DALLING ORDER RECEIVED FC IN RE: PETITION FOR VARIANCE

S/S Hillside Road, 400' W centerline of Keller Road 3rd Election District 2nd Councilmanic District (1529 Hillside Road)

Virginia & Leonard Billian Petitioner

BEFORE THE

*DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 03-299-A *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Virginia and Leonard Billian. The Petitioners are requesting variance relief for property they own at 1529 Hillside Road, located in the Stevenson area of Baltimore County. The variance request is to permit a front setback of 65 ft. to the centerline of Hillside Road in lieu of the required 75 ft. and a rear yard setback of 40 ft. in lieu of the required 50 ft. and to approve an undersized lot.

Appearing at the hearing on behalf of the variance requests were Leonard Billian, owner of the property and Newton Williams, a friend of the Petitioner. Appearing in opposition to the Petitioners' request were nearby property owners, Stephen Losch and Eleanor May. There were no others in attendance

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.689 acres of land, more or less, zoned R.C.5. The subject property is unimproved at this time. Mr. Billian testified that he purchased the subject property in 1974. It has remained vacant up until this time. Mr. Billian is interested in constructing a single-family residential dwelling on the property for himself and his family. Given the narrow configuration of the property, front and rear yard setback variances are being requested in order to afford Mr. Billian the opportunity to construct a home on the property that would meet modern day standards. The setbacks that Mr. Billian is requesting are in keeping with the setbacks of the

 (λ)

8

other homes constructed along Hillside Road. In addition, some of the other lots in this area are actually smaller than that lot owned by this Petitioner. It is common for undersized lots which require variance approval such as this to be routinely approved. However, what differentiates this case from most is the fact that Mr. Billian and his wife own 8.8 acres of additional land situated immediately to the south of this lot. This additional acreage adjacent to this property would afford the Billian's the opportunity to add a 20 ft. strip of land to this lot which thereby would obviate the need for the front and rear yard setback variances. In lieu of providing this 20 ft. strip of land, Mr. Billian has proceeded on his request for variance on the present configuration of the property.

It should be noted that the Office of Planning for Baltimore County has reviewed this variance request. The Planning Office has issued a comment dated January 21, 2003. Therein the Planning Office has requested that the variance be denied and that the property owners be required to add additional land from their 8.8 acre tract to the subject lot to bring it into compliance with setback requirements. Mr. Losch and Ms. May echoed the sentiments of the Planning Office in their comments which they offered at the hearing. They too believe that the granting of a variance is not appropriate when the property owner has sufficient land to meet setback requirements.

After considering the testimony and evidence offered at the hearing, as well as the opposition to this request by the neighbors and the Office of Planning, I find that the variance should be denied. The Petitioners should be required to add additional land to the subject lot to bring it into compliance with front and rear yard setback requirements and the one acre minimum lot size requirement.

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

ORDER RECEIVED FOR FILING

THEREFORE, IT IS ORDERED, this 7th day of March, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance for the property located at 1529 Hillside Road, to permit a front setback of 65 ft. to the centerline of Hillside Road in lieu of the required 75 ft. and a rear yard setback of 40 ft. in lieu of the required 50 ft. and to approve an undersized lot, be and is hereby DENIED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

IN THE MATTER OF THE
THE APPLICATION OF
LEONARD AND VIRGINIA BILLIAN
FOR VARIANCE ON PROPERTY
LOCATED ON THE S/S HILLSIDE RD,
400' W OF CENTERLINE KELLER RD
(1529 HILLSIDE ROAD)

3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT

- * BEFORE THE
- * COUNTY BOARD OF APPEALS
- * OF
- * BALTIMORE COUNTY
- * CASE NO. 03-299-A

ORDER OF DISMISSAL

This matter comes before the Board on appeal filed by Leonard Billian, Petitioner, from a decision of the Deputy Zoning Commissioner dated March 7, 2003 in which the requested variance relief was denied.

WHEREAS, hearing in this matter scheduled for October 22, 2003 was postponed on October 21, 2003 at the request of Petitioner to assure that no appeal had been filed from the Zoning Commissioner's decision issued September 17, 2003 in Case No. 03-595-SPH in which Petitioner's requested special hearing relief as to the subject property was granted; and

WHEREAS, by letter dated May 7, 2004, the Board of Appeals notified the parties of record in the above-entitled matter that, inasmuch as there had been no further action in this matter since October 21, 2003, and, further, upon confirmation that the 30-day appeal period in Case No. 03-595-SPH had expired with no appeal having been filed, the appeal in the instant Case No. 03-299-A would be dismissed for lack of prosecution after a period of 30 days; and

WHEREAS, this Board granted an additional 30 days for Petitioner to confer with his attorney as requested in Petitioner's letter filed on June 4, 2004; and

WHEREAS, there has been no further action in this matter since June 4, 2004, the Board will, on its own Motion, dismiss the within appeal.

Appeals of Baltimore County that the above-referenced appeal in Case No. 03-299-A be and the same is hereby **DISMISSED** for lack of prosecution, and that the Deputy Zoning Commissioner's Order issued March 7, 2003 remains the final Order in Case No. 03-299-A.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman



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 10, 2004

Leonard and Virginia Billian P.O. Box 1264 Brooklandville, MD 21022-1264

RE: In the Matter of: Leonard and Virginia Billian – Legal Owners

Case No. 03-299-A /Order of Dismissal

Dear Mr. and Mrs. Billian:

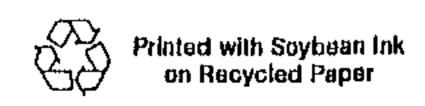
Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

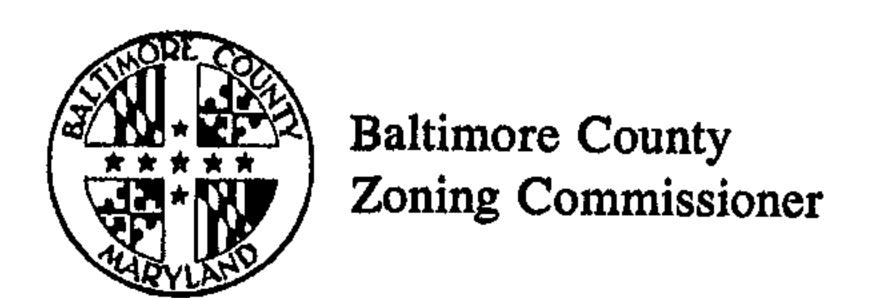
Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Jack Dillon /Valleys Planning Council
Stephen Losch
Eleanor May
Peter deWolf Smith
Erin H. Murphy
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM





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

Fax: 410-887-3468

March 7, 2003

Mr. & Mrs. Leonard Billian Box 1264 Brooklandville, Maryland 21022

Re: Petition for Variance
Case No. 03-299-A

Property: 1529 Hillside Road

Dear Mr. & Mrs. Billian:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been denied 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 M. Kotroco

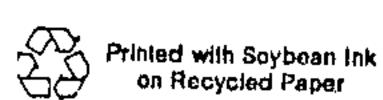
Deputy Zoning Commissioner

huthy llokroco

TMK:raj Enclosure

c: Stephen Losch 1527 Hillside Road Stevenson, MD 21153

Eleanor May 1535 Hillside Road Stevenson, MD 21153





REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 1529Hills 172R 21153

which is presently zoned <u>RC-5</u>

This Petition shall be filed with the Department of Permits of the property situate in Baltimore County and which is despersed bereat hereby petition for a Variance from Section(s)	s and Development Management. The undersigned, legal owner(s) scribed in the description and plat attached hereto and made a part
/ A o	4, 3, 13, 3 to permit a setback of 65 ft. to
the centerline of the road in lien of	f the required 75 ft, and a rear yard setback
-	1, ; to approve an undersized 10t (.689 acres
in lieu of the required lacke) per se	
of the Zoning Regulations of Baltimore County, to the zoning I or practical difficulty)	องการ Commission er, aw of Baltimore County, for the following reasons: (indicate hardship
THE LOT IS UNDER SIZE A	ND THE DEPTH OF LOT IS SHELLOW, ETC
Property is to be posted and advertised as prescribed by the z l, or we, agree to pay expenses of above Variance, advertising, regulations and restrictions of Baltimore County adopted pursuant to	posting, etc. and further agree to and are to be bounded by the zoning
I/We perjury, that I/v is the subject of this Pe	do solemnly declare and affirm, under the penalties of we are the legal owner(s) of the property which tition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
	LEONARD BILLIAN
Name - Type or Print	Name - Type or Printy Cluar
Signature	Signature VITZ GINIALE IL LIAN
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature 210
Attorney For Petitioner:	
	BROOKLANDVILLE MY 21022
Name Type or Punt	City State Zip Code
Signature	Representative to be Contacted: し このい みをう といしに 1大 心
Company	Name Box 12 Gd 296-8606
Address Telephone No.	Address PORLANDVILLEMD 21022
City State Zip Code	City State Zip Code OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No	UNAVAILABLE FOR HEARING

Date 12/23/02

CASE NUMBER 03-299-A

1529 Hillside Road

S/S Hillside Road 400 feet west C/L of Keller Road

Legal owners Leonard and Virginia Billian

- Variance to permit a setback of 65 feet from C/L of the road in lieu of required 75 feet;
- 2. Variance to permit a rear yard of 40 feet in lieu of the required 50 feet;
- 3. To approve an under sized lot and other variances deemed necessary.

The variances should be granted for the following reasons:

- A. Hillside Road is an older road which predates zoning;
- B. East from Keller Avenue, Parcels 372, 5h?, 484 (the subject parcel) and 369 are all of even depth;
- C. Many of the houses along Hillside are either too close to the rear line and non-conforming, or too close to the road, Hillside Road, and its C/L. See pictures.
- D. Without the variances, only a 20 foot depth house would be allowed, clearly inadequate and out of keeping with its neighbors along Hillside Road.
- E. The requested variances are modest and will be indiscernible from Hillside Road; and at the rear, Leonard Billian owns an acreage tract for future use, and it makes no sense to take a 20 foot strip out of this second Billian Tract, particularly in view of the uniform depth of 1525,1527, 1529 and 1531, as noted in B. above.
- F. Without the requested variance, the Petitioners will sustain practical difficulty and unreasonable hardship as to the 20 foot inadequate depth of the house allowed without the variances, as well as being treated differently from its neighbors on both sides of Hillside Road both to the west and to the east.

G. Since 1945, the property has been zoned Cottage A, until 1955, then R-6 or R-40 from 1955 to 1971, then RSC or RDP until 1976, then DR1 for some time and then finally RC-5. Many of these zones would not have required these variances.

H. The roadside is virtually fully developed, particularly on the south and the proposed house will be in keeping with its neighbors.

For all of these reasons the variances should be approved.

Respectfully submitted,

Leonard Billian

Virginia Billian

Newton A. Williams

ZONING DESCRIPTION FOR 1529 HILLSIDE ROAD STEVENSON, MY 21153

Beginning for the same at a railroad spike now set in or near the centerline of Hillside Road at the end of 133.54 feet on the 4th or North 88 degrees 18 minutes West 150 foot line of the land which by deed dated June 19, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. 1482 folio 258 was conveyed by Charles L. Freeny and Mary K. Freeny, his wife, to Harry D. Heubeck, Jr. and Margaret E. Heubeck, his wife said place of beginning being also situate at the beginning of the land which by deed of Harry D. Heubeck, Jr. and Margaret E. Heubeck, his wife, dated April 2, 1953 and recorded among said Land Records in Liber G.L.B. 2274 folio 254 was conveyed to Warren A. Burdette, et al thence leaving said place of beginning and said Hillside Road and running reversely with and binding on 8th line of 2nd said deed, as now surveyed and referring all courses of this description to the meridian of said deeds, due South and passing over an iron pipe and to the distance of 14.70 feet, in all, 145.62 feet to an iron pipe and to intersect the 10th line of 1st hereinmentioned deed at the distance of 360.56 feet from the end thereof, running thence with and binding on said line for a portion of the distance thereof. South 85 degrees 46 minutes 40 seconds East 200.75 feet to an iron pipe, thence leaving said 10th line and running for a new line of division through the land of said 1st hereinmentioned deed, due North 153.27 feet to a railroad spike in or near the centerline of said Hillside Road and to intersect the 3rd line of said deed at the distance of 172.37 feet from the beginning thereof, running thence with and binding on remaining portion of said 3rd and running also with and binding on portion of 4th line of said deed and running also with or near centerline of said Hillside Road, the 2 following courses and distances, viz: North 87 degrees 15 minutes 53 seconds West 66.80 feet to a railroad spike and thence North 88 degrees 18 minutes 32 seconds West 133.54 feet to the place of beginning. Containing 0.689 acres (30,000 square feet) of land, more or less. ALSO KNOWN AS 1529 HILLSINE ROADS STEVENSON, MP. 21153

1529 HILLSIDE ROADS STEVENSON, MD. 21153 AND LOCATED IN THE 3RD ELECTION DISTTRICT, 2ND COUNCIL MANIC DISTRICT

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 25169	PATT TET PHILL NEULIFT BUSINESS ACTUAL TIME DRV (207/2003 4/04/2003 15:43:30 2
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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: #03-299-A

1529 Hillside Road

S/side Hillside Road

3rd Election District - 2nd Councilmante District

Legal Owner(s): Leonard and Virginia Billian

Variance: to permit a setback of 65 feet to the centerline of the road in lieu of the required 75 feet and a rear yard setback of 40 feet in lieu of the required 50 feet. To approve an undersized lot and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Tuesday, February 25, 2003 at 2:00 p.m. in Roam 407, County Courts Building, 401 Bostey Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baitimore 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.

Contact the Zoning Review Office at (410) 887-3391.

C587294

CERTIFICATE OF PUBLICATION

214,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing
$\frac{2}{11}$,2003.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LUGAL ADVERTISING

4.0-887.3468 Fax# 666-0929

2 8 8 2

 $\mathcal{C}_{\mathcal{A}}$

RE:	Case No.: $03-299-11$
'n	Petitioner/Developer: BILLIAN - ETAL
ì	Date of Hearing/Closing: #EB, 25,2003

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

ATTENTION: BECKY HART

Gentlemen:

This letter is to certify under the pen- were posted conspicuously on the pr	alties of perjury that the necessary sign(s) required by law operty located at 1529 HILL SIDE R
	, , , , , , , , , , , , , , , , , , ,
The sign(s) were posted on	TeBRUARY 8, 2003 (Month, Day, Year)

Case # 03-279-A	
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THE ZONING COMMISSIONER	
IN TOWSON, MD.	1 -
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Sincerely,
(Signature of Sign Poster and Date)
PATRICK M. O'KEEFE
(Printed Name)
523 PENNY LANE
(Address)
HUNT VALLEY, MD. 21030
(City, State, Zip Code)
410-666-5366; CELL-410-905-8571
(Telephone Number)

1529 Itillside Rd Billian

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-299-A

Leonard and Virginia Billian - LEGAL OWNERS

1529 Hillside Road

3rd ELECTION DISTRICT

APPEALED: 4/4/03

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

APPEAL SIGN POSTING REQUEST

2514

CASE NO.: 03-299-A

Leonard and Virginia Billian - LEGAL OWNERS

1529 Hillside Road

3rd ELECTION DISTRICT APPEALED: 4/4/03 ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1) **CERTIFICATE OF POSTING** Baltimore County Board of Appeals TO: 400 Washington Avenue, Room 49 Towson, Maryland 21204 Kathleen Bianco Attention: Administrator Case No.: 03-299-A RE: Petitioner/Developer: This is to certify that the necessary appeal sign was posted conspicuously on the property located at: 1529 HILLSIDE RD. The sign was posted on By: (Signature of/Sign Poster)

(Printed Name)

DEPARTMENT OF PERMITS AND DEVELOPMEN MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 03-299-A
Petitioner:EBNARDEN VIRGINIA BILLIAN
Address or Location: 1529 HILLSIDERD, 21153
PLEASE FORWARD ADVERTISING BILL TO:
Name: LEONARD BILLIAN
Address: P.O. Pox 1264
BROOKLANDVILLE My, 21022-1264
Telephone Number: 410-296-8606

Revised 2/20/98 - SCJ



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

October 21, 2003

NOTICE OF POSTPONEMENT

CASE #: 03-299-A

IN THE MATTER OF: LEONARD AND VIRGINIA BILLIAN

-Legal Owners /Petitioners

1529 Hillside Road

3rd Election District; 2nd Councilmanic District

3/07/03 -D.Z.C.'s Order in which Petition for Variance was DENIED.

which was assigned to be heard on 10/22/03 has been **POSTPONED** at the request of Appellants /Petitioners; no further action to be taken at this time except upon request.

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.

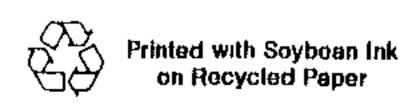
Kathleen C. Bianco Administrator

c: Appellants / Petitioners

: Leonard and Virginia Billian

Jack Dillon /Valleys Planning Council Stephen Losch Eleanor May Peter deWolf Smith

People's Counsel for Baltimore County Lawrence E. Schmidt/Zoning Commissioner Pat Keller, Planning Director Timothy M. Kotroco, Director/PDM



Juni 2/25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: January 21, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JAN 22 13

SUBJECT:

1529 Hillside Road

INFORMATION:

Item Number:

03-299

Petitioner:

Leonard and Virginia Billian

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the petitioner can present documentation to establish separate ownership of the subject lots.

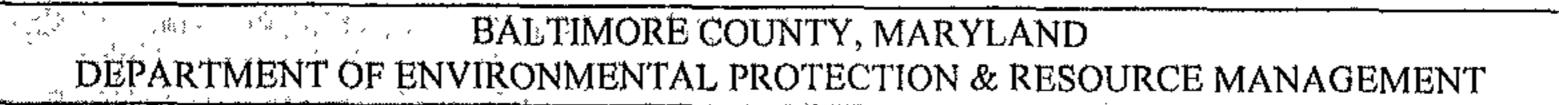
The petitioner has requested approval pursuant to Section 304 of the BCZR in order to build a single family dwelling on an undersized lot in a RC 5 zone. The plan submitted with both the variance and the undersized lot application identifies Leonard Billian as the owner of the adjoining 8.8 acre lot, and Leonard and Virginia Billian as owners of the undersized lot. However, Maryland State Assessment records indicate that Leonard and Virginia Billian own both lots. As such, it appears that the requirements of 304.1C have not been met with respect to ownership of adjacent property.

This office has determined that a lot line adjustment would allow an area to be transferred from the 8.8 acre lot to the undersized lot in order to meet the 1 acre minimum area and the 50 foot setback requirements.

Prepared by:

Section Chief:

AFK/LL:MAC:



TO:

Arnold Jablon

FROM:

R. Bruce Seeley 1205 The

DATE:

February 3, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of January 13, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

291, 292, 295, 296, 299, 300, 302, 303.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: January 27, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 21, 2003

Item No. 299

The Bureau of Development Plans Review has reviewed the subject-zoning item.

Hillside Road is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way. The proposed septic area setback from the ultimate road right-of-way must be verified.

RWB:HJO:jrb

cc: File



Parris N. Glendening Governor - Kathleen Kennedy Townsend Lt. Governor Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

January 14, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda 01/21/03 re: case numbers 03-291-A, 03-292-SPHA, 03-293-A, 03-294-A, 03-295-A, 03-296-A, 03-297-SPHA, 03-299-A, 03-300-SPH, 03-301-A, 03-302-SPHXA, 03-303-SPHXA, 03-304-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 01/14/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Canial Staffel So

Local Planning Assistance Unit

cc: Mike Nortrup





January 14, 2002

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

ATTENTION: Rebecca Hart

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:

291, 293-301, 303 +304

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date:

1.10.03

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

RE:

Baltimore County

Item No. 299

13 R

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,

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

f. f. thedl

RE: PETITION FOR VARIANCE * BEFORE THE

1529 Hillside Road; Sside Hillside Rd, 400ft

W ctrline Keller Road * ZONING COMMISSIONER

3rd Election District

2nd Councilmanic District * FOR

Legal Owner(s): Leonard & Virginia Billian

Petitioner(s) * BALTIMORE COUNTY

* 03-299-A

* * * * * * * *

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

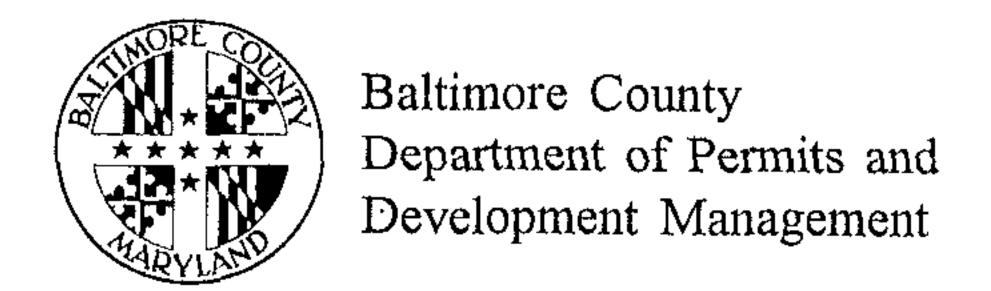
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 2003, a copy of the foregoing Entry of Appearance was mailed to, Leonard Billian, P.O. Box 1264, Brooklandville, MD 21022, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



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

Fax: 410-887-5708

April 9, 2003

Mr. and Mrs. Leonard Billian Box 1264 Brooklandville, MD 21022

Dear Mr. and Mrs. Billian:

RE: Case No. 03-299-A, 1529 Hillside Road

Please be advised that an appeal of the above-referenced case was filed in this office on April 4, 2003. 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 M. Krotoco, Deputy Zoning Commissioner Arnold Jablon, Director of PDM People's Counsel

APPEAL

Petition for Variance
1529 Hillside Road
S/side Hillside Road 400 feet west centerline Keller Road
3rd Election District – 2nd Councilmanic District
Legal Owner: Leonard and Virginia Billian

Case No.:03-299-A

Petition for Variance (December 23, 2002)

Zoning Description of Property

Notice of Zoning Hearing (January 14, 2003)

Certification of Publication (The Jeffersonian issued February 11, 2003)

Certificate of Posting (posted by Patrick O'Keefe) on February 8, 2003

Entry of Appearance by People's Counsel (January 14, 2003)

Petitioner(s) Sign-In Sheet
One sheet

Protestant(s) Sign-In Sheet None

Citizen(s) Sign-In Sheet None

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plan to accompany Zoning Variance Petition

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibits):

- Letter from Stephen Lauira
- 2. Letter from Jack Dillon, Valleys Planning Council
- 3. Letter to Commissioner from Peter de Wolf Smith

Deputy Zoning Commissioner's Order (March 7, 2003 - DENIED)

Notice of Appeal received on April 4, 2003 from Leonard Billian

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Arnold Jablon, Director of PDM
Leonard and Virginia Billian

date sent 4/9/03 rlh

Case No. 03-299-A

In the Matter of: Leonard and Virginia Billian – Legal Owners /Petitioners

VAR –To permit front setback of 65' to c/l of Hillside Road ilo required 75' and rear yard setback of 40' ilo required 50' and to approve undersized lot.

3/07/03-D.Z.C.'s Order in which Petition for Variance was DENIED.

5/30/03 -Notice of Assignment sent to following; assigned for hearing on Wednesday, October 22, 2003 at 10 a.m.:

Leonard and Virginia Billian
Jack Dillon /Valleys Planning Council
Stephen Losch
Eleanor May
Peter deWolf Smith
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM

10/07/03 – T/C with Mr. Billian, Petitioner /Appellant regarding this matter (subsequent case 03-595-SPH may moot this appeal). Appeal period still pending in subsequent special hearing case; will not withdraw at this time.

10/21/03 - Mr. Billian hand-delivered letter to office requesting postponement of 10/22/03 hearing (he has been out of town; could not get in yesterday); requesting postponement at this time; will not withdraw until sure that no appeal has been filed from 03-595-SPH and that nothing else will impact this property.

- Notice of PP issued this date; copy via FAX to Mr. Dillon, VPC; hand-delivered copy to Mr. Zimmerman; copy via US mail to all parties, including Mr. Billian. Case pulled from schedule; Board members notified; to be reset only upon request; withdrawal possible. T/C to Smith and Losch; no number found for May.

5/07/04 – Letter to Mr. Billian; Order of Dismissal of Petition for Variance to be issued after expiration of 30 days and file closed – failure to prosecute. (No appeal was taken from the ZCs order in Case NO. 03-595-SPH which was issued on September 17, 2003.)

6/04/04 - Letter hand-delivered by Mr. Billian requesting additional time beyond the 30-day period to confer with his attorney "who is currently extremely busy." Will hold dismissal additional 30 days.

8/03/04 - No further action having taken place since the above correspondence dated June 4, 2004, Order of Dismissal to be issued for lack of prosecution.

*

BALTIMORE COUNTY, MARYLAND **Board of Appeals of Baltimore County** FAX COVER SHEET

DATE: October 21, 2003

TO:

Jack Dillon /VPC

FAX

: 410-296-5409

TELEPHONE: 410-337-6877

FROM:

Kathleen Bianco

TELEPHONE: 410-887-3180

FAX

: 410-887-3182

RE:

Case No. 03-299-A /Virginia and Leonard Billian - Postponement

As indicated in the attached letter, Mr. Billian has requested, and has been granted, a postponement for the hearing scheduled for October 22nd at 10 a.m. He will advise this office at a later date regarding further action in this case.

Please call me if you have any questions (410-887-3180). The case has been pulled from the schedule for October 22nd, and the Board will not convene for this hearing. The Notice of Postponement is also attached.

Attachments (2)

c: Office of People's Counsel (hand-delivery) Leonard Billian (via US Mail)

Number of pages including this page: Three (3)

Original copy to follow

: Yes <u>X</u>

10/15/03

NOTE TO FILE (kcb)

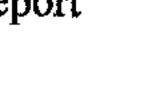
Visit by Mr. Billian regarding attached and Case No. 03-299-A

Is not withdrawing his appeal from denial of variance in 03-299-A at this time Appellate period on 03-595-SPH runs through 10/17/03 – could be appealed

May be here on Wednesday 10/22 when 03-299-A is scheduled for hearing; cannot answer that for sure at this point

Will call CBA office on 10/20/03 re: was 03-595-SPH appealed?

10/16/03 – T/C from C. Demilio – advised her of above. Board still scheduled for 10/22/03; will advise her of any change or action.





Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search

Account Identifier:

District - 03 Account Number - 0302087100

Owner Information

Owner Name:

MAY JAMES Q,JR

MAY ELEANOR L

Use:

RESIDENTIAL

Mailing Address:

1535 HILLSIDE RD

STEVENSON MD 21153

Principal Residence:

YES

Deed Reference:

1) / 6665/ 381

2)

Location & Structure Information									
Premises Address 1535 HILLSIDE RD		Zoning		Legal Description .694 AC 2640FT SE HILLSIDE AVE					
Map 68	Grìd 4	Parcel 372	Sub District	Subdivision	Section	Block	Lot	Group 81	Plat No: Plat Ref:
Town Special Tax Areas Ad Valorem Tax Class		— - F ·							
Primary Structure Bullt 1902		e Bullt	Enclosed Area 2,421 SF	Property Land Area 30,056.00 SF			County Use 04		
Stories Basemer 2 NO		Basement NO		Type STANDARD U	NIT	<u> </u>		t erior IDING	
	· · · · · · · · · · · · · · · · · · ·			Value Inform	ation	 	,*	· · · · · · · · · · · · · · · · · · ·	** · · · · · · · · · · · · · · · · · ·

	Base	Value	Phase-in Ass	essments
	Value	As Of	As Of	As Of
		01/01/2002	07/01/2002	07/01/2003
Lønd:	91,510	91,510	•	
Improvements:	77,590	87,230		
Total:	169,100	178,740	172,313	175,526
Preferential Land:	0	0	0	Ò

		Transfer Information	· · · · · · · · · · · · · · · · · · ·	
Seller: BURDETTE WARREN A Type: NOT ARMS-LENGTH		Date: Deed1:	02/08/1984 / 6665/ 381	Price: \$0 Deed2:
Seller: Type:		Date: Deed1:		Price: Deed2:
Seller: Type:		Date: Deed1:		Price: Deed2:
		Exemption Information		
Partial Exempt Assessments County	Class 000	07/01/2002	07/01/20 0	003

Partial Exempt Assessments	Class	07/01/2002	07/01/2003	
County	000	0	0	
State	000	O	0	
Municipal	000	0	0	

Tax Exempt: Exempt Class:

NO

Special Tax Recapture:

* NONE *

Metropolitan Regional Information Systems, Inc.

Page: 1 Date: 02/19/03

Tax ID#: 04030302087100

** PUBLIC RECORD **

Grid: 4

Subdiv Ph:

Parcel: 372

Tax ID#: 04030302087100 County: BC

PROPERTY ADDRESS: 1535 HILLSIDE RD, , STEVENSON, MD 21153-0 OWNER: JAMES Q MAY, JR Phone #: (410) 653-0048 Abs Owner: N

Addtnl: ELEANOR L

MAIL ADDRESS: 1535 HILLSIDE RD, , STEVENSON, MD 21153-LEGAL DESCRIPTION: IMPS.694 AC 2640FT SE HILLSIDE AVE

Mag/Dist #: 3 Lot:

Legal Unit #: Elec Dist: 3 Section: Blk Suffix:

Suffix: Map Suffix: TOTAL TAX BILL: \$2,066

Front Foot Fee: Tax Class:

ASSESSMENT

Year Assessed 2001 \$172,313 Previous \$169,100 Early \$67,640 DEED

Transfer Date Price 08-FEB-1984 \$0

Total Tax Value Land \$91,510

\$91,510 \$103,800 Deed Liber: 6665

Grantor **BURDETTE WARREN A**

Section 2

Land Use Improvement \$87,230

\$71,130 Deed Folio: 381

\$77,590

Census Trct/Blck: Land Use: Residential

Property Card:

Section 3

Frontage: 3

State/County Tax: \$2,066

Spec Tax Assmt: \$0

Homestd/Exempt Status:

STRUCTURE DESCRIPTION Section 1

Prop Use: RESIDENTIAL

PROPERTY DESCRIPTION

Year Built: 1902

Square Feet: 30,056

Property Class: R

Construction Story

Area 2,008

Ext Wall: Siding - Alum/Viny

Stories: 2 Units: 1

Total Building Area: **FAMILY UNIT**

Patio/Deck Type: DECK Rooms: Bedrooms:

Full Baths: 2 Half Baths: 0 Baths: 2

Gas: Electric:

Bsmt Type:

Air Cond:

Bsmt Tot Sq Ft: 0

Bsmt Unfin Sq Ft:

Heat: Forced Air

Water:

Bamt Fin Sq Ft:

Zoning:

Acreage: 0,69 🎷

Plat Liber/Folio: /

413

Roofing: Shingle - Composite

Style:

Living Area: 2,421

Sq Ft: 156 Porch Type: 1 STORY OPEN

Fireplaces: 1 Fireplace Type: BRCK Attic Type: NONE Attic Sq Ft

Sewer: Underground: Walls:

Fuel:

Block/Square: Tax Map:

Map: 68 Addi Parcel Flag/#: / Sub-Parcel:

Deed Type:

MAY JAMES Q,JR

Grantee

Section 4

Foundation:

Base Sq Ft: 1,417

City Tax: Tax Levy Yr: 2002 Tax Rate: 1.20 Refuse: Exempt Class: 000 Mult. Class:

> Taxable Assessment State: \$

Municipal: \$ City: \$

Irregular Lot:

Quality/Grade: AVERAGE

Section 5

Year Remodeled: 1902 Model/Unit Type: SINGLE

Sq Ft: 192 Garage Type: Garage Sq Ft: Gar Constr: Garage Spaces:





Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map **New Search**

Plat No:

Plat Ref:

04

Account Identifier:

District - 03 Account Number - 0302087110

Owner Information

Owner Name:

SMITH PETER DEWOLF

Use:

RESIDENTIAL

P O BX 258

Deed Reference:

Principal Residence:

1) / 7294/ 529

2)

YES

Mailing Address:

1531 HILLSIDE RD

STEVENSON MD 21153

Location & Structure Information

Premises Address 1531 HILLSIDE RD

Zoning

Legal Description

.304 AC

SS HILLSIDE RD

3930FT W GREENSPRING AV Block Group Lot

371 68 Special Tax Areas

Stories

Grid

Parcel

1953

Map

Town **Ad Valorem**

Tax Class Primary Structure Built Enclosed Area

Sub District

Property Land Area County Use 1,302 SF 13,242.00 SF Basement Type Exterior NO STANDARD UNIT **BLOCK**

Section

Value Information

Base Phase-in Assessments Value Value As Of As Of As Of 01/01/2002 07/01/2002 07/01/2003

Subdivision

78,810 Land: 78,810 Improvements: 51,210 47,000 Total: 130,020 125,810 **Preferential Land:**

125,810

125,810

Transfer Information

Seller: HORNEY G BRENT 10/16/1986 Date: IMPROVED ARMS-LENGTH Deed1: / 7294/ 529 Type: Seller: Date: Type: Deed1: Seller:

Date: Deed1: Price: \$72,800 Deed2:

Price: Deed2: Price:

Deed2:

Exemption Information

Partial Exempt Assessments Class 07/01/2002 07/01/2003 County 000 State 000 Municipal 000

Tax Exempt: Exempt Class:

Type:

NO

Special Tax Recapture:

* NONE *

Metropolitan Regional Information Systems, Inc.

=1=

Page: 1 Date: 02/19/03

Tax ID#: 04030302087110

FAMILY UNIT

Electric:

** PUBLIC RECORD **

Tax 1D#: 04030302087110 County: BC PROPERTY ADDRESS: 1531 HILLSIDE RD, , STEVENSON, MD 21153-0 OWNER: PETER DEWOLF SMITH, Phone #: (410) 653-3577 Abs Owner: N MAIL ADDRESS: POBX 258, STEVENSON, MD 21153-LEGAL DESCRIPTION: IMPS 304 AC SS HILLSIDE RD 3930FT W GREENSPRING AV Mag/Dist #: 3 Lot: Block/Square: Tax Map: Legal Unit #: Elec Dist: 3 Grid: 5 Map: 68 Section: Blk Suffix: Subdiv Ph: Addi Parcel Flag/#: / Suffix: Parcel: 371 Sub-Parcel: Map Suffix: State/County Tax: \$1,367 TOTAL TAX BILL: \$1,367 City Tax: Tax Levy Yr: 2002 Front Foot Fee: Spec Tax Assmt: \$0 Tax Rate: 1.20 Refuse: Tax Class: Homestd/Exempt Status: Exempt Class: 000 Mult. Class: ASSESSMENT Year Assessed Total Tax Value Land Use Taxable Assessment Improvement Land 2001 \$113,975 \$78,810 \$47,000 State: \$ Previous \$130,020 \$78,810 \$51,210 Municipal: \$ \$50,980 Early \$73,240 \$49,130 City: \$ DEED Deed Liber: 7294 Deed Folio: 529 Deed Type: Transfer Date Price Grantor Grantee **HORNEY G BRENT** 16-OCT-1986 SMITH PETER DEWOLF \$72,800 PROPERTY DESCRIPTION Year Bullt: 1953 Census Trct/Blck: Zoning: Irregular Lot: Acreage: 0.30 Square Feet: 13,242 Land Use: Residential Plat Liber/Folio: / Property Class: R Quality/Grade: FAIR Property Card: Prop Use: RESIDENTIAL Frontage: 1 STRUCTURE DESCRIPTION Section 1 Section 2 Section 3 Section 4 Section 5 Construction Concrete Block Story 1,302 Area Ext Wall: Block Roofing: Shingle - Composite Foundation: Units: 1 Stories: 1 Year Remodeled: 1953 Style: Total Building Area: Living Area: 1,302 Base Sq Ft: 1,302 Model/Unit Type: SINGLE

Porch Type: PORCH NO ROOF

Rooms: Bsmt Type: Fireplaces: Bedrooms: Bsmt Tot Sq Ft: 0 Fireplace Type: Full Baths: 1 Bsmt Fin Sq Ft: Attic Type: NONE Half Baths: Q Bsmt Unfin Sq Ft: Attic Sq Ft: Baths: 1 Air Cond: Gas: Heat: Forced Air

Water:

Sewer: Fuel: Underground: Walls:

Sq Ft: 264

Garage Type: Carport

Garage Sq Ft: 154

Garage Spaces:

Gar Constr:



Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map New Search

Account Identifier:

District - 03 Account Number - 0308030250

Owner Information

Owner Name:

LOSCH STEPHEN D

LOSCH JOHN L

Use:

RESIDENTIAL

Mailing Address:

YES.

1527 HILLSIDE RD STEVENSON MD 21153 Deed Reference:

Principal Residence:

1) /10847/ 701

2)

Location & Structure Information

Premises Address 1527 HILLSIDE AVE

Zoning

Legal Description

.591 AC

1527 HILLSIDE RD

550FT E OF KELLAR AV

Sub District Map Grid **Parcel** Subdivision Section Block Plat No: Group 68 369 81 Plat Ref:

Special Tax Areas

Town **Ad Valorem**

Tax Class

Primary Structure Built		Enclosed Area	Property Land Area	County Use	
1954		2,024 SF	25,700.00 SF	04	
Stories	Basement	•	Type	Exterior	
2	NO		STANDARD UNIT	FRAME	

Value Information

	Base	Value	Phase-in Assessments	
	Value	As Of	As Of	As Of
		01/01/2002	07/01/2002	07/01/2003
Land:	116,190	73,420		•
Improvements:	107,760	116,790		
Total:	223,950	190,210	190,210	190,210
Preferential Land:	Ô	0	0	0

The state of Salar	Information
I CALIBIDI	THEORIGATION

Seller: HEUBECK HARRY D,JR	Date: 11/29/1994	Price: \$92,000
Type: NOT ARMS-LENGTH ?	Deed1: /10847/ 701	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

	Exemp	tion	Infor	mat	ion
_					

Partial Exempt Assessments County	Class 000	07/01/2002 0	07/01/2003
State	000	Ö	ő
Municipal	000	0	Ø

Tax Exempt: Exempt Class: NO

Special Tax Recapture:

* NONE *

Metropolitan Regional Information Systems, Inc.

Page: 1 Date: 02/19/03

Tax ID#: 04030308030250

Baths: 1

Electric:

Gas:

Air Cond:

Heat: Forced Air

Water:

** PUBLIC RECORD **

Tax ID#: 04030308030250 County: BC PROPERTY ADDRESS: 1527 HILLSIDE AVE, , STEVENSON, MD 21153-0 OWNER: STEPHEN D LOSCH, Abs Owner: N Phone #: (410) 484-8304 Addtnl: JOHN L MAIL ADDRESS: 1527 HILLSIDE RD, , STEVENSON, MD 21153-LEGAL DESCRIPTION: IMPS,591 AC 1527 HILLSIDE RD 550FT E OF KELLAR AV Mag/Dist #: 3 Lot: Block/Square: Tax Map: Legal Unit #: Elec Dist: 3 Grid: 5 Map: 68 Section: Blk Suffix: Subdiv Ph: Addl Parcel Flag/#: / Suffix: Map Suffix: Parcel: 369 Sub-Parcel: TOTAL TAX BILL: \$1,958 State/County Tax: \$1,958 Tax Levy Yr: 2002 City Tax: Front Foot Fee: Tax Rate: 1.20 Spec Tax Assmt: \$0 Refuse: Tax Class: Homestd/Exempt Status: Exempt Class: 000 Mult, Class: ASSESSMENT **Total Tax Value** Year Assessed Land Use Taxable Assessment Land Improvement 2001 \$163,339 \$73,420 \$116,790 State: \$ Previous \$223,950 \$116,190 \$107,760 Municipal: \$ \$78,330 \$57,840 Early \$81,800 City: \$ DEED Deed Liber: 10847 Deed Folio: 701 Deed Type: Transfer Date Price Grantor Grantee 29-NOV-1994 LOSCH STEPHEN D HEUBECK HARRY D,JR \$92,000 PROPERTY DESCRIPTION Year Built: 1954 Census Trct/Blck: Zoning: Irregular Lot: Acreage: 0.59 💉 Square Feet: 25,700 Land Use: Residential Property Class: R Plat Liber/Folio: / **Property Card:** Quality/Grade: AVERAGE Prop Use: RESIDENTIAL Frontage: 2 STRUCTURE DESCRIPTION Section 3 Section 4 Section 5 Section 1 Section 2 Construction Frame Frame Story 1,344 🗸 680 🗸 Area Ext Wall: Roofing: Shingle - Composite Foundation: Style: Stories: 2 Units: 1 Year Remodeled: 1954 Total Building Area: Living Area: 2,024 Base Sq Ft: 1,352 Model/Unit Type: SINGLE **FAMILY UNIT** Patio/Deck Type: DECK Sq Ft: 342 Porch Type: 1 STORY OPEN Sq Ft: 168 Bemt Type: Rooms: Fireplaces: Garage Type: Detached Bedrooms: Bamt Tot Sq Ft: 0 Garage Sq Ft: 341 Fireplace Type: Full Baths: 1 Gar Constr. FRAME Bamt Fin Sq Ft: Attic Type: NONE Bsmt Unfin Sq Ft: Half Baths: 0 Attic Sq Ft: Garage Spaces:

Fuel:

Underground: Walls:

Sewer:

Zacardlote

the following minimum setback requirements: [Bill No. 198, 1975; Bill No. 113, 1992.]

rwenty-five feet from any building face to a public street right of way or property line;

- b. Thirty-five feet from a front building face to the edge of paving of a private road;
- c. Setbacks for buildings located adjacent to arterial roadways shall be increased by 20 feet;
- d. One hundred feet between a building face and an adjacent R.C.2 zone line;
- e. One hundred feet between a building face and a reservoir property line; and
- f. Fifty feet between a building face and an adjacent conservancy area which will be used for agricultural purposes.
- 3. Coverage. Except for a rural cluster development, which is subject to the performance standards contained in Section 1A03.5, no more than 10% of any lot in an R.C.4 zone may be covered by impermeable surfaces (such as structures or pavement). No more than 25% of the natural vogetation may be removed from any lot in an R.C.4 zone. [Bills No. 98, 1975; 178, 1979;113, 1992.]

Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the land records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning on or before December 22, 1975 and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone, may be approved for residential development in accordance with the standards prescribed and in force at the time of the lot recordation. [Bill No. 98, 1975.]

Dwelling units per lot. No more than one dwelling unit shall be located on any lot in an R.C.4 zone, except that tenant dwellings may be approved if the land preservation advisory board certifies that:

{Bill No. 113, 1992.}

a. Any such proposed dwelling is required for the operation of the farm for the use of bonafide tenant farmers; and

REV 7/94

5.

Pawnshop: A business which loans money on deposits of personal property, other than securities or printed evidences of indebtedness, or deals in the purchase or possession of personal property on condition of selling the same back to the pledgor or depositor. A pawnshop is licensed by the state as a dealer and defined by the state as a pawnbroker. For the purposes of these regulations, a business operated by a dealer who loans money on deposits of secondhand precious metals only, shall not be considered a pawnshop provided that the dealer does not loan money on deposits of any other kind of personal property. {Bill No. 14, 1995.}

Pet Shop: A store for the sale of dogs, cats, birds, tropical fish, and/or other domesticated pets, and related supplies and equipment. [Bill No. 85, 1967.]

Prime and Productive Soils: Soil types defined in the U.S.D.A. soil survey of Baltimore County issued March, 1976, and as updated, as agricultural capability Classes I, II or III. {Bill No. 113, 1992.}

Principal Arterial: A motorway, or portion thereof which:

- 1. Is or is intended for travel to or from major activity centers; and
- 2. Which is designated as such on the most recently approved federal highway functional classification map for the Baltimore urbanized area. [Bill No. 151, 1988.]

Principal Use: A main use of land, as distinguished from an accessory use. [Bill No. 100, 1970.]

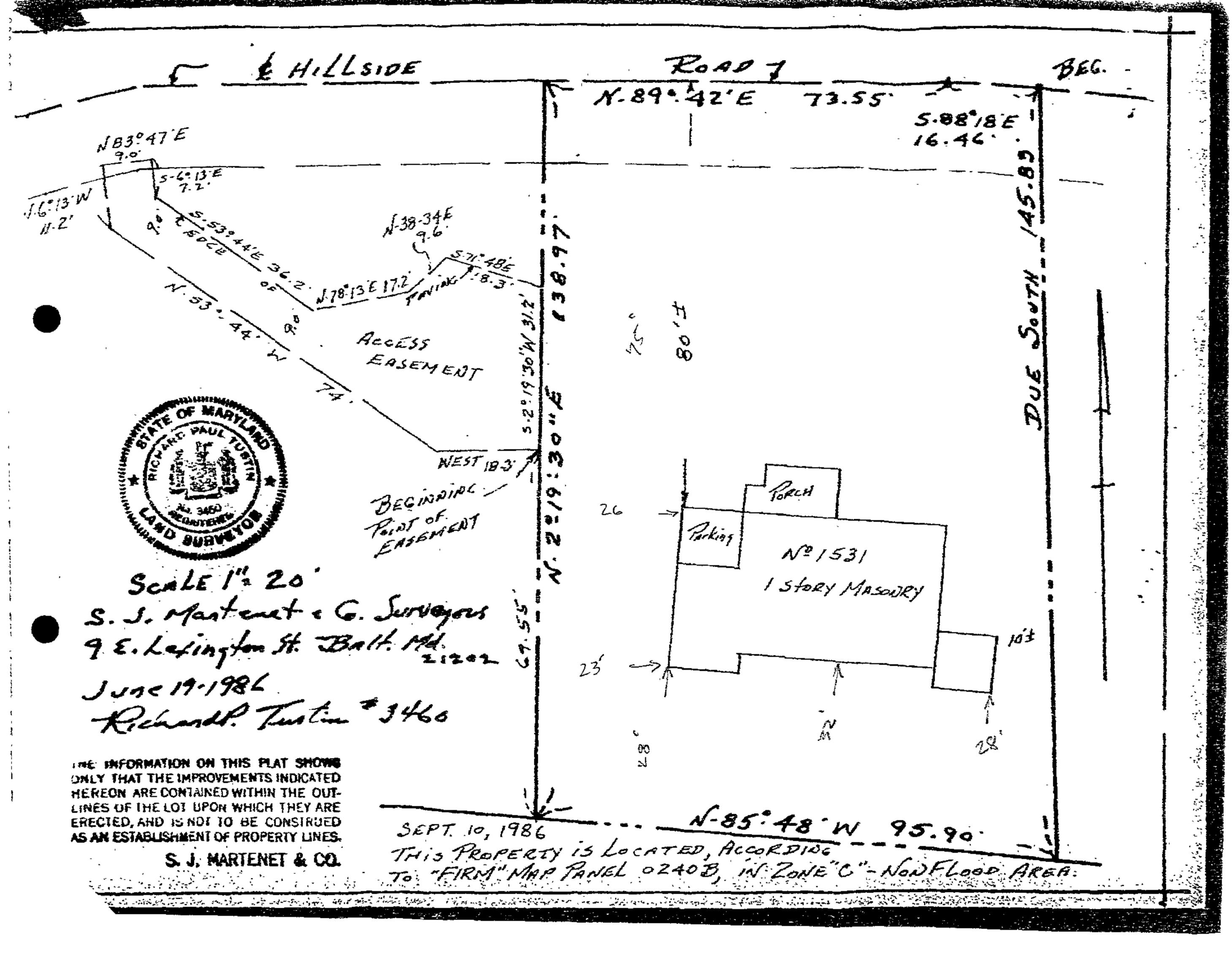
Produce Stand: An accessory structure or a vehicle temporarily placed on a farm property for the sale of indigenous produce all of which has been grown or produced on that property, or on adjacent land, or on properties farmed by the same agricultural producer. {Bill No. 41, 1992.}

Rail Passenger Station: A facility designed as a place for boarding and alighting from rail passenger vehicles. A rail passenger station may include such facilities as bus bays, parking areas or taxicab stands as accessory uses. [Bill No. 91, 1990.]

Record Lot: A lot or parcel of land that has been created in accordance with the provisions of Title 22, Section 32 of the Baltimore County Code 1968 Edition and recorded among the land records of Baltimore County on or before the effective date of these regulations. [Bill No. 98, 1975.]

Recreational Vehicle and Boat: A vehicular type unit which is primarily designed for recreation, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, which except for a boat kept in water, is not more than 35

REV 2/95



BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

October 1, 2004

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	<u>PDM</u>	NAME	LOCATION
APPEALS	FILE NUMBER		
CASE NUMBER			

03-299-A

03-299-A

LEONARD AND VIRGINIA

1529 HILLSIDE ROAD

BILLIAN

Attachment:

SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

October 21, 2003

Ms. Kathleen C. Bianco County Board of Appeals Room 49, Old Courthouse Towson, MD 21204

RE: In the Matter of: Leonard and Virginia Billian
Case No. 03-299-A /Request for Postponement

Dear Ms. Bianco:

For the reasons as stated in our conversation this date, I am requesting a postponement of the hearing scheduled for October 22, 2003 in the subject matter to be rescheduled only upon request.

Thank you for your consideration of this request.

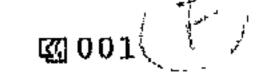
Sincerely yours,

Leonard Billian

c: Office of People's Counsel Jack Dillon/Valleys Planning Council

> DECEIVED OCT 2 1 2003

BALTIMORE COUNTY BOARD OF APPEALS



STEPHEN ANDREW LAURIA, AIA, ASLA

612 West University Parkway, Baltimore, Maryland 21210 (410) 662-7858

20 February 2003

Ms. Lynn Lanham
Baltimore County
Office of Planning and Community Conservation
County Courts Building, Room 406
401 Bosley Ave
Towson, Maryland 21204

RE:

Case # 03299A; For Mr. Leonard Billian, P.E., Parcel #484

Dear Ms. Lanham:

This letter is written on behalf of Mr. and Mrs. L. Billian to respectfully request a variance to the building setback limits for their property located on Hillside Road in Baltimore County.

The request is to adjust the 75-foot front yard setback and 50-foot rear yard setback to 65-feet and 40-feet, respectively. The basis for the request is that the current RC-5 zoning requirements impose hardship by limiting development within a 75-foot front yard setback and a 50-foot rear yard setback. The restrictions imposed by RC-5 allow construction of only a 20-foot wide single-family detached structure. An increase by ten feet in the front and rear of the lot would greatly increase development flexibility.

A house of the size allowed by current zoning would have many limitations;

- A 20-foot wide structure is less than adequate for configuration of an operable single family detached home.
- It would be difficult to obtain a mortgage for a house of this size in a neighborhood of larger houses.
- The size and value of the house would not be consistent with other new and remodeled homes in the vicinity.

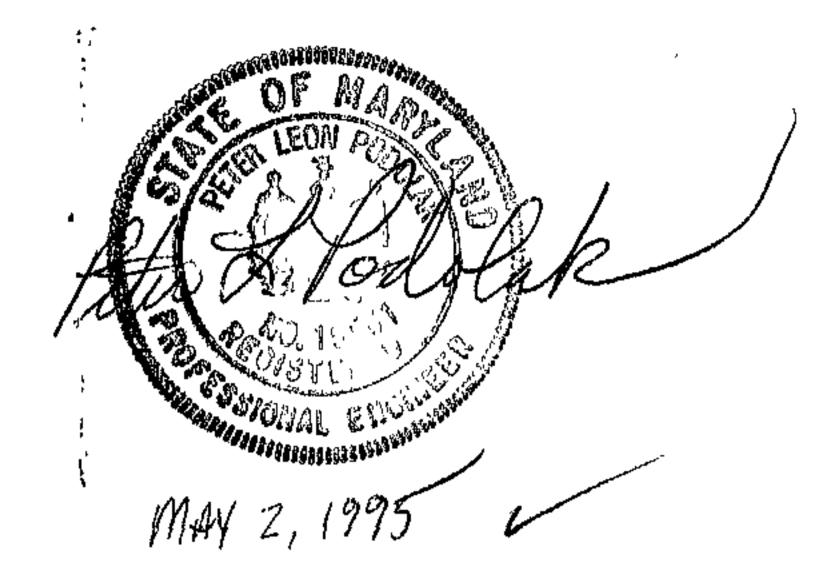
Additional rationale for modest relaxation of the front and rear setbacks;

- This lot is larger than others in the same zoning classification already developed along Hillside Road.
- The subdivision of the property under DR-1 zoning which required 50-foot serbacks on all sides predates the current requirements for greater setbacks.
- Development on this parcel is consistent with State supported Smart Growth policies promoting infill of existing neighborhoods.

Thank you for your consideration of this request. If we can provide additional information to assist the support of this request please let us know by contact of Mr. Billian at 410 296 8606.

Sincerely,

Stephen A. Lauira, AIA, ASLA



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Erin H. Murphy 2 Over Ridge Court, #3732 Baltimore, Maryland 21210 (410) 804-3047

July 23, 2004

Board of Zoning Appeals
Old Court House
400 Washington Avenue, Room #49
Towson, MD 21204

Re:

Case No. 03-299-A

1529 Hillside Road, Stevenson, MD 21153

Ladies/Gentlemen:

I am the owner of the adjacent real property known as 1531 Hillside Road in Baltimore County. Pursuant to my telephone conversations on this date with several Baltimore County offices, I would like to be kept apprised of any scheduled hearings on this matter. It concerns me that the scheduled hearings have been repeatedly postponed by request of Mr. Billian and yet there is already a builder's sign posted on the property as well as a new driveway entrance that has been placed on the property.

Additionally, I have also enclosed a letter of this date directed to Mr. Billian regarding complaints that I am receiving because of a new access that he has placed right at our property line without adequate sediment control.

I greatly appreciate any information provided to me as I am very suspect that the property owner is trying to by-pass county regulations and procedures in an effort to build a disproportionately large home to maximize his sales price with no thoughts as to the consequences to neighbors.

Very truly yours,

Erin H. Murphy

Erin H. Murphy
2 Over Ridge Court
Baltimore, Maryland 21210
(410) 804-3047

July 23, 2004

Mr. Leonard Billian P.O. Box 1387 Brooklandville, Maryland 21022

Dear Mr. Billian:

This morning I received a complaint from the Baltimore County Office of Sediment Control regarding the extensive amounts of set off originating from what they believed was my temporary access. I have passed on your contact information as the area and the work causing the problems belongs to you. As you put the access directly abutting my property, I am also experiencing large amounts of erosion in these heavy summer storms. Please correct your actions and add support to the remainder of my property before I incur more expenses or erosion from that area of my property. Mr. Hocheder of Baltimore County has already addressed these issues to Mr. Smith of Gaylord Brooks, who referred us directly to you. I hope that you can get to these matters quickly. As you know, we still have more than a month of strong summer storms ahead.

Sincerely,

(5)

Erin H. Murphy

February 21, 2003

Baltimore County Zoning Commission

BY FAX TRANSMISSION TO: (410) 887-3 468

RE: Proposed Variances

1529 Hillside Road, Stevenson, MD 21153

Hearing: February 25, 2003

Case # 03-299-A

Ladies and Gentlemen:

I have been advised by post by Mr. Leonard Billian, owner of the vacant lot located at 1529 Hillside Road, Stevenson, Maryland, that he has applied to Baltimore County for certain variances to allow construction of a building on the captioned property. I received Mr. Billian's letter in yesterday morning's mail.

I am the sole owner of the property located a: 1531 Hillside Road; immediately adjacent to Mr. Billian's lot to the west, having bought my property, if memory serves, approximately 17 years ago. I would appear at the zoning hearing on February 25th in person, but must attend a company conference out-of-State from which I will not return until late evening on February 25th. The meeting was scheduled several weeks ago, and my attendance is mandatory. I ask that you p ease accept this letter as my formal opinion and input to your Commission as to Mr. Billian's petition. Too, I would ask your indulgence in another regard: I do not know the exact titling to the subject property. I have dealt only with Mr. Billian to date, and the property may be owned jointly by Mr. Billian and his wife. When I refer to "Mr. Billian's" property, just as when I refer to "the subject property", please infer that I am, ndeed, referring to the property at 1529 Hillside.

I would simply wonder whether a lot-size variance is most appropriate in this instance. Mr. Billian apparently owns several acres of land adjacent to the subject property to the south, and one might speculate as to whether perhaps a lot-line adjustment could be accomplished which would obviate the necessity of the County issuing variances for setback and/or lot size issues. I do not know whether this has been considered, and can offer only a speculative observation. In that the two contiguous Billian parcels aggregate to a total of more than 8 acres, but apparently not a full nine

Baltimore County Zoning Commission February 21, 2003 Page Two

acres (thereby, as I understand it, limiting possible future development potential of the adjoining acreage to a maximum of eight 1-acre lots), it would appear feasible that the fractional acreage over and above 8 might be available, or made available, for the purpose of a lot-line adjustment to negate the necessity of requested variances. This fractional acreage apparently available would appear to be approximately .8 acres.

I can only hope and trust that Baltimore County will carefully consider the potential negative ramifications of establishing a precedent in the current instance which might adversely impact the land of other area property owners; and, potentially, of owners throughout the historic Greenspring Valley. Mr. Billian has recently mentioned to me possible development of the contiguous acreage, and the entire adjacent property has fairly recently been surveyed. And so one must bear in mind the possible negative impact of setting a precedent which might ultimately have a bearing on development of the adjacent acreage.

I will note, as additional issues of specific importance to me, that the well yield for my property has historically been very low (under 2 gallons per minute flow), and I do not know whether my well might be compromised by development of adjacent property. I do not know whether this comment has direct bearing on the current situation, but would like my concerns as to possible impact of development known to you. Too, my property has been vacant for over a year, and in the very near future will be marketed. I must consider the possible negative ramifications which the requested variances might cause as to use and/or marketability of my land.

All of this said, I am not attempting to preclude Mr. Billian from such development rights as he may have under current law and/or regulation, nor am I attempting to preclude development in the current instance. I simply wish to voice potential concerns, and would ask that the Commission give them due consideration.

Thank you for allowing me this opportunity to provide commentary and opinion in this important matter. If I may have the opportunity to expound upon any of my views upon my return from my business trip, I would be glad to do so. I may be reached at my office number of (410) 752-7070, during normal business hours.

Sincerely,

Peter de Wolf Smith

1925 Greenspring Valley Road

Stevenson, Maryland 21153-0258

Sem 2/25

The Valleys Planning Council, Inc

207 Courtland Avenue, Towson, Maryland 21204 Mailing Address P.O. Box 5402, Towson, Maryland 21285-5402 Phone: 410-337-6877, Fax: 410-296-5409

RECEIVED

February 25, 2003

MAR 4 2003

Mr. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

ZONNG COMMISSIONER

Re: Case No: 03-299- A 1529 Hillside Road

Dear Mr. Schmidt:

The Valleys Planning Council has reviewed the above request for variances and undersized lot approval. We have found that Mr. And Mrs. Billian own an adjacent 8.8 acre parcel that would provide enough additional land to make the current lot conform to the minimum lot requirements for RC 5. Because they do own additional adjacent land it appears that they do not comply with Section 304.1 C. of the Baltimore County Zoning Regulations.

For the above stated reason The Valleys Planning Council is opposed to the granting of this request.

Sincerely,

Jack Dillon

Executive Director

cc:

George Doub Esq., President

Peter Max Zimmerman, Peoples Council

BROOKLANDVILLE MOT. 21022-12-64 JUNE 4,2004

COUNTY BOARD OF APPEALS

OF BALTAMORE COUNTY

KATHLEEN C. P. INNCO, ADMINISTRATOR

Clum Court House, Room 49

ADOWADA, NOGRON AVE

Towson, M17, 21204

RE: CASE# 03-299-A YOUR LINE OF 5-7-04

DEAR MISBIANCO

PLEASE DEFENDE DESCRIPTION DISTRICT EASE,

THERE ARE NEW MATTERS BEING

RELATINE COUNTY

RC-5 LANDS WHIGH GOOLD IMPACT

MY LAMOS.

THIS REQUEST IS BEING MADE DOWN

SINCE THE BODAY TORM EXPRESSET

INYOUR LETTER IS ABOUT TO EXPIRE

NOTE TO CONFER

WITH MY ATTORNEY, WHO IS

CURRENTLY EXTREMELY BUSY. I

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EDWARDENIAND

1410-561-1064

443-956-1816

RECEIVED)

BALTIMORE COUNTY BOARD OF APPEALS



BALTIMORE COUNTY BOARD OF APPEALS BOX 1064
BROOKLANDVILLE MY
21022-1264
APRIL 4,2003

ARNOLD JABLON, DIRECTOR
DEPERTMENT OF PERMITS OF
DEVEROPMENT MANAGEMENT
111 W. CHESAPEAKE AR.
Towson, My. 21204

REI CASENO. 03-299-A
BE HONORABLE TIMOTHYM, KOTRECO
DEPUTY ZONING COMMISSIONER

DEAR DIRECTOR JABLER OF COMM. KOTROGO!

PLEASE NOTE MY/OUR APPEAL TO THE

COUNTY BOARD OF APPEALS FROM YOUR

DEZISIONAL ORDER OF FINDINGS OF FACT

+ CONCLUSIONS OF LAW IN THE ABOVE

ENTITLED ORDER DATED MARCH 7, 2003.

MY CHECKS IN THE AMOUNT OF 1508

AND \$72500 IS ENCLOSED.

Sincerout of Etitioner Petitioner Multipling

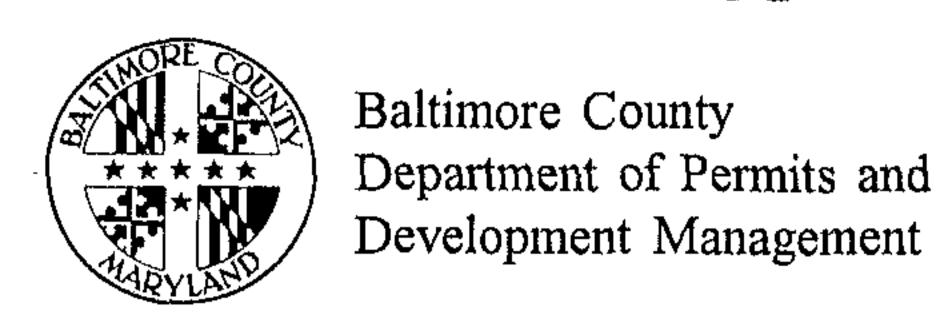
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BILLIAN) 03-2999. CASE NAME
CASE NUMBER
DATE

Hillside 22)

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NAME	1 EDITHES Suche	Stephen Losch.	Jumpan Willums	1-6 leason 1160	Car	(10 to 1)	Refer Wille 17 South							



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

February 20, 2003

Leonard Billian Virginia Billian Box 1264 Brooklandville, MD 21022

Dear Mr. & Mrs. Billian:

RE: Case Number 03-299-A, 1529 Hillside Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 23, 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.

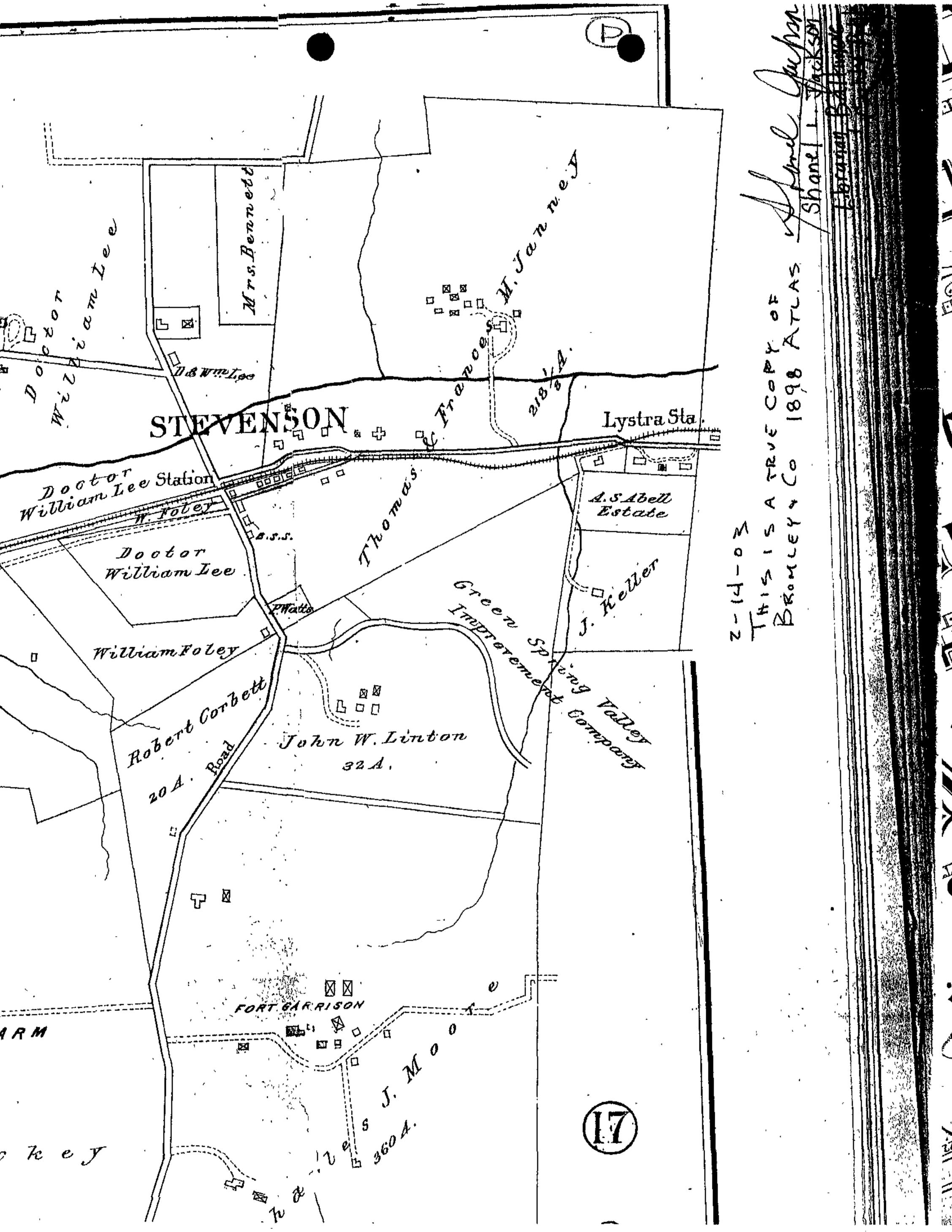
Supervisor, Zoning Review

WCR:rjc

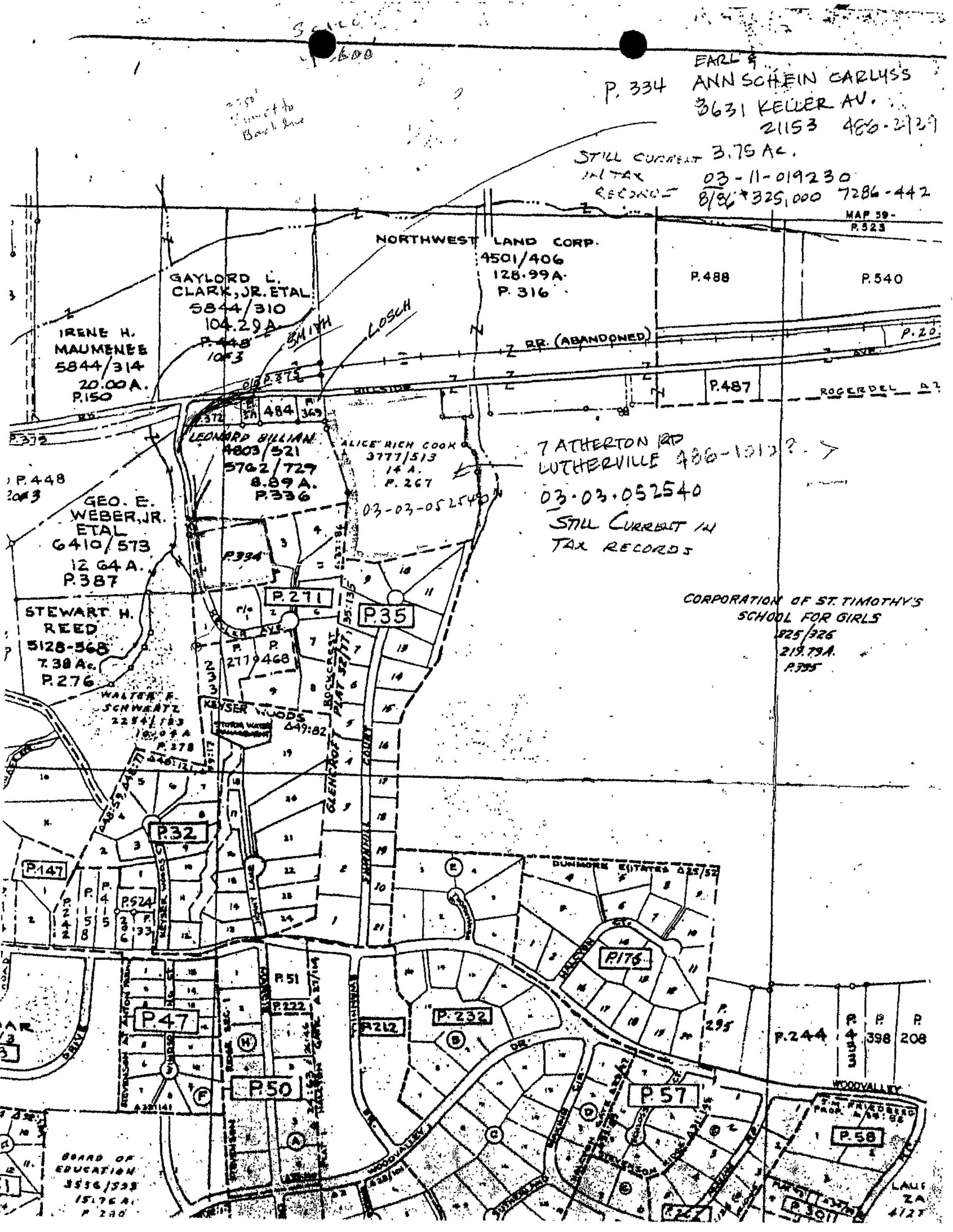
Enclosures

People's Counsel C:





MARYLAND UAL SURVEYS & OFFICIAL PI ge W.and Walter S. Bromle IL ENGINEER G.W. Bromley& Co. in the Office of Librarian of Congress at Washington D. C.



Baltimore County Zoning Commissioner

Office of Planning Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204

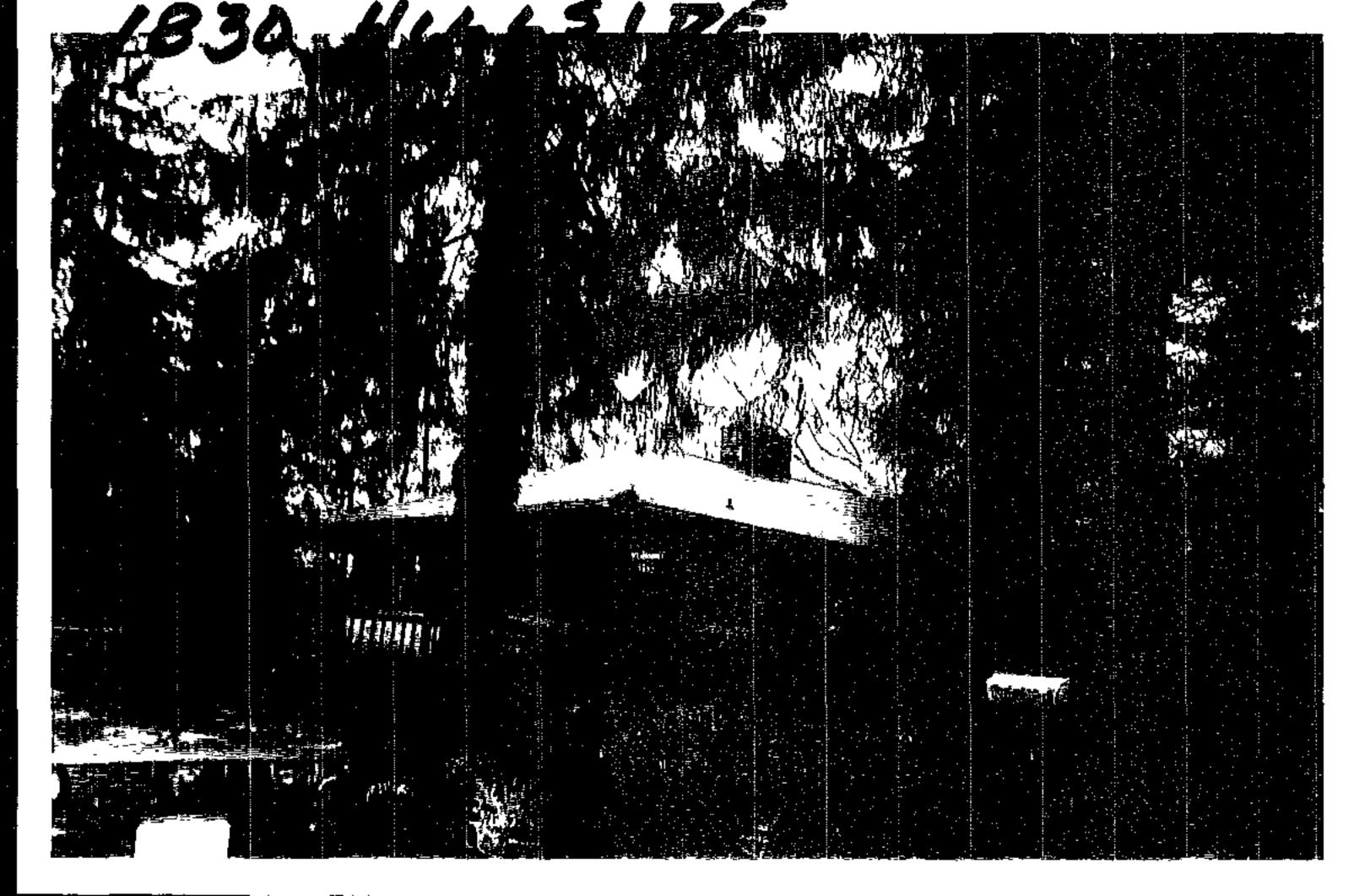
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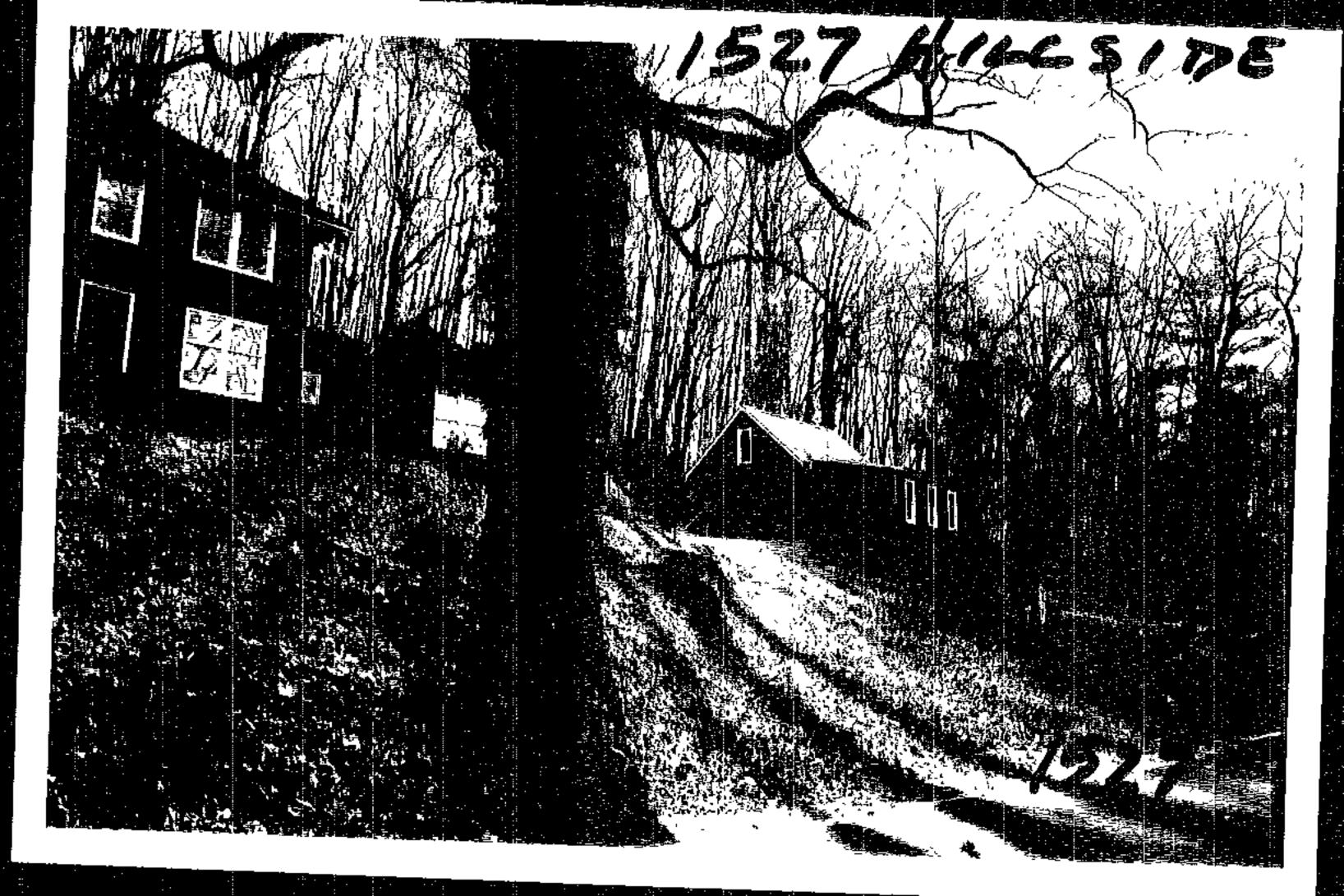


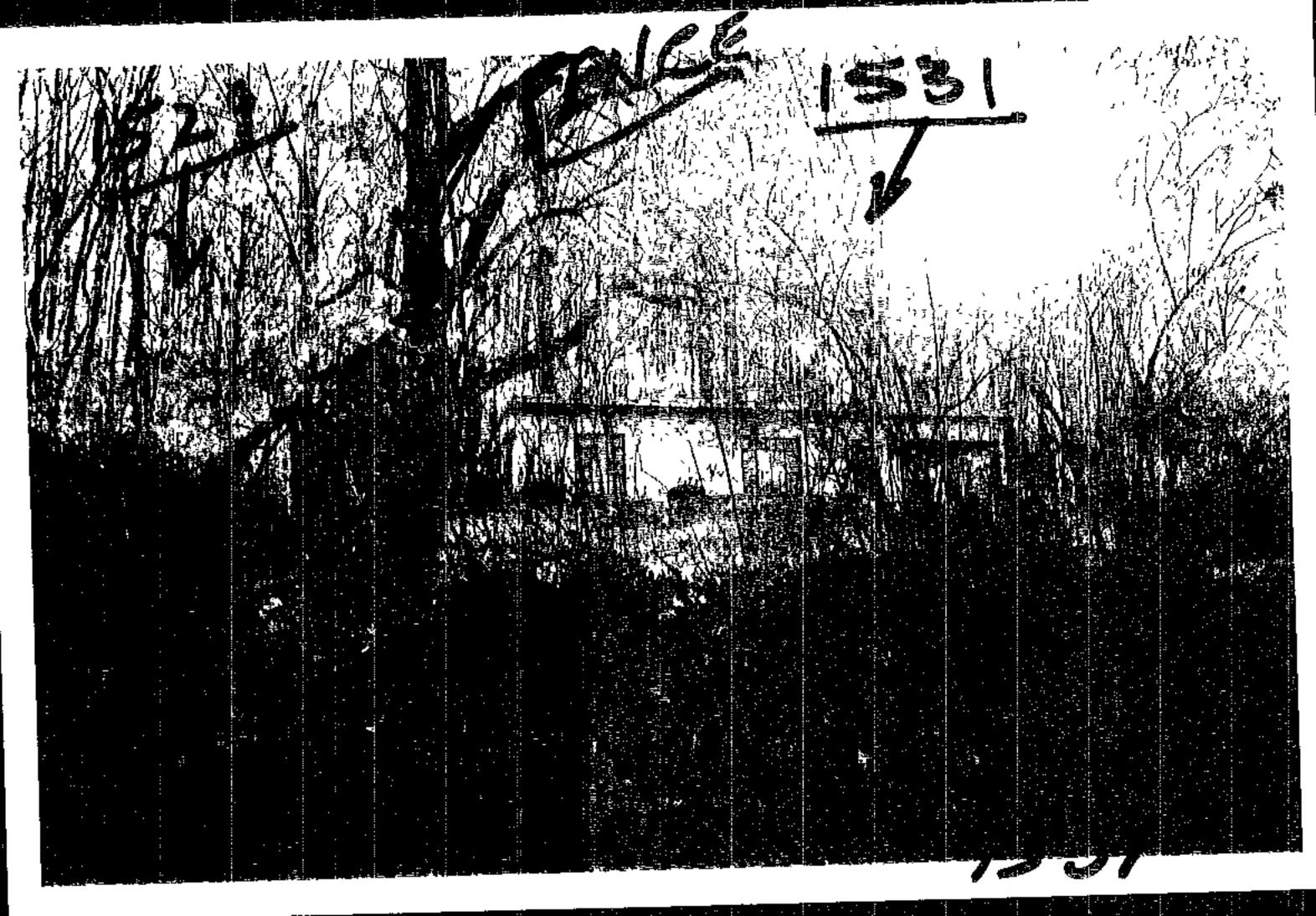












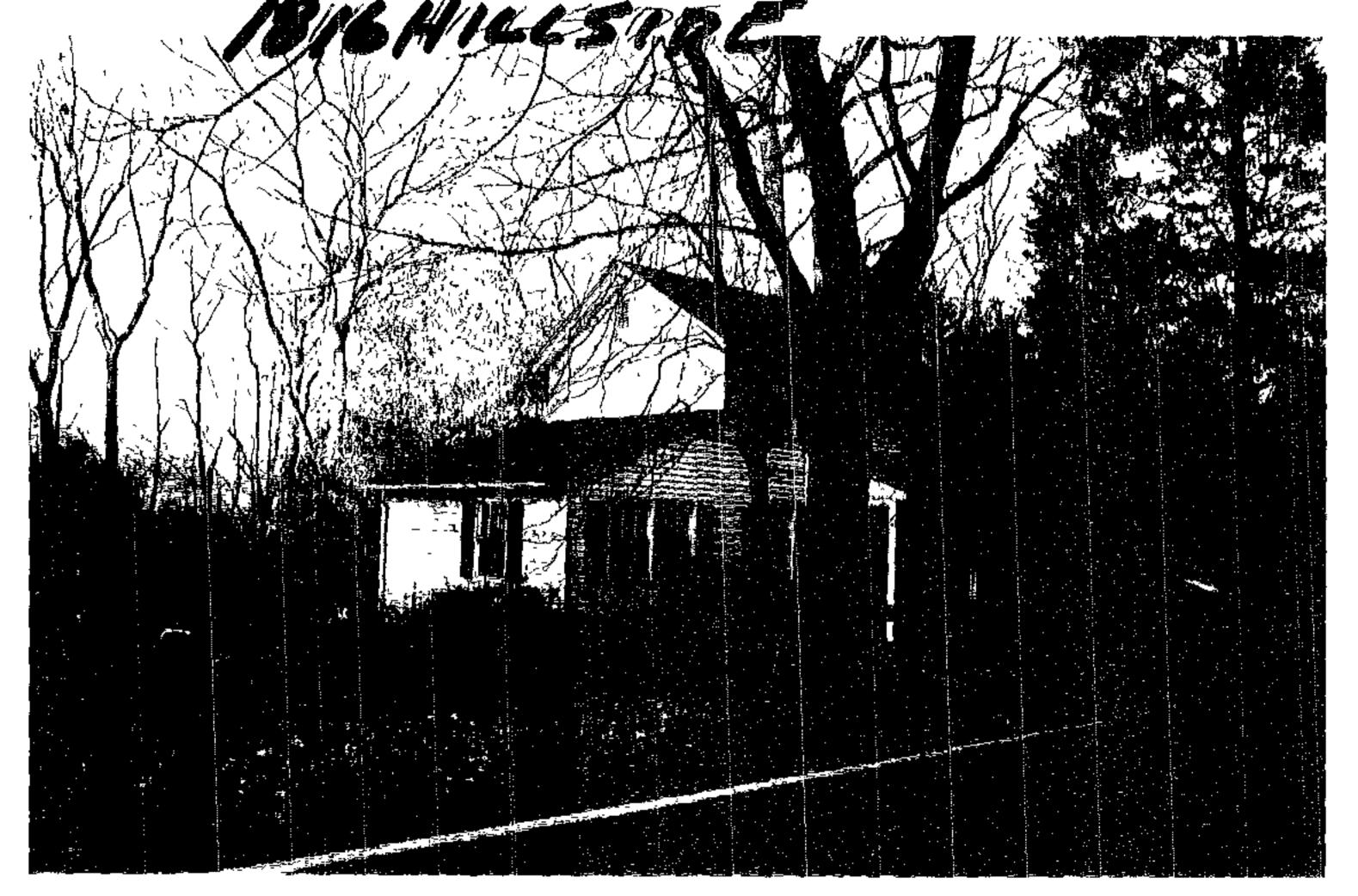






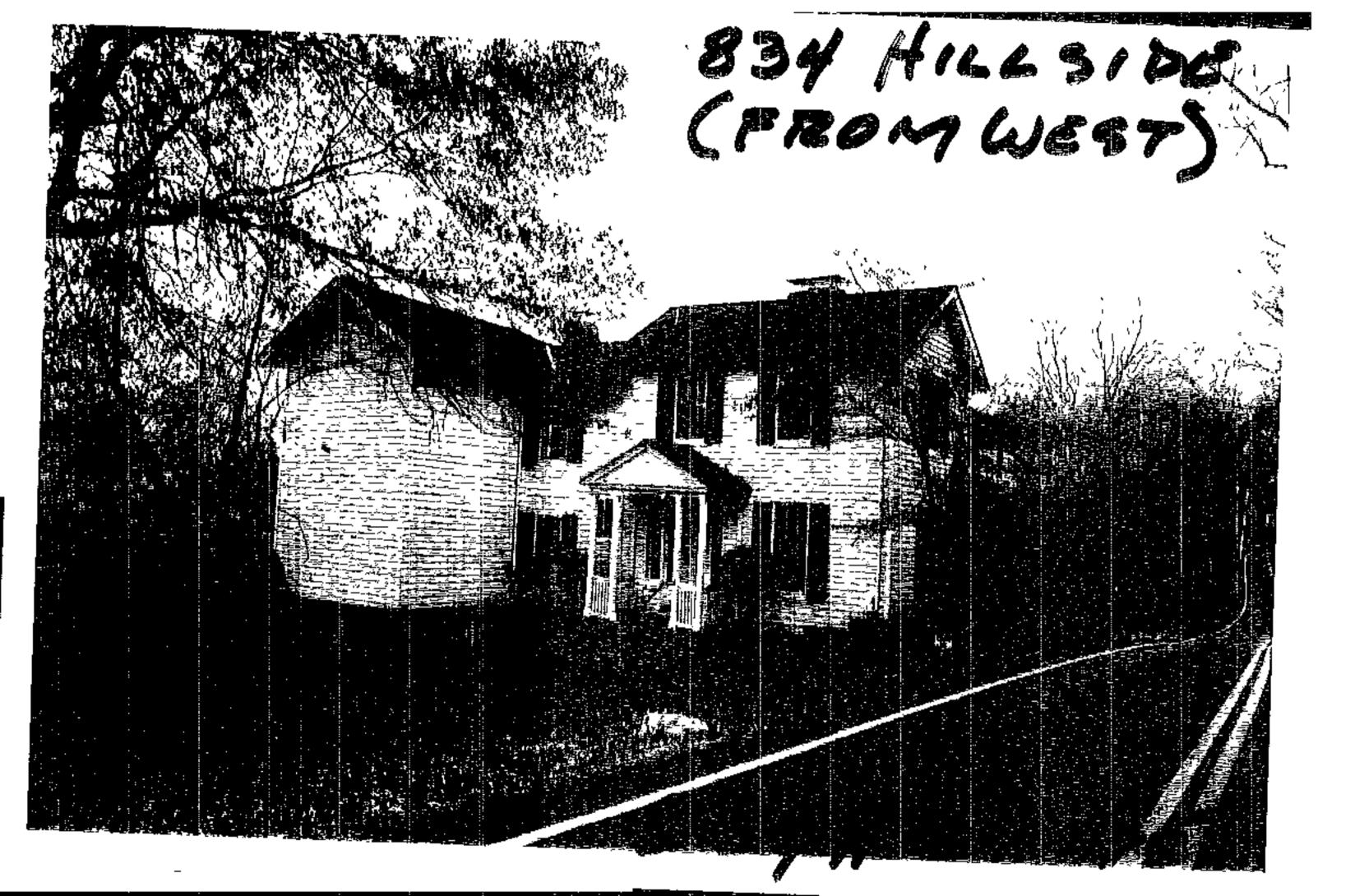


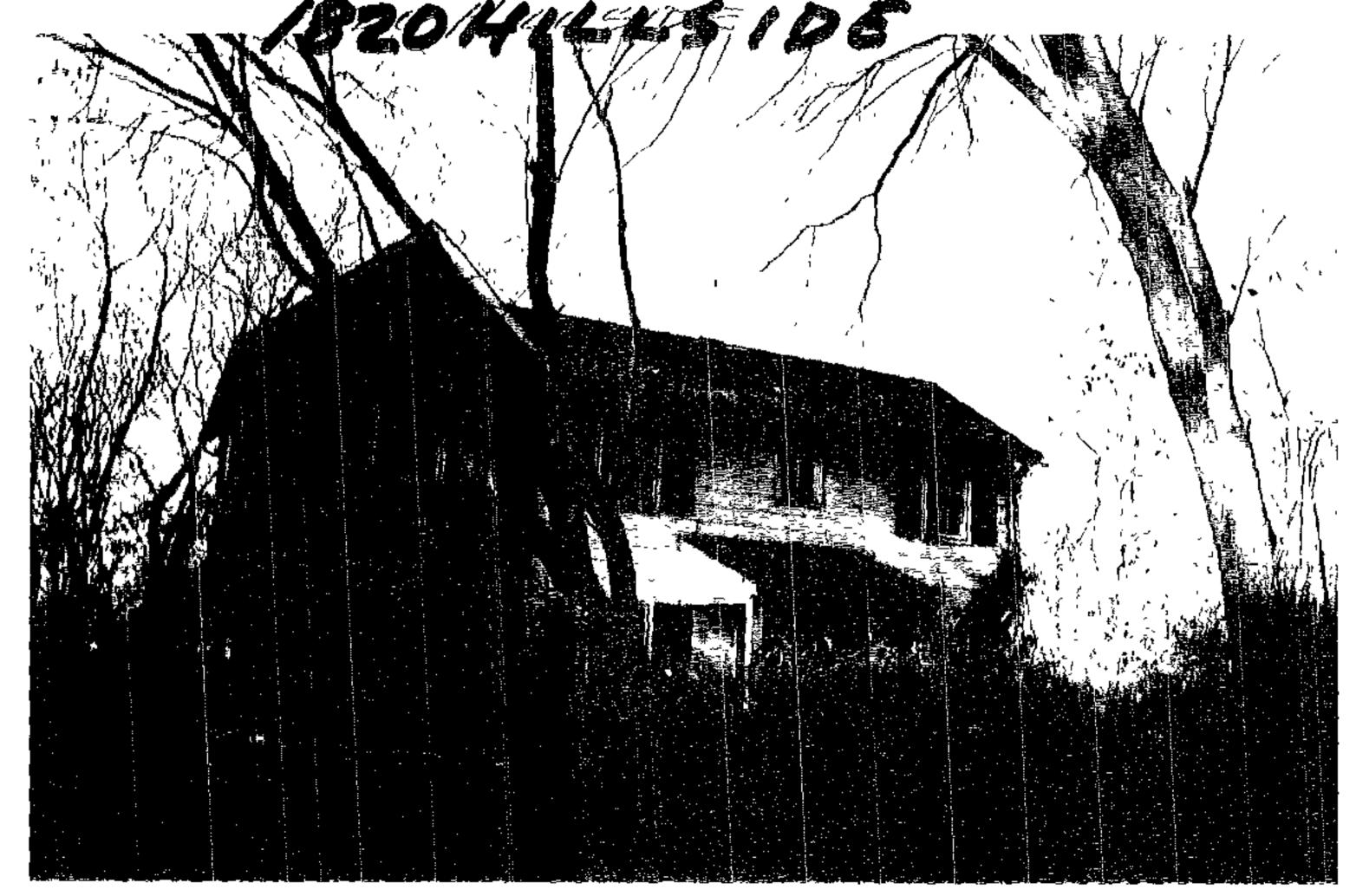


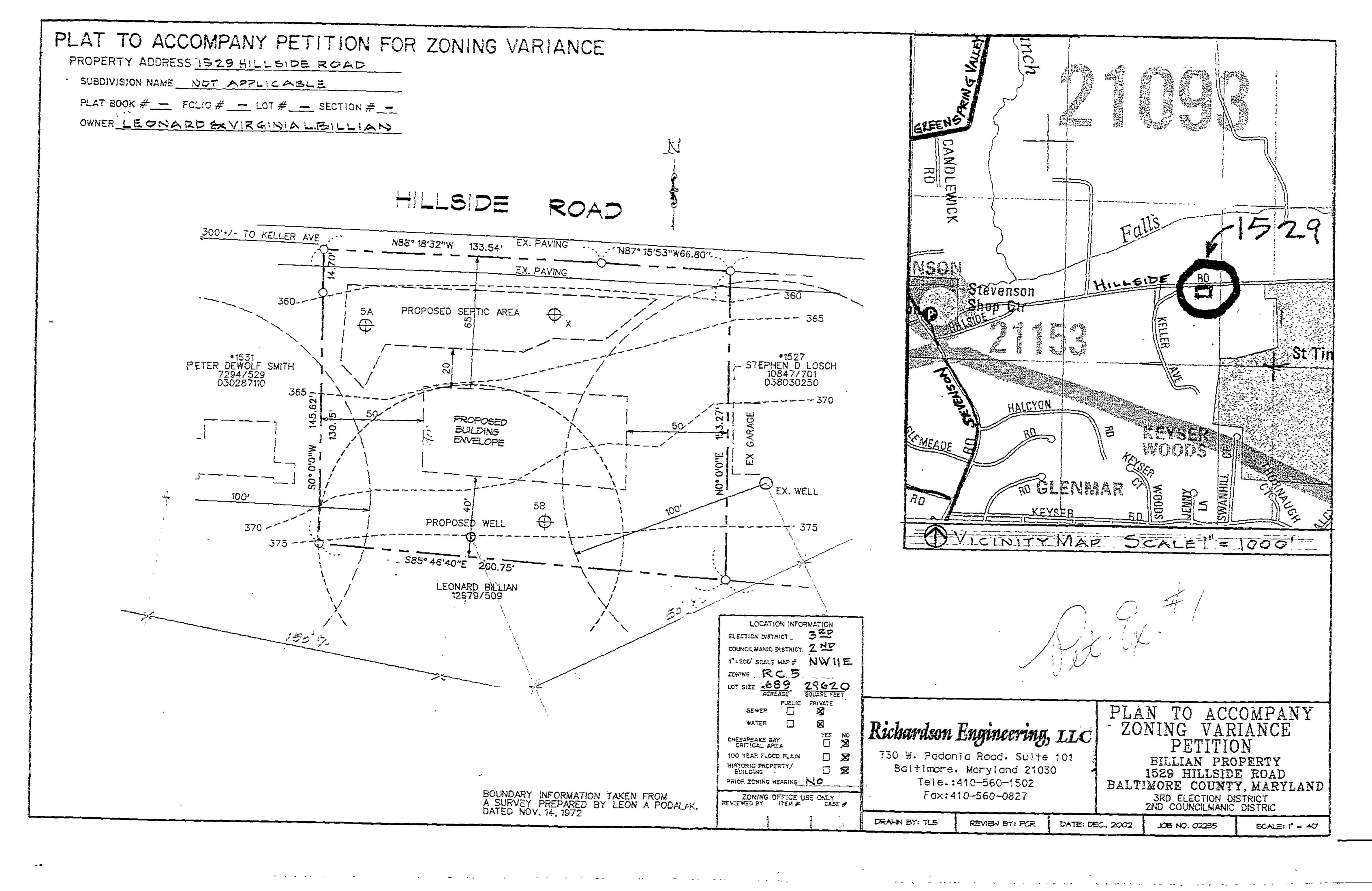


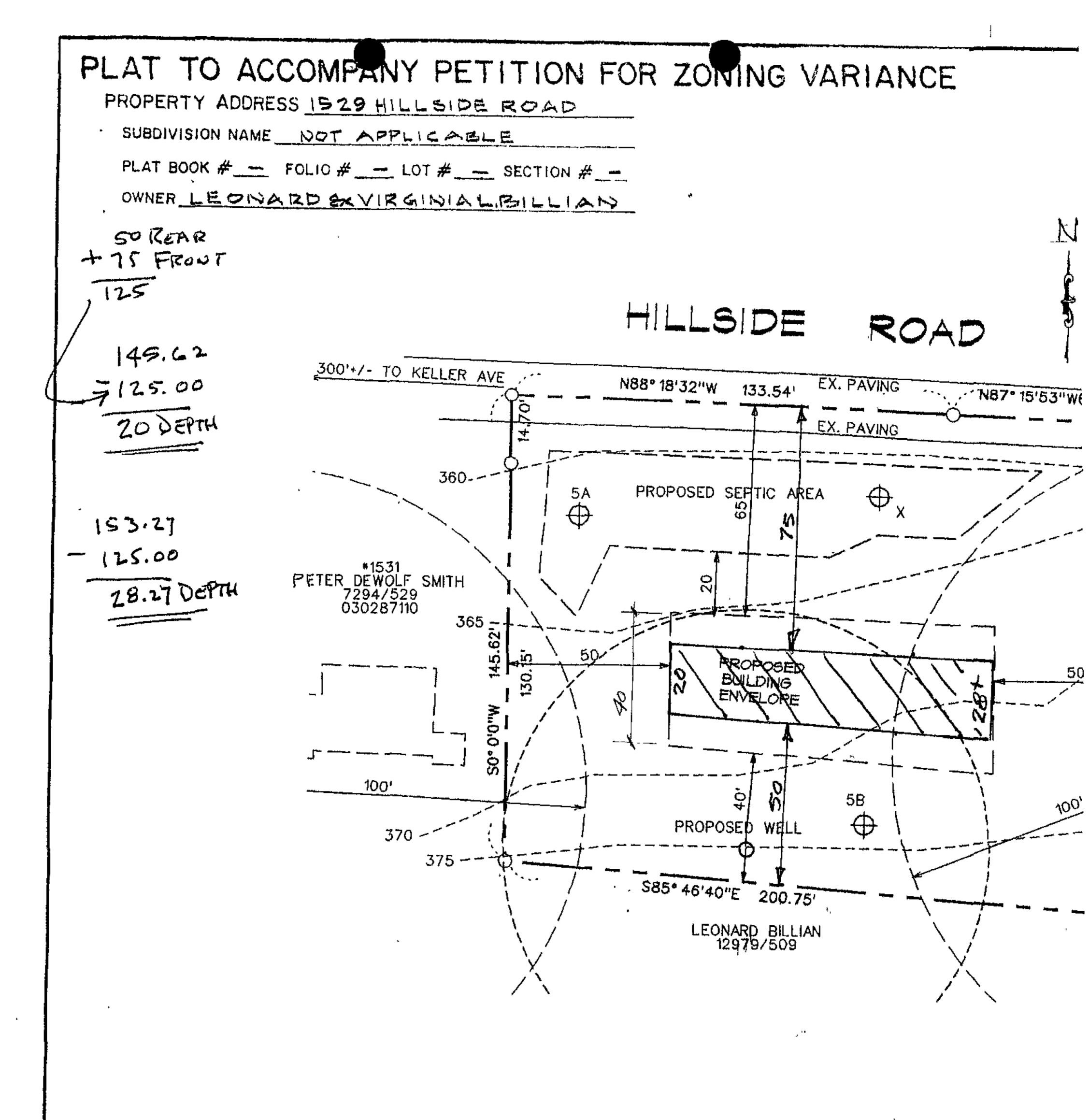




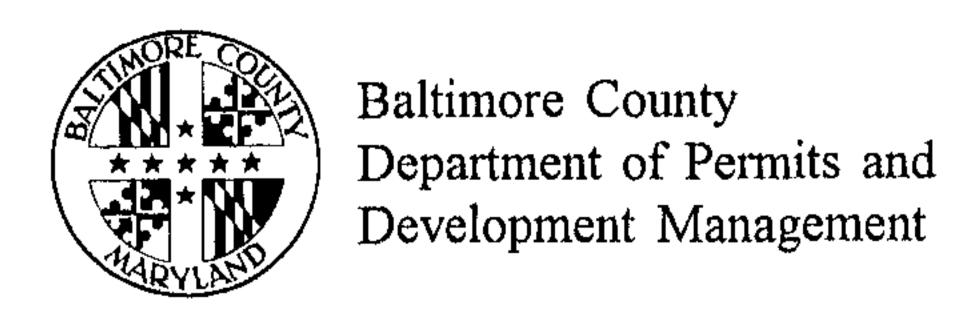








BOUNDARY INFORMATION TAKEN FROM A SURVEY PREPARED BY LEON A PODAL DATED NOV. 14, 1972



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

Fax: 410-887-5708

January 14, 2003

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: 03-299-A

1529 Hillside Road

S/side Hillside Road 400 feet west centerline Keller Road

3rd Election District – 2nd Councilmanic District

Legal Owner: Leonard and Virginia Billian

<u>Variance</u> to permit a setback of 65 feet to the centerline of the road in lieu of the required 75 feet and a rear yard setback of 40 feet in lieu of the required 50 feet. To approve an undersized lot and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearings:

Tuesday, February 25, 2003 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

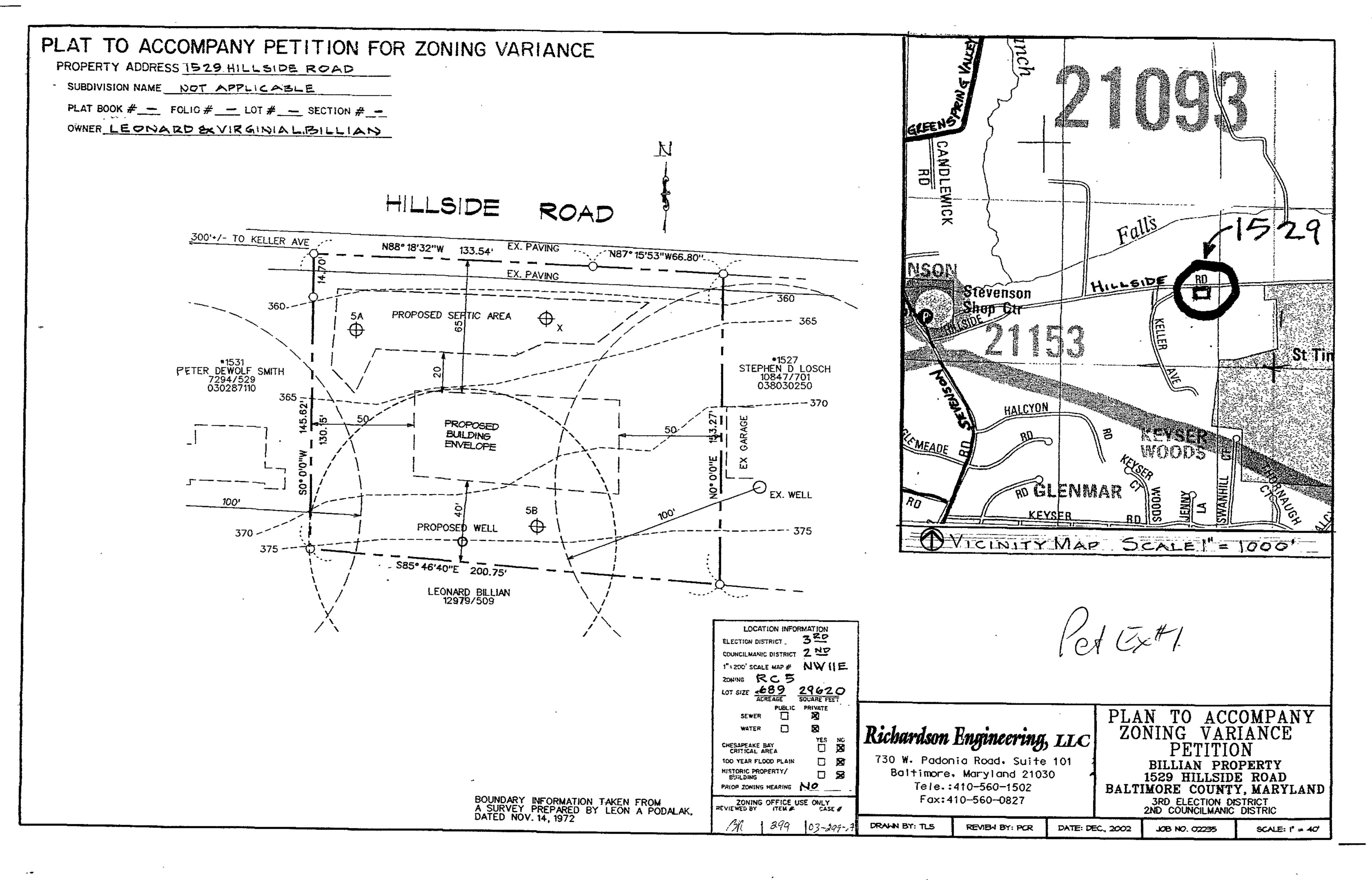
Arnold Jablon Director

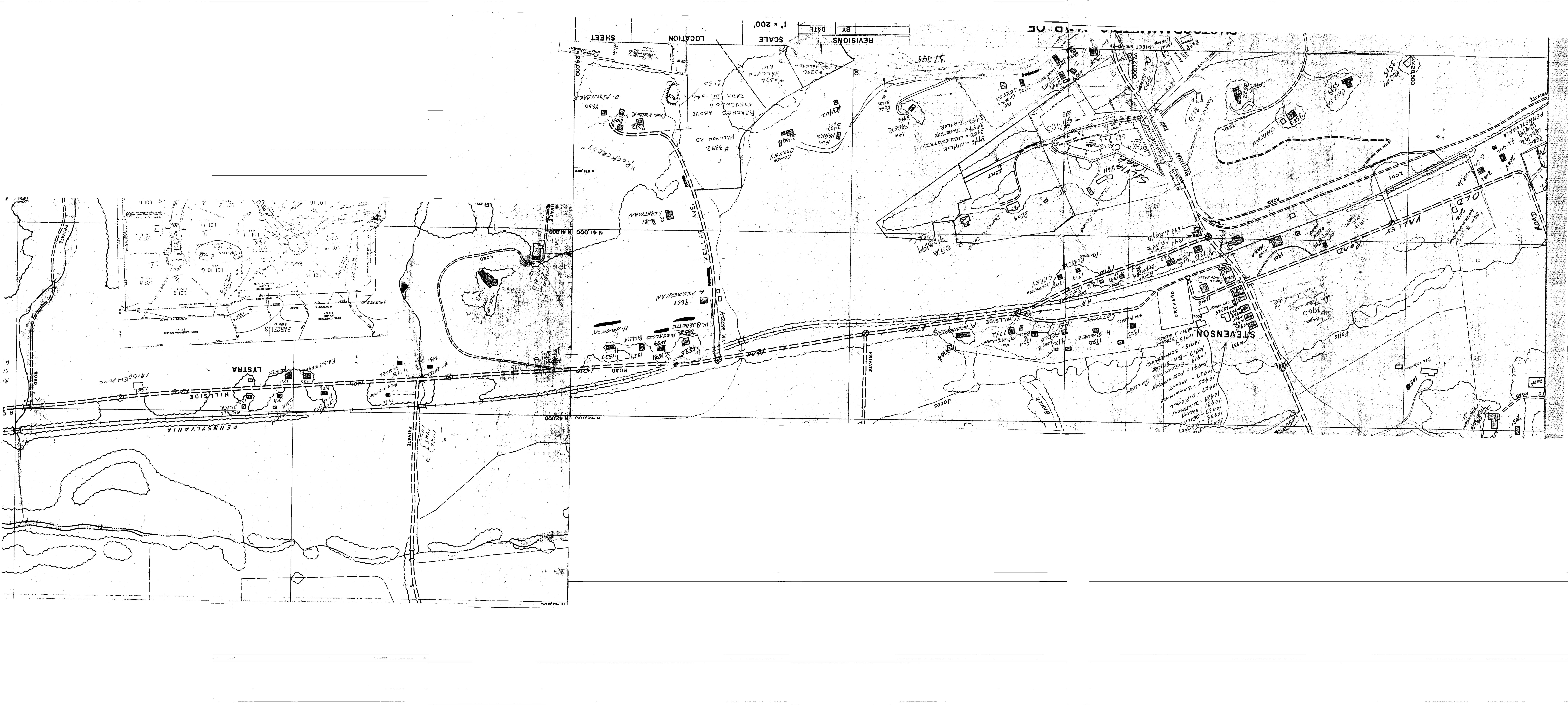
AJ:rlh

C: Mr. and Mrs. Leonard Billian, Box 1264, Brooklandville 21022

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 10, 2003.

- (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.





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