

Thomas Hug
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-277-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1206 Third Road, located in the vicinity of Wilson Point Road in Middle River. The Petition was filed by the owner of the property, Thomas Hug. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 feet in lieu of the required 10 feet for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Thomas Hug, property owner. Appearing as Protestants in the matter were Mr. and Mrs. Lynn Patrick, adjoining property owners, who were represented by Mary Jean Kretschmer, Esquire, and Mrs. Whitehead, a nearby property owner.

Testimony and evidence offered revealed that the subject property consists of 0.12 acres, more or less, zoned D.R. 5.5 and is improved with a one-story dwelling and detached concrete block garage. The property is located in the community of Wilson Point, not far from Middle River, and is subject to compliance with Chesapeake Bay Critical Areas development regulations. Testimony indicated that Mr. Hug has resided on the property since 1989. Mr. Hug recently commenced construction of a 6' x 19.5' addi-

67

tion on the south side of his home, approximately 4 feet from the side property line adjacent to the Patrick property. This addition is under roof and partially covered with plywood. Mr. Hug also commenced construction of another addition to the rear of his home. This addition merely consists of a cinder block foundation at the present time, but will eventually be finished as a porch. Mr. Hug indicated that the proposed additions are being added to accommodate his father, who will be moving in with him sometime this year, and to provide more living space in general. Mr. Hug testified that he and his father, who is in his 70's now, have lived in the Wilson Point community for all of their lives and that they wish to remain in this neighborhood.

As noted above, Mr. & Mrs. Lynn Patrick, adjoining property owners, appeared in opposition to the relief requested. Mr. & Mrs. Patrick testified that their measurement of the proposed addition places it approximately 37 inches from their property line. Nevertheless, the testimony offered by the Patricks as well as the photographs submitted show that the proposed addition on the side of the subject property will adversely affect their enjoyment of their property. The Patricks' house is unusual in that the front and rear entrances to their home are located on the sides of the dwelling. Furthermore, an open, covered porch extends from the front of their home around to the back side of their property. Therefore, when the Patricks sit on their front porch or exit from the front of their home, they face the addition that Mr. Hug is constructing along the side of his home. Given that this addition sits in close proximity to the property line and is taller than the roof line of the Patrick's home, the addition has an overpowering appearance. Mr. & Mrs. Patrick testified that the subject addition interferes with their view from their property and the

ORDER RECORDED FOR PLANS
Date 9/20/99
By [Signature]

enjoyment of their front porch. Thus, the Patricks are opposed to the granting of this variance.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented by the Petitioner and the Protestants, I am persuaded to deny the variance. The proposed addition is simply too close to the property line adjoining the Patrick property and is too large in scale that it would interfere with the Patricks' use and enjoyment of their property, particularly the porch area located on that side of their home. The testimony presented by the Petitioner was insufficient to support a finding that compliance would unreasonably prevent the use of his property or be unnecessarily burdensome. Therefore, the variance requested must be denied and the Petitioner shall have ninety (90) days from the date of this Order to remove this addition and return this side of his property to its original condition.

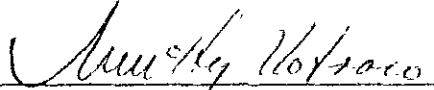
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of February, 1997 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 feet in lieu of the required 10 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall have ninety (90) days from the date of this Order in which to remove the structure and return that side of his property to its original condition; and,

IT IS FURTHER ORDERED that within ninety (90) days of the date of this Order the Petitioner shall obtain a valid building permit for the proposed porch to the rear of the subject property; and,

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/25/97
By [Signature]

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 105 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #97-277-A
(Item 277)

1206 Third Road
S/S Third Road, 150' SE of
Dogwood Road
15th Election District
5th Councilmanic

Legal Owner(s):
Thomas Hug

Variance: to permit a side yard setback of 4 feet in lieu of the required 10 feet for a living room addition.

Hearing: Friday, February 14, 1987 at 10:00 a.m. in Rm. 105, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the file and/or Hearing, Please Call 887-3357.

1289 Jan. 23 C114210

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Jan. 23, 1977

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan. 23, 1977.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

ZONING DESCRIPTION FOR 1206 THIRD ROAD, BALTIMORE, MD 21220

97-277-A

Beginning at a point on the south side of Third Road which is thirty (30) feet wide at the distance of 150' southeast of the centerline of the nearest improved intersecting street, Dogwood Drive which is thirty (30) feet wide, *Being Lot #26, Section #4 in the subdivision of Stansbury Manor as recorded in Baltimore County Plat Book #13, Folio #138, containing 4995.5 square feet, also known as 1206 Third Road and located in the 15th Election District, 5th Councilmanic District.

277

Thomas Hug
4105741625

RECORDED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

February 25, 1997

Mr. Thomas Hug
1206 Third Road
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE
S/S Third Road, 150' SE of the c/l of Dogwood Drive
(1206 Third Road)
15th Election District - 5th Councilmanic District
Thomas Hug - Petitioner
Case No. 97-277-A

Dear Mr. Hug:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Lynn Patrick
1208 Third Road, Baltimore, Md. 21220

Mary J. Kretschmer, Esquire
400 W. Pennsylvania Avenue, Towson, Md. 21204

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21404

Mr. James Thompson, Zoning Enforcement Division, DPDM
People's Counsel; Case File



RECEIVED
FEB 27 1997



CAPITAL AREA VIOLATION

Petition for Variance

97-277-A
to the Zoning Commissioner of Baltimore County

for the property located at

1206 THIRD ROAD, BALTIMORE, MD

which is presently zoned DRB-2

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1; BC22, TO PERMIT

A SIDEYARD SETBACK OF 4' IN LIEU OF THE REQUIRED 10'
FOR A LIVING ROOM ADDITION

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

- A) An additional occupant within 1997 - elderly father to move in
- B) Cannot relocate due to job loss (not an apartment)
- C) Member of Local Volunteer Fire Dept for past 19 years

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

I, or we, agree to pay expenses of above Variance 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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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

Legal Owner(s):

THOMAS HUG

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1206 THIRD ROAD

(410) 574-1625

Address

Phone No

BALTIMORE, MD

21220

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: *guy*

DATE

1-7-97

277

Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-27-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 277 Petitioner: RE Thomas Hug
Location: 1206 Hug Third Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: THOMAS HUG Thomas Hug
ADDRESS: 1206 THIRD ROAD
BALTIMORE, MD 21220
PHONE NUMBER: (410) 574-1625



BALTIMORE COUNTY, MARYLAND
OFFICE OF FIN E-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 025709

DATE 1-7-97 ACCOUNT R001-6150

AMOUNT \$ 50.00

RECEIVED

FROM:

Thomas Huc 1206 Third Ro.
(010) VANCE

FOR:

RECEIVED

RECEIVED
NO. 000113401-00-07

RECEIVED

VALIDATION OR SIGNATURE OF CASHIER

JCM

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

CERTIFICATE POSTING

RE: Case No.: 97-277-A

Petitioner/Developer: _____

THOMAS HUG

Date of Hearing/Closing: 2-14-97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 1206 THIRD ROAD

BALTIMORE, MARYLAND 21220

The sign(s) were posted on JAN 30, 1997
(Month, Day, Year)

Sincerely,

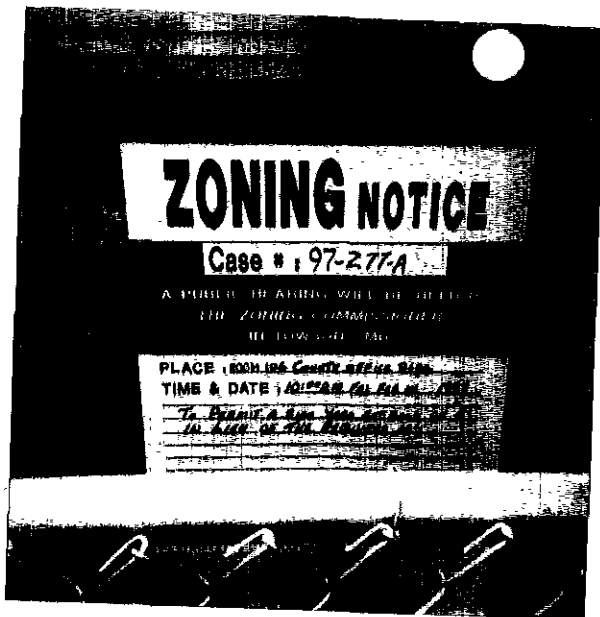
Thomas Hug
(Signature of Sign Poster and Date)

THOMAS HUG
(Printed Name)

325 NICHOLSON ROAD
(Address)

BALTIMORE, MARYLAND 21220
(City, State, Zip Code)

(410) 687-8405
(Telephone Number)



97-277-A

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No. 91-277-A

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

PLACE: _____

DATE AND TIME: TO PERMIT A SIDEYARD SETBACK OF

REQUEST: TO PERMIT A SIDEYARD SETBACK OF
4' IN LIEU OF THE REQUIRED 10' FOR A
LIVING ROOM ADDITION.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

277



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 15, 1997

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-277-A (Item 277)
1206 Third Road
S/S Third Road, 150' SE of c/l Dogwood Road
15th Election District - 5th Councilmanic
Legal Owner(s): Thomas Hug

Variance to permit a side yard setback of 4 feet in lieu of the required 10 feet for a living room addition.

HEARING: FRIDAY, FEBRUARY 14, 1997 at 10:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Thomas Hug

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JANUARY 30, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



BALTIMORE COUNTY, MARYLAND

February 3, 1997

SUBJECT: Zoning Item #277 - Thomas Hug Property
1206 Third Road
Zoning Advisory Committee Meeting of January 21, 1997

Environmental Impact Review

RBS:TI:sp

HUG/DEPRM/TXTSBP

MINI

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: January 17, 1997

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. (277), 278, 279, 281 and 283

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Sam L. Kerns

PK/JL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 1-17-97
Item No. 277 (JCM)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 01/23/97

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JAN. 21, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

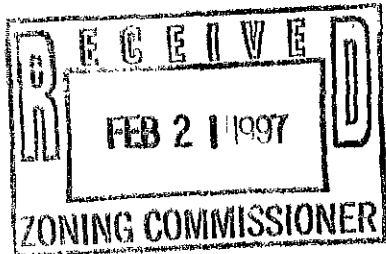
8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:
276, 277, 278, 281, 282, 283, 284 AND 286.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Mr. and Mrs. Edward J. Biclarski
1205 3rd Road
Wilson Pt., Md. 21220



Dear Mr. Kotroco,

I'm writing to you about the zoning hearing on an addition being added to Tom Hug's house. (1206 3rd)

We are afraid that an addition of this type, would set a precedent for others to follow.

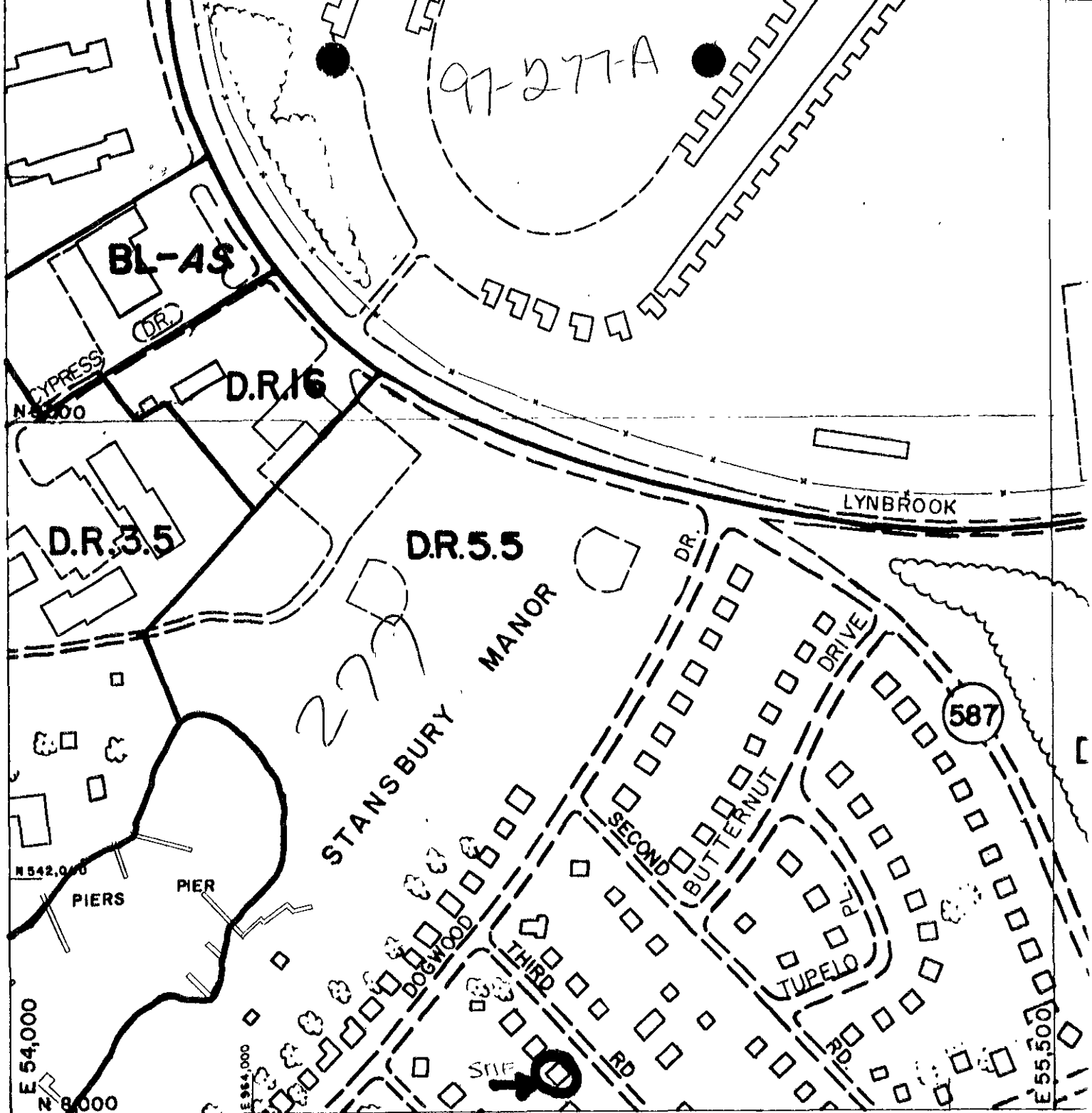
We have lived on 3rd Road for thirty years. When we enclosed our existing porch some years ago, we got a permit and went the legal way. We made sure we did not block the view of our neighbors.

The addition would not only block the Patricks view but become an eyesore for the whole Road.

We therefore hope that it will not be allowed to be added to the house - 1206 3rd Rd

Yours truly

Edward & Mary
Biclarski



I - SE Z - SW
I - NE Z - NW

Thomas Hug
1206 Chival Rd
Baltimore, Md 21220
410 574-1625

NE 3-J

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1996 COMPREHENSIVE ZC
ADOPTED by
THE BALTIMORE COUNTY
OCTOBER 8, 1996

Bills Nos. 129-96, 130-96, 131-96, 132-96

Kevin Kam

Chairman, County Council

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1206 THIRD ROAD

Subdivision name: STANBURY MANOR

[plat book # 13, folio # 138, lot # 26, section # 4]

OWNER: THOMAS HUG

see pages 5 & 6 of the CHECKLIST for additional required information
EASTERN AVE

ROTHMANA
LUCAS

EXISTING DWELLING
1204

5' SIDEWALK EASEMENT

LOT 25

S 45°33'30" W 103.00'

CONC. BLOCK GARAGE
22' CONC.

1 STORY FRAME HOUSE #1206

CONC. PORCH
14.2' 6.3'

LOT 26

PROPOSED

N 46°33'30" E 103.00'

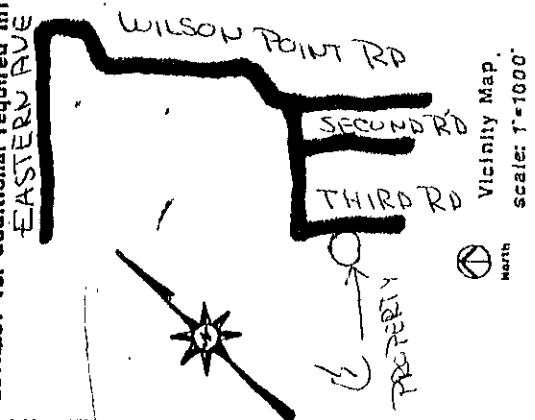
CONCRETE PERCH
LOT 27
EXISTING DWELLING 1208
CONCRETE

REAR PORCH
PATRICK

N 43°26'30" W 48.50'

THIRD ROAD

30' R/W PAVING



LOCATION INFORMATION

Election District: 5
Councilmanic District: 15
1"=200' scale map#: NE 35
Zoning: DR 5.5
Lot size: 0.12 acreage
4995.5 square feet

public private
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☒ ☐
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

DM 27

North

date: 12-26-96

prepared by: Thomas Hug

Scale of Drawing: 1"=20'

97-277-4

2-10-97

To Whom it may concern;

Two people are doing all they can to make the 12 hundred block of "Third Road", a little better place to live.

The Patricks of 1208 Third Road have done quite a lot of repairs inside and outside of their house. They have lived in this house - 30 years.

The gentleman in 1206 has done a lot to his house in the few years he has lived in his house.

The Patricks Porch is on the side of the house because of the way their house is setting on their property.

If I lived there, I would not like to have to sit on the porch, and see nothing but a brick wall, and so close to the porch. Other construction will keep them from having any view.

Thank you

Mrs. Eleanore Horn
1212 Third Road.

I have been in my house since 1955.

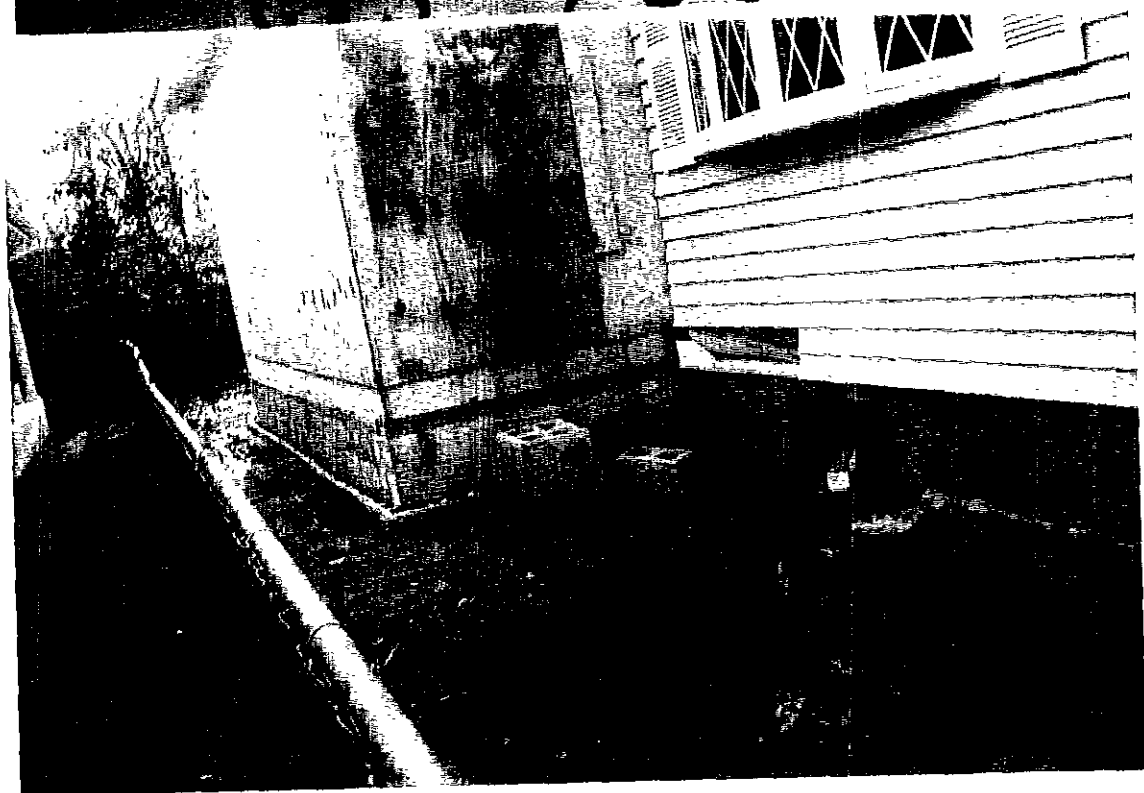
Peltiger's
Exhibit 2A &
2B

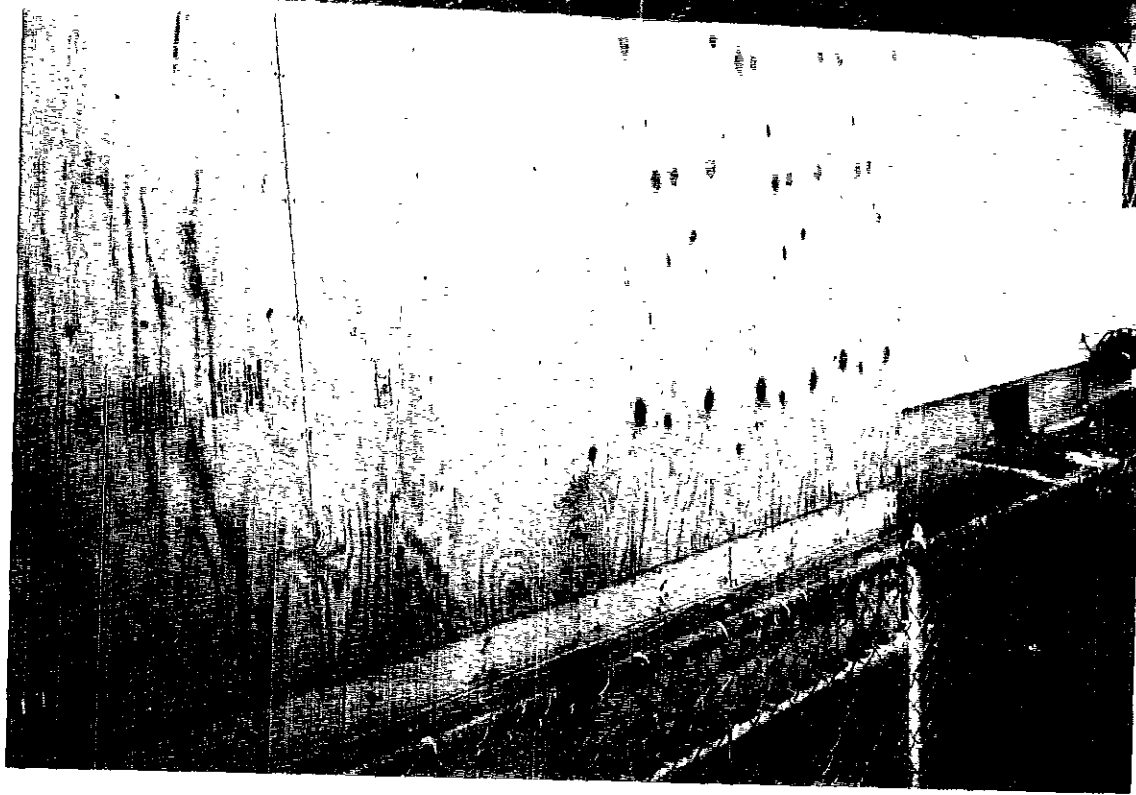




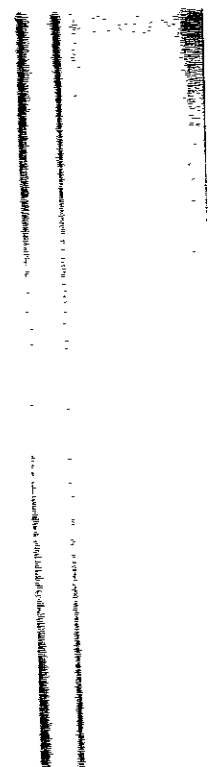
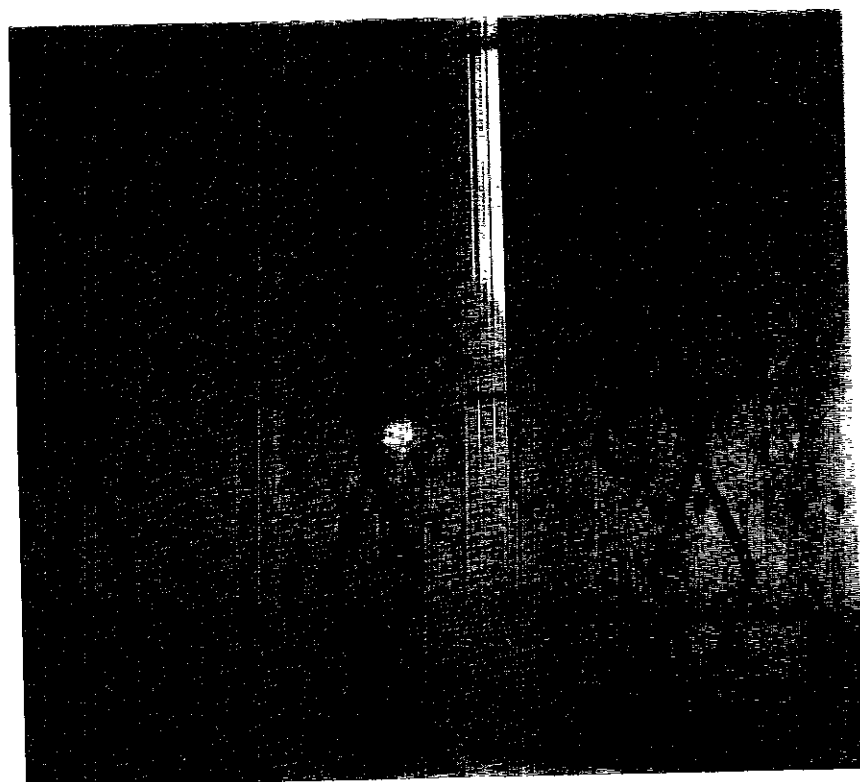
Protestant's
Exhibits 1A-
1C

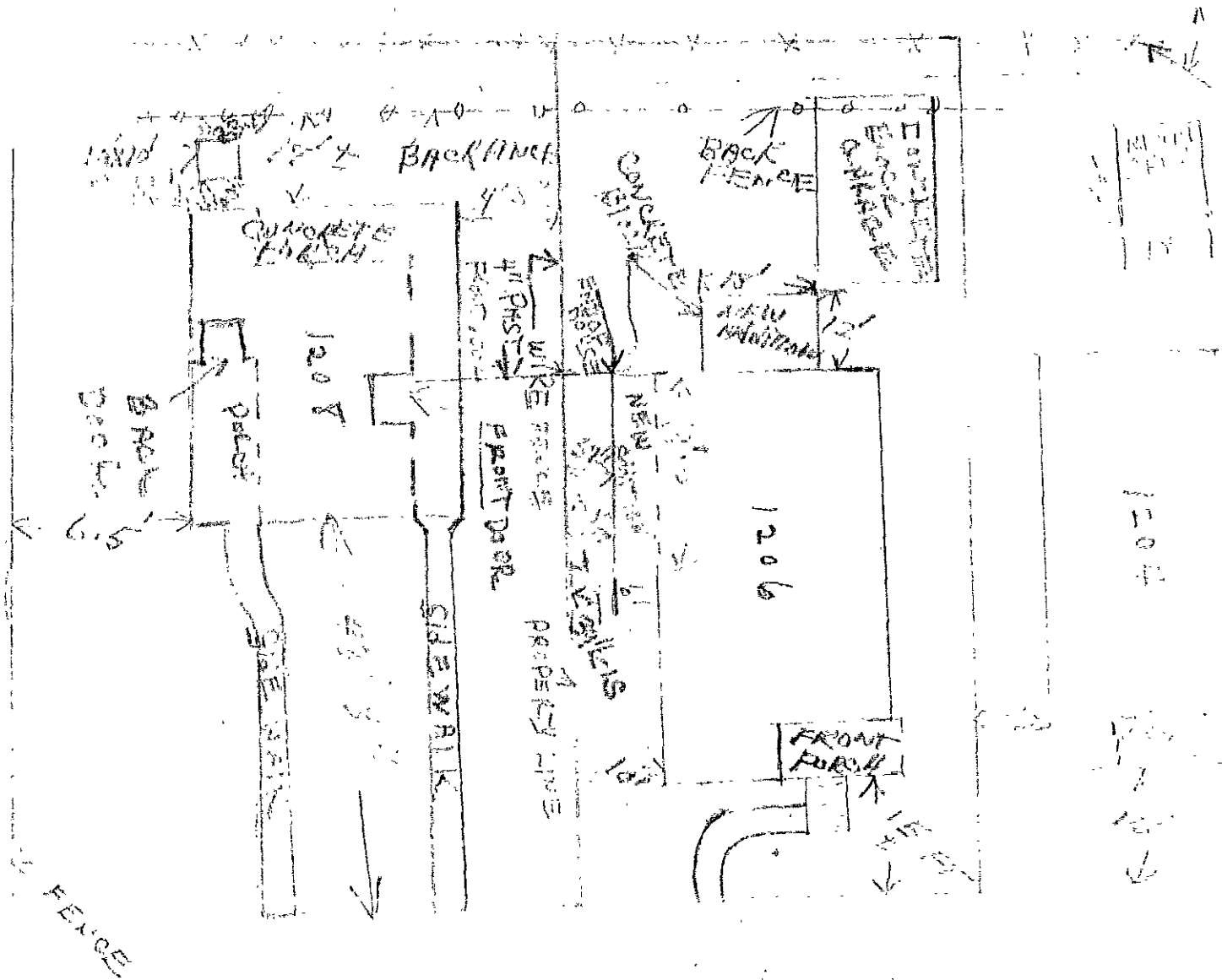
EXHIBIT 1A-1C











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