) dwelling unit building, known as 3446 Halcyon Road, be and is hereby DENIED IN PART for the two (2) apartments added to the building in 1949, be and is hereby GRANTED IN PART for the two original apartment units located in the building known as 3446 Halcyon Road; and,

ORDER RECEIVED FOR FILING
Date 2/29/88
By M. Borak

FURTHERMORE, IT IS ORDERED that the Petition for Special Hearing for approval of a nonconforming use on lot #2 for a two (2) dwelling unit building known as 3444 Halcyon Road, be and is hereby DENIED; however,

IT IS, FURTHER, ORDERED that approval of a nonconforming use for the second floor apartment in the building on lot #2, known as 3444 Halcyon Road as a second dwelling unit on lot #2, be and is hereby GRANTED, all from and after the date of this Order, subject to the following, which are conditioned precedent upon the relief granted herein:

1. The Petitioner shall not permit any multi-family use of the building known as 3446 Halcyon Road and, furthermore, the Petitioner shall never allow or permit more than one family to use this unit and the building shall be only one dwelling unit.

2. The Petitioner shall not permit more than two families to occupy the building known as 3444 Halcyon Road. The Petitioner shall not allow or permit more than two units to be occupied and the Petitioner shall not allow the third (3rd) and/or fourth (4th) apartments to be occupied.

3. The requirements of restriction number 1 and 2, above, shall be completed and complied with on or before May 2, 1988.

4. That the Petitioner shall permit access to the property by all Baltimore County zoning inspectors to ensure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
Date 2/29/88
By M. Borak

JRH:mmn
cc: Peoples Counsel
cc: Jean K. Tullius, Attorney at Law

3-29-88 88-A
G

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-254-SPH

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 Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve nonconforming uses, on lot #3 for a two dwelling unit building and on lot #2 for a four dwelling unit building in addition to a two dwelling unit building.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound 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:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Michaela Y. Huber
(Type or Print Name)
Michaela Y. Huber
Signature
Stephen G. Huber
(Type or Print Name)
Stephen G. Huber
Signature

MAP NW10-H E 2C
E. D. 3rd
DATE 4-20-88
200 BF
1000
DP
N 39,890
W -26,860

Attorney for Petitioner:
Jean K. Tullius, Esquire
(Type or Print Name)
Jean K. Tullius
Signature
Romadka, Gontrum Hennegan & Foos
809 Eastern Boulevard
Address
Essex, Marylnad 21221
City and State
Attorney's Telephone No.: 686-8274

3456 Halcyon Road 486-2661
Address Phone No.
Stevenson, Maryland 21153
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of November, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of January, 1988, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1 CBC 8-31-88 (over)

DESCRIPTION OF LOT NO. 1, HUBER PROPERTY

Beginning for the same at a pipe heretofore set on the North side of Halcyon Road, 107.52 feet East of its intersection with Stevenson Road and running the following courses and distances, viz: 1) North 80 degrees 07 minutes 57 seconds East 34.95 feet, 2) North 71 degrees 51 minutes 00 seconds East 40.00 feet, 3) North 66 degrees 06 minutes 00 seconds East 45.00 feet, 4) North 57 degrees 46 minutes 00 seconds East 45.00 feet, 5) North 61 degrees 46 minutes 00 seconds East 34.00 feet, 6) North 23 degrees 04 minutes 00 seconds West 133.81 feet, 7) South 45 degrees 57 minutes 24 seconds West 32.50 feet and 8) South 30 degrees 49 minutes 53 seconds West 206.46 feet to the place of beginning.

Containing 0.3541 Acres of land, more or less.

88-A

DESCRIPTION OF LOT NO. 2, HUBER PROPERTY

Beginning on the North side of Halcyon Road, 304.45 feet East from its intersection with Stevenson Road and running the following courses and distances, viz: 1) North 61 degrees 46 minutes 00 seconds East 69.98 feet, 2) North 65 degrees 07 minutes 00 seconds East 39.50 feet, 3) North 20 degrees 08 minutes 19 seconds West 166.85 feet, 4) South 62 degrees 15 minutes 19 seconds West 140.50 feet, 5) South 44 degrees 02 minutes 36 seconds East 35.00 feet, 6) North 45 degrees 57 minutes 24 seconds East 10.5 feet and 7) South 23 degrees 04 minutes 00 seconds East 133.81 feet to the place of beginning.

Containing 0.4406 Acres of land, more or less.

DECRIPTION OF LOT NO. 3, HUBER PROPERTY

Beginninng for the same in the center of Stevenson Road thence leaving said place of beginning and running to and binding on the North side of Halcyon Road 1) North 88 degrees 27 minutes 00 seconds East 107.52 feet, thence leaving the North side of Halcyon Road and running and binding the following courses and distances, viz: 2) North 30 degrees 49 minutes 53 seconds East 206.46 feet, 3) North 45 degrees 57 minutes 24 seconds East 22.00 feet, 4) North 44 degrees 02 minutes 36 seconds West 35.00 feet, 5) South 62 degrees 15 minutes 19 seconds West 240.74 feet and 6) South 04 degrees 21 minutes 43 seconds East 108.89 feet to the place of beginning.

Containing 0.6169 Acres of land, more or less.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-254-SPH

District 3rd
Date of Posting June 1-88
Posted for: Appeal
Petitioner: Stephen G. Huber et ux
Location of property: N/S of Halcyon Road east of Stevenson Road (3456 Halcyon Road)
Location of Signs: North side of Halcyon Road in front of Lot #3
Remarks:
Posted by A. J. Orata (Signature)
Date of return: June 3, 1988
Number of Signs: 1

IN RE: STEPHEN G. HUBER, et ux * COUNTY BOARD
* OF APPEALS
* FOR BALTIMORE COUNTY
* Case No: 88-254-SPH

**** **** **** **** **** **** **** **** **** **** **** ****

CERTIFICATE OF PROOF OF SERVICE

I, Jean K. Tullius hereby affirm that I am a competent person over eighteen (18) years of age, and am not a party to this action; that on August 24, 1988, I made personal service on Mary Jane Reed by delivering and leaving a copy of a subpoena to testify in her hands directing her to appear at a hearing on Tuesday, August 30, 1988, at 10:00 a.m., at the County Board of Appeals for Baltimore County, Room 200, Courthouse, Towson, Maryland 21204.

Jean K. Tullius
Jean K. Tullius

RECEIVED 8/26/88 CBA 1:50 PM

LAW FIRM
ROMADKA, GONTRUM & HENNEGAN
ESSEX, MARYLAND

IN RE: STEPHEN G. HUBER, et ux * COUNTY BOARD
* OF APPEALS
* FOR BALTIMORE COUNTY
* Case No: 88-254-SPH

**** **** **** **** **** **** **** **** **** **** **** ****

CERTIFICATE OF PROOF OF SERVICE

I, Jean K. Tullius hereby affirm that I am a competent person over eighteen (18) years of age, and am not a party to this action; that on August 24, 1988, I made personal service on Trudy Nicholas by delivering and leaving a copy of a subpoena to testify in her hands directing her to appear at a hearing on Tuesday, August 30, 1988, at 10:00 a.m., at the County Board of Appeals for Baltimore County, Room 200, Courthouse, Towson, Maryland 21204.

Jean K. Tullius
Jean K. Tullius

RECEIVED 8/26/88 CBA 1:50 PM K

LAW FIRM
ROMADKA, GONTRUM & HENNEGAN
ESSEX, MARYLAND

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) ~~494-3180~~ 887-3180

HEARING ROOM --
Room 301, County Office Building

December 14, 1988

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-254-SPH — STEPHEN G. HUBER, ET UX

Lots 1, 2 and 3, north side of Halcyon Road east of Stevenson Road

34d Election District
2nd Councilmanic District

10/05/88 -Opinion/Order of the C.B. of A. that the Petition is granted in part and denied in part

This case has been set in for an additional hearing date for consideration of whether the use at 3448 Halcyon Road (known as the (old blacksmith shop) is nonconforming (Petitioner's Motion for Reconsideration granted 11/4/88).

ASSIGNED FOR: TUESDAY, FEBRUARY 21, 1989 at 10:00 a.m.

cc: John B. Gontrum, Esq. — Counsel for Petitioner
Jean K. Tullius, Esquire — " " "
Mr. & Mrs. Stephen G. Huber — Petitioners
Ira B. Fader, Jr.
Jim Thompson
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary

IN RE: STEPHEN G. HUBER, et ux
* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* CASE NO. 88-254-SPH
*

**** **** **** ***** **** ***** **** **** **** **** **** ***

SUBPOENA

Please issue a Subpoena for the following:

Trudy Nicholas
Halcyon Road
Stevenson, Maryland 21153

Returnable Tuesday, August 30, 1988 at 10:00 a.m.

County Board of Appeals for Baltimore County, Room 218, Old Court House, Towson, Maryland 21204.

Jean K. Tullius
Jean K. Tullius, Esquire
Romadka, Gontrum & Hennegan
809 Eastern Boulevard
Essex, Maryland 21221
686-8274

RECEIVED 9/15/88 Case Scott K

LAW FIRM
ROMADKA, GONTRUM & HENNEGAN
ESSEX, MARYLAND

To be served by Counsel.

IN RE: STEPHEN G. HUBER, et ux
* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* CASE NO. 88-254-SPH
*

**** **** **** ***** **** ***** **** **** **** **** **** ***

SUBPOENA

Please issue a Subpoena for the following:

Mary Jane Reed
Halcyon Road
Stevenson, Maryland 21153

Returnable Tuesday, August 30, 1988 at 10:00 a.m.

County Board of Appeals for Baltimore County, Room 218, Old Court House, Towson, Maryland 21204.

Jean K. Tullius
Jean K. Tullius, Esquire
Romadka, Gontrum & Hennegan
809 Eastern Boulevard
Essex, Maryland 21221
686-8274

RECEIVED 9/15/88 Case Scott K

LAW FIRM
ROMADKA, GONTRUM & HENNEGAN
ESSEX, MARYLAND

To be served by Counsel.

IN RE: STEPHEN G. HUBER, et ux
* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* CASE NO. 88-254-SPH
*

**** **** **** ***** **** ***** **** **** **** **** **** ***

SUBPOENA

Please issue a Subpoena for the following:

Mr. Juri Maiste, Engineer
Maiste & Watts, Inc.
2923 Chenoak Avenue
Baltimore, Maryland 21234

Returnable Tuesday, August 30, 1988 at 10:00 a.m.

County Board of Appeals for Baltimore County, Room 218, Old Court House, Towson, Maryland 21204.

Jean K. Tullius
Jean K. Tullius, Esquire
Romadka, Gontrum & Hennegan
809 Eastern Boulevard
Essex, Maryland 21221
686-8274

RECEIVED 9/15/88 Case Scott K

LAW FIRM
ROMADKA, GONTRUM & HENNEGAN
ESSEX, MARYLAND

Mr. Sheriff:

Please issue the above summons.

County Board of Appeals

IN THE MATTER OF THE APPLICATION OF STEPHEN G. HUBER, ET UX SPECIAL HEARING FOR NONCONFORMING USE ON PROPERTY LOCATED ON THE NORTH SIDE OF HALCYON ROAD, EAST OF STEVENSON RD. (LOTS 1, 2, & 3) 3rd ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
* BEFORE COUNTY BOARD OF FOR A APPEALS OF BALTIMORE COUNTY CASE NO: 88-254-SPH

** ***** **** **** **** **** **** ***** **** **** *****

MOTION FOR RECONSIDERATION

Now comes, Stephen G. Huber and Michaela Huber, his wife, by and through their attorneys, John B. Gontrum and ROMADKA, GONTRUM & HENNEGAN, and respectfully moves this Board to reconsider a portion of their Opinion dated October 5, 1988, in the above referenced case, pertaining to the "old blacksmith shop", also known as 3448 Halcyon Road and for that says as follows:

1. That on page 4 of the Board's Opinion, dated October 5, 1988, in the above referenced case, the Board stated that the use of "old blacksmith shop", as a residential dwelling had been abandoned based on testimony of Mrs. Nichols, the Petitioner's witness.

2. That attached hereto and made a part hereof as Exhibit A, is an affidavit from Mrs. Traute Nickel, who recalled her testimony as indicating that the roof collapsed at the old blacksmith shop building at 3448 Halcyon Road in 1983 and that it was subsequently re-rented in 1984. Furthermore, she has indicated in her affidavit that any

RECEIVED 11/3/88 Case Scott K

LAW FIRM
ROMADKA, GONTRUM & HENNEGAN
ESSEX, MARYLAND

---

testimony with respect to 1981 as indicated in the Board's Order was given in error and did not accurately reflect what truly occurred on the premises.

3. The Petitioners do not contest the Board's findings with respect to the use of the first (1st) floor of the old blacksmith shop and the Board's refusal to allow an apartment use of the first (1st) floor, but only with respect to the second (2nd) floor apartment.

4. That the Petitioners contend that the second (2nd) floor was used continuously and uninterruptedly as an apartment and that said use had never abandoned.

5. That the facts indicate that due to the weight of snow, the roof did collapse on the upstairs apartments in the late winter of 1983; that the property was subsequently put under contract to the Petitioners in June of 1983 and was settled by them in August of 1983. The facts also indicate that the Petitionors re-rented the upstairs after remodeling and repairing the roof in 1984.

6. Attached hereto and made a part hereof as Exhibit No. B, is an affidavit of the real estate agent, Mrs. Gloria Baker, who showed the property from 1982 to 1983 when it was placed under contract with the Hubers as an apartment unit. Mrs. Baker further indicates that the property was occupied throughout this period up until the roof collapsed in 1983. Mrs. Baker further indicates that the price of the property was discounted due to the repairs necessary to the roof as a

LAW FIRM
ROMADKA, GONTRUM & HENNEGAN
ESSEX, MARYLAND

---

result of the collapse, but that it was always the intention to market and sell this property as an apartment unit and never to abandon the apartment use.

7. Based upon the affidavits attached hereto as well as the allegations contained herein, the Petitioners respectfully ask the Board to reconsider that portion of its Order dealing with the second (2nd) floor apartment as 3448 Halcyon Road, known as "old blacksmith shop", particularly that portion of the Order which indicates that there were actual abandonment by the Owners.

8. The Petitioners request that they given the opportunity to present testimony and witnesses with respect to the second (2nd) floor apartment issue in a public hearing and for no other purpose.

WHEREFORE, Petitioners respectfully requests this Board reconsider that portion of their Opinion dealing with the second (2nd) floor apartment at 3448 Halcyon Road, known as "old blacksmith shop" and allow the Petitioners at public hearing to place into evidence, testimony and exhibits to indicate that said use was not abandoned between 1981 and 1984, but rather said use was continuous and uninterrupted as

LAW FIRM
ROMADKA, GONTRUM & HENNEGAN
ESSEX, MARYLAND

---

construed under the nonconforming use provisions of the Baltimore County Zoning Regulations.

John B. Gontrum
John B. Gontrum
ROMADKA, GONTRUM & HENNEGAN
809 Eastern Boulevard
Baltimore, Maryland 21221
(301) 686-8274
Attorney for the Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 3rd day of November, 1988, a copy of the foregoing Motion for Reconsideration was mailed, postage prepaid to Lawrence E. Schmidt, Acting Chairman, County Board of Appeals, County Office Building, Room 315, Towson, Maryland 21204, Arnold Jablon, County Attorney, 2nd Floor, Old Courts Building, Towson, Maryland 21204, L. Robert Haines, Zoning Commissioner for Baltimore County, 1st Floor, County Office Building, Towson, Maryland 21204.

John B. Gontrum
John B. Gontrum

LAW FIRM
ROMADKA, GONTRUM & HENNEGAN
ESSEX, MARYLAND

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

February 28, 1989

John B. Gontrum, Esquire
ROMADKA, GONTRUM, & HENNEGAN
809 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. 88-254-SPH
Stephen G. Huber, et ux

Dear Mr. Gontrum:

Enclosed is a final copy of the Amended Opinion and Order issued this date by the County Board of Appeals in the subject case.

Sincerely,

Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. & Mrs. Stephen G. Huber
Jim Thompson, Zoning Enforcement
Mr. Ira B. Fader, Jr.
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

88-254-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of November, 1987.

J. Robert Haines
ZONING COMMISSIONER

Petitioner Michaela Y. Huber, et al
Petitioner's Attorney Jean K. Tullius, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 23, 1987

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Jean K. Tullius, Esquire
Romadka, Gontrum, Hennegan & Foos
809 Eastern Boulevard
Essex, Maryland 21221

RE: Item No. 88-A - Case No. 88-254-SPH
Petitioner: Michaela Y. Huber, et al
Petition for Special Hearing

Dear Ms. Tullius:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, bec
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

Dennis F. Rasmussen
County Executive

October 5, 1987

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Meeting of September 15, 1987

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 72, 89, 90, 91, 92, 93, 94, 95, and 88A.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF:sb

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

September 11, 1987

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Stephen G. Huber, et ux

Location: Corner Halycon Rd., and Stevenson Rd.

Item No.: 88A

Zoning Agenda: Meeting of 9/15/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Joseph Kelly 9/11/87 Noted and Approved: John J. E. O'Neill
Planning Group
Special Inspection Division
Fire Prevention Bureau

/jl

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO James Dyer, Zoning Supervisor Date 9/29/87

FROM James Thompson, Zoning Enforcement Coordinator

SUBJECT Item No.: 88-A (if known)
Petitioner: _____ (if known)

VIOLATION CASE # C-87-1952, C-87-1953, C-87-1954

LOCATION OF VIOLATION 3400 BLOCK HALCYON ROAD

DEFENDANT STEPHEN & MICHAELA HUBER ADDRESS 3456 HALCYON ROAD, STEVENSON, MD 21153

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
① Jan Hathaway	P.O. Box 182, Stevenson, Md. 21153

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

CPS-008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. J. Robert Haines, Zoning Commissioner Date November 24, 1987

FROM Norman E. Gerber, AICP, Director of Planning and Zoning

SUBJECT Zoning Petitions No. 88-253-SPH, 88-254-SPH, 88-257-SPH

In view of the subject of this petition, this office offers no comment.

Norman E. Gerber per J. G. Hoswell
Norman E. Gerber, AICP
Director

NEG:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
NOV 30 1987
ZONING OFFICE

CPS-008

AFFIDAVIT

My name is Traute Nickel, and my address is 3444 Halcyon Road, Apartment A. I have lived on these premises for over 24 years. Prior to the property purchased by Mr. and Mrs. Stephen Huber the property was owned by a Mr. Naylor. Mr. Naylor and his father were both engaged in the blacksmith business and the building fronting on Halcyon Road was used throughout Mr. Naylor's ownership as a blacksmith shop on the first floor and as an apartment on the second floor. For many years prior to Mr. Naylor's death, which occurr' on October 12, 1981, the upstairs apartment was rented to the Steffen family. Just prior to Mr. Naylor's death, the Steffen family had moved out, and he had re-rented the apartment to another family. I never had much contact with them due to my own husband's illness, but I am aware of the fact that that upstairs apartment over the blacksmith shop was rented continuously up until 1983. In the winter of 1983 the roof began to leak and the property was vacated just prior to the roof collapsing due to a heavy snow storm in the winter of 1983. The Hubers bought the property in August of 1983 and subsequently remodeled the building and re-rented it in 1984.

It has always been my intent in any testimony which I have given to have used the date of 1983 as the date the apartment roof collapsed and that it became vacant. I regret any misunderstanding which may have occurred, but it is my clear recollection that this apartment was continuously and uninterruptedly occupied up through 1983 and then was subsequently reoccupied in 1984.

I DO SOLEMNLY DECLARE AND AFFIRM under the penalties of perjury that the above information is true and correct to the best of my knowledge and belief.

Traute Nickel
Traute Nickel

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 1st day of November, 1988, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Traute Nickel satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing to be her act, and in my presence signed and sealed the same.

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

KAREN E. BECKER NOTARY BALTIMORE CO. MD

My commission expires: July 1, 1989

Karen E. Becker
Notary Public

AFFIDAVIT

My name is Gloria Baker and I reside at 1202 Wild Orchid Drive, Fallston, Maryland 21047. I am a licensed realtor in the State of Maryland and currently work with O'Conor, Piper and Flynn. From 1978 to 1985 I worked for Walter Becker Real Estate in Pikesville, Maryland. It was a small office and I worked as the office manager and frequently showed properties which we had listed for sale.

In 1982, we received as a listing the property now owned by Mr. and Mrs. Stephen Huber. At that time, the property was listed by Mr. Robert Putterman who was the attorney for the Naylor Estate. I recall showing this property to perspective buyers literally dozens of times. When we first received the listing it was an apartment located over the blacksmith shop. The blacksmith shop property was known as 3448 Halcyon Road and was located right on the road. Over the blacksmith shop there was an apartment, and I remember distinctly a woman and her child occupying it through 1982. She may have been married, but my contact was with her and her child when I bought the property. I always showed this apartment as a rental unit to prospective purchasers. In the late winter of 1983 the roof collapsed over the middle room of the apartment and it became uninhabitable. The family moved out and it remained that way until after the property was purchased by the Hubers and they remodeled it. From the time the roof collapsed until it was purchased, I continued to show the apartment as a rental unit because it had always been occupied. We reduced the listing price to cover specifically the cost of roof repair to make it a habitable unit. I recall that the Hubers entered into a contract to purchase the property in June of 1983 and subsequently settled on the property in August 1983.

It was always my understanding that the apartment over the blacksmith shop was a rental unit and had long existed on the site as such. It was never my intent to abandon the use of this apartment. It simply required work to be done by the subsequent purchaser, which was performed.

I DO SOLEMNLY DECLARE AND AFFIRM under the penalties of perjury that the above information is true and correct to the best of my knowledge and belief.

Gloria Baker
Gloria Baker

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

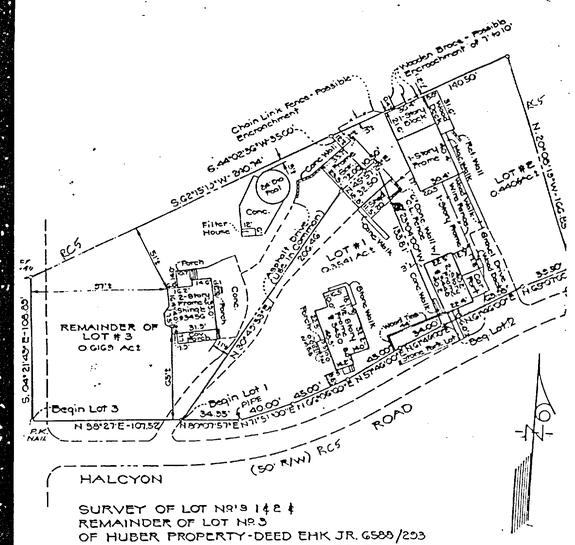
I HEREBY CERTIFY, that on this 1st day of November, 1988, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Gloria Baker satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing to be her act, and in my presence signed and sealed the same.

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

CAROLE L. POOLE NOTARY PUBLIC HARFORD CO. MD

My commission expires: July 1, 1990

Carole Lynn Poole
Notary Public



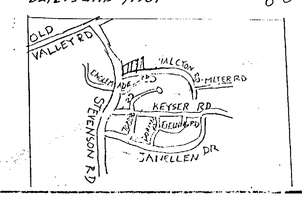
SURVEY OF LOT NO'S 1 & 2 &
REMAINDER OF LOT NO. 3
OF HUBER PROPERTY-DEED EHK JR. G.588/293
K/A 3456, 3450 & 3448 HALCYON ROAD

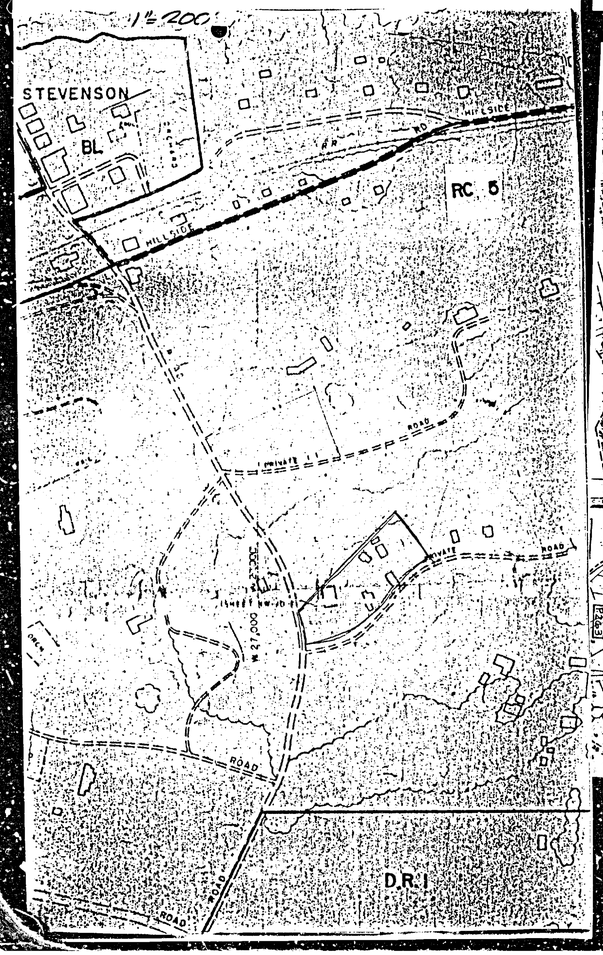
Plat for Special Hearing
District 3, Zoned RC-5

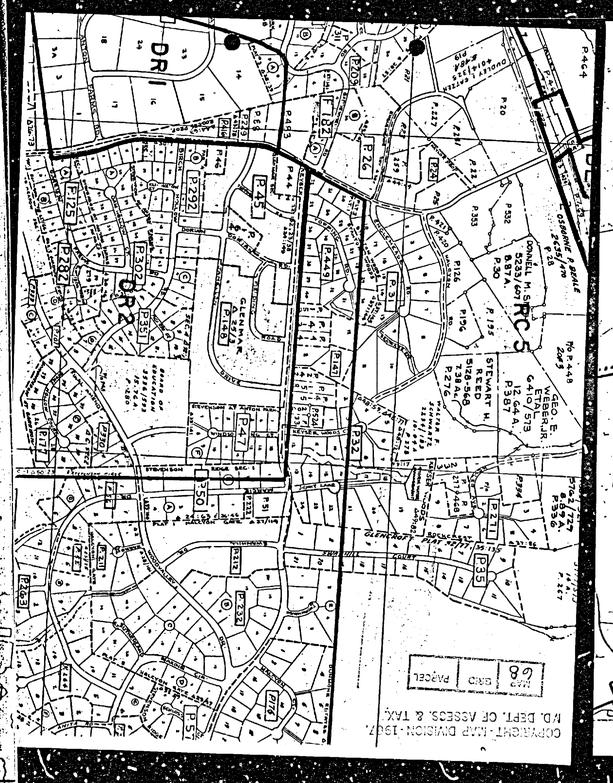
Existing Utilities
in Halcyon Road

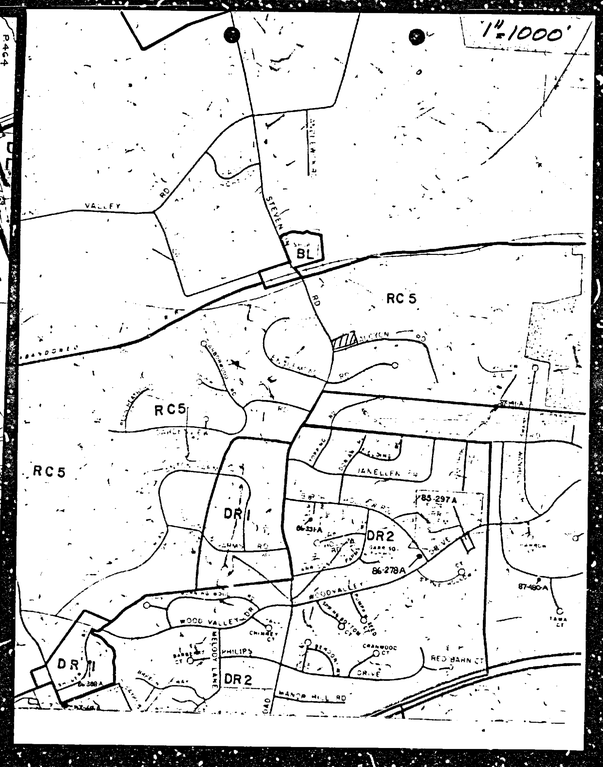
SCALE: 1"=50' DATE: JUNE 1, 1987

88-A









LIBER 6588 PAGE 293

THIS DEED, made this 11th day of August, 1983, by and between IRVIN S. NAYLOR, Personal Representative of the Estate of MERLIN E. NAYLOR, deceased, hereinafter referred to as "GRANTOR" and STEPHEN G. HUBER and MICHAELA Y. HUBER, his wife, hereinafter referred to as "GRANTEES".

WITNESSETH: That for and in consideration of the sum of Ten Dollars ($10.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, the said GRANTOR has bargained and sold and does hereby grant and convey unto the said STEPHEN G. HUBER and MICHAELA Y. HUBER, his wife, as tenants by the entireties, the survivor of them, his or her personal representatives, heirs and assigns, in fee simple, all those lots or parcels of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows:

SEE ATTACHMENT "A", attached hereto and made a part hereof.

LOTS Numbered 1 and 2, BEING the same property which by deed dated March 29, 1976, and recorded among the Land Records of Baltimore County in Liber 5619, folio 410, was granted and conveyed by MERLIN E. NAYLOR and MARGARET N. NAYLOR, his wife unto MERLIN E. NAYLOR.

Lot No. 3 BEING the same property which by deed dated February 28, 1951, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 1952, folio 304, was granted and conveyed by LUCY KENDALL HEARN unto MERLIN E. NAYLOR and MARGARET L. NAYLOR, his wife; the said MARGARET L. NAYLOR having departed this life on or about the 3rd day of March, 1978; the said MERLIN E. NAYLOR having departed this life on or about the 12th day of October, 1981.

BEING ALSO the same property acquired by IRVIN S. NAYLOR,

ASSESSED FOR TAX PURPOSES ONLY
ASSESSOR
BALTIMORE COUNTY, MARYLAND

LAW OFFICES
MAHER, WILKINSON, SNIDER & GOLDSBOROUGH
CHARTERED
P. O. BOX 1401
ANNAPOLIS, MD. 21404
AREA CODE (301) 269-0600

B012 #B66.00 9/14/83

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
JAY WINER	8665 STEVENSON RD STEVENSON 21153
IRA B. FADER, JR	3416 HALCYON RD " "
MARSHA NEEDLEMAN	3418 ENGLEMEADE RD PIKESVILLE 21208
MARSHA KOENIGSBERG	3416 ENGLEMEADE RD 21208
Doris FADER	3416 HALCYON Rd Stevenson 21153
Gordon Gilbert, Jr	222 Wendover Rd 21218
Letitia Clark Sexton	3436 Halcyon Rd 21153
Irvin Kermal	8611 Stevenson Rd 21153
SUSAN Bowden	8611 STEVENSON Rd 21153
[illegible]	Valleys Planning Council PO Box 5402 Towson
Donnell M. Smith	8609 Stevenson Rd 21153
[illegible]	111 [illegible] Valley Rd. Brooklandville Md. 21022
DONNELL M. SMITH JR.	3 LOMBARDY PL TOWSON, MD. 21204

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Michaela Y. Huber	3456 Halcyon Rd 21153
MARY JANE REED	3400 Halcyon Rd 21153
[illegible] Nickel	3444 Halcyon Rd 21153

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

November 18, 1987

Mr. & Mrs. Stephen G. Huber
3456 Halcyon Road
Stevenson, Maryland 21153

Re: Petition for Special Hearing
N/S of Halcyon Road, 107.52 E. of Stevenson Rd. (Lot #1)
N/S of Halcyon Rd., 304.45' E. of Stevenson Rd. (Lot #2);
C/L of Stevenson Rd., 107.52' of Halycon Rd., (Lot #3).
Stephen G. Huber, et ux - Petitioners
Case number: 88-254-SPH

Please be advised that $68.16 is due for advertising and posting of ... property. All advertising and posting fees must be paid ... the property from the time it ... itself.

... AND POST RETURNED ... ALL NOT BE ISSUED

... County, Maryland and forward ...13, Towson, Maryland 21204.

...ery truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45898

DATE 1/11/88 ACCOUNT R-01-615-000
AMOUNT $ 68.16
RECEIVED FROM: Mrs Stephen Huber
FOR: [illegible]
B [illegible] 88-254-SPH

VALIDATION OR SIGNATURE OF CASHIER

file

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-254-SPH

District 3rd
Date of Posting December 18, 1987
Posted for: Special Hearing
Petitioner: Stephen G. Huber
Location of property: N/S of Halcyon Rd. 107.52' of Stevenson Rd.
Location of Signs: N/S of Halcyon Rd. in front of Lot #3
Remarks:
Posted by S. J. Arata (Signature)
Date of return: December 30, 1987
Number of Signs: 1

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Special Hearing
Case No.: 88-254-SHP
3rd Election District; 2nd Councilmanic District
N/S of Halcyon Road, 107.52' E. of Stevenson Rd., (Lot #1); N/S of Halcyon Rd., 304.45' E. of Stevenson Rd., (Lot #2); C/L of Stevenson Rd., 107.52' of Halcyon Rd. (Lot #3)
DATE/TIME: Monday, January 11, 1988 at 2:00 p.m.
Petition for Special Hearing for nonconforming uses, on lot #3 for a two dwelling unit building and on lot #2 for a four dwelling unit building, in addition to a two dwelling unit building.
In the event that this Petition is granted, a building peremit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
12/233 Dec. 24.

TOWSON, MD., Dec 24, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Dec 24, 1987

THE JEFFERSONIAN,

Susan Sanders Obrecht
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing

Case No.: 88-254-SHP

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 41551
Item 88-A

DATE 9-31-87 ACCOUNT 010-615
AMOUNT $ 100.00
RECEIVED FROM: Michaela Y. Huber
FOR: Special Hearing
B [illegible]

VALIDATION OR SIGNATURE OF CASHIER

... (Lot #1); N/S of Halcyon ... Stevenson Rd., 107.52' ...

...s, on lot #3 for a two ...elling unit building, in ...

..., a building permit may be ... The Zoning Commissioner will, ...ssuance of said permit during ...st be in writing and received ... or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc:

Mr. & Mrs. Stephen G. Huber
Jean K. Tullius, Esq.

file

LEGAL NOTICE

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-254-SHP
3rd Election District - 2nd Councilmanic District
N/S of Halcyon Road, 107.52' E of Stevenson Rd., (Lot #1); N/S of Halcyon Rd., 304.45' of Stevenson Rd., (Lot #2); C/L of Stevenson Rd., 107.52' of Halcyon Rd. (Lot #3)
DATE/TIME: MONDAY, JANUARY 11, 1988 at 2:00 p.m.

Petition for Special Hearing for nonconforming uses, on lot #3 for a two dwelling unit building and on lot #2 for a four dwelling unit building, in addition to a two dwelling unit building.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Page 26 / Northwest STAR / December 23, 1987

... of December, 1987
... publication appearing on the ______ day of ______, 19__
the third publication appearing on the ______ day of ______, 19__

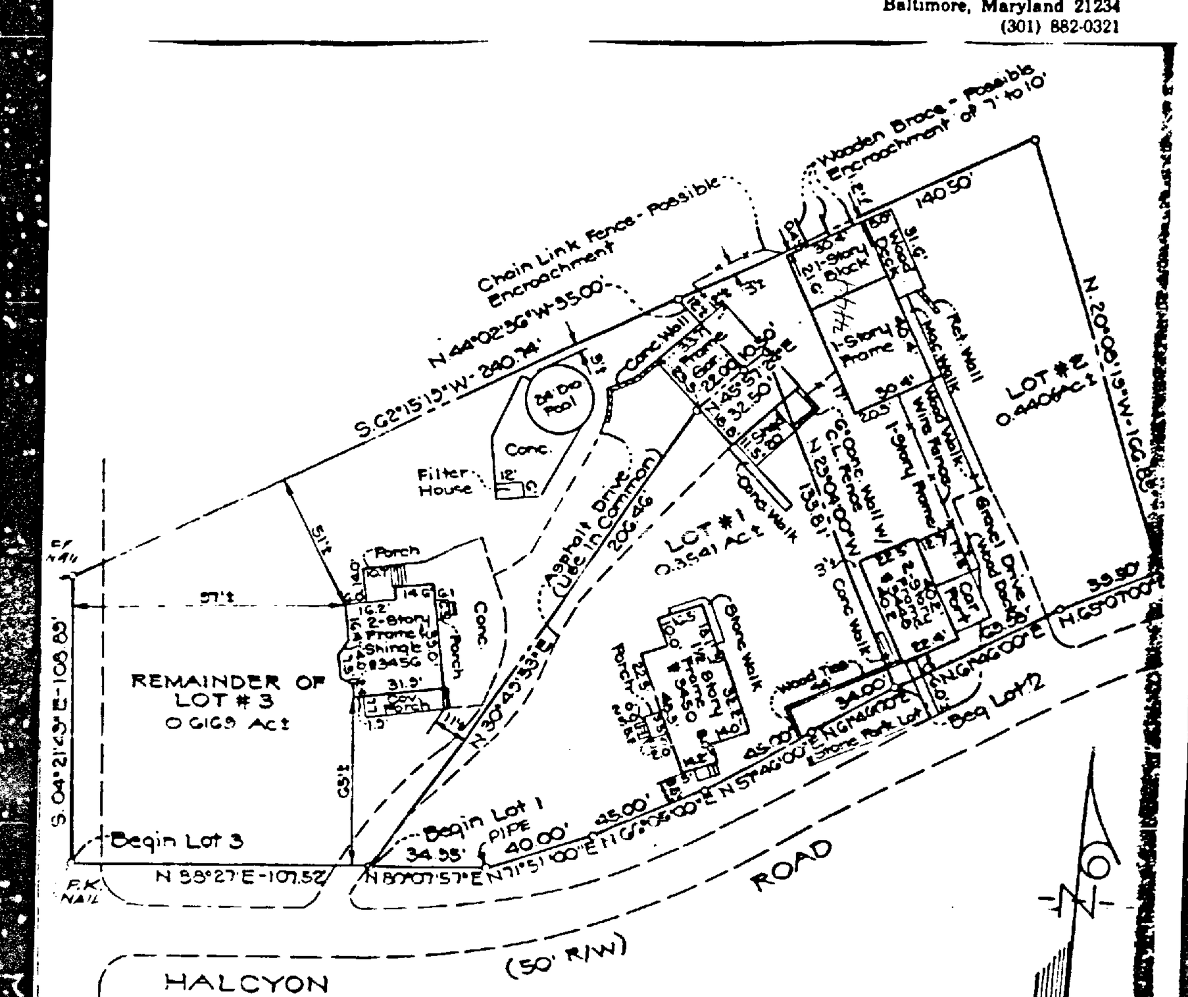
THE NORTHWEST STAR

Jon Berle
Manager

Cost of Advertisement $19.20

MAISTE & WATTS, INC.
SURVEYORS and ENGINEERS

2923 Chenoak Avenue
Baltimore, Maryland 21234
(301) 882-0321



SURVEY OF LOT NO'S 1 & 2 & REMAINDER OF LOT NO 3
OF HUBER PROPERTY - DEED EHK JR. 6588/293
K/A 3456, 3450 & 3448 HALCYON ROAD

SCALE: 1"=50' DATE: JUNE 1, 1987

1

IN RE: PETITION FOR SPECIAL HEARING N/S of Halcyon Road, 107.52 E. of Stevenson Rd. (Lot #1) N/S of Halcyon Road 304.45' E. of Stevenson Rd. (Lot #2); C/L of Stevenson Road, 107.52' of Halcyon Rd. (Lot #3) * BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Stephen G. Huber, et ux Petitioners * Case No. 88-254-SPH

* * * * * * * * *

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner, under date of February 29, 1988, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Jean K. Tullius,
Attorney for Petitioners 686-8274

I HEREBY CERTIFY that on this 29th day of March, 1988, a copy of the foregoing NOtice of Appeal was mailed to People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

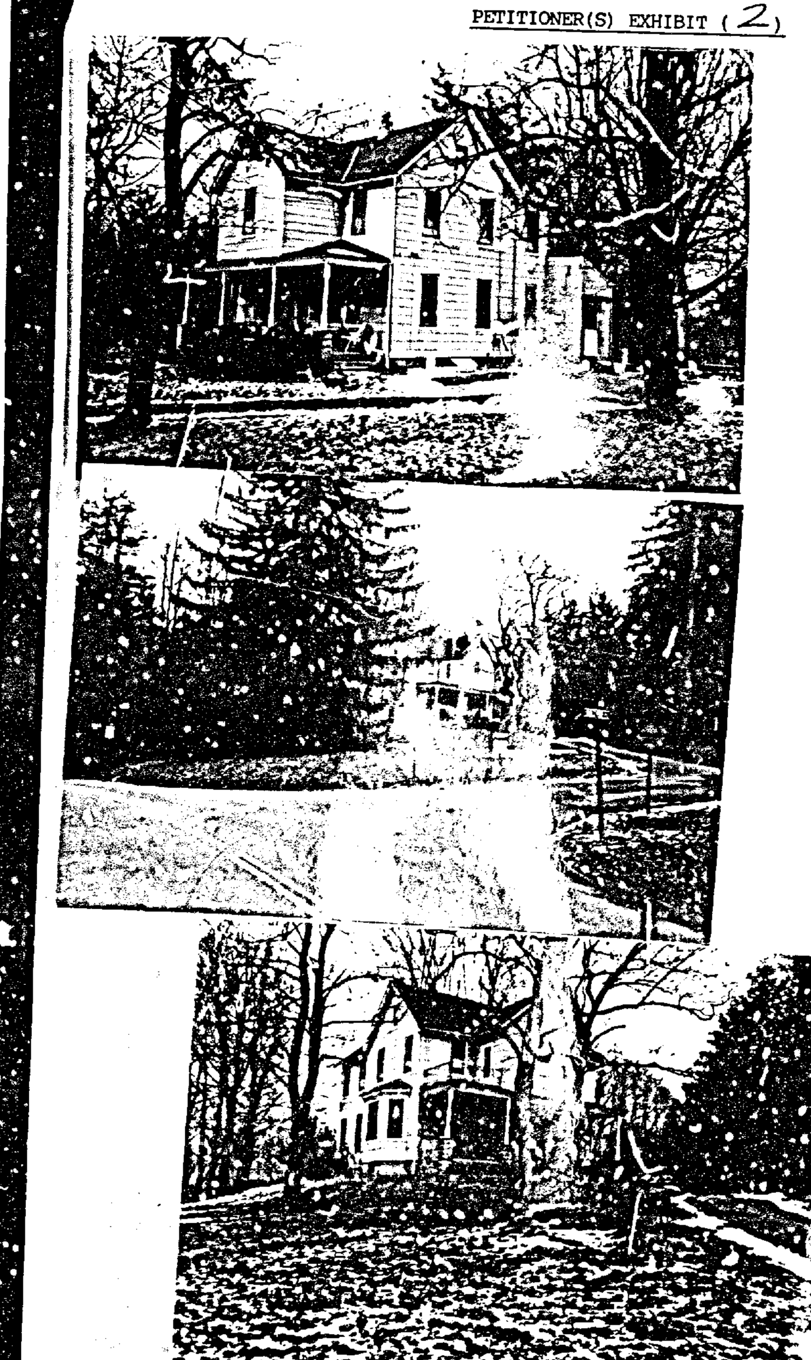
... Tullius

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 50585

DATE 4/11/88 ACCOUNT [illegible]
AMOUNT $ 70.00
RECEIVED FROM: Jean K. Tullius, Attorney, [illegible] Hennegan, 309 Eastern Boulevard, Balto., Md. 21221
FOR: Appeal Filing & Posting Fee in Case No. 88-254-SPH Stephen G. Huber, et ux - Petitioners
B [illegible]

VALIDATION OR SIGNATURE OF CASHIER

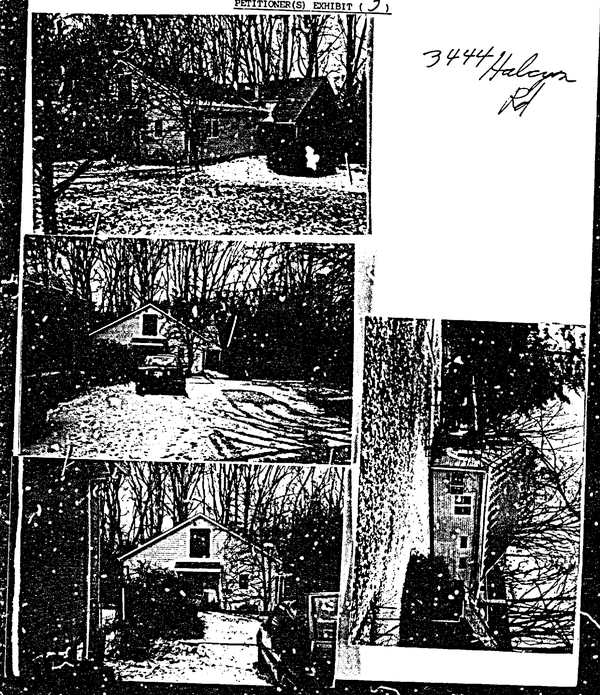
PETITIONER(S) EXHIBIT (2)



3456 Halcyon Rd.

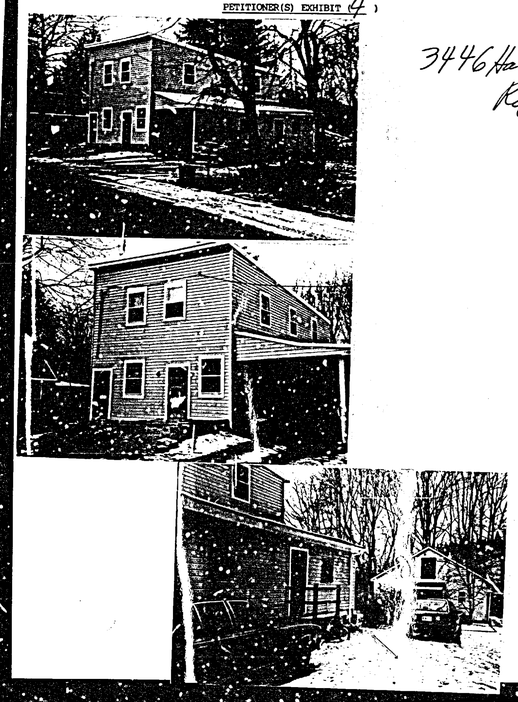
PETITIONER(S) EXHIBIT (3)

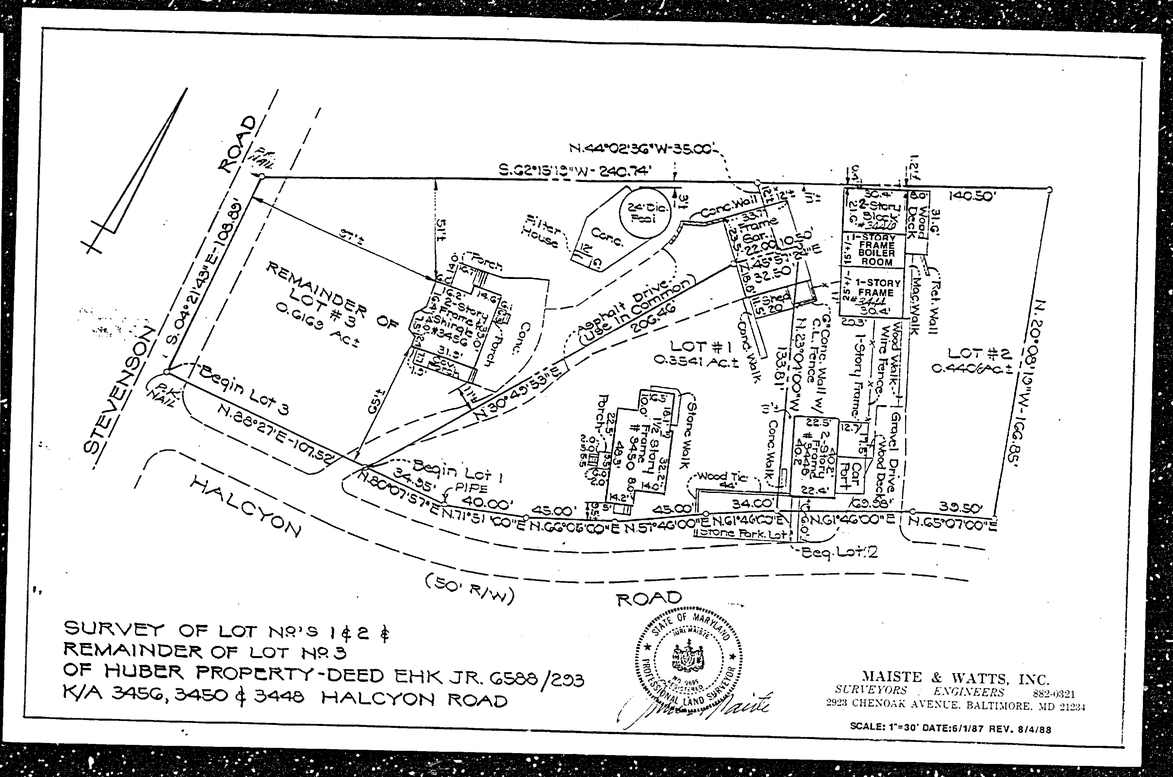
3444 Halcyon Rd



PETITIONER(S) EXHIBIT 4

3446 Halcyon Rd.





SURVEY OF LOT Nº'S 1 & 2 &
REMAINDER OF LOT Nº 3
OF HUBER PROPERTY-DEED EHK JR. 6588/293
K/A 3456, 3450 & 3448 HALCYON ROAD

STATE OF MARYLAND — JAMES W. MAISTE — No. 5449 — PROFESSIONAL LAND SURVEYOR

MAISTE & WATTS, INC.
SURVEYORS ENGINEERS 882-0321
2923 CHENOAK AVENUE, BALTIMORE, MD 21234

SCALE: 1"=30' DATE:6/1/87 REV. 8/4/88

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Richard L. Parks Jr
AFFIANT (Handwritten Signature)

Richard L. Parks Jr
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that the home located at 3456 Halcyon Rd (Main House) was occupied as a two (two, three, etc.) apartment dwelling since not sure what month (month) 1940 (year)? Yes (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since not sure what month (month) before 1940 (year)? Yes (answer)

3. Will you realize any gain from the sale of this Property? No (answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23RD day of OCTOBER, 1987, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared RICHARD L. PARKS, JR., the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS may hand and Notarial Seal.

Norma A. Bittorie
NOTARY PUBLIC NORMA A. BITTORIE

My Commission Expires: July 1, 1990

5

LAW FIRM
Romadka, Gontrum & Hennegan
IRVINGTON FEDERAL BUILDING
8098 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 686-8274

ROBERT J. ROMADKA
JOHN B. GONTRUM
JOHN O. HENNEGAN

DONALD H. SHEFTY
JEAN K. TULLIUS
TIMOTHY M. KOTROCO

Augsut 11, 1988

County Board of Appeals
for Baltimore County
111 W. Chesapeake Avenue
County Office Building
Room 315
Towson, Maryland 21204

RE: Stephen G. Huber, et ux
Case Number: 88-254-SPH

Dear Sirs:

Enclosed please find a copy of the revised site plan to be filed in the above captioned matter.

Thank you for your consideration.

Very truly yours,

Jean K. Tullius

JKT/kmc
Enclosure

RECEIVED 8/11/88 cbm 3:00 PM

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

May 21, 1988

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Hearing
Lots 1, 2, & 3- N/S of Halcyon Road, E. of Stevenson Road
3rd Election District, 2nd Councilmanic District
Stephen G. Huber, et ux - Petitioner
Case No. 88-254-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on March 29, 1988 by Jean K. Tullius, Attorney for Petitioners, on behalf of Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines /cer

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Jean K. Tullius, Attorney for Petitioner
People's Counsel
File

Rec'd. 5/24/88 Bd. of Appeals 3:00 P.M.

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

June 30, 1988

RELOCATION

PLEASE NOTE:

Effective July 11, 1988, all cases scheduled to be heard before the County Board of Appeals in Hearing Room 218 of the Old Courthouse will be heard in ROOM 301, THIRD FLOOR, COUNTY OFFICE BUILDING (111 W. Chesapeake Avenue--across the street from the Old Courthouse). Scheduled date and time remain the same.

In addition, the administrative offices of the Board will relocate on Friday, July 1, 1988 to Room 315, County Office Building.

If you have any questions, please call 494-3180 (the telephone number will remain the same).

Kathleen C. Weidenhammer
Administrative Secretary

County Board of Appeals of Baltimore County

Room 315, County Office Building
Towson, Maryland 21204
(301) 494-3180

October 5, 1988

Jean K. Tullius, Esquire
ROMADKA, GONTRUM & HENNEGAN
809 Eastern Boulevard
Essex, MD 21221

RE: Case No. 88-254-SPH
Stephen G. Huber, et ux

Dear Ms. Tullius:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject case.

Sincerely,

Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. & Mrs. Stephen Huber
James H. Thompson
P. David Fields
Pat Keller
J. Robert Haines
Ann Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

LAW FIRM
Romadka, Gontrum & Hennegan

IRVINGTON FEDERAL BUILDING
809 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 686-8274

ROBERT J. ROMADKA
JOHN B. GONTRUM
JOHN O. HENNEGAN

DONALD H. SHEFFY
JEAN K. TULLIUS
TIMOTHY M. KOTROCO

August 26, 1988

William T. Hackett, Chairman
Board of Appeals
County Office Building
Towson, MD 21204

Dear Chairman:

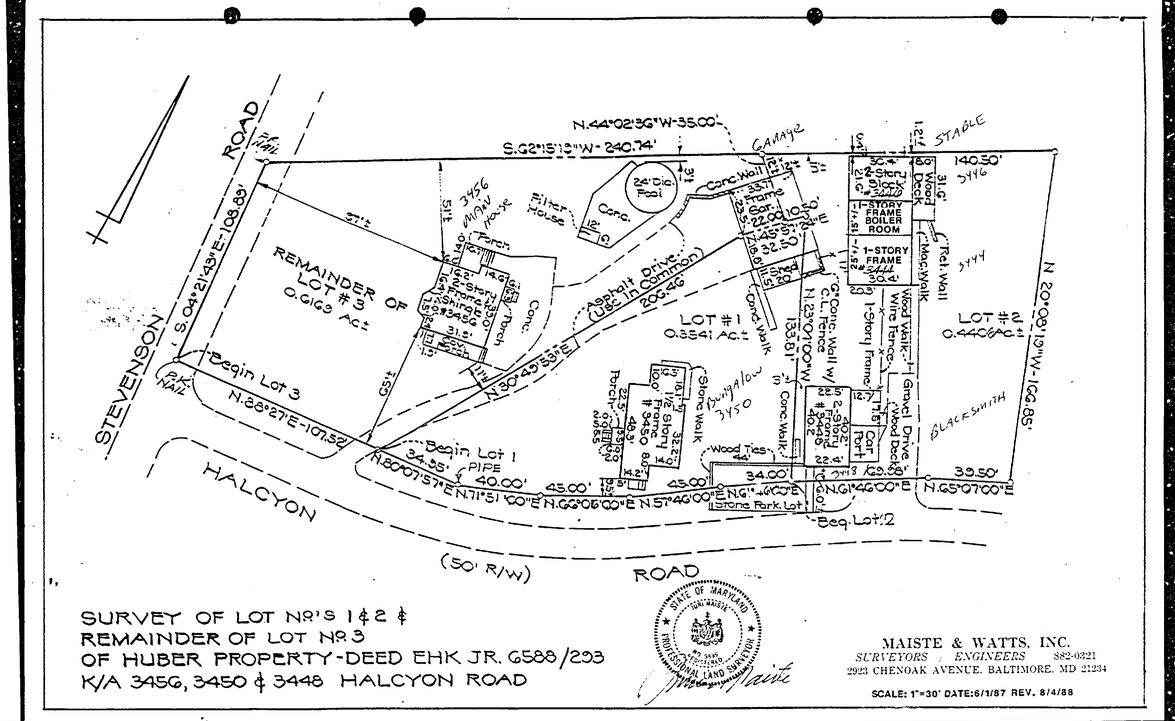
Enclosed please find a revised site plan for the hearing of Steven and Michaella Huber scheduled for August 30, 1988 at 10:A.M. The hearing is for a Petition for a non-conforming use. On August 3 or thereabouts our office had filed a revised site plan with the Board of Appeals. However, when I inspected the file this Thursday, I did not find it there. I apologize for any inconvenience I may have caused.

Please contact me should you have any questions.

Very truly yours,

Jean K. Tullius

RECEIVED 8/26/88 CBA 1:37 PM R



SURVEY OF LOT NO'S 1 & 2 &
REMAINDER OF LOT NO 3
OF HUBER PROPERTY-DEED EHK JR. 6588/203
K/A 3456, 3450 & 3448 HALCYON ROAD

STATE OF MARYLAND — JOHN W. MAISTE — No. 5089 — PROFESSIONAL LAND SURVEYOR

MAISTE & WATTS, INC.
SURVEYORS / ENGINEERS 882-0321
2923 CHENOAK AVENUE, BALTIMORE, MD 21234

SCALE: 1"=30' DATE:6/1/87 REV. 8/4/88

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

November 4, 1938

Mr. Ira B. Fader, Jr.
107 E. Baltimore Street
Baltimore, MD 21202

RE: Case No. 88-254-SPH
Stephen G. Huber, et ux

Dear Mr. Fader:

Please find enclosed a copy of the Motion for Reconsideration filed in the above case by John B. Gontrum, Esquire, the attorney representing Mr. and Mrs. Stephen Huber. Mr. Gontrum has requested that the Board again consider the use of the second floor apartment in the old blacksmith shop, also known as 3448 Halcyon Road. In support of his request, Mr. Gontrum has submitted the enclosed affidavits.

A review of our file discloses that the protestants who opposed Mr. and Mrs. Huber's petition were not represented by counsel. However, my own notes and personal recollection is that you were the spokesman for the protestants. Therefore, I am taking the liberty of forwarding to you a copy of Mr. Gontrum's motion with affidavits, in addition to the Board's Ruling on same which granted Mr. Gontrum's request.

The Board intends to reschedule this case for an additional hearing day to consider that sole issue of the second floor apartment. No other issues will be considered. It would be appreciated if you would communicate this information to any other individuals whom you are aware may have an interest in this case. Specifically, my notes reflect that, in addition to yourself, Mr. Kenneth Frank and others may have interest in the outcome of this case. I will advise you further when a hearing date has been assigned, and please don't hesitate to contact me should you have questions in this regard.

Very truly yours,

Lawrence E. Schmidt (KW)
Lawrence E. Schmidt, Acting Chairman
County Board of Appeals

encls.

cc: John B. Gontrum, Esquire
Arnold Jablon, County Attorney

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

November 4, 1988

John B. Gontrum, Esquire
ROMADKA, GONTRUM & HENNEGAN
809 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. 88-254-SPH
Stephen G. Huber, et ux

Dear Mr. Gontrum:

Enclosed is a copy of the Board's Ruling on Motion for Reconsideration issued this date in the subject case.

Sincerely,

Kathleen C. Weidenhammer
Administrative Secretary

encl.

cc: Arnold Jablon, County Attorney
J. Robert Haines, Zoning Commissioner
James Thompson, Zoning Enforcement

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) ~~494-3180~~ 887-3180

HEARING ROOM --
Room 301, County Office Building

December 14, 1988

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-254-SPH — STEPHEN G. HUBER, ET UX

Lots 1, 2 and 3, north side of Halcyon Road east of Stevenson Road

34d Election District
2nd Councilmanic District

10/05/88 -Opinion/Order of the C.B. of A. that the Petition is granted in part and denied in part

This case has been set in for an additional hearing date for consideration of whether the use at 3448 Halcyon Road (known as the (old blacksmith shop) is nonconforming (Petitioner's Motion for Reconsideration granted 11/4/88).

ASSIGNED FOR: TUESDAY, FEBRUARY 21, 1989 at 10:00 a.m.

cc: John B. Gontrum, Esq. — Counsel for Petitioner
~~Jean K. Tullius, Esquire~~ — " " " out per J Hastrup
Mr. & Mrs. Stephen G. Huber — Petitioners
Ira B. Fader, Jr.
Jim Thompson
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

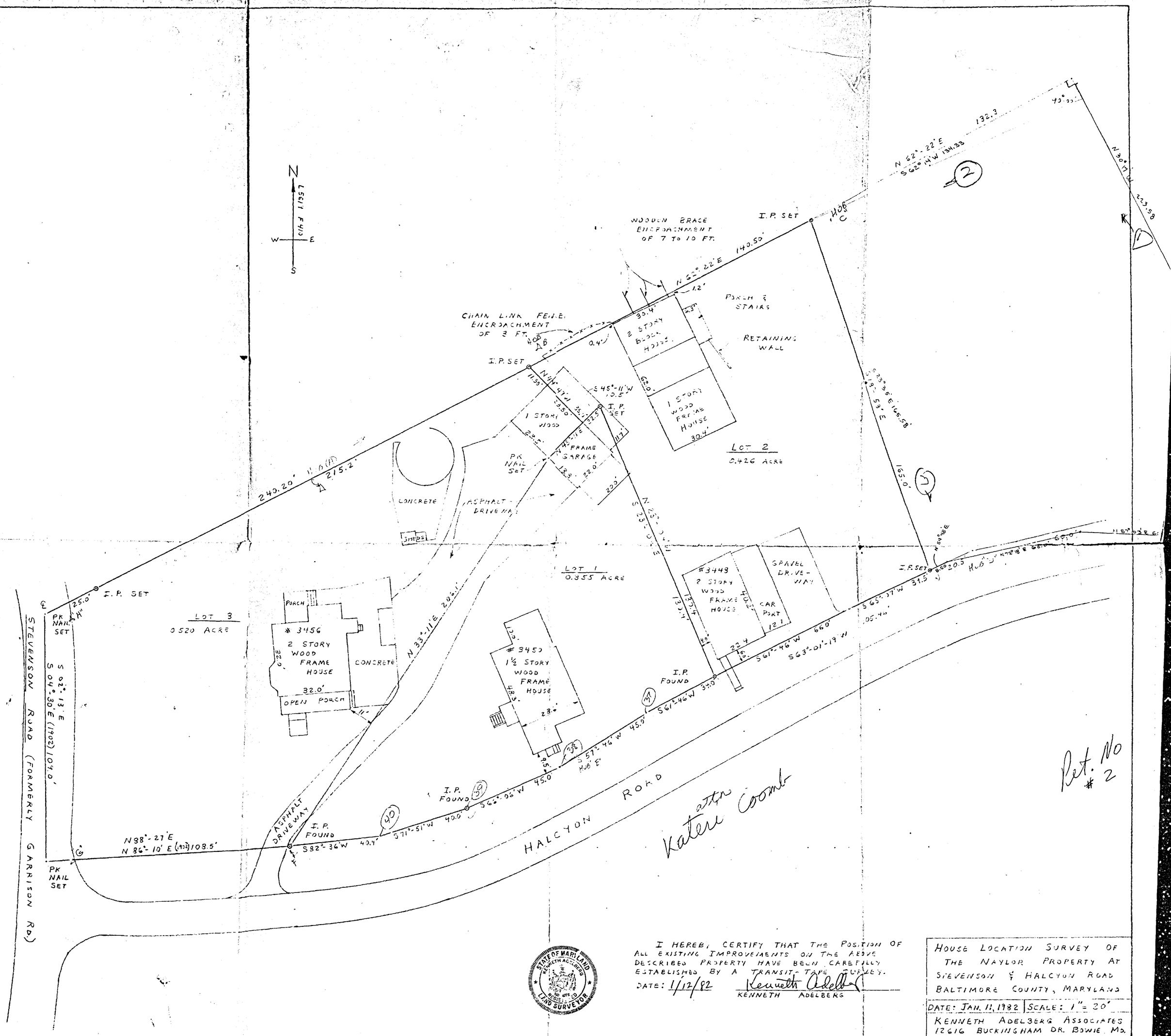
Kathleen C. Weidenhammer
Administrative Secretary

6/02/88 -Notice sent to following re hearing set for Tuesday, August 30, 1988 at 10:00 a.m.

Jean Tullius, Esq.
M/M Stephen Huber
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

notice 8/25/88 per Hastrup

October 5	Opinion/Order of the CBA that Petition for Special Hearing is granted in part and denied in part.
November 3	Motion for Reconsideration filed by Counsel for Petitioner.
November 4	Board's Ruling on Motion for Reconsideration -that Motion is GRANTED and that case will be set in for an additional hearing day for the sole issue of 3448 Halycon Road and whether the use at this location (the old blacksmith shop, second floor apartment only) is a nonconforming use. Hearing date to be assigned.
December 14, 1988	-Notice sent -set in for additional hearing date for reasons as stated above. Notices sent to above. Set for: Tuesday, February 21, 1989 at 10:00 a.m.



I HEREBY CERTIFY THAT THE POSITION OF ALL EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY.

DATE: 1/12/82 Kenneth Adelberg

KENNETH ADELBERG

STATE OF MARYLAND KENNETH ADELBERG REG. NO. 3784 LAND SURVEYOR

HOUSE LOCATION SURVEY OF THE NAYLOR PROPERTY AT STEVENSON & HALCYON ROAD BALTIMORE COUNTY, MARYLAND

DATE: JAN. 11, 1982 | SCALE: 1" = 20'

KENNETH ADELBERG ASSOCIATES
12616 BUCKINGHAM DR. BOWIE MD.
P.E. No. 3784, L.S. No 4772