IN RE: PETITION FOR ADMIN. VARIANCE S/Side of Halbert Avenue, 160' centerline of Belair Road 11th Election District 5th Councilmanic District	* * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
(4201 Halbert Avenue)	*	CASE NO. 06-273-A
G. Paul and Kelly L. Huettner *Petitioners*	*	

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, G. Paul and Kelly L. Huettner. The variance request is for property located at 4201 Halbert Avenue in the Perry Hall area of Baltimore County. The variance request is from Section 1B02.3.C.1 (table) of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an existing dwelling with a 0 ft. side yard setback in lieu of the minimum required 10 ft. and a sum of side yard setbacks of 8.9 ft. in lieu of the minimum required 25 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated December 21, 2005 which objected to the request for a side yard setback of 0 feet as this would set a negative precedent as the Petitioner would have enter onto the adjacent property to maintain the structure. The comment recognizes that the corners of an existing were garage built to the property line. The Planning Office suggested that since the Petitioner owns the adjacent property, a lot line adjustment be made to give the owner of the subject property room to

ORDER RECEIVED FOR FILING
Date 3-2-06
By

maintain that face of the garage. The Petitioner agreed and submitted a amended Petition and revised site plan showing a three foot strip which was taken from the adjacent lot and given to the subject lot as shown on exhibit 2. Thereafter the Planning Office presented a revised and favorable comment dated March 1, 2006 which is entered into the file of this case.

Amended Petition

After consultations with the Planning Office the Petitioner revised his site plan and amended his request for a side yard setback variance of 3 feet in lieu of the required 10 feet and sum of the side yard setbacks of 11.9 feet in lieu of the required 25 feet.

Findings of Fact and Conclusions of Law

The Petitioners having filed a Amended Petition for Administrative Variance and the subject property having been posted on December 2, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

ORDER RECEIVED FOR FILING
Date 3-2-06
By

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 2 day of March, 2006, that a variance from Section 1B02.3.C.1 (table) of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an existing dwelling with a 3 ft. side yard setback in lieu of the minimum required 10 ft. and a sum of side yard setbacks of 11.9 ft. in lieu of the minimum required 25 ft. pursuant to exhibit 2, be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners 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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 3-2-06
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 2, 2006

G. Paul Huettner
Kelly L. Huettner
4201 Halbert Avenue
Perry Hall, Maryland 21236

Re: Petition for Administrative Variance
Case No. 06-273-A
Property: 4201 Halbert Avenue

Dear Mr. and Mrs. Huettner:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance 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,

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Ste. 100, Towson, MD 21286
People's Counsel; Case File

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at # 4201 Halbert Avenue

which is presently zoned D.R. 3.5/DR 5.5

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 Variance from Section(s)

1 B02.3.C.1 (table) BCZR, to permit an existing dwelling with a 0 feet side yard setback in lieu of the minimum required 10 feet, and a sum of side yard setbacks of 8.9 feet in lieu of the minimum required 25 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

G. Paul Huettner
Name - Type or Print

X G. Paul Huettner
Signature

Kelly L. Huettner
Name - Type or Print

X Kelly L. Huettner
Signature

4201 Halbert Avenue — (410)-882-8352
Address — Telephone No.

Baltimore — Maryland — 21236
City — State — Zip Code

Representative to be Contacted:

Gerhold, Cross & Etzel, Ltd. — Bruce Doak
Name

320 E. Towsontown Blvd Ste. 100 — (410)-823-4470
Address — Telephone No

Towson — Maryland — 21286
City — State — Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11 day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 11-2-05
By

CASE NO. 06-273-A

Reviewed By JWP **Date** 11/23/05

Estimated Posting Date 12/4/05

REV 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at #4201 Halbert Avenue
Address

Baltimore Maryland 21236
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

to permit the existing dwelling to have a zero feet width of sideyard in lieu of the required ten feet.

The house already exists where it is and it would not be practical to raze a portion to meet current setback regulations.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

G. Paul Huettner
Signature

G. Paul Huettner
Name - Type or Print

Kelly L. Huettner
Signature

Kelly L. Huettner
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of November, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Paul & Kelly Huettner the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Dora K. Plumly
Notary Public

My Commission Expires April 1, 2008

REV 10/25/01

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

October 25, 2005

0.365 ACRE LOT
LOT 1 AND PART OF LOT 2
THE HALBERT PROPERTY
BALTIMORE COUNTY, MARYLAND

All that piece or parcel of land situate, lying and being in the Eleventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the south side of Halbert Avenue 15 feet more or less measured at a right angle from a point in the centerline of said street 160 feet more or less along said centerline from its intersection with the centerline of Belair Road, thence leaving said point of beginning and running on said south side of Halbert Avenue, referring the courses of this description to the Maryland Coordinate System, (1) South 70 degrees 27 minutes 39 seconds East 76.59 feet, thence leaving said avenue and running, (2) South 31 degrees 08 minutes 35 seconds West 56.06 feet, (3) South 58 degrees 51 minutes 25 seconds East 5.00 feet, (4) South 31 degrees 08 minutes 35 seconds West 21.93 feet, (5) North 58 degrees 51 minutes 25 seconds West 5.00 feet, and (6) South 31 degrees 08 minutes 35 seconds West 129.29 feet, (7) North 75 degrees 46 minutes 16 seconds West 77.97 feet, and (8) North 31 degrees 16 minutes 31 seconds East 214.56 feet to the point of beginning.

Containing 15,893 square feet or 0.365 of an Acre of land, more or less.

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

STATE OF MARYLAND
BRUCE EDWIN DOAK
No. 391
REGISTERED
PROPERTY LINE SURVEYOR

10/25/05

X:\Huettner\Zoning.doc

06-273-A

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

RECEIVED
FEB 1 7 2006
ZONING COMMISSIONER

February 16, 2006

0.377 ACRE LOT
LOT 1 AND PART OF LOT 2
THE HALBERT PROPERTY
BALTIMORE COUNTY, MARYLAND

All that piece or parcel of land situate, lying and being in the Eleventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the south side of Halbert Avenue 15 feet more or less measured at a right angle from a point in the centerline of said street 160 feet more or less along said centerline from its intersection with the centerline of Belair Road, thence leaving said point of beginning and running on said south side of Halbert Avenue, referring the courses of this description to the Maryland Coordinate System, (1) South 70 degrees 27 minutes 39 seconds East 79.65 feet, thence leaving said avenue and running, (2) South 31 degrees 08 minutes 35 seconds West 206.98 feet, (3) North 75 degrees 46 minutes 16 seconds West 81.11 feet, and (4) North 31 degrees 01 minutes 49 seconds East 214.56 feet to the point of beginning.

Containing 16,404 square feet or 0.377 of an Acre of land, more or less.

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

STATE OF MARYLAND
BRUCE EDWIN DOAR
NO. 531
REGISTERED
PROPERTY LINE SURVEYOR

2/16/06

X:\Huettner\REVZONE.doc

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 16657

DATE 11/22/05 ACCOUNT R-001-006-6150

AMOUNT $ 65.00

RECEIVED FROM Paul & Kelly Huettner

FOR 4201 Hulbert Avenue - Adm. Var.
06-273-A (Huettner)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACCOUNT	AMOUNT	METHOD
11/22/2005	11/22/2005	11:03:17	
BCO 0002	MISC	0100 TOT	
RECEIPT # 490639		11/22/2005	OPLIT
Dept 5 528 ZONING VERIFICATION			
OR NO. 016657			
	Recpt Tot	$65.00	
	$65.00 CR	$.00	CA
	Baltimore County, Maryland		

CASHIER'S VALIDATION

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

CERTIFICATE OF POSTING

RE: CASE# 06-273-A
PETITIONER/DEVELOPER:
G. Paul Huettner & Kelly L. Huettner
DATE OF CLOSING: 12/19/05

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

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

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

LOCATION:
4201 Halbert Avenue

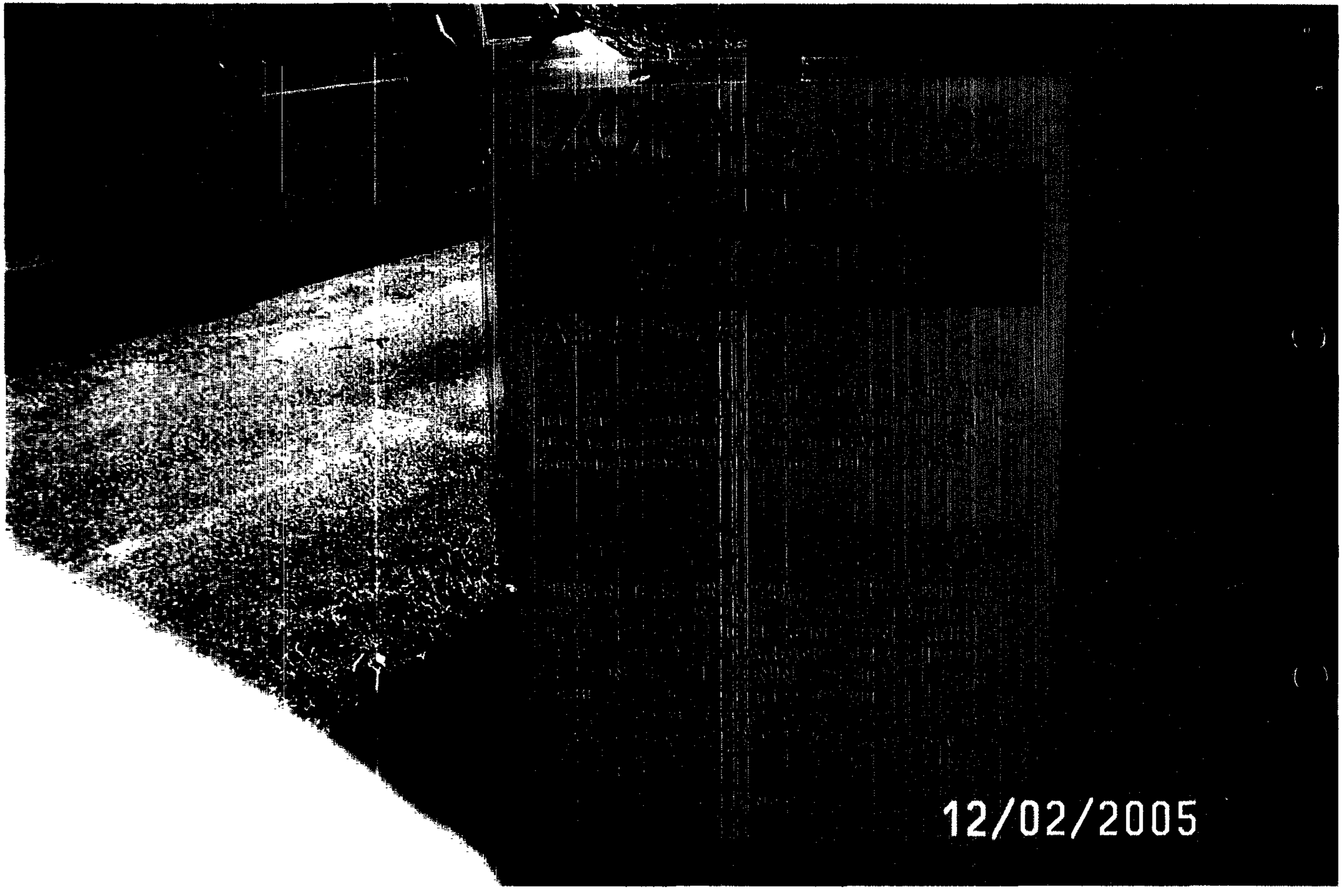
(see page 2 for full size photo)

POSTED ON: 12/02/05

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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


12/02/2005

12/02/2005

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 273 -A Address 4201 Halbert Avenue

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/22/05 **Posting Date:** 12/4/05 **Closing Date:** 12/19/05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 273 -A Address 4201 Halbert Avenue

Petitioner's Name G. Paul Huettner & Kelly L. Huettner Telephone 410-882-8352

Posting Date: 12/4/05 **Closing Date:** 12/19/05

Wording for Sign: To Permit an existing dwelling with a 0 feet side yard setback in lieu of the minimum required 10 feet, and to permit a sum of sideyards setback of 8 feet in lieu of the minimum required 25 feet.

WCR - Revised 6/25/04

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 273 -A Address 4201 Halbert Avenue

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/22/05 **Posting Date:** 12/4/05 **Closing Date:** 12/19/05

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(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 273 -A Address 4201 Halbert Avenue

Petitioner's Name G. Paul Huettner & Kelly L. Huettner Telephone 410-882-8352

Posting Date: 12/4/05 **Closing Date:** 12/19/05

Wording for Sign: To Permit an existing dwelling with a 0 feet side yard setback in lieu of the minimum required 10 feet and a sum of side yard setbacks of 8.9 feet in lieu of the minimum required 25 feet.

WCR - Revised 6/25/04

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

December 19, 2005

G. Paul Huettner
Kelly L. Huettner
4201 Halbert Avenue
Baltimore, Maryland 21236

Dear Mr. and Mrs. Huettner:

RE: Case Number: 06-273-A, 4201 Halbert Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 22, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Gerhold, Cross & Etzel 320 E. Towsontown Blvd, Ste. 100 Towson 21286

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

December 7, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 28, 2005

Item No.: 265, 267, 271, 272, 273, 274, 275, 276, 277, 279, 280, 282, 283, 284, 285.

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
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

RECEIVED
JAN 0 3 2006
ZONING COMMISSIONER

AN 12/19

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 20, 2005

FROM: Dennis A. Kennedy, Supervisor DAK/
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 5, 2005
Item Nos. 251,267, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-12202005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 21, 2005

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

RECEIVED

DEC 2 2 2005

ZONING COMMISSIONER

SUBJECT: 4201 Halbert Avenue

INFORMATION:

Item Number: 6-273

Petitioner: G. Paul Huettner

Zoning: DR 3.5 and DR 5.5

Requested Action: **Administrative Variance**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request, and offers the following recommendations. The applicant was granted a lot line adjustment on February 9th, 2004. The subject of that lot line adjustment was between 4201 (existing dwelling) and 4205 (dwelling under construction) Halbert Avenue. The dwelling at 4201 was built with a garage addition, which is in violation of the current zoning setbacks. This has created the need to apply for a zero foot property line to building setback in lieu of the required ten-foot minimum.

Our Office is of the opinion that granting the requested variance would essentially set a negative precedent. To alleviate the situation and create a more compatible lot configuration, the Office of Planning recommends that the petitioner apply for an additional lot line adjustment between 4201 and 4205 Halbert Avenue, showing equal distance between the two lots. This would create a far more compatible lot configuration.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lynn Lochner
AFK/LL: CM

W:\DEVREVIEW\AC\6-273.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 1, 2006

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

SUBJECT: 4201 Halbert Avenue

INFORMATION:

Item Number: 6-273 ***(revised comment)***

Petitioner: G. Paul Huettner

Zoning: DR 3.5 and DR 5.5

Requested Action: **Administrative Variance**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request, and offers the following recommendations. The applicant was granted a lot line adjustment on February 9th, 2004. The subject of that lot line adjustment was between 4201 (existing dwelling) and 4205 (dwelling under construction) Halbert Avenue. The dwelling at 4201 was built with a garage addition, which is in violation of the current zoning setbacks. This has created the need to apply for a zero foot property line to building setback in lieu of the required ten-foot minimum.

In light of the aforementioned, the Office of Planning met with the petitioner and his engineer thus developing a favorable lot configuration. The petitioner's engineer submitted revised drawings to illustrate the said favorable configuration, and as such the Office of Planning does not oppose the petitioner's request.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lyn Lanham
AFK/LL: CM

W:\DEVREVIEW\ACM6-273revised.doc

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

State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 12.2.05

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

RE: Baltimore County
Item No. 273 (JNP)

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,

L. G. Gredlein

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 4, 2006

G. Paul Huettner
Kelly L. Huettner
4201 Halbert Avenue
Perry Hall, Maryland 21236

Re: Petition for Administrative Variance
Case No. 06-273-A
Property: 4201 Halbert Avenue

Dear Mr. and Mrs. Huettner:

I have been given your request for Administrative Variance . Our office received the attached comment from the Office of Planning dated December 23, 2005. As you can see, the Office of Planning opposes your request suggesting instead that a further lot line adjustment be made.

I could simply set this matter in for public hearing but you might want to talk to Mr. Gambrill to see if there is some way to reach an agreement given their comment.

Please let me know **in writing** if you have reached an agreement with the Office of Planning or if you want me to decide the case based on your present request. If you indicate I should decide, I will set the matter in for public hearing.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Kevin Gambrill, Office of Planning
People's Counsel; Case File

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone (410) 823-4470 • Fax (410) 823-4473 • www.gcelimited.com

RECEIVED

FEB 1 7 2006

ZONING COMMISSIONER

February 17, 2006

Honorable John Murphy
Office of the Zoning Commissioner
M.S. 3401
401 Bosley Avenue
Towson, MD. 21204
(410)-887-4386

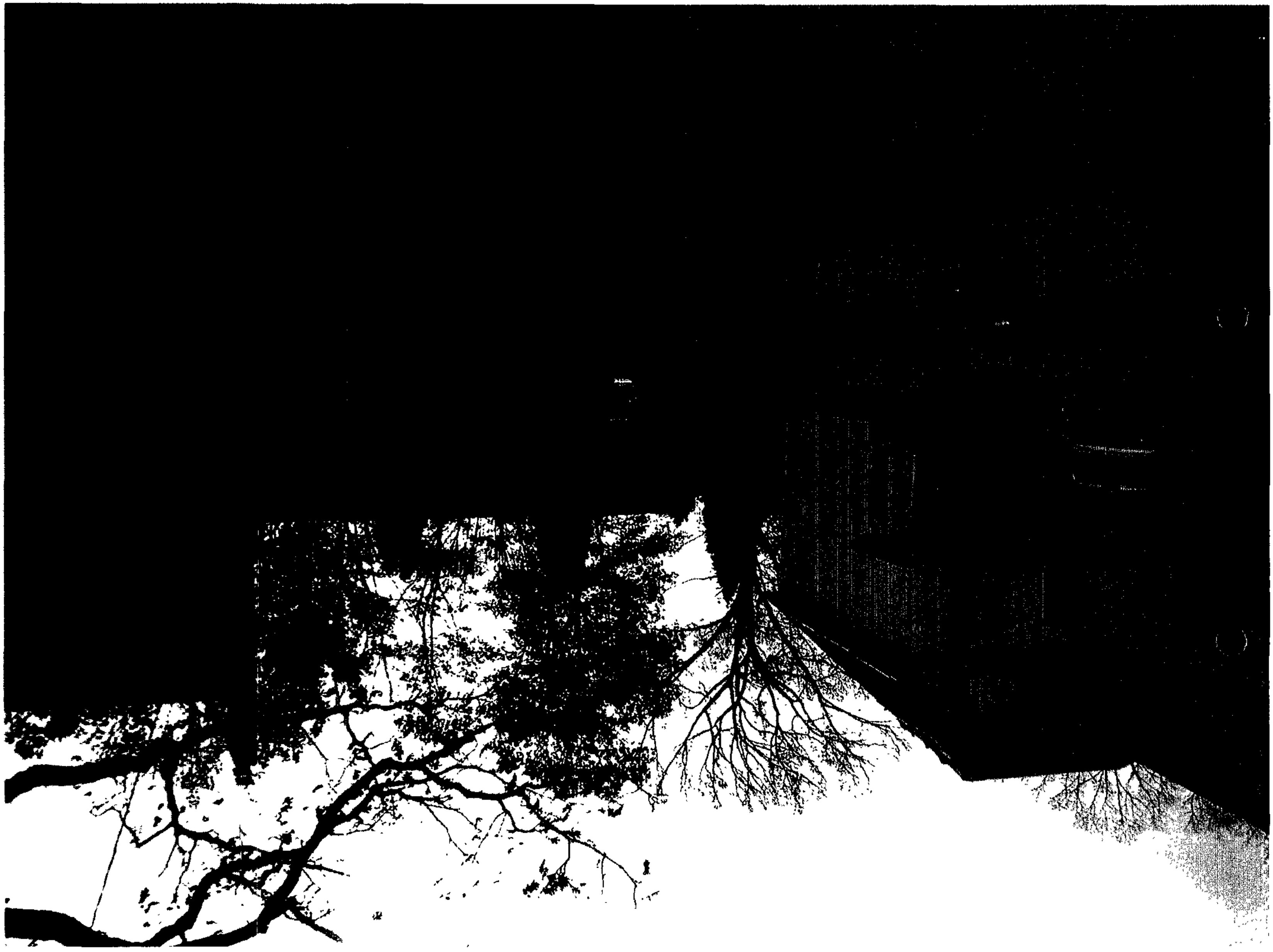
Re: **Plan to Accompany Petition for Variance of the Huettner Property (REVISED)**

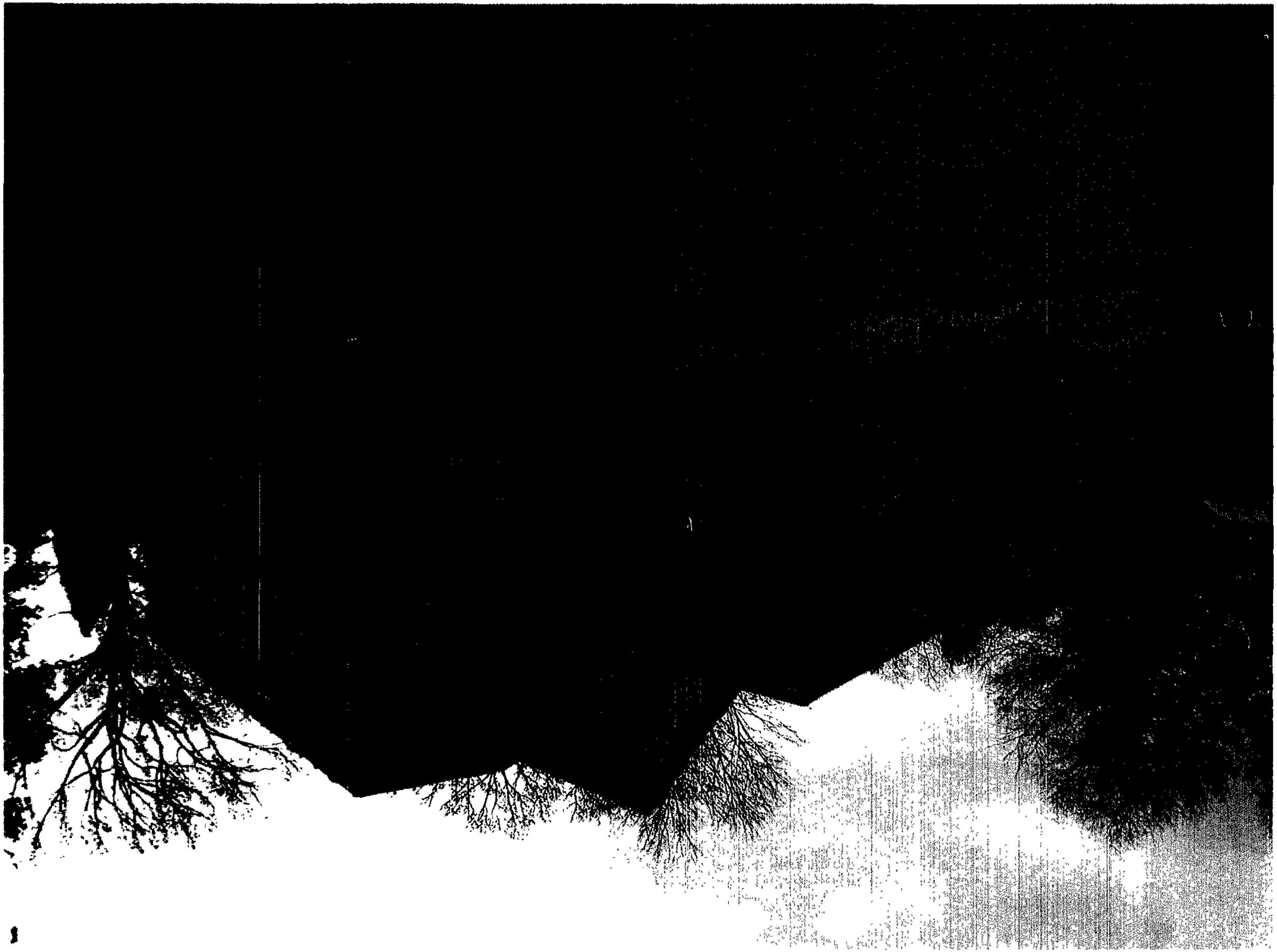
Dear Mr. Murphy:

I am enclosing two copies of the revised zoning plan based on a meeting with the owner Paul Huettner, the Office of Planning and Bruce Doak on February 15, 2006. I am also enclosing a revised zoning description. I have sent a copy of the revised plan to Kevin Gambrill in the Office of Planning and I hope you will receive his approval soon so you may issue a favorable Zoning Order. Please let me know if you need anything else. Thank you.

Sincerely,

Michael Alexander





μ 4701

SIDE VIEW NEIGHBOR FRONTING ON DELAIR RD

INTERSECTION BELAIR RD & HALBERT AVE

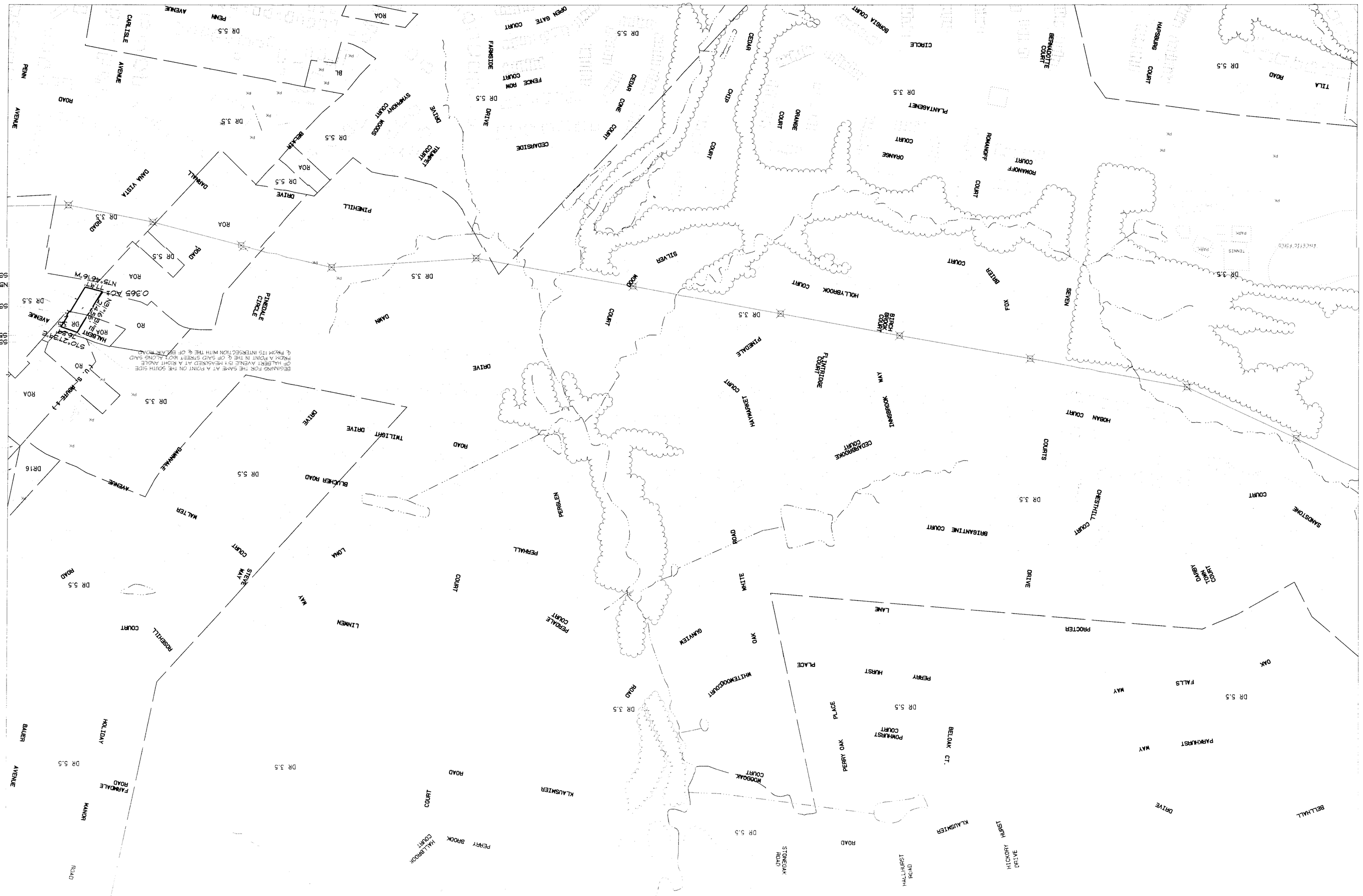
WEST SIDE VIEW #14201 Halbert Av.

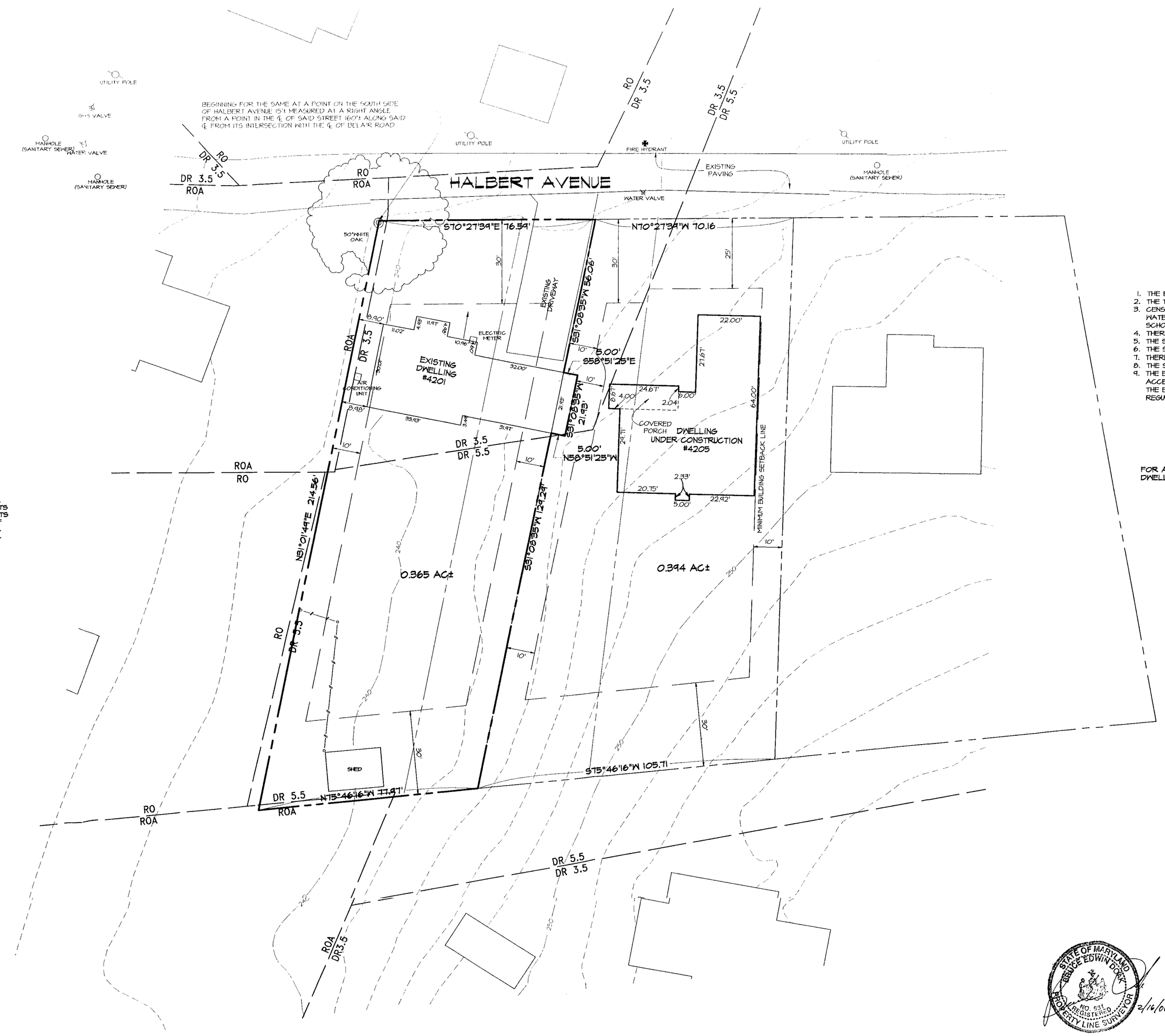
ROA
RO
ROA
DR
SITE
072A1
072B1
DR 6.5
ROA

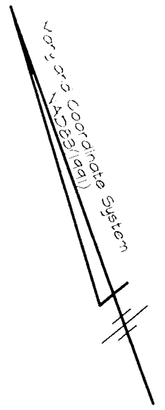
ZONING MAP

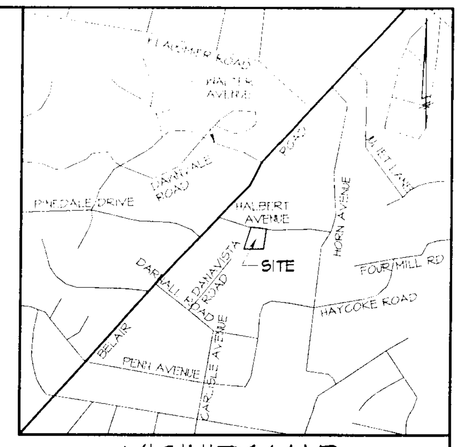
GIS Tile: 072A1

Scale: 1" = 200'


MARYLAND COORDINATE SYSTEM
NAD83(1991)
BEGINNING FOR THE SAME AT A POINT ON THE SOUTH SIDE OF HALBERT AVENUE IS 1' MEASURED AT A RIGHT ANGLE FROM A POINT IN THE ℄ OF SAID STREET 180'± ALONG SAID ℄ FROM ITS INTERSECTION WITH THE ℄ OF BLACKER ROAD
S70°21'34"E 162.34'
HALBERT AVENUE
DR 3.5
ROA
DR 5.5
BM
DR16
S31°08'35"W 36.06'
S58°51'25"E 5.00'
S31°08'35"W 21.43'
N58°51'25"W 5.00'
S31°08'35"W 124.24'
0.365 ACS ±
N75°46'16"W
BLACKER ROAD
BLACKER ROAD
DR 5.5
DR 3.5
DR 5.5
DR 3.5
DR 5.5
DR 3.5







VICINITY MAP
1" = 1000'

D.R. 3.5 DEVELOPMENT STANDARDS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	10,000
MINIMUM LOT WIDTH (feet)	70
MINIMUM FRONT YARD DEPTH (feet)	30
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	10
MINIMUM SUM OF SIDE YARD WIDTHS (feet)	25
MINIMUM REAR YARD DEPTH (feet)	30

BALTIMORE COUNTY ZONING REGULATIONS

1B02.3.C.1 **D.R. 5.5 DEVELOPMENT STANDARDS**

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	6,000
MINIMUM LOT WIDTH (feet)	55
MINIMUM FRONT YARD DEPTH (feet)	25
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	10
MINIMUM REAR YARD DEPTH (feet)	30

303.1 IN D.R.5.5 ZONES THE FRONT YARD DEPTH OF ANY BUILDING HEREAFTER ERECTED SHALL BE THE AVERAGE OF FRONT YARD DEPTHS OF THE LOTS IMMEDIATELY ADJOINING ON EACH SIDE, PROVIDED SUCH ADJOINING LOTS ARE IMPROVED WITH PRINCIPAL BUILDINGS SITUATE WITHIN 200 FEET OF THE JOINT SIDE PROPERTY LINE. ... PROVIDED THAT NO DWELLING SHALL BE REQUIRED TO BE SET BACK MORE THAN 40 FEET IN D.R.5.5 ZONES. ...

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZELL,LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE No. 072A1.
3. CENSUS TRACT 4113.03 A.D.C. MAP & GRID 24, C5 & D5
   WATERSHED LOWER GUNPOWDER SUBSEWERSHED 22
   SCHOOL DISTRICT 85 REGIONAL PLANNING DISTRICT 317B
4. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
7. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
9. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS)

PETITION

FOR A VARIANCE FROM SECTION 1B02.3.C.1 (table) OF THE B.C.Z.R. TO PERMIT THE EXISTING DWELLING TO HAVE A ZERO FEET WIDTH OF SIDEYARD IN LIEU OF THE REQUIRED TEN FEET.

OWNER/DEVELOPER
PAUL HUETTNER
4201 HALBERT AVENUE
BALTIMORE, MARYLAND 21236
(410)-882-8352

LEGEND

- PROPOSED DWELLING
- EXISTING DWELLING
- SOIL LINE
- EXISTING PAVING
- PROPOSED PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS

STATE OF MARYLAND BRUCE EDWIN SCOTT NO. 651 REGISTERED PROPERTY LINE SURVEYOR 2/6/06

PLAN TO ACCOMPANY PETITION FOR VARIANCE OF THE HUETTNER PROPERTY

RESUBDIVISION OF LOTS 1,2,&3

"HALBERT PLAT" PLAT BOOK 9/39

4201 HALBERT AVENUE
Deed Ref: S.M. No. 20336 folio 319
Tax Account No.: 24-00-006637
Zoned D.R. 3.5, D.R 5.5 & ROA; GIS Tile 072A1
Tax Map 72; Grid 2; Parcel 650; LOT 1 & PT LOT 2
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=20' Date: OCTOBER 21, 2005

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

REVISION	DATE
FENCE HAS BEEN REMOVED	11-16-2005

COMPUTED: S.A.L. | DRAWN: M.E.A. | CHECKED: | FILE:X:\Huettner\zoneplan.pro

PLOT DATE Feb 16, 2006

06-273-A