

IN RE: PETITION FOR SPECIAL HEARING
W/S of Misty Valley Road, 1,000 ft. S
centerline of Stansbury Mill Road
10th Election District
3rd Councilmanic District
(14502 Misty Valley Road)

Charles H. Huebler, Jr.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO. 05-457-SPH
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Charles H. Huebler, Jr. The Petitioner is requesting special hearing relief for property owned at 14502 Misty Valley Road in the Phoenix area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit existing and proposed side yard setbacks of 25 ft. and 49 ft. in lieu of the required 50 ft. for a proposed addition.

The property was posted with Notice of Hearing on April 6, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 5, 2005, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

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

RECEIVED FOR THE
4/25/05
Rus

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief was Charles H. Huebler, Jr., Petitioner. Lawrence E. Schmidt, Esquire and Jason Vettori, Esquire represented the Petitioner. Bessie Over and Janice Scarff appeared at the hearing as interested citizens. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The Petitioner would like to add a second story and garage to the existing single-family dwelling on the property. Mr. Schmidt proffered that the lot is one acre zoned RC 5 and is long and narrow in shape. As a result, the existing home is only 28 feet from the eastern lot line and 49 feet from the western lot line. See Petitioner's Exhibit 1. Clearly neither side of the existing building meets the 50 foot setback required by the RC 5 regulations. Mr. Schmidt proffered that the existing home was built before the RC regulations were applied in 1979 to which Ms. Over, an adjacent property, owner agreed.

Mr. Schmidt indicated that as the result of the additions the Petitioner proposes, the home after the changes would look more like the homes in the adjacent Misty Valley subdivision to the west and rear of the property several of which are shown on Petitioner's Exhibit 2. The addition would meet the 50 foot setback to the west property line and would be 45 feet to the east property line. The latter is well within the existing 28 foot dimension from the existing home to the east property line.

FILED
H/25/105
- Ray

Mr. Schmidt proffered that the property is unique from a zoning standpoint because of its long narrow configuration, which directly causes the need for variances. He indicated that it would be a practical difficulty if the setback regulations were strictly enforced as this would leave only 19 feet in which to build. While this width might be acceptable in an urban area, he indicated it was not acceptable in this area. This, of course, ignores the hardship of shaving off the sides of most of the existing home.

Ms. Over expressed concern that the additions come no closer to her property line than presently existing. Mr. Schmidt assured her that this was the Petitioner's proposal. She also indicated that she would not allow the Petitioner to continue to use her property either for the driveway entrance or for parking. Mr. Schmidt assured her that the driveway would be on the subject property and not on her property as shown in Petitioner's Exhibit 1. Finally, he noted that the garage will hopefully steer vehicles away from the Over property line and into the garage.

Findings of Fact and Conclusions of Law

Clearly the lot was in existence before September 2, 2003. The regulations are not precise as to whether the setback regulations may be altered in a special hearing. Section 1A04.3 B1b notes that minimum lot size may be altered but does not specifically say that setbacks may also be altered. I think that the County Council intended to include setbacks, as well as allowing the size of the lot to be altered.

I note that this Commission has been very reluctant to do by special hearing what ordinarily a variance or special exception should do. Each of the latter has specific criteria to consider and a long history of Board of Appeals and Court review. Section 500.7, which authorizes special hearings, on the other hand does not give any specific criteria, allows the widest discretion, and

has the least history of review. Said another way, if variances, which are difficult to justify, could be filed as a special hearing there would be no requests for variances. I do not believe that the County Council intended to eliminate the criteria and history associated with variances and special exceptions to start over again with a blank slate of special hearings in RC 5 cases. Consequently, I will treat this special hearing essentially as a request for variance, just as Mr. Schmidt did at the hearing.

Considering all the testimony and evidence in this case, I find the subject lot was laid out in 1970's some years before the RC zoning was imposed and so I find that the RC zoning impacts the property differently from lots laid out in conformance to the RC regulations. In addition, this lot is long and narrow which directly causes the existing home to require a variance. Therefore, this lot is unique in a zoning sense.

I also find that strict enforcement of the RC regulations would impose a practical difficulty on the Petitioner as he would not be able to build a suburban home on this lot much less a home on the lot. A 19 ft. wide house is simply too small a home for this neighborhood. There will be no increase in residential density beyond that otherwise allowed. There already is an existing home on the lot. This is merely an addition.

I also find that the requested relief can be granted within the spirit and intent of the regulations as homes are allowed by right in RC 5 zones. Finally, I find there will be no adverse effect on the neighborhood as the additions will be in keeping with the "Misty Valley" homes to the west and rear.

As I explained to Ms. Over at the hearing, the Circuit Court alone has the power to force neighbors who encroach on another's property to remove the encroachment or order neighbors parking on another's property not to trespass. I believe she made her position clear on the

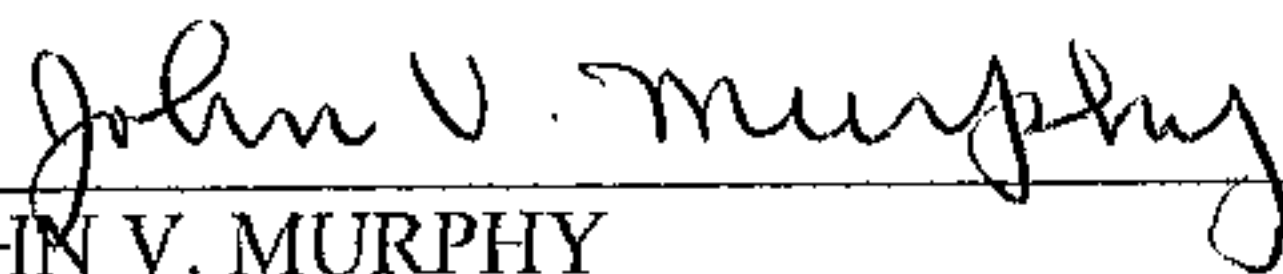
record so that the Petitioner is fully informed as he goes about reconstructing the driveway and building the new addition.

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 Petitioner, I find that the Petitioner's special hearing request should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 25 day of April, 2005, that the Petitioner's request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit existing and proposed side yard setbacks of 25 ft. and 49 ft. in lieu of the required 50 ft. for a proposed addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his 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;

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

April ²⁵22, 2005

Lawrence E. Schmidt, Esquire
Jason Vettori, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Ste. 1440
Baltimore, MD 21202-3228

Re: Petition for Special Hearing
Case No. 05-457-SPH
Property: 14502 Misty Valley Road

Dear Messrs. Schmidt & Vettori:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has 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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Mr. Charles H. Huebler, Jr., 1001 Painters Lane, Cockeysville, MD 21093
Ms. Bessie Over, 14506 Misty Valley Rd., Phoenix, MD 21131
Ms. Janice Scarff, 3440 Sweetair Rd., Phoenix, MD 21131

Visit the County's Website at www.baltimorecountyonline.info





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 14502 Misty Valley Road

which is presently zoned RC-5

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

Existing and proposed sideyard setback of 25 feet and 49 feet in lieu of the required 50 feet permitted to Sections 1A04.3.B.1.b and 1A04.3.B.2b, BCZR.

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:

Lawrence E. Schmidt

Name - Type or Print _____

Signature _____

Gildea & Schmidt, LLC

Company _____

300 E. Lombard Street, Suite 1440

Address _____ Telephone No. _____

Baltimore, MD 21202 (410)234-0070

City _____ State _____ Zip Code _____

Legal Owner(s):

Charles H. Huebler, Jr.

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

1001 Painters Lane (410)252-0941

Address _____

Cockeysville, MD 21093

Telephone No. _____

City _____

State _____

Zip Code _____

Representative to be Contacted:

Lawrence E. Schmidt

Name _____

300 E. Lombard Street, Suite 1440

Address _____

Baltimore, MD 21202 (410)234-0070

Telephone No. _____

City _____

State _____

Zip Code _____

OFFICE USE ONLY

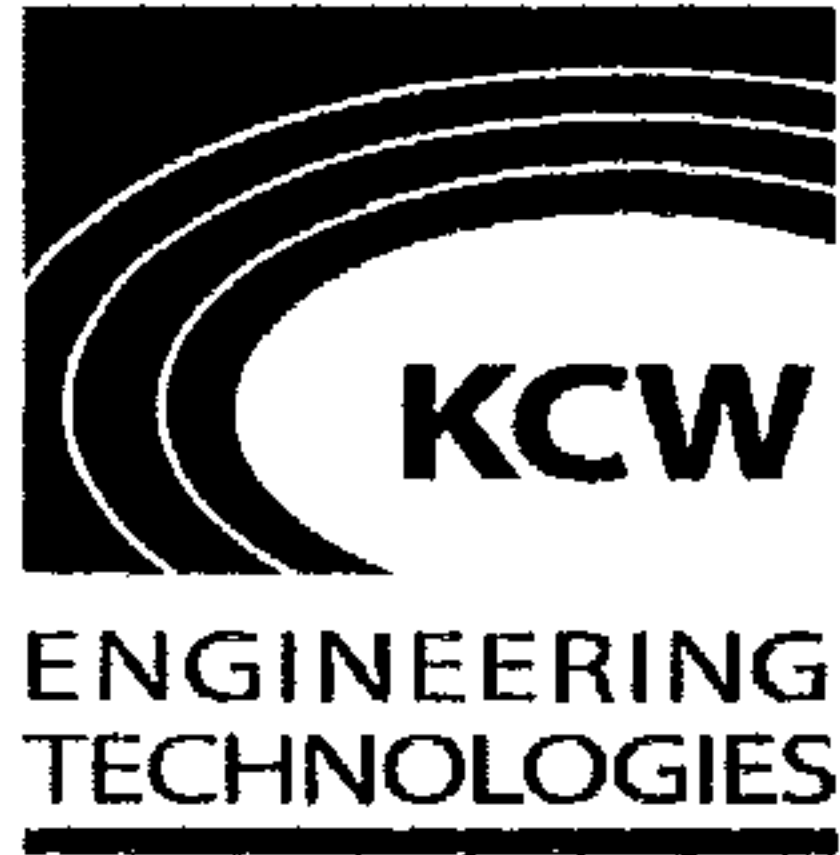
ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING _____

Reviewed By WCR/jc Date 3/14/05

DROP-OFF

457



ZONING DESCRIPTION

**14502 MISTY VALLEY ROAD
10th Election District
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the west side of Misty Valley Road, variable width right-of-way, at the distance of 1000 feet south of the centerline of the intersection of Stansbury Mill Road and Misty Valley Road; thence the following courses and distances:

1. S 25°58'57"W 60.00 ft.
2. N 65°45'41"E 95.00 ft.
3. N 25°17'16"W 59.64 ft.
4. N 66°15'16"E 315.55 ft.
5. S 26°03'00"E 119.87 ft.
6. S 66°10'07"W 411.42 ft. to the place of beginning.

Containing 43,672 s.f. or 1.00 acres of land, more or less.

Being part of the property as recorded in Deed Liber 5693, Folio 157.

Also known as 14502 Misty Valley Road.



**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: #05-457-SPH
14502 Misty Valley Road
W/side of Misty Valley
Road, 1,000 feet south of
Stansbury Mill Road
10th Election District
3rd Councilmanic District
Legal Owner(s): Charles H.
Huebler, Jr.

Special Hearing: to permit
existing and proposed side
yard setback of 25 feet and
49 feet in lieu of the re-
quired 50 feet.

Hearing: Thursday, April
21, 2005 at 10:00 a.m. in
Room 106, County Office
Building, 111 W. Chesapeake
Avenue, Towson
21204

WILLIAM WISEMAN
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT/4/617 Apr. 5 45522

CERTIFICATE OF PUBLICATION

4/6/, 2005

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 4/5/, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No. _____

DATE 3/14/05 ACCOUNT 001 006 6150

AMOUNT \$ 65.00

RECEIVED

FROM: _____

FOR: Rec. SPH 14502 MISTY VALLEY RD
05 1/59 APH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

1. *Chlorophyll a* (Chl a) is the primary photosynthetic pigment in most plants and algae. It is a green pigment that absorbs light energy in the blue and red regions of the visible spectrum.

2. *Chlorophyll b* (Chl b) is an accessory pigment that absorbs light energy in the blue and red regions of the visible spectrum. It transfers energy to Chl a for photosynthesis.

3. *Carotenoids* are accessory pigments that absorb light energy in the blue and green regions of the visible spectrum. They transfer energy to Chl a and Chl b for photosynthesis.

4. *Xanthophylls* are a group of carotenoids that absorb light energy in the blue and green regions of the visible spectrum. They transfer energy to Chl a and Chl b for photosynthesis.

5. *Phycobilins* are accessory pigments found in cyanobacteria and red algae. They absorb light energy in the blue and green regions of the visible spectrum and transfer energy to Chl a for photosynthesis.

1990年	1991年	1992年	1993年
1/100000	1/100000	1/100000	1

THE UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Page 5 of 23

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$$\frac{d^2x}{dt^2} = -\frac{g}{L} x \quad \text{and} \quad \frac{d^2y}{dt^2} = -\frac{g}{L} y$$

657.00 11 1.00 14

28. Explain the difference between a

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-457-SPH

Petitioner/Developer: CHARLES H
HUEBLER, JR

Date of Hearing/Closing: APRIL 21, 2005

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

ATTN: Kristen Matthews {(410) 887-3394}

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: _____

14502 MISTY VALLEY RD

The sign(s) were posted on _____

APRIL 6, 2005
(Month, Day, Year)

Sincerely,

Robert Black 4/7/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

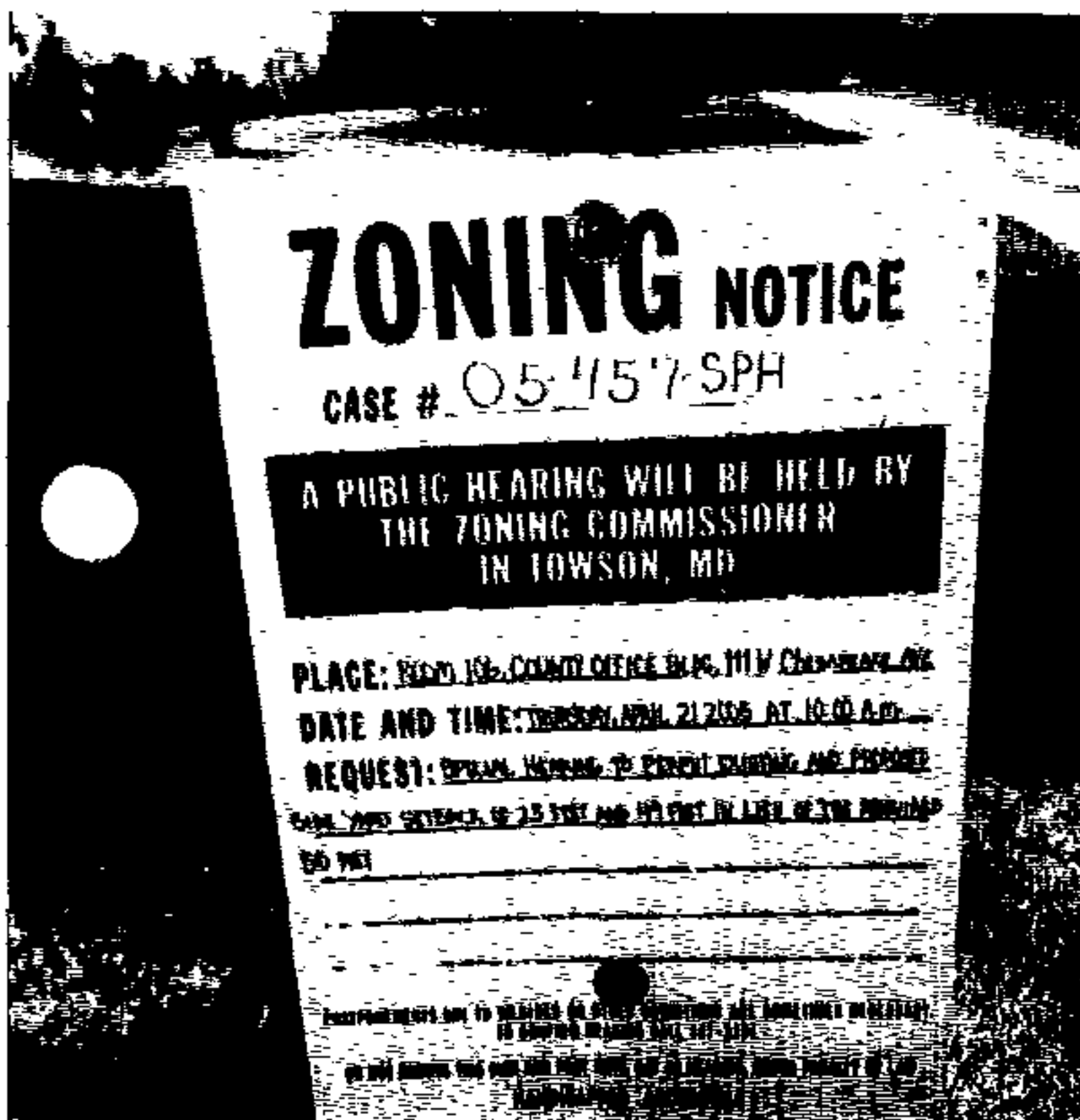
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 5, 2005 Issue - Jeffersonian

Please forward billing to:
Lawrence Schmidt
Gildea & Schmidt
300 E. Lombard Street, Ste. 1440
Baltimore, MD 21202

410-252-0941

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: 05-457-SPH

14502 Misty Valley Road

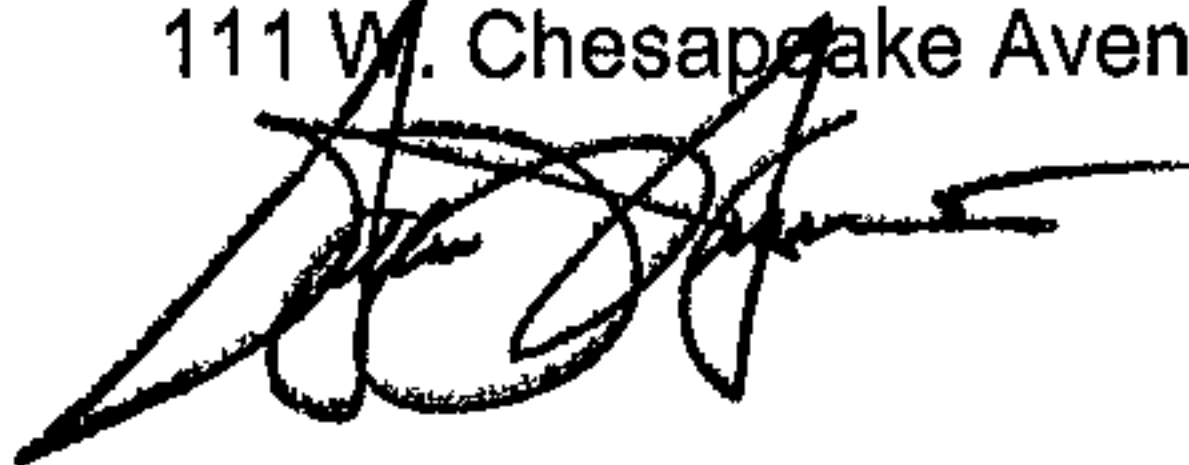
W/side of Misty Valley Road, 1,000 feet south of Stansbury Mill Road

10th Election District – 3rd Councilmanic District

Legal Owner: Charles H. Huebler, Jr.

Special Hearing to permit existing and proposed side yard setback of 25 feet and 49 feet in lieu of the required 50 feet.

Hearing: Thursday, April 21, 2005 at 10:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204



WILLIAM WISEMAN
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.

**Department of Permits and
Development Management**



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

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

March 18, 2005

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: 05-457-SPH

14502 Misty Valley Road
W/side of Misty Valley Road, 1,000 feet south of Stansbury Mill Road
10th Election District – 3rd Councilmanic District
Legal Owner: Charles H. Huebler, Jr.

Special Hearing to permit existing and proposed side yard setback of 25 feet and 49 feet in lieu of the required 50 feet.

Hearing: Thursday, April 21, 2005 at 10:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 300 E. Lombard St., Ste. 1440, Baltimore 21202
Charles Huebler, Jr., 1001 Painters Lane, Cockeysville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 6, 2005.**
- (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.

Visit the County's Website at www.baltimorecountyonline.info

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: 05 457 SPH
Petitioner: HUEBLER
Address or Location: 14502 MISTY VALLEY RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: GILDEA & SCHMIDT, LLC ATTN: LARRY SCHMIDT
SEBASTIAN CROSS
Address: 300 E. LOMBARD ST. SUITE 1440
BALTO. MD. 21202
Telephone Number: 410 234 0070

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

April 12, 2005

Lawrence E. Schmidt
Gildea & Schmidt, LLC.
300 E. Lombard Street, Ste. 1440
Baltimore, Maryland 21202

Dear Mr. Schmidt

RE: Case Number: 05-457-SPH, 14502 Misty Valley Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 14, 2005

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Charles H. Huebler, Jr. 1001 Painters Lane Cockeysville 21030

Visit the County's Website at www.baltimorecountyonline.info



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 23, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 21, 2005

Item No.: 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 457, 461, 462.

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 8, 2005
Department of Permits & Development
Management

FROM: Dennis A. Kennedy, ^{DAK} Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 28, 2005
Item No. 457

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right of way for all roads in Baltimore County is 40-foot. Setback shall be modified accordingly

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 05-457 03282005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{Jr}
DATE: April 13, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 21, 2005

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-446

05-447

05-450

05-451

05-452

05-453

05-456

05-457

Reviewers: Sue Farinetti, Dave Lykens

Jm
4/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 12, 2005

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

RECEIVED

APR 12 2005

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-457

ZONING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Curtis Murray

Division Chief:

Pat Keller

CM/LL

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 3.18.05

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

RE: Baltimore County
Item No. 457 WCR

Dear Ms. Matthews:

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,

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
14502 Misty Valley Road; W/side Misty *
Valley Road, 1,000' S Stansbury Mill Road * ZONING COMMISSIONER
10th Election & 3rd Councilmanic Districts *
Legal Owner(s): Charles H. Huebler, Jr * FOR
Petitioner(s) * BALTIMORE COUNTY
* 05-457-SPH

* * * * *

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 and documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 28th day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, , Gildea & Schmidt, LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 14502 Misty Valley Rd
CASE NUMBER 05-457-SPH
DATE 4/21/05

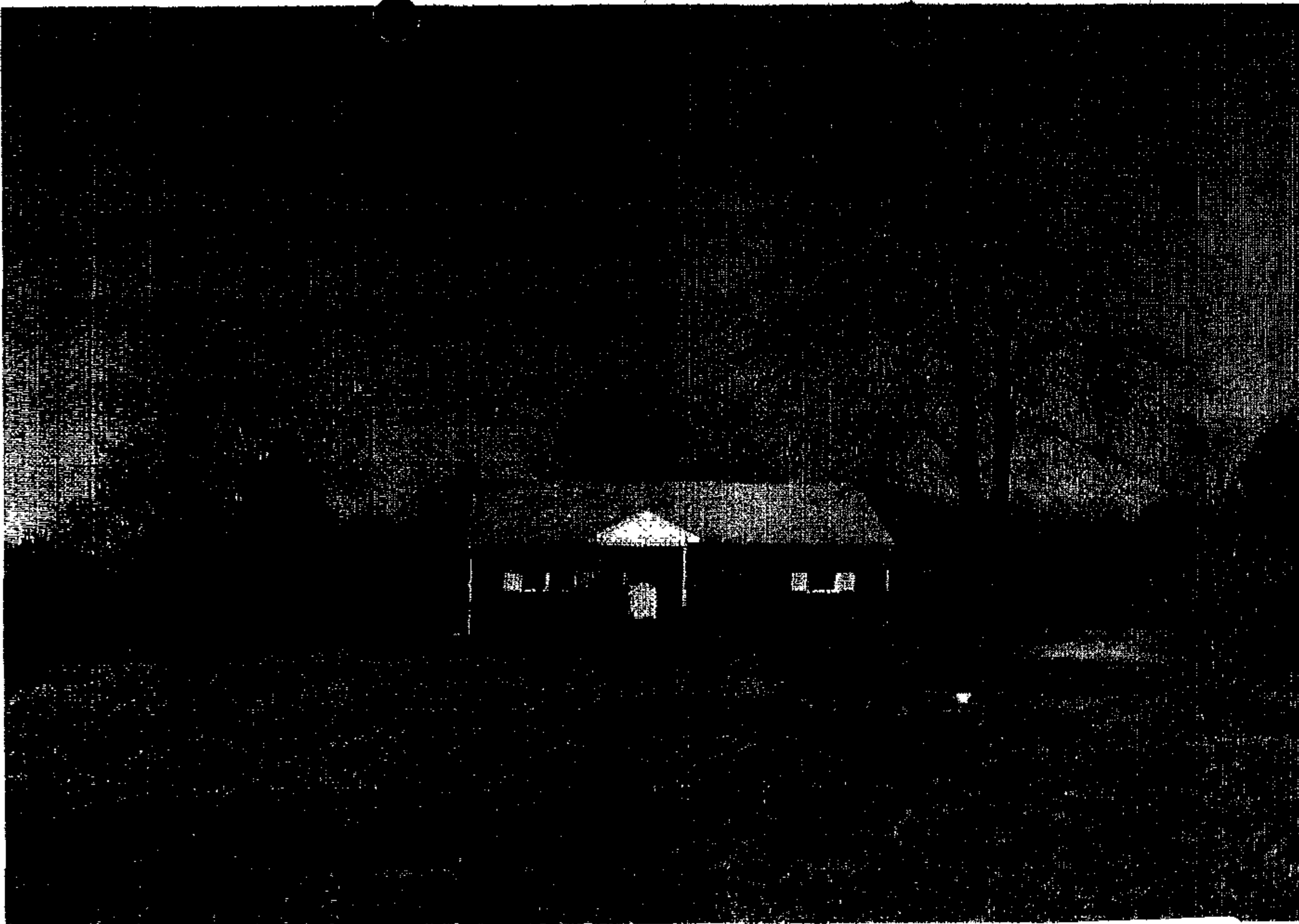
CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME 14502 Misty Valley Rd.
CASE NUMBER 05-457-SPH
DATE 4/21/05

PETITIONER'S SIGN-IN SHEET

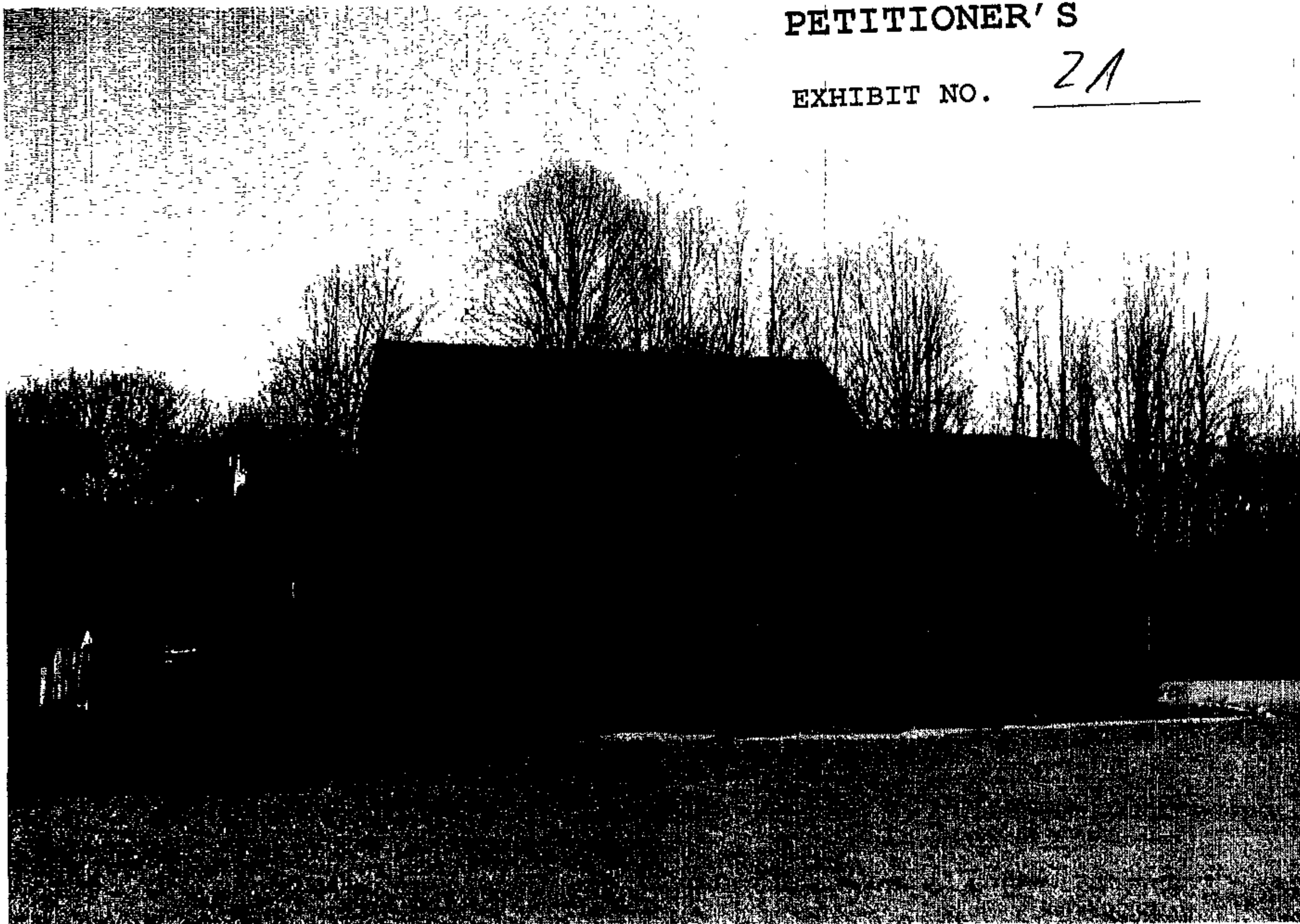
[illegible]



subj.
prop.
(front)

PETITIONER'S

EXHIBIT NO. 2A

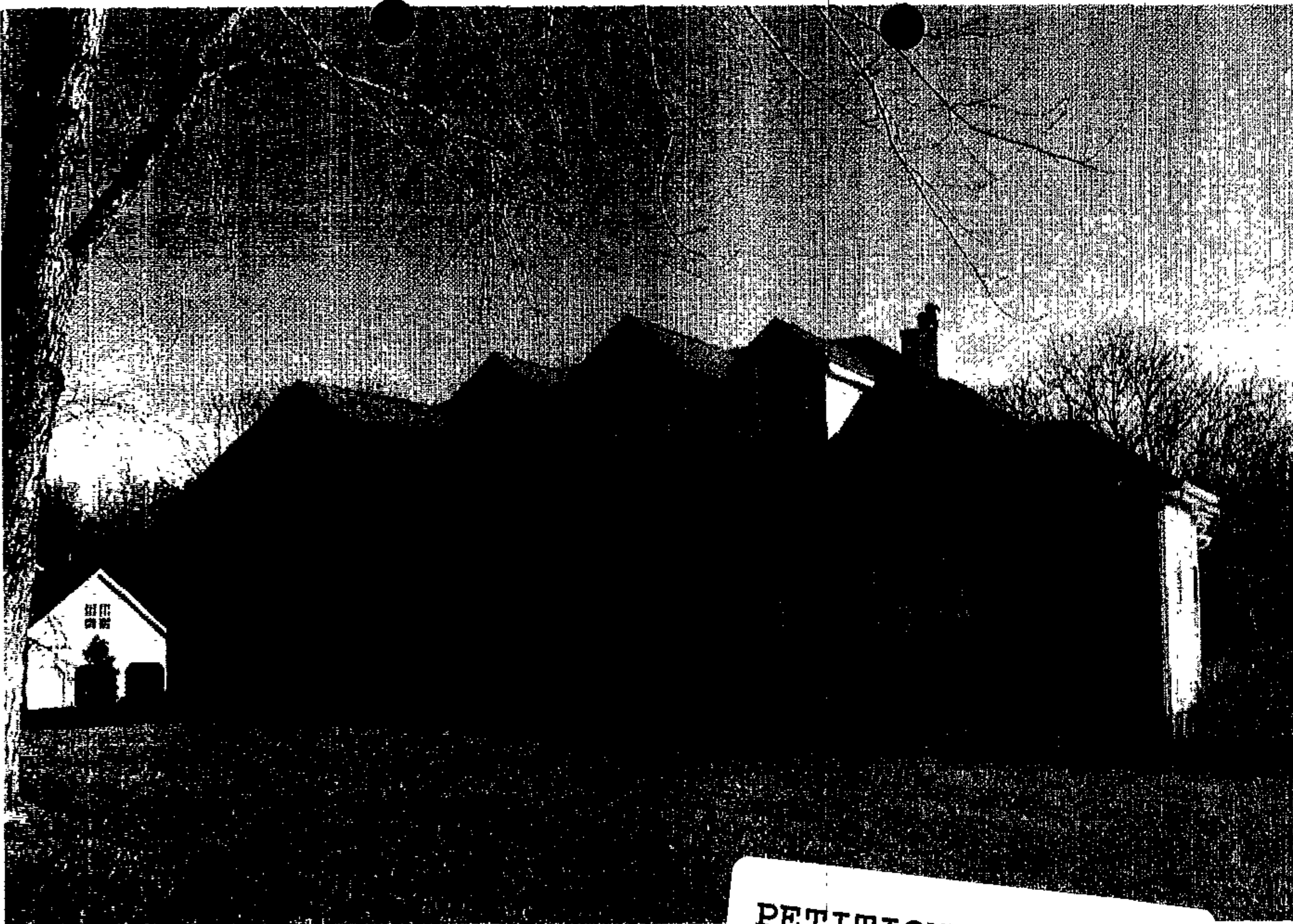




Subject property
(near)

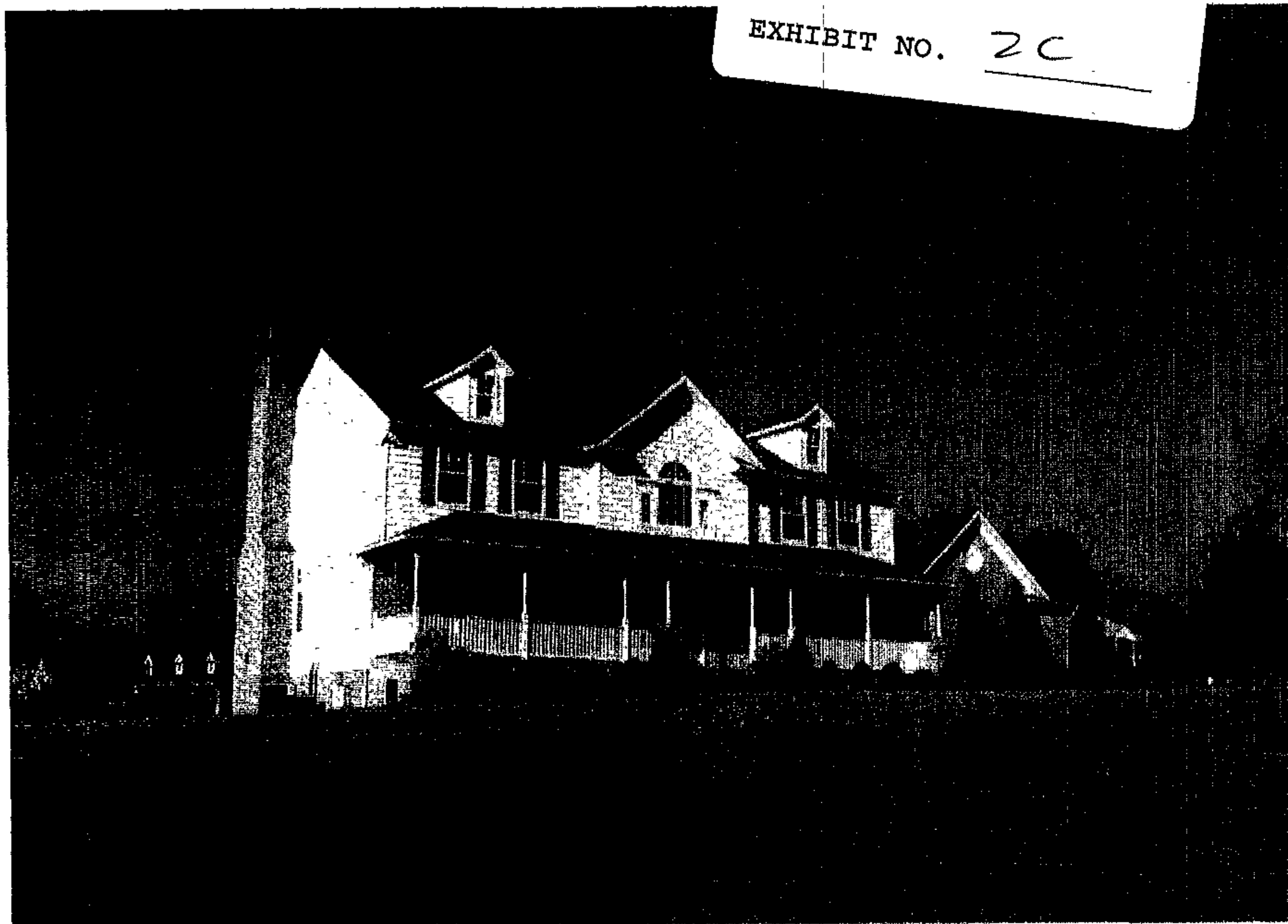
PETITIONER'S

EXHIBIT NO. 2B



PETITIONER'S

EXHIBIT NO. 2C

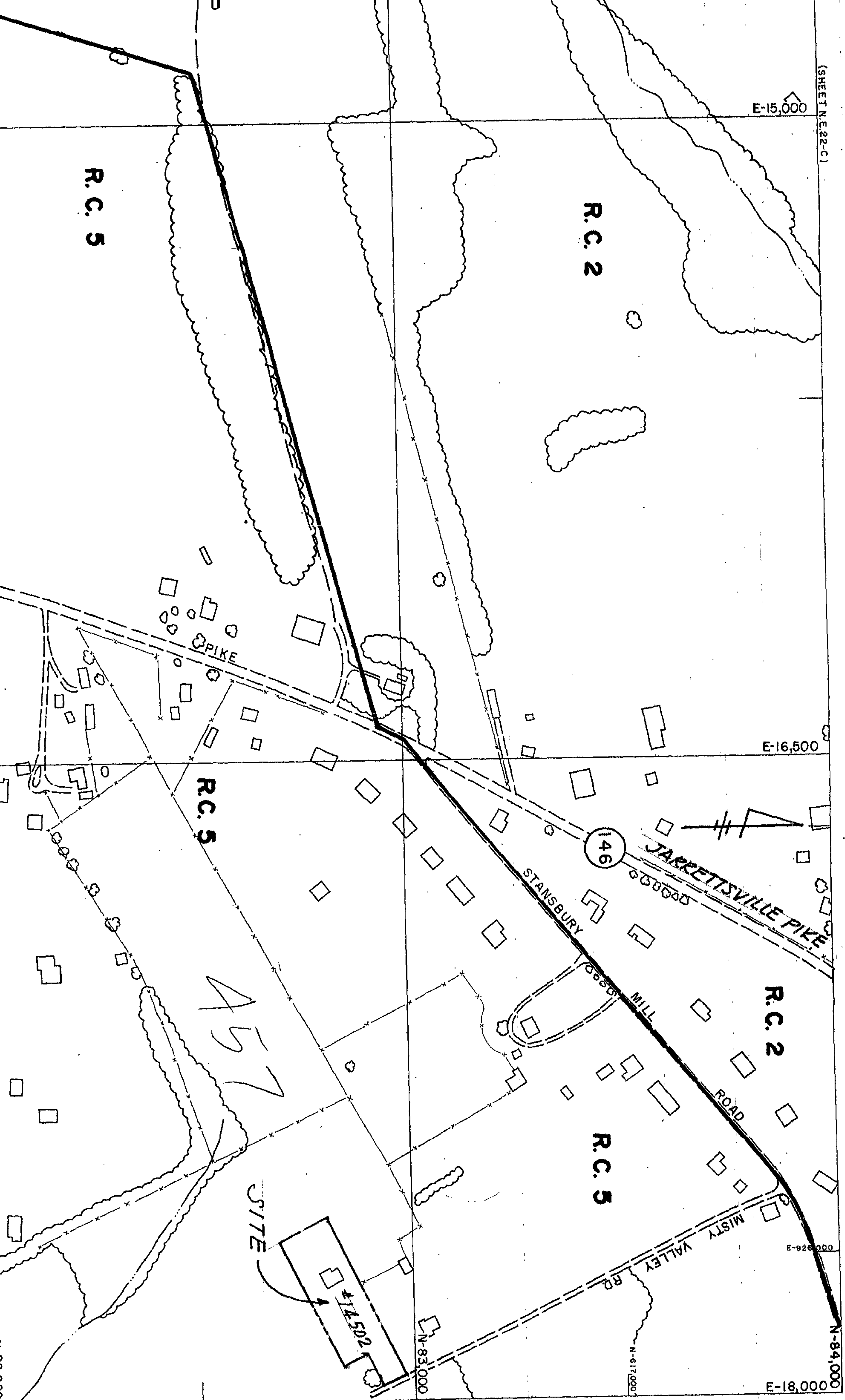




PETITIONER'S

EXHIBIT NO. 27

BALTIMORE COUNTY 1" = 200' SCALE
ZONING MAP N.E. 21-C



(SHEET N.E. 22-C)

E-15,000

R.C. 2

R.C. 5

E-16,500

R.C. 5

457

SITE

14502

N-83,000

146

JARRETTSVILLE PIKE

R.C. 2

R.C. 5

ROAD

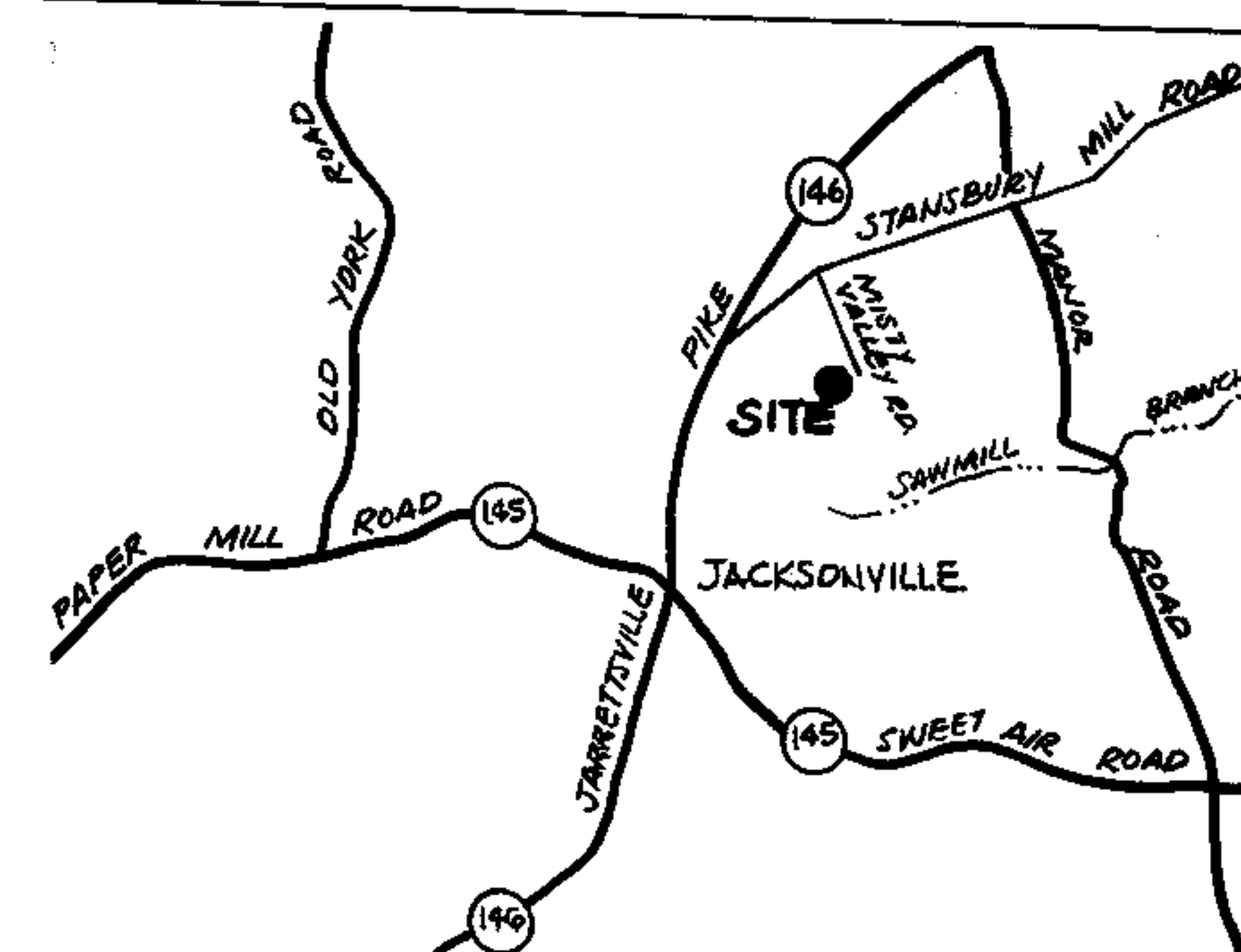
MISTY VALLEY RD

E-926,000

E-18,000

N-84,000

N-617,000



VICINITY MAP SCALE: 1"=2000'

GENERAL NOTES

- ADDRESS: 14502 MISTY VALLEY ROAD
Phoenix, Maryland 21131
- AREA: 1.00 ac.±
- ZONING: RC-5 (1"=200' Scale Zoning Map N.E. 21-C)
- EXISTING LAND USE: One single-family residential dwelling.
PROPOSED LAND USE: One single-family residential dwelling with building addition.
- OWNER: Charles H. Huebler, Jr.
1001 Painters Lane
Cockeysville, Maryland 21030
- TAX ACCOUNT NO.: 1012040100
- PLAT REFERENCE: None
- DEED: Liber 5693, folio 157
- TAX MAP: 36, Grid 13, Parcel 91
- CENSUS TRACT: 410200
REGIONAL PLANNING: n/a
WATERSHED: Gunpowder
SUB-SEWERSHED: n/a
- ELECTION DISTRICT: 10
COUNCILMANIC DISTRICT: 3
- PARKING REQUIRED: 2 Parking Spaces per Lot x 1 Lot = 2 P.S.
2 Parking Spaces meeting BCZR criteria are existing.
- BUILDING SETBACKS: (RC-5 Zoning)
MINIMUM REQUIRED: EXISTING: PROPOSED:
Front: 50 ft. 178 ft. 142 ft.
Side: 50 ft. *28 ft./49 ft. *28 ft./45 ft./49 ft.
Rear: 50 ft. 110 ft. 110 ft.
- * ZONING REQUESTED FROM BCZR Section 1A04.3B.2 TO ALLOW SIDE YARDS OF 28 ft., 45 ft., and 49 ft. IN LIEU OF MINIMUM 50 ft.
- BUILDING HEIGHT: 35 ft. Maximum
- There are no known archaeological sites, historic sites, endangered species habitats, or hazardous material sites located on this property. There are no significant plant or wildlife communities based upon DEPRM and DNR data. There are no streams, springs, wetlands, or 100-year flood plains on or within 200 ft. of this property. This property is not within the Chesapeake Bay Critical Area.
- There are no known underground storage tanks on the property or within 100 ft. of the property.
- All existing structures and accessory structures shall remain.
- ZONING HISTORY: none
- WATER SUPPLY: Private Well exists.
SANITARY: Private Septic System exists.

* ZONING REQUESTED FROM BCZR Section 1A04.3B.2 TO ALLOW EXISTING SIDE YARDS OF 49 ft., 45 ft. and 28 ft. IN LIEU OF MINIMUM REQUIRED 50 ft. IN RC-5 ZONE.

PLAN Scale: 1"=40'

MARYLAND COORDINATE SYSTEM	
HORIZONTAL DATUM	NAD 83/91
VERTICAL DATUM	NAD 88

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING

14502 MISTY VALLEY ROAD
PHOENIX, MARYLAND

ELECTION DISTRICT 10, C-3 BALTIMORE COUNTY, MARYLAND

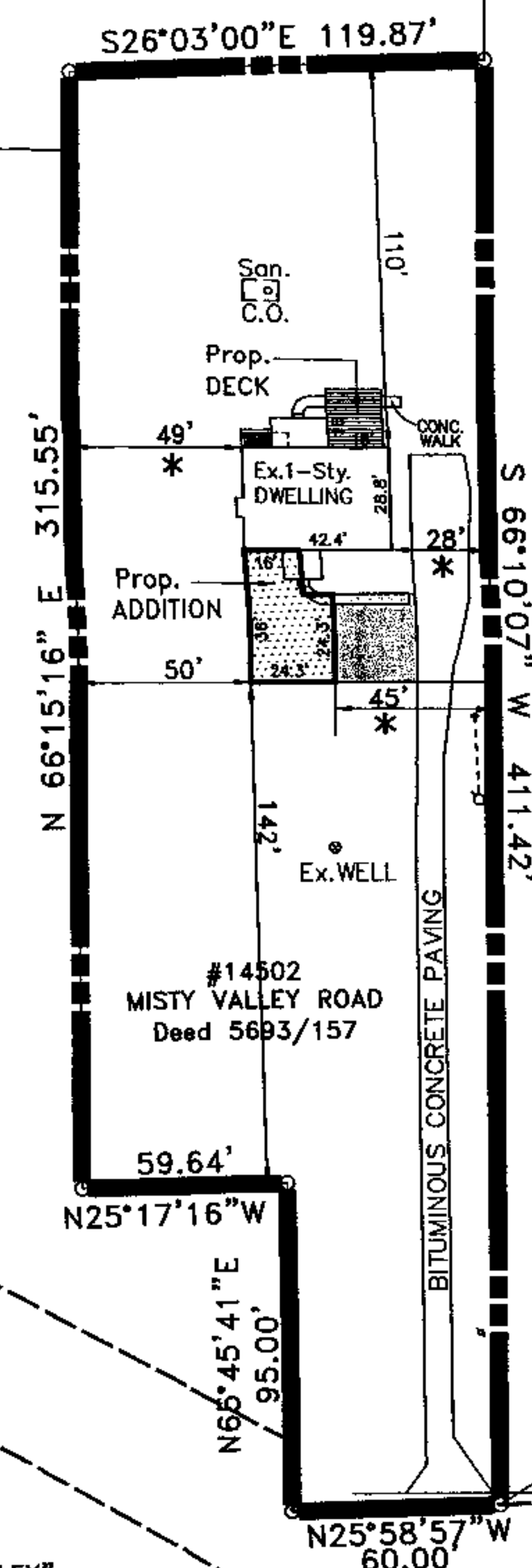
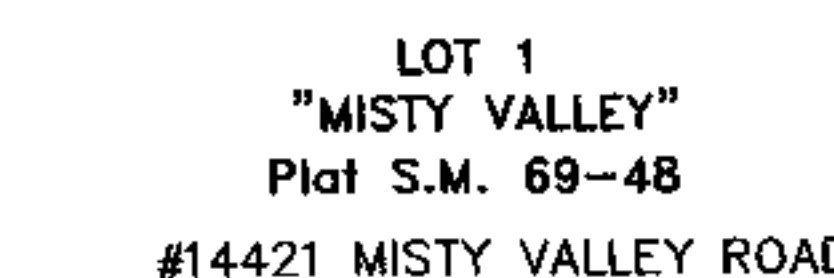
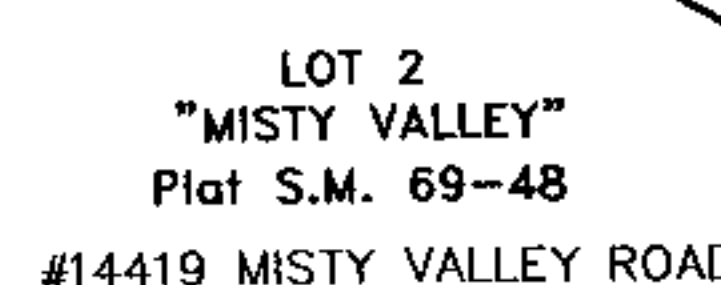
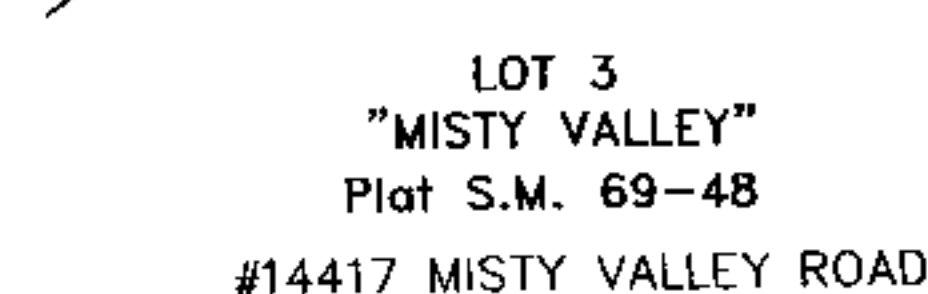
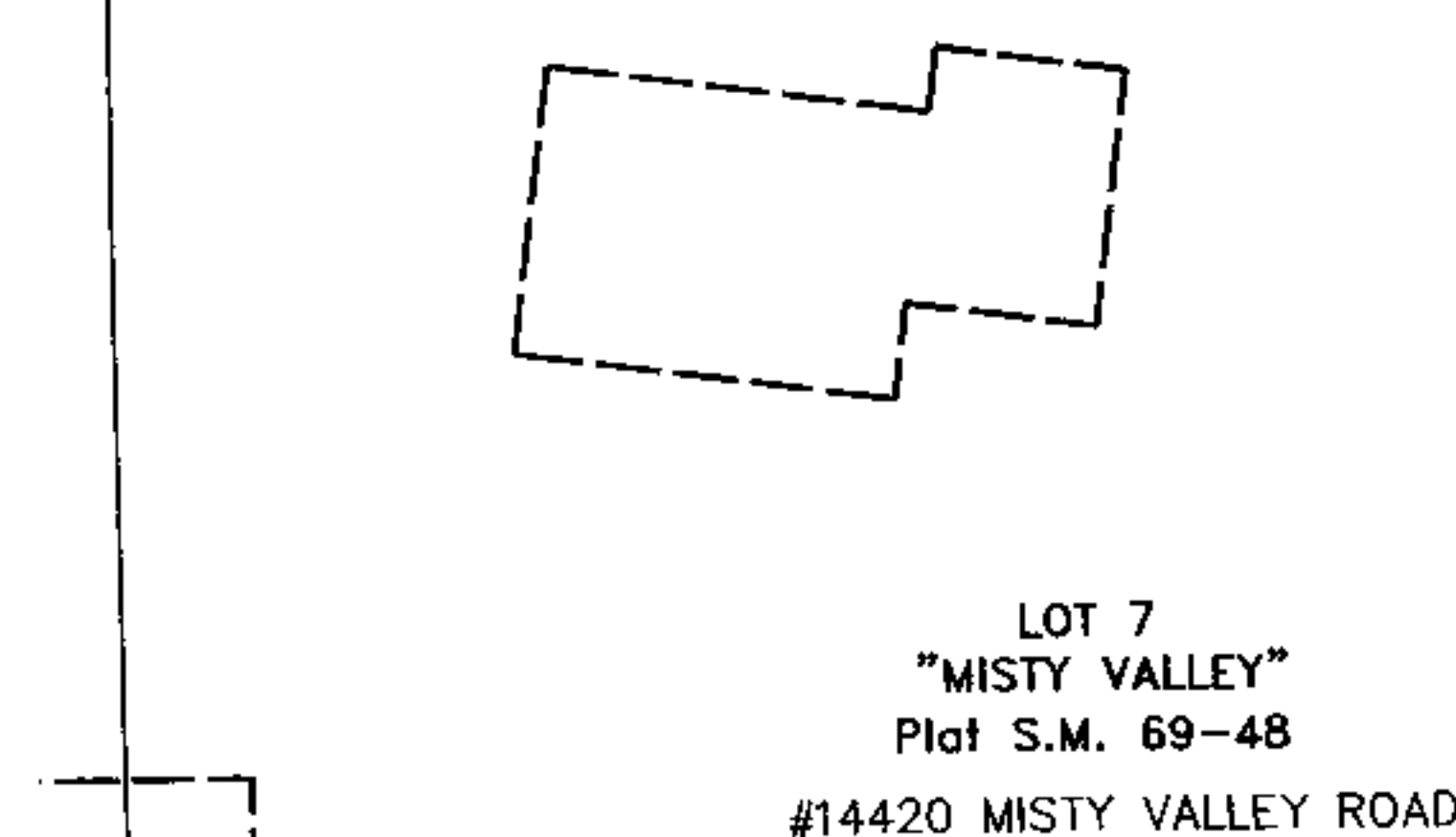
KCW J.O.:	2050110
SCALE:	1"=40'
DESIGNED:	DLK
DRAWN:	Cadd
CHECKED:	DLK
DATE:	Feb. 21, 2005
DWG. NO.:	Z-101

REVISIONS	
DATE	DESCRIPTION

OWNER:
CHARLES H. HUEBLER, Jr.
1001 PAINTERS LANE
COCKEYSVILLE, MARYLAND 21030
Tele. 410-215-3925



KCW Engineering Technologies, Inc.
3106 Lord Baltimore Drive, Suite 110
Baltimore, Maryland 21244
Tele 410-281-0033
Fax 410-281-1065
www.KCW-ET.com



GEORGE & BESSIE M. OVER
Deed 4420/94
#14506
MISTY VALLEY ROAD

MISTY VALLEY ROAD
VARIABLE WIDTH R/W