IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
SW/S of Middletown Road, 1100' NW of Gores Mill Road	*	DEPUTY ZONING COMMISSIONER
6th Election District	*	OF BALTIMORE COUNTY
3rd Councilmanic District (19934 Middletown Road)	*	CASE NO. 03-104-SPHA
Robert L. Heggenstaller Petitioners	*	

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Robert L. Heggenstaller. The Petitioner is requesting a special hearing to approve a septic reserve area in a zone different than the principal dwelling and to approve a portion of proposed Lot Nos. 2 and 3 as non-density and non-buildable in the R.C.2 zone. The variance request is to allow a building face to have a 0 ft. setback from an adjacent R.C.2 zone in lieu of the required 100 ft. The zoning relief is requested for property Mr. Heggenstaller owns located at 19934 Middletown Road.

Appearing at the hearing on behalf of the requests were the property owner and Bruce Doak, the land surveyor who prepared the site plan of the property. There were no Protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 37.87 acres zoned R.C.2, 23.76 acres zoned R.C.4, and 0.68 acres zoned R.C.5. The property is located on the southwest side of Middletown Road, near its intersection with Gores Mill Road. Mr. Heggenstaller is interested in requesting a minor subdivision of the property to create some additional building lots. At this time, the property owner proposes

10/8/02

three lots of record as are shown on Petitioner's Exhibit No. 1, the site plan submitted into evidence. Mr. Heggenstaller's existing home is proposed to remain on Lot No. 1, which will consist of approximately 30.45 acres. Lot No. 2 is proposed with 24.41 acres and will be the site of a second single-family dwelling, which is proposed to be located with a 0 ft. setback to the R.C. 2/R.C. 4 zone line, which bisects this lot. Finally, Lot No. 3 will house the third dwelling and is the subject of the special hearing request to allow the septic reserve area to exist on the R.C.2 portion of the property as opposed to the R.C.4. In order to proceed with the plan to divide the property in this fashion, the special hearing and variance relief are necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to 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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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, it is clear that practical difficulty or unreasonable hardship will result if the variance and special hearing are not granted. It has been established that special circumstances or conditions exist that are peculiar

to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, I believe that the special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 8th day of October, 2002, that the Petitioner's request for special hearing, to approve a septic reserve area in a zone different than the principal dwelling and to approve a portion of proposed Lot Nos. 2 and 3 as non-density and non-buildable in the R.C.2 zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variance request, to allow a building face to have a 0 ft. setback from an adjacent R.C.2 zone in lieu of the required 100 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

10/8/02
R. Johnson

IN THE MATTER OF THE APPLICATION OF ROBERT HEGGENSTALLER –LEGAL OWNER FOR SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE SW/S MIDDLETOWN ROAD, 1100' NW OF GORES MILL ROAD (19934 MIDDLETOWN ROAD) 6TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 03-104-SPHA

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

AMENDED ORDER

On July 10, 2003, this Board issued an Opinion and Order in the above-captioned matter. On July 18, 2003, a letter was filed by the Office of People's Counsel in which People's Counsel requests that the Board review its Opinion and Order of July 10, 2003 with regard to a possible omission in its Order. Specifically, the Board's Order does not "dismiss as moot" that portion of the Petition for Special Hearing "to locate the septic reserve area in a zone different than the principal dwelling," although this portion of the Petition was withdrawn by Petitioner at hearing before the Board and is discussed within the Board's Opinion of July 10, 2003.

Accordingly, the Board, pursuant to Rule 10 of the Board's Rules of Practice and Procedure, has reviewed its Opinion and Order issued in these proceedings and finds that a paragraph was inadvertently omitted from its Order relative to Petitioner's withdrawal of that portion of the Petition for Special Hearing "to locate the septic reserve area in a zone different than the principal dwelling." Therefore, the Board's Order dated July 10, 2003 shall be amended as follows (underscore indicates correction):

> ...that the Petition to approve a portion of Lots 2 and 3 as non-density and non-buildable in an R.C.2 zone is hereby **GRANTED**; and it is further,
>
> **ORDERED**, that Petitioner's request for a variance of the building setback of 0 ft from an adjacent R.C. 2 zone in lieu of the required 100 ft. is hereby **GRANTED**; and it is further

ORDERED, that Petitioner's request to locate the septic reserve area in a zone different than the principal dwelling be and the same is hereby **DISMISSED AS MOOT**, having been withdrawn by the Petitioner at hearing before this Board, and that said portion of the Deputy Zoning Commisioner's Order in which said relief was granted with regard to that portion of the special hearing request is rendered null and void.

No other changes having been made, any Petition for Judicial Review will be filed from the date of the Board's original Opinion and Order issued July 10, 2003.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Richard K. Irish

Maureen E. Murphy

Date: August 8, 2003

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

August 8, 2003

Carole S. Demilio
Deputy People's Counsel for
Baltimore County
Room 48, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Robert Heggenstaller*
Case No. 03-104-SPHX /Amended Order

Dear Ms. Demilio:

Enclosed please find a copy of the Amended Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Only the underscored portion of the Order has been amended as indicated. The balance of the Opinion and Order as issued by the Board on July 10, 2003 remains unchanged.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the original Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco /ctrs
Kathleen C. Bianco
Administrator

Enclosure

c: Peter M. Zimmerman, Esquire
Robert L. Heggenstaller
Bruce Doak /Gerhold, Cross & Etzel
Thaddeus Cox
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

IN THE MATTER OF THE APPLICATION OF ROBERT HEGGENSTALLER –LEGAL OWNER FOR SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE SW/S MIDDLETOWN ROAD, 1100' NW OF GORES MILL ROAD (19934 MIDDLETOWN ROAD) 6TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 03-104-SPHA

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

OPINION

This case comes to the Baltimore County Board of Appeals on Petitions for Special Hearing and Variance for Petitioner's property located at 19934 Middletown Road to approve a septic reserve area in a zone different than the principal dwelling and to approve a portion of Lots 2 and 3 as non-density and non-buildable in an R.C.2 zone. The Petitioner also requests a variance from the building setback of 0 ft. in lieu of the required 100 ft. from an adjacent RC.2 zone. A hearing was held before the Board on June 4, 2003. Petitioner appeared at the hearing *pro se*. Peter Max Zimmerman represented the Office of People's Counsel for Baltimore County.

By way of background, Petitioner proposes three (3) lots of record on the Amended Plat which was submitted into evidence. (Pet. Ex. #1). Lot 1 will contain the Petitioner's existing home and consists of 30.19 acres and is located in an R.C.2 zone. Lot 2 consists of 25.23 acres and is contained within both R.C. 2 and R.C. 4 zones. Petitioner proposes to erect one (1) dwelling on Lot 2. Lot 3 consists of 6.86 acres and is contained within both R.C.2 and R.C.4 zones. Petitioner proposes to erect one (1) dwelling on Lot 3.

At the hearing, the Petitioner and People's Counsel agreed that the Petitioner's request for approval of a septic reserve area in a zone different than the principal dwelling had been resolved

by way of the Amended Plat such that the septic reserve area would be located in the same R.C.2 zone as the dwelling on Lot 3 rather than in the R.C.4. Accordingly, the Board need not decide that issue.

The Petitioner is also requesting that the Board impose a condition on the development plan that 1.29 acres of Lot 2 (R.C.2) or 5.1% of Lot 2 be classified as non-density and non-buildable and that 5.86 acres of Lot 3 (R.C.2), or 85% of Lot 3, be classified as non-density and non-buildable. There was no evidence presented in opposition to this issue. Bruce Doak of Gerald, Cross & Etzel, a registered professional land surveyor, testified on behalf of Robert Heggenstaller, the legal owner of the Property, (the "Petitioner") that Lot 2 consists of mostly forest buffer and that 70 % of Lot 2 is a conservancy of steep slopes and a stream. The stream runs throughout both Lots 2 and 3. Mr. Doak noted that the majority of Lot 2 is zoned R.C.4. The Amended Plat showed that the location of the houses on Lots 2 and 3 will be located outside the forest buffer. Further, the dwellings will not be visible from the adjacent properties or from Middletown Road. Mr. Doak further testified that the majority of Lot 3 lies within the R.C.2 zone and a small portion was in the R.C.4 zone. Mr. Doak also testified that, because the forest buffer and stream run throughout Lots 2 and 3, the intended design was to maintain large lots to protect the forest buffer.

Based on the evidence presented, the portions of Lots 2 and 3 as designated by the Petitioner on his Amended Plat should not be developed due to the existing environmental factors mentioned. As a result, the Board finds by unanimous decision that the development plan shall contain a note that 1.29 acres of Lot 2 (R.C.2) shall be classified as non-density and non-buildable and that 5.86 acres of Lot 3 (R.C.2) shall be classified as non-density and non-buildable as referenced on the Amended Plat.

With regard to the Petitioner's request for variance from the setback requirement, the standard of review for the Board with regard to zoning variances is set forth in *Baltimore County Zoning Regulations* ("B.C.Z.R."), §307.1 as follows:

> ...The County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare.

The Court in *Cromwell v. Ward*, 102 Md. App. 691 (1995) held that the *BCZR*, §307.1 sets forth a two-step approach to granting of variances; namely: (1) uniqueness or conditions peculiar to land; and (2) practical difficulty. In order to address the second prong, there must first be evidence presented to satisfy the first prong. The *Cromwell* Court citing *North v. St. Mary's County*, 99 Md. App. 502, 514 (1994) defined "uniqueness" as:

> Uniqueness of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area i.e. shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.

Applying the "uniqueness" definition of *North* to the instant case, the evidence presented to the Board by Mr. Doak and as depicted on the Amended Plat was that due to the configuration and location of the forest buffer and stream, the dwellings for Lots 2 and 3 would

never meet the requirements of the 100 foot setback in B.C.Z.R. §1A03.4. [1] The testimony was that Lot 2 consists of 70% conservancy which conservancy was comprised of both steep slopes and the stream. In order to keep the dwellings outside of the forest buffer, the Petitioner proposes large sized lots with one (1) dwelling per lot which will serve to protect both the stream and forest buffer and which is consistent with the purposes of the R.C.4 (watershed protection) zone. Mr. Heggenstaller testified that he will continue to reside in Lot 1 and said that the proposed design of Lots 2 and 3 was calculated to have the least impact on the existing trees. Mr. Heggenstaller further testified that the existing wildlife sanctuary throughout the Property will be maintained.

Based on the evidence presented, the Board finds by unanimous decision that the Property is "unique" due to characteristics inherent in the topography including the stream and steep slopes found in the conservancy. In addition, the environmental factors of the wildlife sanctuary are unique to this Property. Moreover, the existence of the forest buffer throughout the Property is a condition which is peculiar to the land.

Having satisfied the first prong of the two-part test, the Board must next find that "practical difficulty or unreasonable hardship" exists. The criteria for determining "practical difficulty or unreasonable hardship" was established by the Court of Appeals in *McLean v. Soley*, 270 Md. 208, 214 (1973) as follows:

> 1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

---

[1] B.C.Z.R. §1A03.4. requires 100 feet between the building face and an adjacent R.C.2 Zone line.

2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Applying the standard for practical difficulty to the instant case, the Board finds from the evidence presented that such practical difficulty exists and that requiring strict compliance with the 100-foot setback would unreasonably prevent the Petitioner from erecting any dwellings on Lots 2 and 3. The testimony of Mr. Doak was that, due to the location of the forest buffer and stream and the location of the zoning division lines, Petitioner could never meet the 100-foot setback and at the same time have reasonable use of his land.

The Board further finds that granting the variance would do substantial justice to the Petitioner's development, without any adverse effect on the adjoining property owners or the public safety and welfare of the public in general. There was no evidence presented that a detriment would befall the adjoining property owners. The purpose of the setback requirement for the R.C.4 zone is in part to protect the water supply caused by development as well as the protection of agricultural land in the R.C.2 zone. The preservation by the Petitioner of the forest buffer, stream and wildlife sanctuary accrues to the benefit of the general public. Given that only one (1) dwelling will be erected per lot while the density rights provide for more than one (1) dwelling, the protection of both the water supply and agricultural land will be served by the Petitioner's Amended Plat. Moreover, as previously noted, since the dwellings are not visible from the adjacent properties or from Middletown Road, there is no obvious burden on other property

owners or the public in general. As a result, the variance request meets the spirit and intent of the B.C.Z.R.

For the reasons so stated, the Petitioner's request to approve a portion of Lots 2 and 3 as non-density and non-buildable in an R.C.2 zone is hereby granted and the Petitioner's request for variance from the 100-foot setback requirement from an R.C.2 zone is hereby granted.

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 10th day of July, 2003, that the Petition to approve a portion of Lots 2 and 3 as non-density and non-buildable in an R.C.2 zone is hereby **GRANTED**; and it is further,

ORDERED, that the Petitioner's request for a variance of the building setback of 0 ft from an adjacent R.C. 2 zone in lieu of the required 100 ft. is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Richard K. Irish

Maureen E. Murphy

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

July 10, 2003

Peter Max Zimmerman
People's Counsel for
Baltimore County
Room 48, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Robert Heggenstaller*
- Legal Owner /Petitioner /Case No. 03-104-SPHX

Dear Mr. Zimmerman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco /tas

Kathleen C. Bianco
Administrator

Enclosure

c: Robert L. Heggenstaller
Bruce Doak /Gerhold, Cross & Etzel
Thaddeus Cox
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

October 8, 2002

Mr. Robert L. Heggenstaller
19934 Middletown Road
Freeland, Maryland 21053

Re: Petitions for Special Hearing & Variance
Case No. 03-104-SPHA
Property: 19934 Middletown Road

Dear Mr. Heggenstaller:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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

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on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 19934 MIDDLETOWN ROAD
which is presently zoned RC2, RC4 & RC5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1) A SEPTIC RESERVE AREA IN A ZONE DIFFERANT THAN THE PRINCIPAL DWELLING

2) A PORTION OF LOT 2 & LOT 3 AS NON-DENSITY AND NON-BUILDABLE IN THE R.C. 2 ZONE.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

ROBERT L. HEGGENSTALLER
Name - Type or Print

x Robert L. Heggenstaller
Signature

Name - Type or Print

Signature

19934 MIDDLETOWN ROAD 410-343-2343
Address Telephone No.

FREELAND MD 21053
City State Zip Code

Representative to be Contacted:

BRUCE E. DOAK
GERHOLD CROSS & ETZEL
Name

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

TOWSON MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 9/4/02

10/8/02

Case No. 03-104-SPHA

Revised 8/15/95

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 19934 MIDDLETOWN ROAD

which is presently zoned RC2, RC4 & RC5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A03.4.B.2.d

TO PERMIT A BUILDING FACE TO HAVE A 0' SETBACK FROM THE ADJACENT R.C. 2 ZONE LINE IN LIEU OF THE REQUIRED 100'

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

THE PROPOSED HOUSES ARE IN THE RC4 ZONE. THE RC4 PORTION OF THE PROPERTY IS 23.76 ACRES AND HAS 5 DENSITY UNITS. THE OWNERS WOULD LIKE TO UTILIZE 2 OF THE 5 UNITS, BUT THE 100' SETBACK KEEPS THEM FROM DOING THIS. FOREST BUFFER IS A KEY REASON FOR THE PROBLEM

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

ROBERT L. HEGGENSTALLER

Name - Type or Print

x Robert L Heggenstaller

Signature

Name - Type or Print

Signature

19934 MIDDLETOWN ROAD — 410-343-2343

Address — Telephone No.

FREELAND — MD — 21053

City — State — Zip Code

Representative to be Contacted:

BRUCE E. DOAK

GERWOLD CROSS & ETZEL

Name

320 E. TOWSONTOWN BLVD. — 410-823-4470

Address — Telephone No.

TOWSON — MD — 21286

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 9/4/02

Case No. 03-104-SPHA

REV 9/15/98

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

September 2, 2002

ZONING DESCRIPTION
HEGGENSTALLER PROPERTY

Beginning for the same in the paving of Middletown Road, 1100 feet, more or less, measured northwesterly along the center of Middletown Road from the center of Gores Mill Road, thence leaving Middletown Road and running, 1) South 29 degrees 03 minutes 59 seconds West 673.57 feet, 2) North 75 degrees 16 minutes 55 seconds West 184.61 feet, 3) South 21 degrees 36 minutes 03 seconds West 126.97 feet, 4) North 84 degrees 41 minutes 57 seconds West 593.38 feet, 5) South 57 degrees 37 minutes 23 seconds West 1105.50 feet, 6) North 32 degrees 00 minutes 37 seconds West 1445.77 feet, 7) North 84 degrees 52 minutes 43 seconds East 459.55 feet, 8) North 68 degrees 20 minutes 53 seconds East 1221.00 feet, 9) South 42 degrees 28 minutes 27 seconds East 148.50 feet, 10) North 66 degrees 55 minutes 33 seconds East 57.15 feet, 11) North 66 degrees 55 minutes 33 seconds East 158.78 feet, 12) South 76 degrees 34 minutes 18 seconds East 42.03 feet, 13) North 64 degrees 51 minutes 13 seconds East 93.37 feet and 14) North 67 degrees 45 minutes 50 seconds East 91.95 feet to a point in Middletown Road, thence binding in the paving of Middletown Road, 15) South 55 degrees 53 minutes 07 seconds East 412.67 feet, 16) South 57 degrees 39 minutes 57 seconds East 152.63 feet, 17) South 48 degrees 56 minutes 37 seconds East 255.75 feet and 18) South 44 degrees 36 minutes 07 seconds East 110.72 feet to the place of beginning.

Containing 62.31 Acres of land, more or less.

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

STATE OF MARYLAND
SCOTT ALAN LINDGREN
No. 21081
PROFESSIONAL LAND SURVEYOR
9/3/02

X:\heggenstaller\zoningdesc.doc

03-104-SPHA

NOTICE OF ZONING HEARING

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

Case: #03-104-SPHA
19934 Middletown Road
SW/S of Middletown Road, 1100' NW of Bores Mill Road
6th Election District – 3rd Councilmanic District
Legal Owner(s): Robert L. Heggenstaller

Special Hearing: to approve a septic reserve area in a zone different than the principal dwelling and to approve a portion of lot 2 & lot 3 as non-density and non-buildable in the RC 2 zone. **Variance:** to permit a building face to have a 0 feet setback from the adjacent RC 2 zone line in lieu of the required 100 feet.

Hearing: Monday, October 7, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

C563717
9/249 Sept. 19

CERTIFICATE OF PUBLICATION

9/19, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/19, 2002.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 10661

DATE 9/4/02 ACCOUNT A 001-006-650

AMOUNT $ 200.00

RECEIVED FROM: Robert Hegyendaller

FOR: 19934 Middletown Road (03-104-SPHA)
Variance & Special Hearing

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME
9/04/2002 9/04/2002 11:02:30
RCL 486 WALKIN KMCA KSM DRAWCP
>RECEIPT # 099470 9/04/2002 OFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 016861
Recpt Tot $200.00
200.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 03-104-SPHA
PETITIONER/DEVELOPER:
Robert L. Heggenstaller
DATE OF HEARING:
October 7, 2002

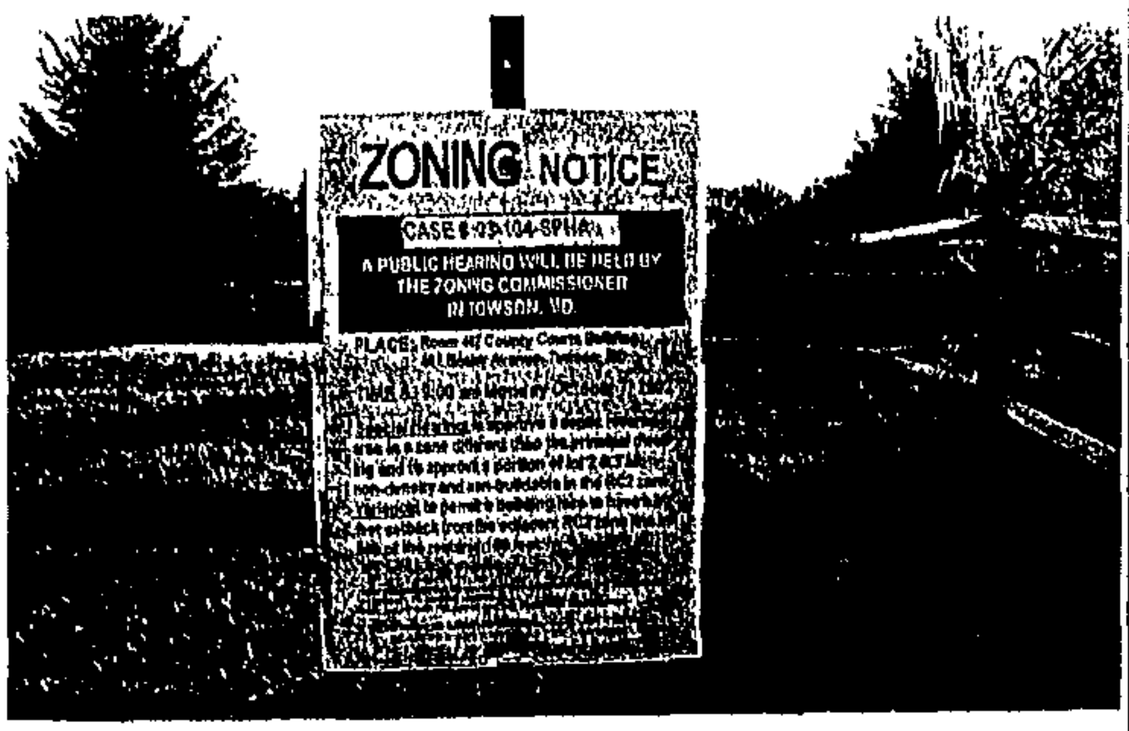
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: GEORGE ZAHNER

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:
19934 Middletown Road
1100' North West of Gores Mill Road



POSTED ON: September 28, 2002 (notice was received after the posting date)

DATE:
October 2, 2002

SIGNATURE OF SIGN POSTER

BRUCE DOAK

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

2 F9

APPEAL SIGN RE-POSTING REQUEST

CASE NO.: 03-104-SPHA

Robert Heggenstaller - LEGAL OWNERS

19934 Middletown Road

6th ELECTION DISTRICT APPEALED: 10/23/2002

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.: 03-104 SPHA

Petitioner/Developer:

This is to certify that the necessary appeal sign was posted conspicuously on the property located at: 19934 Middletown Rd.

The sign was re-posted on 5/15, 2003

By: Gary C. Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

APPEAL SIGN RE-POSTING REQUEST

CASE NO.: 03-104-SPHA

Robert Heggenstaller - LEGAL OWNERS

19934 Middletown Road

6th ELECTION DISTRICT APPEALED: 10/23/2002

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

3/20/03

Theresa:

Please make a note to have the following property re-posted some time after the middle of May 2003. Mr. Thaddeus Cox telephoned on 3/20/03 to let us know that our sign had been removed and the only sign laying face down on the property is the ZC's sign from his hearing.

I told Mr. Cox we would re-post but not until just before the hearing date.

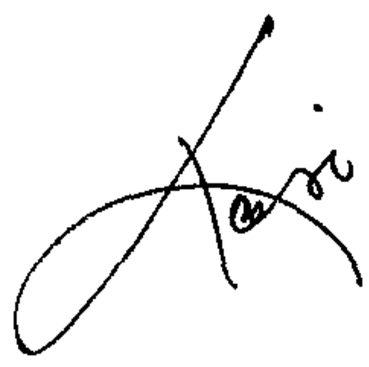
Thanks.

kasi

CASE #: 03-104-SPHA **IN THE MATTER OF:** ***Robert Heggenstaller*** - Legal Owner
19934 Middletown Road 6th E; 3rd C

10/08/02– Order of D.Z.C. - Petition for Special Hearing and Petition for Variance GRANTED with restrictions.

ASSIGNED FOR: WEDNESDAY, JUNE 4, 2003 at 10:00 a.m.



APPEAL SIGN POSTING REQUEST

CASE NO.: 03-104-SPHA

Robert Heggenstaller - LEGAL OWNERS

19934 Middletown Road, Freeland MD

6th ELECTION DISTRICT APPEALED: 10/23/02

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-104-SPHA

Robert Heggenstaller - LEGAL OWNERS

19934 Middletown Road, Freeland MD

6th ELECTION DISTRICT APPEALED: 10/23/02

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.: 03-104 SPHA

Petitioner/Developer:

_____

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

_____

The sign was posted on 11/14/02, 2002

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 03-104 SPHA

Petitioner: ROBERT HEGGENSTALLER

Address or Location: 19934 MIDDLETOWN ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT HEGGENSTALLER

Address: 19934 MIDDLETOWN ROAD
FREELAND, MD 21053

Telephone Number: 410-343-2343

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

September 13, 2002

NOTICE OF ZONING HEARING

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

CASE NUMBER: 03-104-SPHA
19934 Middletown Road
SW/S of Middletown Road, 1100' NW of Gores Mill Road
6th Election District – 3rd Councilmanic District
Legal Owner: Robert L Heggenstaller

Special Hearing to approve a septic reserve area in a zone different than the principal dwelling and to approve a portion of lot 2 & lot 3 as non-density and non-buildable in the RC 2 zone. Variance to permit a building face to have a 0 feet setback from the adjacent RC 2 zone line in lieu of the required 100 feet.

HEARING: Monday, October 07, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Robert L Heggenstaller, 19934 Middletown Road, Freeland 21053
Bruce E Doak, Gerhold Cross & Etzel, 320 E Towsontown Blvd, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 21, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed with Soybean Ink

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 19, 2002 Issue – Jeffersonian

Please forward billing to:
Robert Heggenstaller
19934 Middletown Road
Freeland MD 21053

410 343-2343

NOTICE OF ZONING HEARING

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

CASE NUMBER: 03-104-SPHA
19934 Middletown Road
SW/S of Middletown Road, 1100' NW of Gores Mill Road
6th Election District – 3rd Councilmanic District
Legal Owner: Robert L Heggenstaller

Special Hearing to approve a septic reserve area in a zone different than the principal dwelling and to approve a portion of lot 2 & lot 3 as non-density and non-buildable in the RC 2 zone. Variance to permit a building face to have a 0 feet setback from the adjacent RC 2 zone line in lieu of the required 100 feet.

HEARING: Monday, October 07, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

March 18, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-104-SPHA **IN THE MATTER OF:** ***Robert Heggenstaller*** - Legal Owner
19934 Middletown Road 6th E; 3rd C

10/08/02– Order of D.Z.C. - Petition for Special Hearing and Petition for Variance GRANTED with restrictions.

ASSIGNED FOR: **WEDNESDAY, JUNE 4, 2003 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Petitioner /Legal Owner : Robert L. Heggenstaller
Bruce Doak /Gerhold, Cross & Etzel

Thaddeus Cox

Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

June 4, 2003

NOTICE OF DELIBERATION

IN THE MATTER OF:

ROBERT HEGGENSTALLER -
Legal Owner
Case No-03-104-SPHA

Having heard this matter on 6/04/03, public deliberation has been scheduled for the following date /time:

DATE AND TIME : TUESDAY, JUNE 17, 2003 at 9:50 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Petitioner /Legal Owner : Robert L. Heggenstaller

Bruce Doak /Gerhold, Cross & Etzel

Thaddeus Cox

Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

fyi: 2-1-7

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 4, 2002

Robert L. Heggenstaller
19934 Middletown Road
Freeland, MD 21053

Dear Mr. Heggenstaller:

RE: Case Number: 03-104-SPHA, 19934 Middletown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 5, 2002. .

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W Carl Richards Jr./rjc

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
c: Bruce E. Doak 320 E. Towsontown Blvd. Towson, MD 21286
People's Counsel
enc.

Sim 10/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: September 18, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 19934 Middletown Road

INFORMATION:

Item Number: 03-104

Petitioner: Robert L. Heggenstaller

Zoning: RC2, RC 4 & RC 5

Requested Action: Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request to locate the proposed septic reserve area in a zone different from that of the principal dwelling for lot 3. The proposed dwelling should be relocated in the RC 2 portion of lot 3. There is absolutely not evident reason why this cannot be accomplished.

Additionally, the proposed driveways for lots 2 and 3 should be relocated outside the forest buffer.

Prepared by: Martha A Cummings

Section Chief: Lyn Lanham

AFK/LL:MAC:

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 16, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: (104)
103-115

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9.16.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 104 JHP

Dear. Mr. Zahner:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: October 21, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 16, 2002
Item Nos. 103, 104, 105, 107, 108, 109,
110, 111, 112, 114, and 115

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

RWB:CEN:jrb

cc: File

10/23/02
CM
Y

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 23, 2002

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
AND VARIANCE
SW Middletown Road
1100' NW of Gores Mill Road
(19934 Middletown Road)
6th Election District 3rd Councilmanic
Legal Owner: Robert L. Heggenstaller
Case Nos. 03-104-SPHA

Dear Mr. Jablon:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated October 8, 2002 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

RECEIVED
OCT 23 2002
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

PMZ/CSD/pah

c: Bruce E. Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson, MD 21286
Representative for Petitioner(s)

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

October 28, 2002

Robert Heggenstaller
19934 Middletown Road
Freeland, MD 21053

Dear Mr. Heggenstaller:

RE: Case No.03-104-SPHA, 19934 Middletown Road

Please be advised that an appeal of the above-referenced case was filed in this office on October 23, 2002 by Peter M. Zimmerman, People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:rlh

c: Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM
People's Counsel
Bruce E. Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson, MD 21204

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on Recycled Paper

APPEAL

Petition for Special Hearing and Variance
19934 Middletown Road
SW/side of Middletown Road, 1100 NW of Gores Mill Road
6th Election District – 3rd Councilmanic District
Robert Heggenstaller- Legal Owner
Case No.: 03-104-SPHA

✓ Petition for Special Hearing and Variance (September 4, 2002)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (September 13, 2002)

✓ Certification of Publication (The Jeffersonian issue September 19, 2002)

✓ Certificate of Posting (October 2, 2002 posted by Bruce Doak)

✓ Entry of Appearance by People's Counsel (September 18, 2002)

✓ Petitioner(s) Sign-In Sheet (None)

✓ Protestant(s) Sign-In Sheet (None)

✓ Citizen(s) Sign-In Sheet (None)

✓ Zoning Advisory Committee Comments

✓ Petitioners' Exhibits:
  ✓1. Plat to accompany a Petition for a Variance and Special Hearing
  ✓2. Plat to accompany a Petition for a Variance and Special Hearing accompanied by photographs

✓ Protestants' Exhibits:
  None

✓ Miscellaneous (Not Marked as Exhibits):
  None

✓ Deputy Zoning Commissioner's Order (October 8, 2002 – GRANTED subject to restrictions)

✓ Notice of Appeal received on October 23, 2002 from Peter Zimmerman, People's Counsel for Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM
Robert L. Heggenstaller, 19934 Middletown Road, Freeland 21053

ROBERT L. HEGGENSTALLER
19934 MIDDLETOWN ROAD
FREELAND, MD 21053

RECEIVED
OCT 29 2002
BALTIMORE COUNTY
BOARD OF APPEALS

BRUCE DOAK
GERHOLD CROSS & ETZEL
320 E. TOWSONTOWN BLVD
TOWSON, MD 21286

Added to file 2/25/03:
Mr. Thaddeus Cox
19900 Middletown Road
Freeland, MD 21053

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

February 25, 2003

Mr. Thaddeus Cox
19900 Middletown Road
Freeland, MD 21053

RE: *In the Matter of: Robert Heggenstaller*
Case No. 03-104-SPHA

Dear Mr. Cox:

In response to your request, enclosed is a copy of the Deputy Zoning Commissioner's decision in the subject matter.

You will receive a copy of the Notice of Assignment when this matter has been scheduled for hearing before the Board of Appeals.

Should you have any further questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

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RE:	PETITION FOR SPECIAL HEARING & VARIANCE	*	BEFORE THE
	19934 Middletown Road SW/side Middletown Rd., 1100' NW Gores Mill Rd.	*	ZONING COMMISSIONER
	6th Election District 3rd Councilmanic District	*	FOR
	Legal Owner: Robert L.Heggenstaller Petitioner(s)	*	BALTIMORE COUNTY
		*	03-104-SPHA

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of September, 2002, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, GERHOLD, CROSS & ETZEL, 320 E. Towsontown Blvd., Towson, MD 21286 Representative for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 18, 2003

Lawrence M. Stahl, Chairman
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RECEIVED
JUL 18 2003
BALTIMORE COUNTY
BOARD OF APPEALS

Re: Robert Heggenstaller Property
Case No.: 03-104-SPHA

Dear Mr. Stahl:

We respectfully request the Board to consider a matter regarding the opinion and order issued July 10, 2003.

The Petitioner filed a Petition for Special Hearing seeking relief on two points: (1) to locate the septic reserve area in a zone different than the principal dwelling: and (2) to designate a portion of Lot 2 and Lot 3 as non-density and non-buildable in the R.C. 2 zone. Petitioner also filed a Petition for Variance.

At the CBA hearing, the Petitioner withdrew the relief requested in #1 of the Petition for Special Hearing and proceeded with the relief requested in #2 and the variance.

The CBA opinion discusses these facts and is accurate. However, the "Order" on page 6 did not "dismiss as moot" the Petition for Special Hearing pertaining to the location of the septic reserve area. This came to our attention in this case because we believe the Board has always addressed disposition of all issues in the "Order", including dismissing as moot any relief withdrawn by Petitioner. Such language clarifies the decision in the case for all parties and for anyone reviewing the decision.

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: September 25, 2003

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
03-104-SPHA	*03-104-SPHA*	ROBERT HEGGENSTALLER	19934 MIDDLETOWN ROAD

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED

1

10/06/2002

10/06/2002

10/06/2002

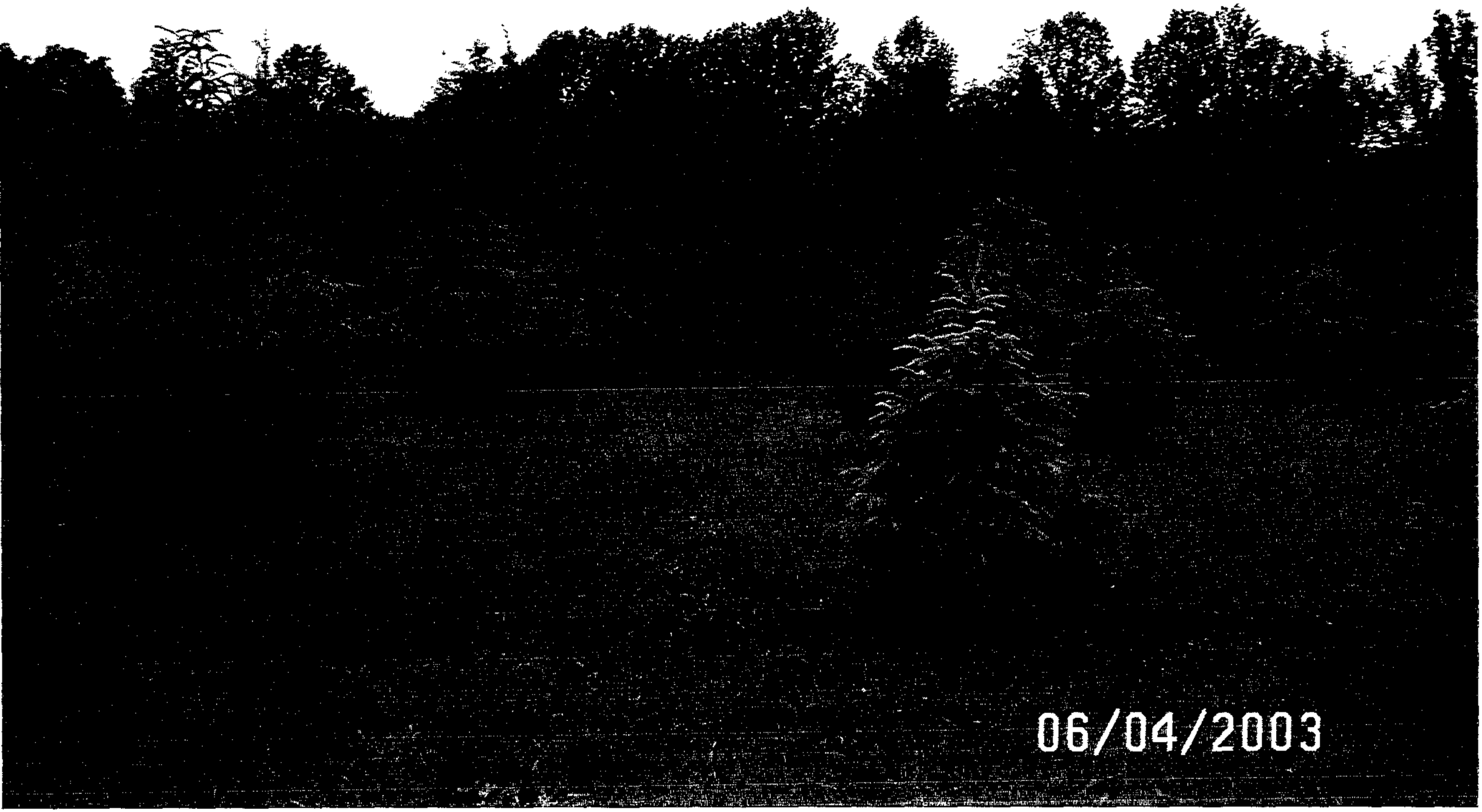
10/06/2002

10/06/2002

10/06/2002

PET #3 6/4/03

PETITIONER'S EXHIBIT #3


06/04/2003

06/04/2003

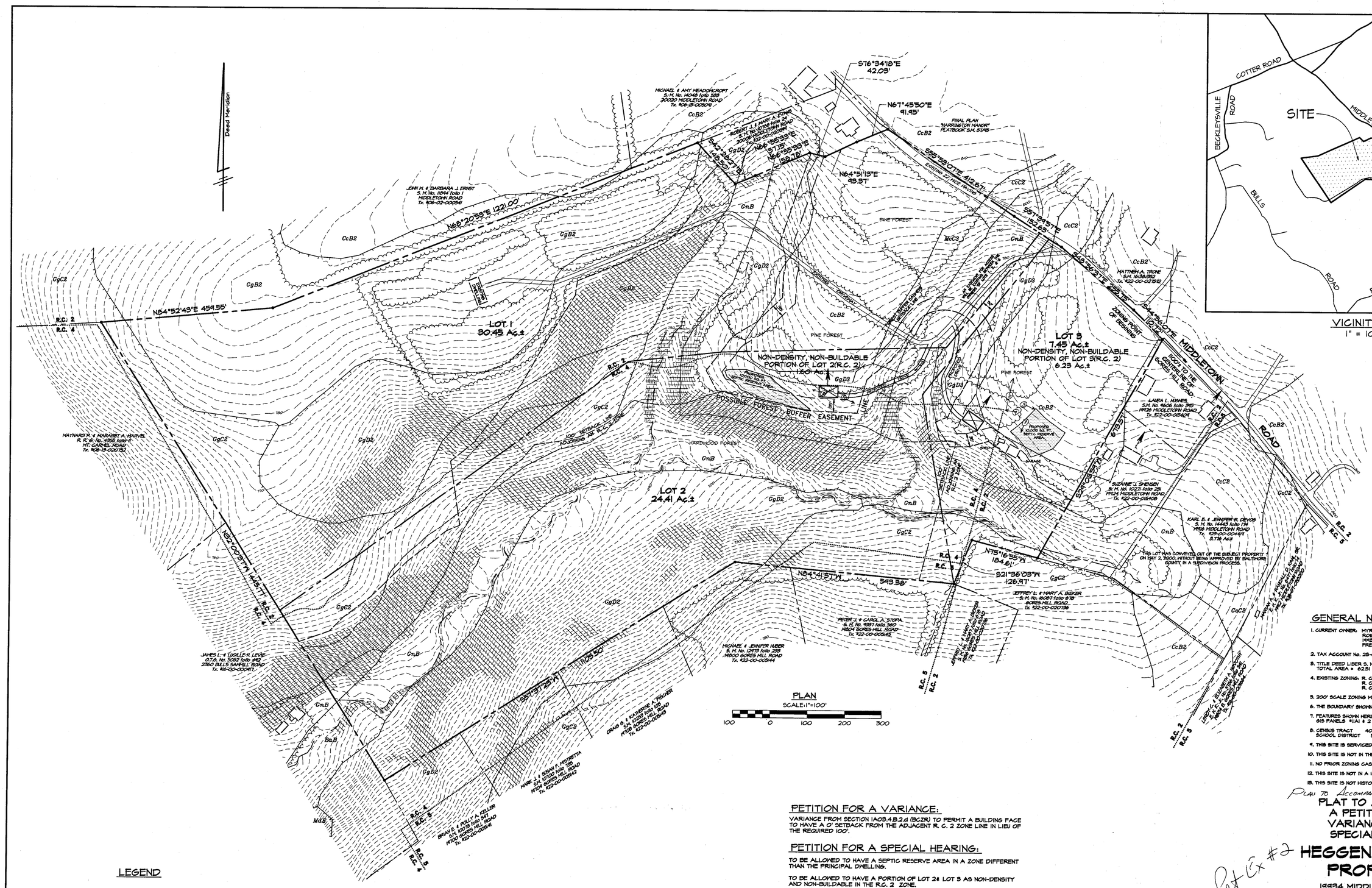
06/04/2003

06/04/2003

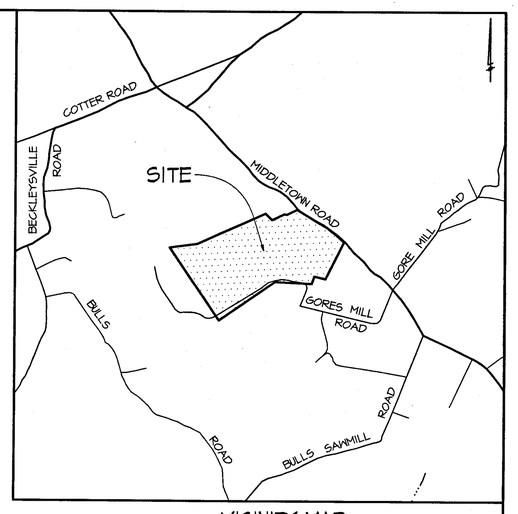
06/04/2003

06/04/2003

06/04/2003



PLAN
SCALE:1"=100'
100 0 100 200 300



VICINITY MAP
1" = 1000'

GENERAL NOTES

1. CURRENT OWNER: MYRNA L. HERRMANN & ROBERT L. HEGGENSTALER 19934 MIDDLETOWN ROAD FREELAND, MD 21053
2. TAX ACCOUNT No. 23-00-004420
3. TITLE DEED LIBER S. M. No. 14454 folio 485 TOTAL AREA = 62.51 Ac.
4. EXISTING ZONING: R. C. 2 = 37.87 Ac.± R. C. 4 = 23.76 Ac.± R. C. 5 = 00.88 Ac.±
5. 200' SCALE ZONING MAP No. NW-34E & F AND NW-35E & F.
6. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
7. FEATURES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY GIS PANELS #11A1 & 2 AND 11B1 & 2.
8. CENSUS TRACT 4060 ADJ. MAP & GRID 2-610
   SCHOOL DISTRICT 25 REGIONAL PLANNING DISTRICT 2018
9. THIS SITE IS SERVICED BY PRIVATE WELL AND SEPTIC SYSTEM.
10. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
11. NO PRIOR ZONING CASES.
12. THIS SITE IS NOT IN A 100 YEAR FLOOD ZONE.
13. THIS SITE IS NOT HISTORIC OR IN A HISTORIC DISTRICT.

PETITION FOR A VARIANCE:

VARIANCE FROM SECTION 1A03.4.B.2.d (BCZR) TO PERMIT A BUILDING FACE TO HAVE A 0' SETBACK FROM THE ADJACENT R. C. 2 ZONE LINE IN LIEU OF THE REQUIRED 100'.

PETITION FOR A SPECIAL HEARING:

TO BE ALLOWED TO HAVE A SEPTIC RESERVE AREA IN A ZONE DIFFERENT THAN THE PRINCIPAL DWELLING.

TO BE ALLOWED TO HAVE A PORTION OF LOT 2& LOT 3 AS NON-DENSITY AND NON-BUILDABLE IN THE R.C. 2 ZONE.

DENSITY CALCULATIONS

R. C. ZONE 2:		
GROSS AREA	37.87 Ac.±	
HIGHWAY WIDENING	0.00 Ac.±	
NET AREA	37.87 Ac.±	
LOTS PERMITTED	2-1.49 Ac.± = 2 Lots	
LOTS PROPOSED	1 Lot	
R. C. 4:		
GROSS AREA	23.76 Ac.±	
HIGHWAY WIDENING	0.00 Ac.±	
NET AREA	23.76 Ac.±	
LOTS PERMITTED	0.2 x 23.76 Ac.± = 5 Lots	
LOTS PROPOSED	2 Lots	
R. C. 5:		
GROSS AREA	4.5 Ac.±	
HIGHWAY WIDENING	0.00 Ac.±	
NET AREA	4.5 Ac.±	
LOTS PERMITTED	0.667 x 4.5 Ac.± = 3 Lots	
LOTS PROPOSED	1 Lot	(SEE NOTE ON 19916 MIDDLETOWN ROAD THIS PROPERTY IS INCLUDED IN THE DENSITY CALCULATIONS, BUT IS NOT OWNED BY HEGGENSTALER AND IS NOT PART OF THE ZONING RELIEF REQUESTED)

AREA IN R.C. 4
LOT 2 = 21.93 Ac.±
LOT 3 = 1.97 Ac.±

LEGEND

- PROPOSED BUILDING
- BUILDING
- ZONING DIVISION LINE
- PROPERTY LINE
- WOODS LINE
- SETBACK LINE
- SOILS LINE
- ROADS LINE
- FOREST BUFFER LINE

Pet Ex #2

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAT TO ACCOMPANY A PETITION FOR A VARIANCE AND A SPECIAL HEARING

HEGGENSTALLER PROPERTY

19934 MIDDLETOWN ROAD
Deed Ref: S. M. No. 14454 folio 485
Tax Account No.: 23-00-004420
Zoned: R. C. 2, R. C. 4 & R. C. 5;
Tax Map 11; Grid 9; Parcels 17 & 404
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND
STEVEN A. ROTH
No. 21083
PROFESSIONAL LAND SURVEYOR
9/4/02

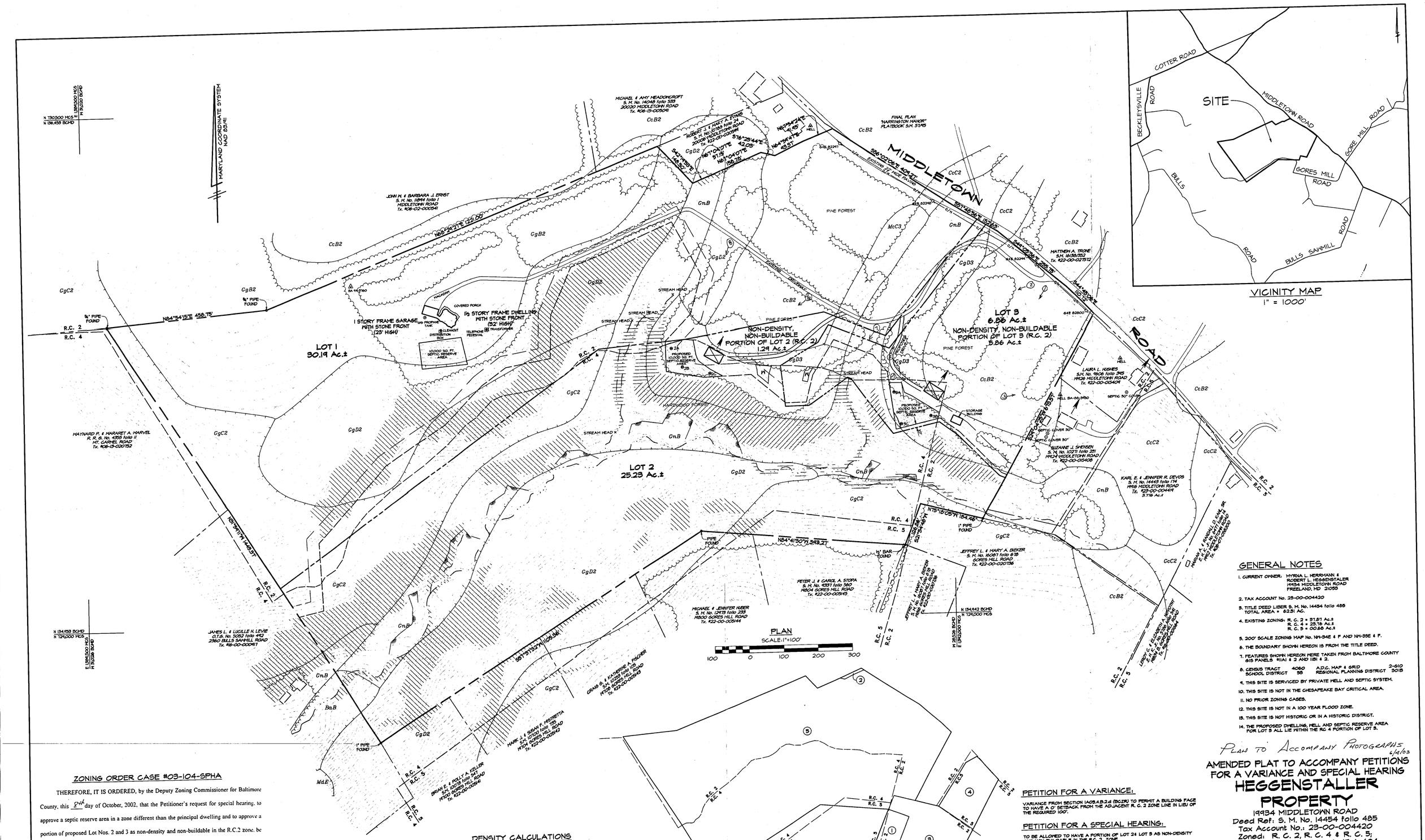
Scale: 1"=100' Date: AUGUST 30, 2002

OWNER\DEVELOPER
ROBERT L. HEGGENSTALLER
19934 MIDDLETOWN ROAD
FREELAND, MD 21053
HOME: (410) 343-2343
WORK: (410) 467-3300

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE
REVISIONS AND ADDITIONS	09/04/02
REVISIONS AND ADDITIONS	09/05/02

COMPUTED: S.A.L. | DRAWN: S.A.L. | CHECKED: B.E.D. | FILE:X:\heggenstaller\zoning.pro



VICINITY MAP
1" = 1000'

GENERAL NOTES

1. CURRENT OWNER: MYRNA L. HERRMANN & ROBERT L. HEGGENSTALLER 19934 MIDDLETOWN ROAD FREELAND, MD 21053
2. TAX ACCOUNT No. 23-00-004420
3. TITLE DEED LIBER S. M. No. 14454 folio 485 TOTAL AREA ± 62.51 Ac.
4. EXISTING ZONING: R. C. 2 ± 37.87 Ac.± R. C. 4 ± 23.76 Ac.± R. C. 5 ± 00.88 Ac.±
5. 200' SCALE ZONING MAP No. NW-3-E & F AND NW-3-5E & F.
6. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
7. FEATURES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY GIS PANELS #11A1 & 2 AND 11B1 & 2.
8. CENSUS TRACT 4060 ADC. MAP & GRID 2-G10
   SCHOOL DISTRICT 55 REGIONAL PLANNING DISTRICT 301B
9. THIS SITE IS SERVICED BY PRIVATE WELL AND SEPTIC SYSTEM.
10. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
11. NO PRIOR ZONING CASES.
12. THIS SITE IS NOT IN A 100 YEAR FLOOD ZONE.
13. THIS SITE IS NOT HISTORIC OR IN A HISTORIC DISTRICT.
14. THE PROPOSED DWELLING, WELL AND SEPTIC RESERVE AREA FOR LOT 3 ALL LIE WITHIN THE RC 4 PORTION OF LOT 3.

ZONING ORDER CASE #03-104-SPHA

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 8th day of October, 2002, that the Petitioner's request for special hearing, to approve a septic reserve area in a zone different than the principal dwelling and to approve a portion of proposed Lot Nos. 2 and 3 as non-density and non-buildable in the R.C.2 zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variance request, to allow a building face to have a 0 ft. setback from an adjacent R.C.2 zone in lieu of the required 100 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LEGEND

- PROPOSED BUILDING
- BUILDING
- ZONING DIVISION LINE
- PROPERTY LINE
- WOODS LINE
- SETBACK LINE
- SOILS LINE
- ROADS LINE
- FOREST BUFFER LINE

DENSITY CALCULATIONS

GROSS AREA 75.04 Ac.±

R. C. ZONE 2:

GROSS AREA	47.95 Ac.±
LOTS PERMITTED	2-1.49 Ac.± = 2 Lots
LOTS UTILIZED	2 Lots
LOTS REMAINING	0 Lots

R. C. 5:

GROSS AREA	4.69 Ac.±
LOTS PERMITTED	0.667 x 4.69 Ac.± = 3 Lots
LOTS UTILIZED	1 Lot
LOTS REMAINING	2 Lots

R. C. 4:

GROSS AREA	23.0 Ac.±
LOTS PERMITTED	0.2 x 23.0 Ac.± = 4 Lots
LOTS UTILIZED	0 Lots
LOTS PROPOSED	2 Lots
LOTS REMAINING	2 Lots

DEVOLUTION OF TITLE

PROPERTY AS OF NOVEMBER 2, 1977 - 75.04 Ac.±

OFF-CONVEYANCES BY PRETTYBOY TREE FARM, INC.

1. S.M. No. 8947 folio 001 - JULY 30, 1991 TO JOANNE K. MAGIN, ET AL - 1.712 Ac.± LOT 1 MINOR SUBDIVISION OF PRETTYBOY TREE FARM 40-504M
2. S.M. No. 10852 folio 420 - JUNE 13, 1994 TO THOMAS M. MULLER & WIFE - 0.103 Ac.±
3. S.M. No. 10673 folio 371 - JULY 15, 1994 TO RICHARD WHITNORTH - 6.803 Ac.± NON-DENSITY TRANSFER 44-411-SPH
4. S.M. No. 13507 folio 154 - JANUARY 11, 1999 TO PRETTYBOY TREE FARM - 3.766 Ac.± LOT 2 MINOR SUBDIVISION OF PRETTYBOY TREE FARM 40-042M
5. S.M. No. 13507 folio 154 - JANUARY 11, 1999 TO ROBERT L. HEGGENSTALLER - 62.32 Ac.± TRACT "A" MINOR SUBDIVISION OF PRETTYBOY TREE FARM 40-042M

PETITION FOR A VARIANCE:

VARIANCE FROM SECTION 1A03.4.B.2.d (BCZR) TO PERMIT A BUILDING FACE TO HAVE A 0' SETBACK FROM THE ADJACENT R. C. 2 ZONE LINE IN LIEU OF THE REQUIRED 100'.

PETITION FOR A SPECIAL HEARING:

TO BE ALLOWED TO HAVE A PORTION OF LOT 2 & LOT 3 AS NON-DENSITY AND NON-BUILDABLE IN THE R.C. 2 ZONE.

OWNER\DEVELOPER

ROBERT L. HEGGENSTALLER
19934 MIDDLETOWN ROAD
FREELAND, MD 21053
410-343-2343

STATE OF MARYLAND BRUCE EDWIN DOLL No. 531 REGISTERED PROFESSIONAL LAND SURVEYOR 6/4/03

REVISION	DATE

PLAN TO ACCOMPANY PHOTOGRAPHS 6/4/03

AMENDED PLAT TO ACCOMPANY PETITIONS FOR A VARIANCE AND SPECIAL HEARING

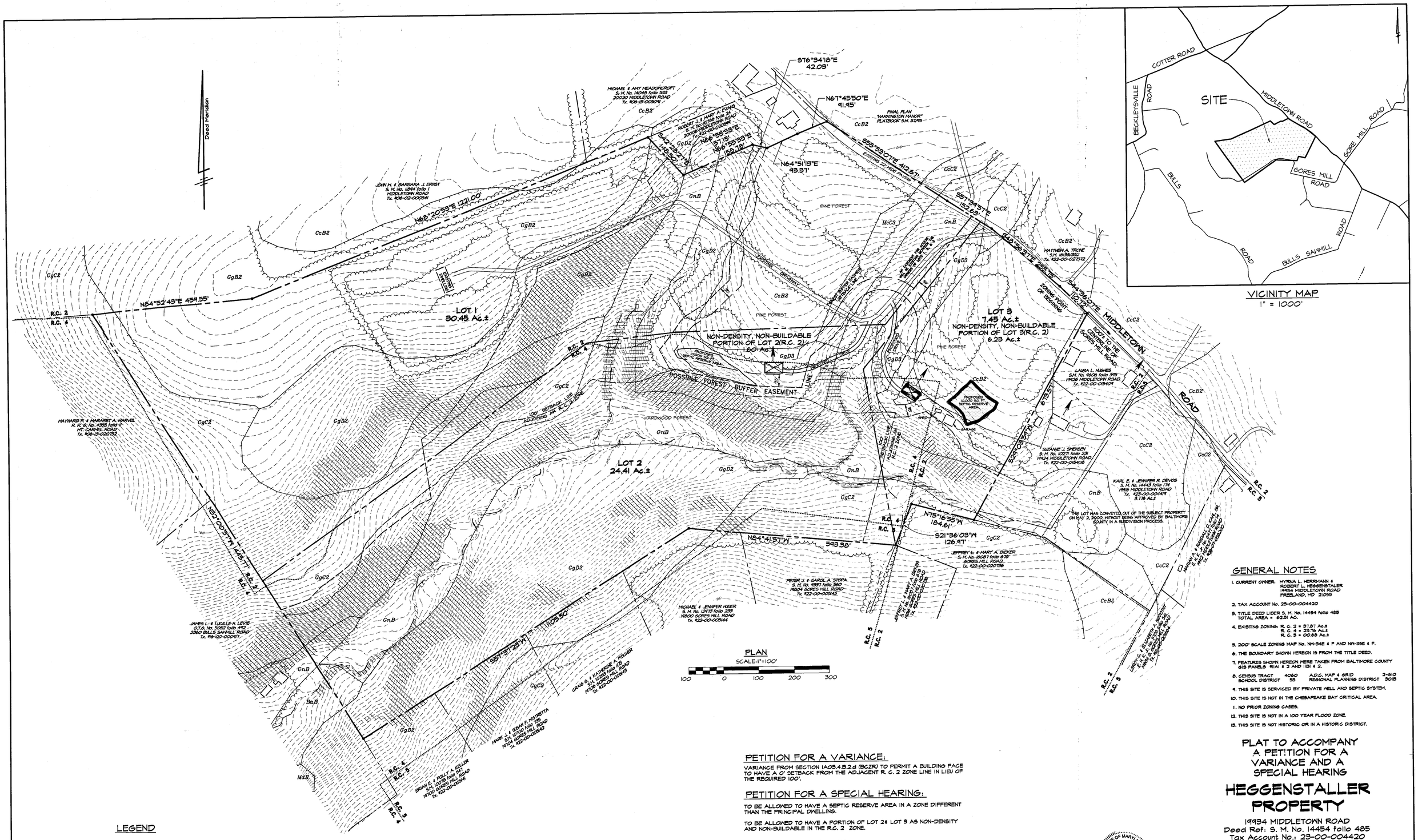
HEGGENSTALLER PROPERTY

19934 MIDDLETOWN ROAD
Deed Ref: S. M. No. 14454 folio 485
Tax Account No.: 23-00-004420
Zoned: R. C. 2, R. C. 4 & R. C. 5;
Tax Map 11; Grid 9; Parcels 17 & 404
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100' Date: May 30, 2003

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED: S.A.L. | DRAWN: S.A.L. | CHECKED: B.E.D. | FILE:X:\heggenstaller\revzoning.pro



VICINITY MAP
1" = 1000'

GENERAL NOTES

1. CURRENT OWNER: MYRNA L. HERRMANN & ROBERT L. HEGGENSTALER 19934 MIDDLETOWN ROAD FREELAND, MD 21053
2. TAX ACCOUNT No. 23-00-004420
3. TITLE DEED LIBER S. M. No. 14454 folio 485
   TOTAL AREA = 62.51 AC.
4. EXISTING ZONING: R. C. 2 = 37.87 Ac.±
   R. C. 4 = 23.76 Ac.±
   R. C. 5 = 0.88 Ac.±
5. 200' SCALE ZONING MAP No. NW-34E & F AND NW-35E & F.
6. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
7. FEATURES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY GIS PANELS #1(A) & 2 AND 1(B) & 2.
8. CENSUS TRACT 4060 A.D.C. MAP & GRID 2-G10
   SCHOOL DISTRICT 53 REGIONAL PLANNING DISTRICT 301B
9. THIS SITE IS SERVICED BY PRIVATE WELL AND SEPTIC SYSTEM.
10. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
11. NO PRIOR ZONING CASES.
12. THIS SITE IS NOT IN A 100 YEAR FLOOD ZONE.
13. THIS SITE IS NOT HISTORIC OR IN A HISTORIC DISTRICT.

PETITION FOR A VARIANCE:

VARIANCE FROM SECTION 1A03.4.B.2.d (BCZR) TO PERMIT A BUILDING FACE TO HAVE A 0' SETBACK FROM THE ADJACENT R. C. 2 ZONE LINE IN LIEU OF THE REQUIRED 100'.

PETITION FOR A SPECIAL HEARING:

TO BE ALLOWED TO HAVE A SEPTIC RESERVE AREA IN A ZONE DIFFERENT THAN THE PRINCIPAL DWELLING.

TO BE ALLOWED TO HAVE A PORTION OF LOT 2 & LOT 3 AS NON-DENSITY AND NON-BUILDABLE IN THE R.C. 2 ZONE.

DENSITY CALCULATIONS

AREA IN R.C. 4
LOT 2 = 21.93 Ac.±
LOT 3 = 1.83 Ac.±

R. C. ZONE 2:

GROSS AREA	37.87 Ac.±
HIGHWAY WIDENING	0.00 Ac.±
NET AREA	37.87 Ac.±
LOTS PERMITTED	2-1.49 Ac.± = 2 Lots
LOTS PROPOSED	1 Lot

R. C. 4:

GROSS AREA	23.76 Ac.±
HIGHWAY WIDENING	0.00 Ac.±
NET AREA	23.76 Ac.±
LOTS PERMITTED	0.2 x 23.76 Ac.± = 5 Lots
LOTS PROPOSED	2 Lots

R. C. 5:

GROSS AREA	4.5 Ac.±
HIGHWAY WIDENING	0.00 Ac.±
NET AREA	4.5 Ac.±
LOTS PERMITTED	0.667 x 4.5 Ac.± = 3 Lots
LOTS PROPOSED	1 Lot

(SEE NOTE ON 19916 MIDDLETOWN ROAD THIS PROPERTY IS INCLUDED IN THE DENSITY CALCULATIONS, BUT IS NOT OWNED BY HEGGENSTALER, AND IS NOT PART OF THE ZONING RELIEF REQUESTED)

LEGEND

- PROPOSED BUILDING
- BUILDING
- ZONING DIVISION LINE
- PROPERTY LINE
- WOODS LINE
- SETBACK LINE
- SOILS LINE
- ROADS LINE
- FOREST BUFFER LINE

STATE OF MARYLAND — STEVEN A. KUDLAWICZ — PROFESSIONAL LAND SURVEYOR — No. 10001
9/4/02

OWNER\DEVELOPER

ROBERT L. HEGGENSTALER
19934 MIDDLETOWN ROAD
FREELAND, MD 21053
HOME: (410) 343-2343
WORK: (410) 467-3300

REVISION	DATE
REVISIONS AND ADDITIONS	09/04/02
REVISIONS AND ADDITIONS	09/05/02

PLAT TO ACCOMPANY A PETITION FOR A VARIANCE AND A SPECIAL HEARING

HEGGENSTALER PROPERTY

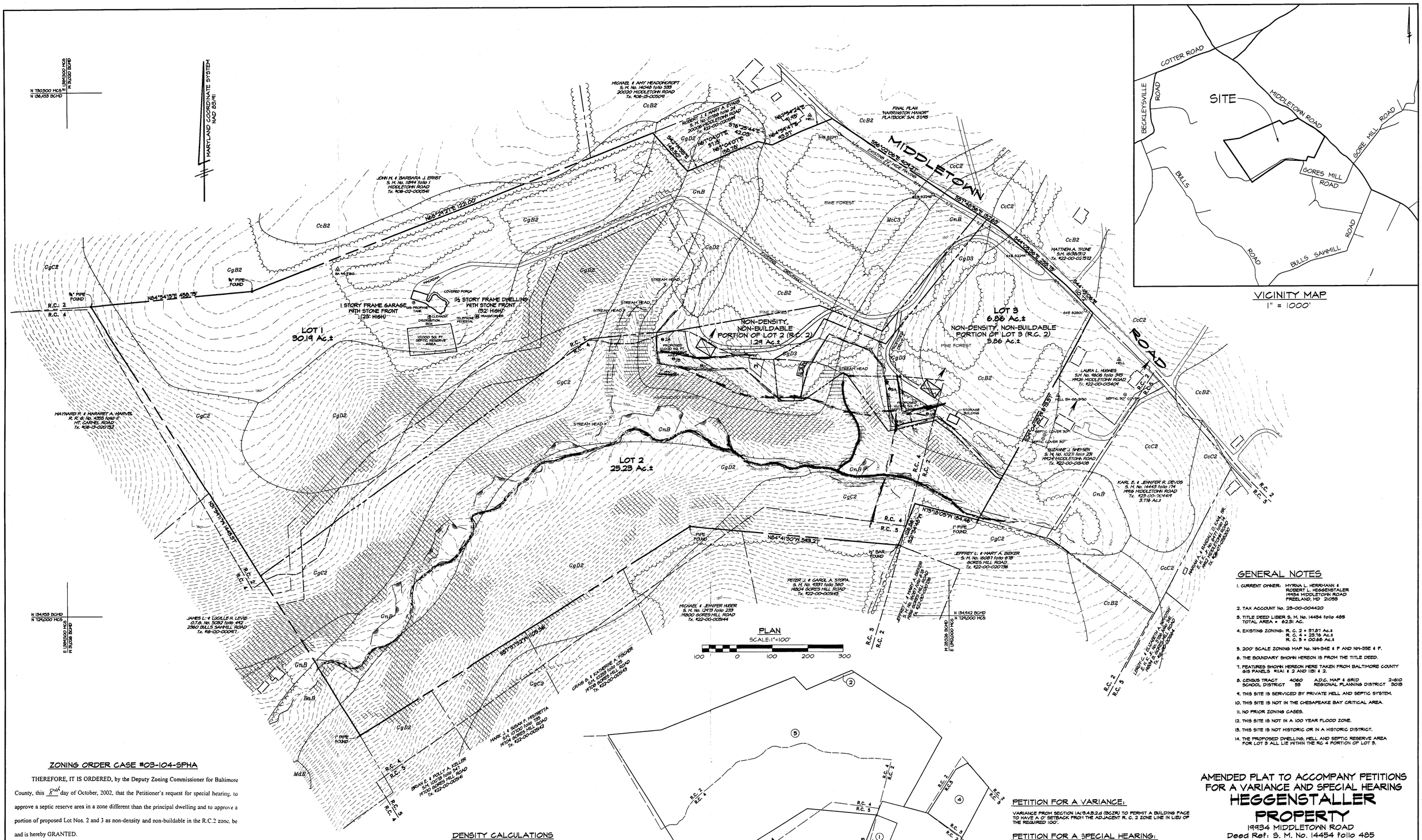
19934 MIDDLETOWN ROAD
Deed Ref: S. M. No. 14454 folio 485
Tax Account No.: 23-00-004420
Zoned: R. C. 2, R. C. 4 & R. C. 5;
Tax Map 11; Grid 9; Parcels 17 & 404
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100' Date: AUGUST 30, 2002

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED: S.A.L. | DRAWN: S.A.L. | CHECKED: B.E.D. | FILE:X:\heggenstaller\zoning.pro

PET #2 4/4/03 Petitioner's Exhibit #2



PLAN

SCALE: 1"=100'

100 0 100 200 300

VICINITY MAP

1" = 1000'

GENERAL NOTES

1. CURRENT OWNER: MYRNA L. HERRMANN & ROBERT L. HEGGENSTALER 19934 MIDDLETOWN ROAD FREELAND, MD 21053
2. TAX ACCOUNT No. 23-00-004420
3. TITLE DEED LIBER S. M. No. 14454 folio 485 TOTAL AREA = 62.51 Ac.
4. EXISTING ZONING: R. C. 2 = 37.57 Ac.± R. C. 4 = 23.76 Ac.± R. C. 5 = 0.68 Ac.±
5. 200' SCALE ZONING MAP No. NW-34E & F AND NW-35E & F.
6. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
7. FEATURES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY GIS PANELS #11A1 & 2 AND 11B1 & 2.
8. CENSUS TRACT 4060 A.D.C. MAP & GRID 2-G10
   SCHOOL DISTRICT 55 REGIONAL PLANNING DISTRICT 301B
9. THIS SITE IS SERVICED BY PRIVATE WELL AND SEPTIC SYSTEM.
10. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
11. NO PRIOR ZONING CASES.
12. THIS SITE IS NOT IN A 100 YEAR FLOOD ZONE.
13. THIS SITE IS NOT HISTORIC OR IN A HISTORIC DISTRICT.
14. THE PROPOSED DWELLING, WELL AND SEPTIC RESERVE AREA FOR LOT 3 ALL LIE WITHIN THE R.C. 4 PORTION OF LOT 3.

ZONING ORDER CASE #03-104-SPHA

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 8th day of October, 2002, that the Petitioner's request for special hearing, to approve a septic reserve area in a zone different than the principal dwelling and to approve a portion of proposed Lot Nos. 2 and 3 as non-density and non-buildable in the R.C.2 zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variance request, to allow a building face to have a 0 ft. setback from an adjacent R.C.2 zone in lieu of the required 100 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LEGEND

- PROPOSED BUILDING
- BUILDING
- ZONING DIVISION LINE
- PROPERTY LINE
- WOODS LINE
- SETBACK LINE
- SOILS LINE
- ROADS LINE
- FOREST BUFFER LINE

DENSITY CALCULATIONS

GROSS AREA 75.04 Ac.±

R. C. ZONE 2:
GROSS AREA 47.35 Ac.±
LOTS PERMITTED 2-1.44 Ac.± = 2 Lots
LOTS UTILIZED 2 Lots
LOTS REMAINING 0 Lots

R. C. 5:
GROSS AREA 4.69 Ac.±
LOTS PERMITTED 0.667 x 4.69 Ac.± = 3 Lots
LOTS UTILIZED 1 Lot
LOTS REMAINING 2 Lots

R. C. 4:
GROSS AREA 23.0 Ac.±
LOTS PERMITTED 0.2 x 23.0 Ac.± = 4 Lots
LOTS UTILIZED 0 Lots
LOTS PROPOSED 2 Lots
LOTS REMAINING 2 Lots

DEVOLUTION OF TITLE

PROPERTY AS OF NOVEMBER 2, 1977 - 75.04 Ac.±

OFF-CONVEYANCES BY PRETTYBOY TREE FARM, INC.

1. S.M. No. 8447 folio 001 - JULY 30, 1991 TO JOANNE K. MASIN, ET AL - 1.712 Ac.± LOT 1 MINOR SUBDIVISION OF PRETTYBOY TREE FARM 90-304M
2. S.M. No. 10652 folio 420 - JUNE 13, 1994 TO THOMAS M. MULLER & WIFE - 0.103 Ac.±
3. S.M. No. 10673 folio 371 - JULY 15, 1994 TO RICHARD WHITWORTH - 6.003 Ac.± NON-DENSITY TRANSFER 94-411-SPH
4. S.M. No. 13501 folio 134 - JANUARY 11, 1999 TO PRETTYBOY TREE FARM - 3.766 Ac.± LOT 2 MINOR SUBDIVISION OF PRETTYBOY TREE FARM 98-042M
5. S.M. No. 13501 folio 134 - JANUARY 11, 1999 TO ROBERT L. HEGGENSTALLER - 62.52 Ac.± TRACT "A" MINOR SUBDIVISION OF PRETTYBOY TREE FARM 98-042M

PETITION FOR A VARIANCE:

VARIANCE FROM SECTION 1A03.4.B.2.d (BCZR) TO PERMIT A BUILDING FACE TO HAVE A 0' SETBACK FROM THE ADJACENT R. C. 2 ZONE LINE IN LIEU OF THE REQUIRED 100'.

PETITION FOR A SPECIAL HEARING:

TO BE ALLOWED TO HAVE A PORTION OF LOT 2 & LOT 3 AS NON-DENSITY AND NON-BUILDABLE IN THE R.C. 2 ZONE.

OWNER\DEVELOPER

ROBERT L. HEGGENSTALLER
19934 MIDDLETOWN ROAD
FREELAND, MD 21053
410-343-2343

STATE OF MARYLAND — BRUCE EDWIN JONES — No. 531 — PROFESSIONAL REGISTERED PROPERTY LINE SURVEYOR — 4/4/03

REVISION	DATE

AMENDED PLAT TO ACCOMPANY PETITIONS FOR A VARIANCE AND SPECIAL HEARING

HEGGENSTALLER PROPERTY

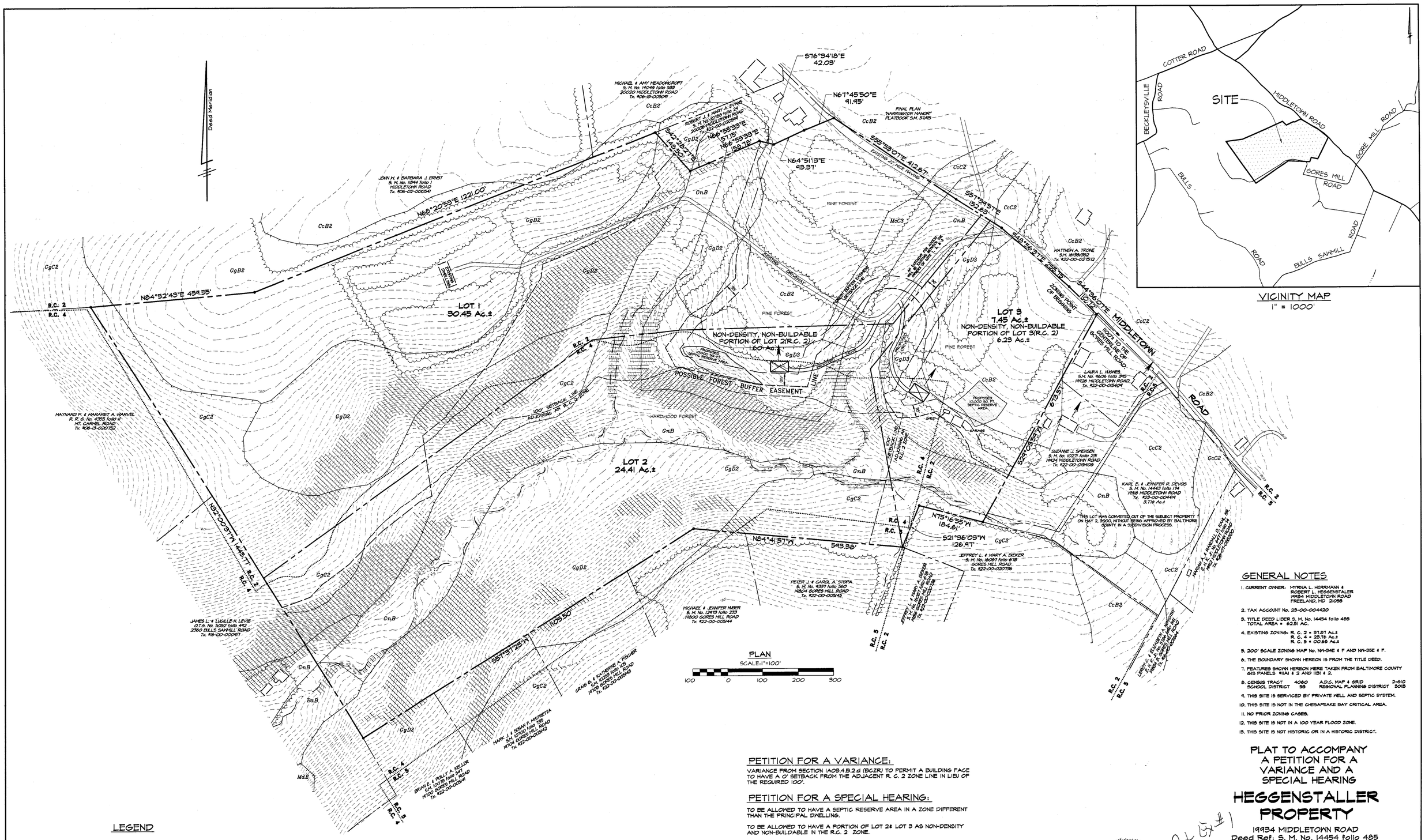
19934 MIDDLETOWN ROAD
Deed Ref: S. M. No. 14454 folio 485
Tax Account No.: 23-00-004420
Zoned: R. C. 2, R. C. 4 & R. C. 5;
Tax Map 11; Grid 9; Parcels 17 & 404
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100' Date: May 30, 2003

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED: S.A.L.	DRAWN: S.A.L.	CHECKED: B.E.D.	FILE:X:\heggenstaller\rezoning.pro

PETITIONER'S EXHIBIT #1



PLAN
SCALE: 1"=100'
100 0 100 200 300

VICINITY MAP
1" = 1000'

GENERAL NOTES

1. CURRENT OWNER: MYRNA L. HERRMANN & ROBERT L. HEGGENSTALER 19934 MIDDLETOWN ROAD FREELAND, MD 21053
2. TAX ACCOUNT No. 23-00-004420
3. TITLE DEED LIBER S. M. No. 14454 folio 485 TOTAL AREA = 62.51 Ac.
4. EXISTING ZONING: R. C. 2 = 37.87 Ac.± R. C. 4 = 23.76 Ac.± R. C. 5 = 00.88 Ac.±
5. 200' SCALE ZONING MAP No. NW-34E & F AND NW-35E & F.
6. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
7. FEATURES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY GIS PANELS 91A1 & 2 AND 11B1 & 2.
8. CENSUS TRACT 4060 A.D.C. MAP & GRID 2-510
   SCHOOL DISTRICT 58 REGIONAL PLANNING DISTRICT 301B
9. THIS SITE IS SERVICED BY PRIVATE WELL AND SEPTIC SYSTEM.
10. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
11. NO PRIOR ZONING CASES.
12. THIS SITE IS NOT IN A 100 YEAR FLOOD ZONE.
13. THIS SITE IS NOT HISTORIC OR IN A HISTORIC DISTRICT.

PETITION FOR A VARIANCE:

VARIANCE FROM SECTION 1A03.4.B.2.d (BCZR) TO PERMIT A BUILDING FACE TO HAVE A 0' SETBACK FROM THE ADJACENT R. C. 2 ZONE LINE IN LIEU OF THE REQUIRED 100'.

PETITION FOR A SPECIAL HEARING:

TO BE ALLOWED TO HAVE A SEPTIC RESERVE AREA IN A ZONE DIFFERENT THAN THE PRINCIPAL DWELLING.

TO BE ALLOWED TO HAVE A PORTION OF LOT 2& LOT 3 AS NON-DENSITY AND NON-BUILDABLE IN THE R.C. 2 ZONE.

DENSITY CALCULATIONS

AREA IN R.C. 4
LOT 2 = 21.93 Ac.±
LOT 3 = 1.83 Ac.±

R. C. 2:

GROSS AREA	37.87 Ac.±	
HIGHWAY WIDENING	0.00 Ac.±	
NET AREA	37.87 Ac.±	
LOTS PERMITTED	2-1.49 Ac.± = 2 Lots	
LOTS PROPOSED	1 Lot	

R. C. 4:

GROSS AREA	23.76 Ac.±	
HIGHWAY WIDENING	0.00 Ac.±	
NET AREA	23.76 Ac.±	
LOTS PERMITTED	0.2 x 23.76 Ac.± = 5 Lots	
LOTS PROPOSED		2 Lots

R. C. 5:

GROSS AREA	4.5 Ac.±	
HIGHWAY WIDENING	0.00 Ac.±	
NET AREA	4.5 Ac.±	
LOTS PERMITTED	0.667 x 4.5 Ac.± = 3 Lots	
LOTS PROPOSED		1 Lot

(SEE NOTE ON #19916 MIDDLETOWN ROAD THIS PROPERTY IS INCLUDED IN THE DENSITY CALCULATIONS, BUT IS NOT OWNED BY HEGGENSTALLER AND IS NOT PART OF THE ZONING RELIEF REQUESTED.)

LEGEND

- PROPOSED BUILDING
- BUILDING
- ZONING DIVISION LINE
- PROPERTY LINE
- WOODS LINE
- SETBACK LINE
- SOILS LINE
- ROADS LINE
- FOREST BUFFER LINE

STATE OF MARYLAND
STEVEN A. LUNDQUIST
No. 21281
PROFESSIONAL LAND SURVEYOR
5/14/02

RL Ex #1

PLAT TO ACCOMPANY
A PETITION FOR A
VARIANCE AND A
SPECIAL HEARING

HEGGENSTALLER PROPERTY

19934 MIDDLETOWN ROAD
Deed Ref: S. M. No. 14454 folio 485
Tax Account No.: 23-00-004420
Zoned: R. C. 2, R. C. 4 & R. C. 5;
Tax Map 11; Grid 9; Parcels 17 & 404
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100' Date: AUGUST 30, 2002

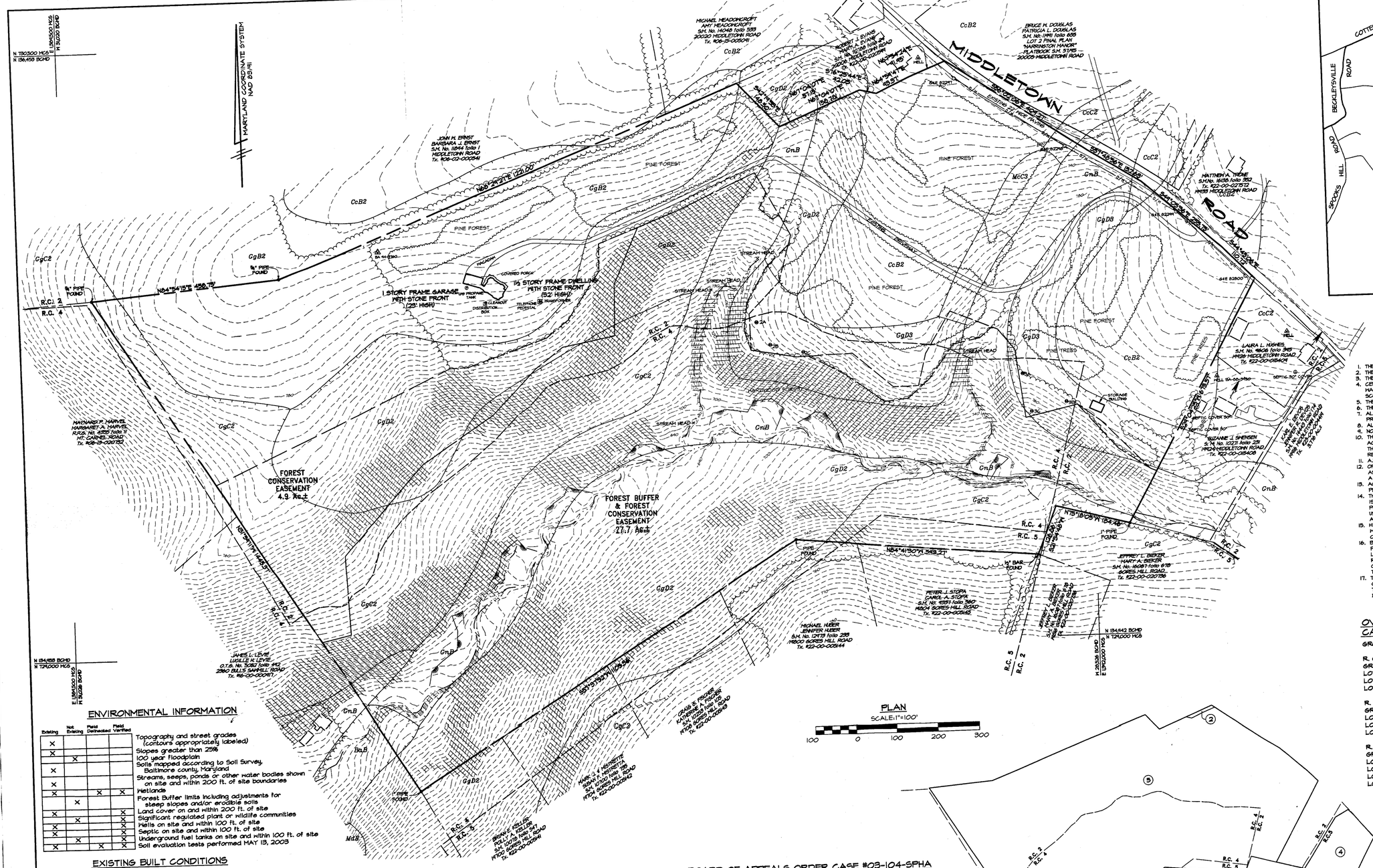
OWNER\DEVELOPER
ROBERT L. HEGGENSTALLER
19934 MIDDLETOWN ROAD
FREELAND, MD 21053
HOME: (410) 343-2343
WORK: (410) 461-3300

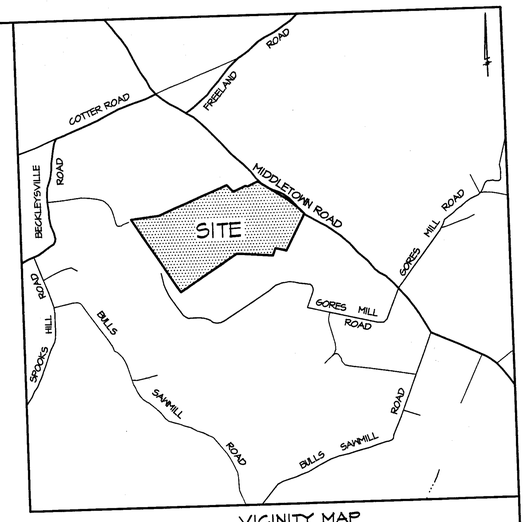
REVISIONS AND ADDITIONS	09/04/02
REVISIONS AND ADDITIONS	04/05/02
REVISION	DATE

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED: S.A.L. | DRAWN: S.A.L. | CHECKED: B.E.D. | FILE:X:\heggenstaller\zoning.pro

03-104-SPHA





VICINITY MAP

1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZELL,LTD.
2. THE TOPOGRAPHY SHOWN HEREON HAS TAKEN FROM BALTIMORE COUNTY 615 TILES 11A1, 11A2, 11B1 & 11B2.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 4.
4. CENSUS TRACT 4060 A.D.C. MAP & GRID 2 G-10
   WATERSHED 15 SUBSERVERSHED 61
   SCHOOL DISTRICT 53 REGIONAL PLANNING DISTRICT 301B
5. THERE IS AN UNDERGROUND PROPANE TANK BEHIND THE GARAGE OF THE EXISTING DWELLING.
6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
8. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
9. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
10. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.)
11. A.D.T. 5.3 x 12.4 = 31.2
12. OPEN SPACE REQUIRED - 1,250 SF ACTIVE AND 1,250 SF PASSIVE OR A COMBINATION THEREOF AS SPECIFIED IN SECTION 1.11.D.3. OPEN SPACE PROVIDED - 0 SF; A WAIVER WILL BE REQUESTED A FEE IN LIEU TO BE PAID.
13. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
14. THIS PROPOSED DEVELOPMENT IS IN CLOSE PROXIMITY TO ACTIVE AGRICULTURAL OPERATIONS. IT IS THE DEVELOPERS RESPONSIBILITY TO ADVISE FUTURE HOMEOWNERS THAT AGRICULTURE HAS A PREFFERED USE STATUS AND THAT ODORS, NOISE, DUST, FARM EQUIPMENT, LIVESTOCK, AND THE USE OF AGRICULTURAL CHEMICALS (PESTICIDES, FERTILIZERS, HERBICIDES, AND OTHER CONTROL AGENTS) ARE IN ACTIVE USE.
15. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
16. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE APORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE T.V.
17. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE JANUARY 11, 1999 (SEE DEVOLUTION OF TITLE). THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY, AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

OVERALL DENSITY CALCULATIONS

GROSS AREA 75.04 Ac.±

R. C. ZONE 2:
GROSS AREA 46.6 Ac.±
LOTS PERMITTED 2-149 Ac.± = 2 Lots
LOTS UTILIZED 2 Lots
LOTS REMAINING 0 Lots

R. C. 5:
GROSS AREA 4.7 Ac.±
LOTS PERMITTED 0.667 x 4.7 Ac.± = 3 Lots
LOTS UTILIZED 1 Lot
LOTS REMAINING 2 Lots

R. C. 4:
GROSS AREA 23.7 Ac.±
LOTS PERMITTED 0.2 x 23.7 Ac.± = 4 Lots
LOTS UTILIZED 0 Lots
LOTS PROPOSED 2 Lots
LOTS REMAINING 2 Lots

OWNER\DEVELOPER

ROBERT L. HEGGENSTALLER
19934 MIDDLETOWN ROAD
FREELAND, MD 21053
410-343-2343

PLAN

SCALE:1"=100'

100 0 100 200 300

ENVIRONMENTAL INFORMATION

Existing	Not Existing	Field Delineated	Field Verified	
X				Topography and street grades (contours appropriately labeled)
X				Slopes greater than 25%
	X			100 year floodplain
X				Soils mapped according to Soil Survey, Baltimore county, Maryland
X				Streams, seeps, ponds or other water bodies shown on site and within 200 ft. of site boundaries
X		X	X	Wetlands
	X			Forest Buffer limits including adjustments for steep slopes and/or erodible soils
X			X	Land cover on and within 200 ft. of site
	X		X	Significant regulated plant or wildlife communities
X			X	Wells on site and within 100 ft. of site
X			X	Septic on site and within 100 ft. of site
	X		X	Underground fuel tanks on site and within 100 ft. of site
X		X	X	Soil evaluation tests performed MAY 13, 2003

EXISTING BUILT CONDITIONS

Existing	Not Existing	
X		Locations of existing buildings within 200 ft. of site boundaries
X		Location of existing roads within 200 ft. of site boundaries
	X	Designated historic sites
	X	Designated archeological sites
	X	Significant views
X		Significant features (specimen trees, buildings, streetscape, etc.)
X		Land use on and within 200 ft. of site
X		Road rights-of-way and easements

COUNTY ADOPTED PLANS

Existing	Not Existing	In Conformance	
		X	Baltimore County Master Plan
		X	Community or Revitilization Plan(s)
		X	Recreation and Parks Plan
		X	Streetscape Plan
		X	Greenways Plan
			Other_____

LEGEND

- EXISTING CLEAN OUT
- EXISTING WELL
- PASSED PERC TEST
- UTILITY POLE
- WELL AREA
- PROPOSED BUILDING
- EXISTING BUILDING
- ZONING LINE
- PROPERTY LINE
- WOODS LINE
- SOILS LINE

ZONING ORDER CASE #03-104-SPHA

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 9th day of October, 2002, that the Petitioner's request for special hearing. to approve a septic reserve area in a zone different than the principal dwelling and to approve a portion of proposed Lot Nos. 2 and 3 as non-density and non-buildable in the R.C.2 zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variance request, to allow a building face to have a 0 ft. setback from an adjacent R.C.2 zone in lieu of the required 100 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

BOARD OF APPEALS ORDER CASE #03-104-SPHA

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 10th day of July, 2003, that the Petition to approve a portion of Lots 2 and 3 as non-density and non-buildable in an R.C.2 zone is hereby GRANTED; and it is further,

ORDERED, that the Petitioner's request for a variance of the building setback of 0 ft from an adjacent R.C. 2 zone in lieu of the required 100 ft. is hereby GRANTED.

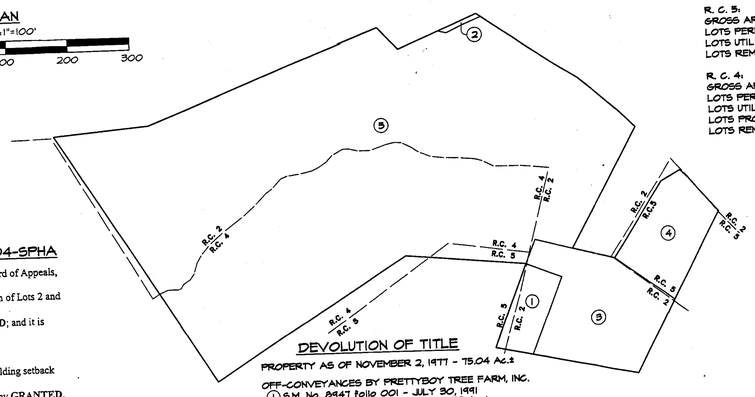
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through 7-210 of the *Maryland Rules*.

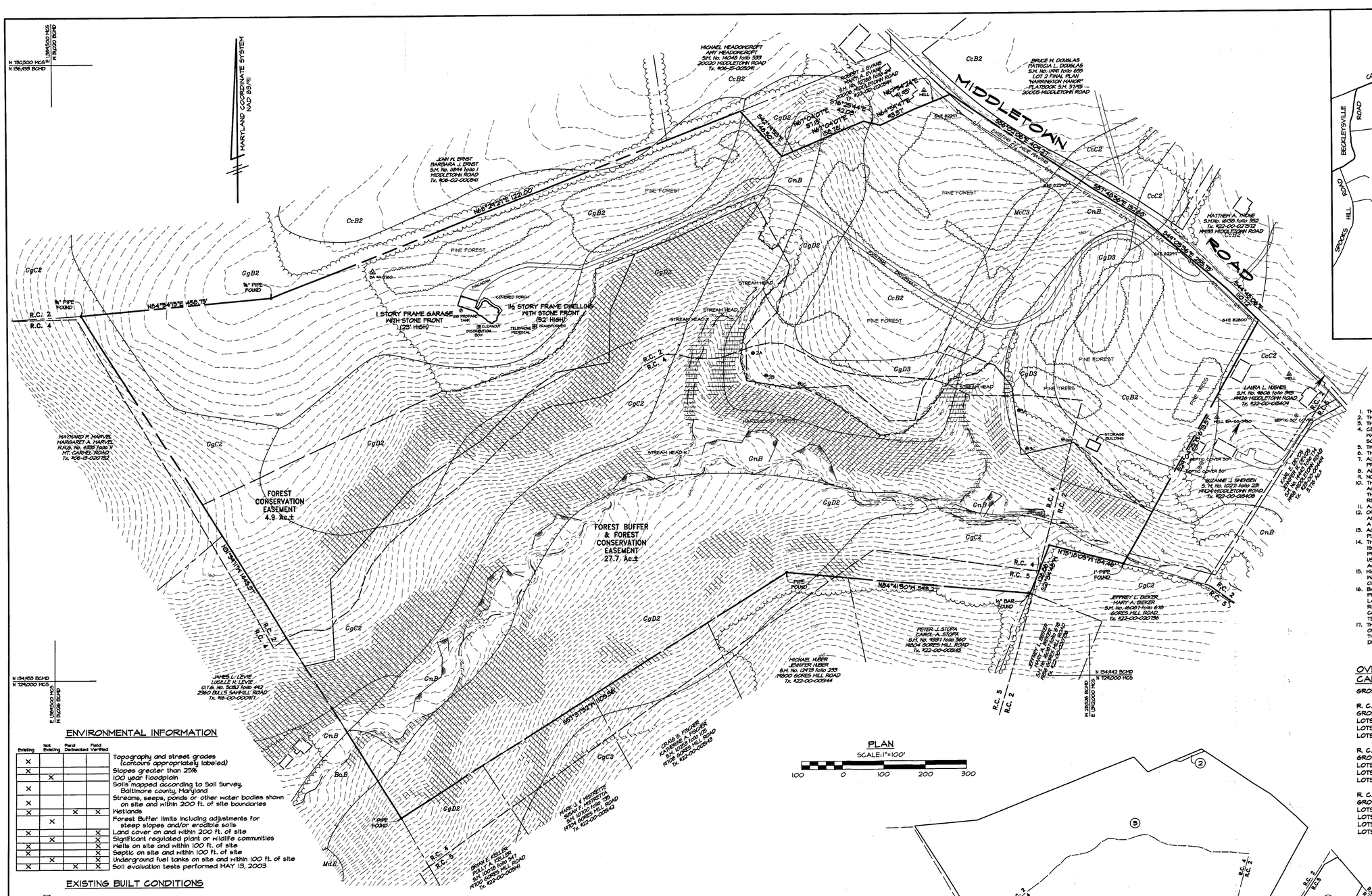
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

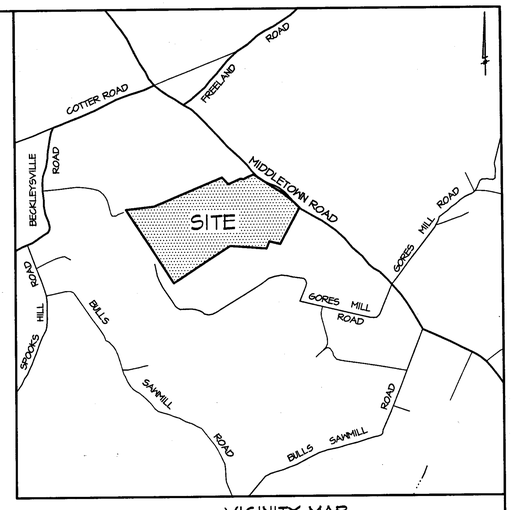
Richard K. Irish

Maureen E. Murphy


R.C. 2
R.C. 4
R.C. 5
R.C. 4
R.C. 5
R.C. 2
R.C. 5
R.C. 2
R.C. 5
R.C. 2
R.C. 5
R.C. 2
R.C. 5
R.C. 4



PLAN
SCALE: 1"=100'
100 0 100 200 300



VICINITY MAP
1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZEL LTD.
2. THE TOPOGRAPHY SHOWN HEREON HAS TAKEN FROM BALTIMORE COUNTY GIS TILES 11A1, 11A2, 11B1 & 11B2.
3. THE SOIL TYPES SHOWN HEREON HERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 4.
4. CENSUS TRACT 4060 A.D.C. MAP & GRID 2 B-10
   WATERSHED 15 SUBSEWERSHED 81
   SCHOOL DISTRICT 53 REGIONAL PLANNING DISTRICT 301B
5. THERE IS AN UNDERGROUND PROPANE TANK BEHIND THE GARAGE OF THE EXISTING DWELLING.
6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES HERE FIELD LOCATED.
8. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
9. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
10. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.)
11. A.D.T.S 3 x 12.4 = 37.2
12. OPEN SPACE REQUIRED - 1250 SF ACTIVE AND 1250 SF PASSIVE OR A COMBINATION THEREOF AS SPECIFIED IN SECTION 1113.3. OPEN SPACE PROVIDED - 0 SF; A WAIVER WILL BE REQUESTED A FEE IN LIEU TO BE PAID.
13. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
14. THIS PROPOSED DEVELOPMENT IS IN CLOSE PROXIMITY TO ACTIVE AGRICULTURAL OPERATIONS. IT IS THE DEVELOPERS RESPONSIBILITY TO ADVISE FUTURE HOMEOWNERS THAT AGRICULTURE HAS A PREFFERED USE STATUS AND THAT ODORS, NOISE, DUST, FARM EQUIPMENT, LIVESTOCK, AND THE USE OF AGRICULTURAL CHEMICALS (PESTICIDES, FERTILIZERS, HERBICIDES, AND OTHER CONTROL AGENTS) ARE IN ACTIVE USE.
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17. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE JANUARY 11, 1991 (SEE DEVOLUTION OF TITLE). THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

OVERALL DENSITY CALCULATIONS

GROSS AREA 75.04 Ac.±

R. C. ZONE 2:
GROSS AREA 46.6 Ac.±
LOTS PERMITTED 2-1.49 Ac.± = 2 Lots
LOTS UTILIZED 2 Lots
LOTS REMAINING 0 Lots

R. C. 5:
GROSS AREA 4.7 Ac.±
LOTS PERMITTED 0.667 x 4.7 Ac.± = 3 Lots
LOTS UTILIZED 1 Lot
LOTS REMAINING 2 Lots

R. C. 4:
GROSS AREA 23.7 Ac.±
LOTS PERMITTED 0.2 x 23.7 Ac.± = 4 Lots
LOTS UTILIZED 0 Lots
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OWNER\DEVELOPER

ROBERT L. HEGGENSTALLER
19934 MIDDLETOWN ROAD
FREELAND, MD 21053
410-343-2343

ENVIRONMENTAL INFORMATION

Existing	Not Existing	Field Delineated	Field Verified	
X				Topography and street grades (contours appropriately labeled)
X				Slopes greater than 25%
	X			100 year floodplain
X				Soils mapped according to Soil Survey, Baltimore county, Maryland
X				Streams, seeps, ponds or other water bodies shown on site and within 200 ft. of site boundaries
X		X	X	Wetlands
	X			Forest Buffer limits including adjustments for steep slopes and/or erodible soils
X			X	Land cover on and within 200 ft. of site
	X		X	Significant regulated plant or wildlife communities
X			X	Wells on site and within 100 ft. of site
X			X	Septic on site and within 100 ft. of site
	X		X	Underground fuel tanks on site and within 100 ft. of site
X		X	X	Soil evaluation tests performed MAY 13, 2003

EXISTING BUILT CONDITIONS

Existing	Not Existing	
X		Locations of existing buildings within 200 ft. of site boundaries
X		Location of existing roads within 200 ft. of site boundaries
	X	Designated historic sites
	X	Designated archeological sites
	X	Significant views
X		Significant features (specimen trees, buildings, streetscape, etc.)
X		Land use on and within 200 ft. of site
X		Road rights-of-way and easements

COUNTY ADOPTED PLANS

Existing	Not Existing	In Conformance	
		X	Baltimore County Master Plan
		X	Community or Revitilization Plan(s)
		X	Recreation and Parks Plan
		X	Streetscape Plan
		X	Greenways Plan
			Other_____

LEGEND

- EXISTING CLEAN OUT
- EXISTING WELL
- PASSED PERC TEST
- UTILITY POLE
- WELL AREA
- PROPOSED BUILDING
- EXISTING BUILDING
- ZONING LINE
- PROPERTY LINE
- WOODS LINE
- SOILS LINE

ZONING ORDER CASE #03-104-SPHA

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 8th day of October, 2002, that the Petitioner's request for special hearing. to approve a septic reserve area in a zone different than the principal dwelling and to approve a portion of proposed Lot Nos. 2 and 3 as non-density and non-buildable in the R.C.2 zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variance request, to allow a building face to have a 0 ft. setback from an adjacent R.C.2 zone in lieu of the required 100 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Timothy Kotroco
TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

BOARD OF APPEALS ORDER CASE #03-104-SPHA

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 10th day of July, 2003, that the Petition to approve a portion of Lots 2 and 3 as non-density and non-buildable in an R.C.2 zone is hereby GRANTED; and it is further,

ORDERED, that the Petitioner's request for a variance of the building setback of 0 ft from an adjacent R.C. 2 zone in lieu of the required 100 ft. is hereby GRANTED.

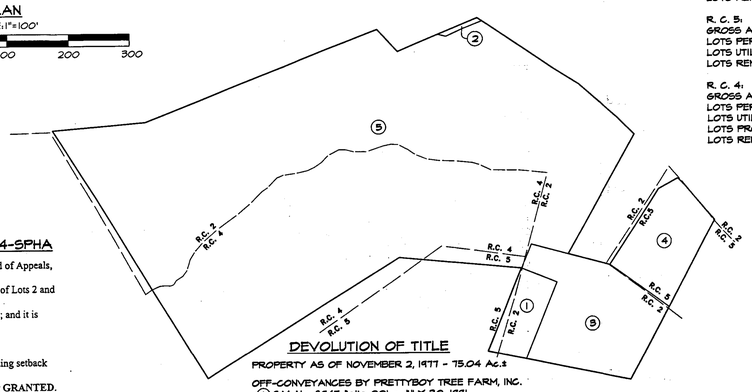
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Richard K. Irish

Maureen E. Murphy



DEVOLUTION OF TITLE

PROPERTY AS OF NOVEMBER 2, 1977 - 75.04 Ac.±

OFF-CONVEYANCES BY PRETTYBOY TREE FARM, INC.

1. S.M. No. 8447 folio 001 - JULY 30, 1991
   TO JOANNE K. MAGIN, ET AL - 1.712 Ac.±
   LOT 1 MINOR SUBDIVISION OF
   PRETTYBOY TREE FARM 90-504M
2. S.M. No. 10652 folio 420 - JUNE 13, 1994
   TO THOMAS M. MULLER & WIFE - 0.103 Ac.±
3. S.M. No. 10673 folio 371 - JULY 15, 1994
   TO RICHARD WHITWORTH - 6.803 Ac.±
   NON-DENSITY TRANSFER 94-411-SPH
4. S.M. No. 13507 folio 134 - JANUARY 11, 1999
   TO PRETTYBOY TREE FARM - 3.166 Ac.±
   LOT 2 MINOR SUBDIVISION OF
   PRETTYBOY TREE FARM 98-042M
5. S.M. No. 13507 folio 139 - JANUARY 11, 1999
   TO ROBERT L. HEGGENSTALLER - 62.32 Ac.±
   TRACT "A" MINOR SUBDIVISION OF
   PRETTYBOY TREE FARM 98-042M

PDM FILE No. VI-175
SITE CONSTRAINTS MAP
CONCEPT PLAN
OF THE

HEGGENSTALLER PROPERTY

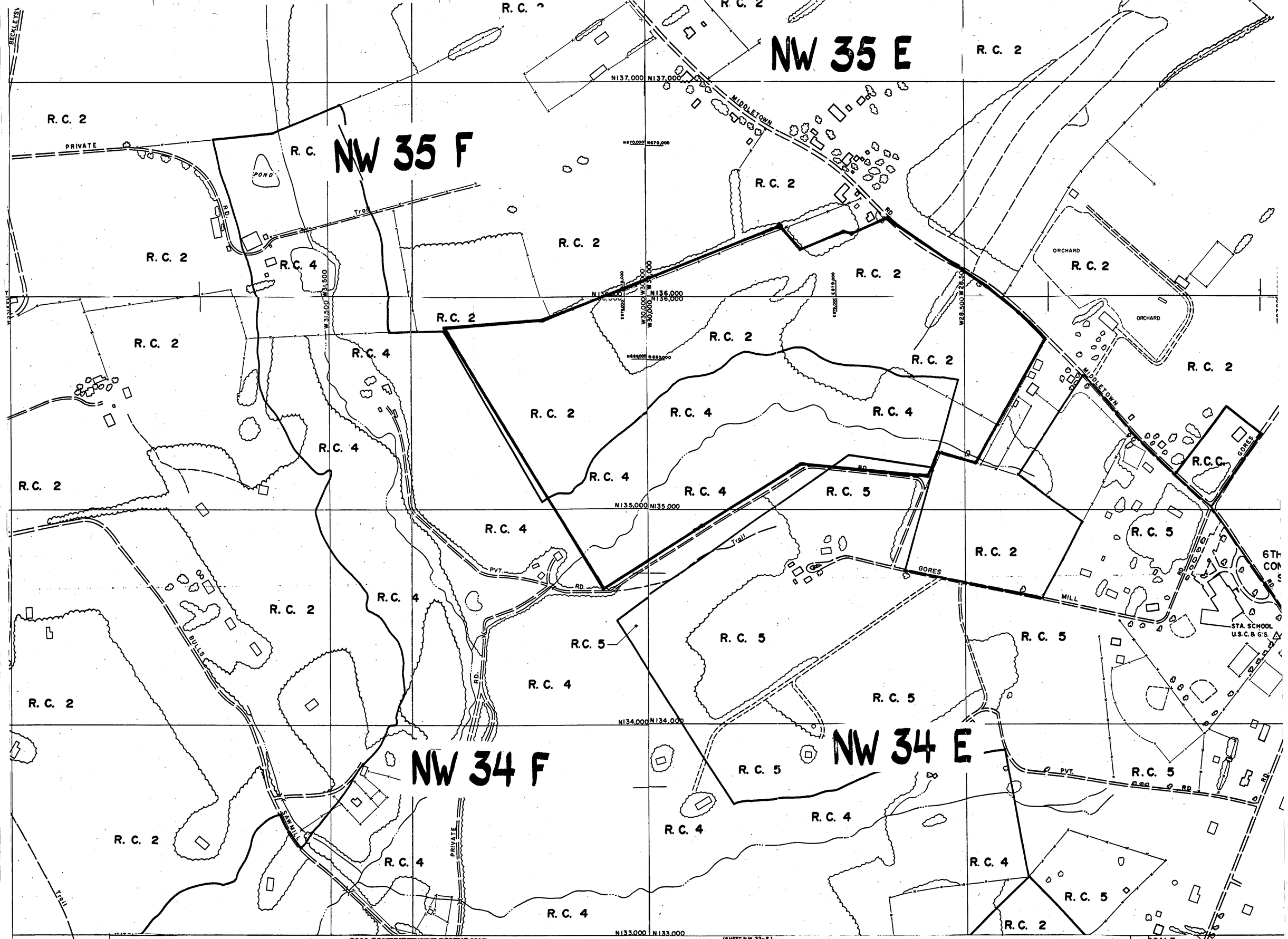
RESUBDIVISION OF TRACT "A"
"MINOR SUBDIVISION PLAN
PRETTYBOY TREE FARM, INC." PDM #98-042M
19934 MIDDLETOWN ROAD
Deed Ref: S.M. No. 14454 folio 485
Tax Account No.: 23-00-004420
Zoned: R. C. 2, R. C. 4 & R. C. 5;
Tax Map 11; Grid 9; Parcels 17 & 404
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100' Date: July 23, 2003

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE
PDM FILE NUMBER ADDED	8/4/05

COMPUTED: S.A.L. | DRAWN: S.A.L. | CHECKED: B.E.D. | FILE:X:\heggenstaller\concept.pro



2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, Coun Council

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

(SHEET N.W. 35-F)

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

03-104-SPHA

SCALE
1" = 200'±

DATE OF PHOTOGRAPHY
JANUARY 1986

We believe an Amended Opinion and Order stating on Page 6 that the request to locate a septic reserve area in a zone different than the principal dwelling was withdrawn at the hearing and as such that part of the Petition for Special Hearing is "dismissed as moot" would serve to dispose of all issues before the Board.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel

Carole S. Demilio
Deputy People's Counsel

PMZ\rmw

cc: Bruce Doak