

IN RE: PETITION FOR ADMIN. VARIANCE
NE corner of Halycon Road
And Stevenson Roads
3rd Election District
2nd Councilmanic District
(3456 Halcyon Road)

Stephen and Michaela Huber
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 06-592-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Stephen and Michaela Huber. The variance request is for property located at 3456 Halcyon Road. The variance request is from Section 1A04.3.2.b of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a rear yard setback of 37 feet for an addition in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The case was originally filed as an administrative variance, property posted but was ultimately set in for a hearing by the undersigned Deputy Zoning Commissioner because of letters of protest from neighbors. These included challenges to the initial posting of the property. Notice of the public hearing was given to the public by posting the property with notice of the hearing on June 30, 2006 and by publication in "The Jeffersonian" newspaper on June 27 2006.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated June 27, 2006, which contains a restriction. A ZAC comment letter was received

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from the Department of Environmental Planning and Resource Management dated May 30, 2006 which contains a restriction. Copies of the letters are attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Interested Persons

Appearing at the hearing on behalf of the variance request were Gus Mack, builder, Stephen and Michaela Huber, Petitioners. Appearing in opposition to the request were Ira and Doris Fader, Mary Keen and Harris Rubin. Letters in opposition to the request were received and included in the file of this case.

Testimony and Evidence

Testimony and evidence indicated that the subject property contains 0.55 acres zoned RC 5 and is improved with the Petitioners' home as shown on Petitioner's exhibit 1. The Petitioners indicated that they would like to add a sunroom, pantry room and family room in an addition to their home in the rear yard. They described Mr. Huber's disability and the need to have everything on one floor with the existing bathroom for the time that the Mr. Huber will be unable

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to climb stairs. Mr. Huber noted that because of the odd shape of the lot, the northwest corner of the existing home is only 51 feet away from the rear property line. Consequently any addition to the rear would require a variance as the regulations specify a rear yard setback of 50 feet. He indicated that this was the only practical place to locate the addition as the common driveway and acutely angled boundary to the east would bring the addition closer to the boundary than as proposed. The property slopes off steeply to the west of the home. See Petitioners' photographs 4 A through 4 C for the location of the proposed addition. They agreed with the Planning Office comment the subject property be limited to single family only.

The protestants presented State Department of Assessment and Taxation maps in protestant's exhibits 1 A, 1 B and 1 C showing the subject property and the owners of adjacent properties. They next presented the original letter from owner of the property to the west, Jay and Sharyn Winer who initially objected to the addition. The Winers would be most affected by the addition but later withdrew their objection if the Petitioners brought their adjacent properties into compliance with the BCZR. They also presented a letter from the Department of Permits and Development Management which indicated that the Department was investigating allegations the Petitioners' adjacent properties (hereinafter called the "rental properties") may not be in compliance with the regulations.

Mr. Fader noted that Case No. 88-254-SPH allowed the Petitioners certain dwelling units on the adjacent property which he indicated had been exceeded by the Petitioners. He opined the rental properties had an excessive number of vehicles parked thereon, the property looked like a used car lot, and the Petitioners would not allow the County inspector to come onto the property to examine these allegations. He further alleged that the Petitioner's renters trespass onto adjacent properties, park commercial trucks in this residential zone, allow debris and trash to

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[Signature]

accumulate on the rental properties. He described the neighborhood as large lot homes with few renters, and that the Petitioners' rental properties were downgrading the community.

Ms. Fader, a nearby owner, indicated that she objected to excessive numbers of renters in the rental properties, propane tanks in the side yard, excessive numbers of garbage cans on the properties. Ms. Keen objected to the upkeep of the rental properties.

In rebuttal Mr. Mack indicated the because of the dense foliage along the Winer side of the property, no one would even see the addition as proposed. He noted that the Winers withdrew their objection after he reviewed the elevations of the addition, and that the protestants did not present any evidence contrary to this proposal but rather object to the adjacent property uses. Finally he indicated that the two propane tanks will be replaced by a smaller one shortly.

Findings of Fact and Conclusions of Law

The protestant's case focuses on the use and maintenance of the rental properties next door. No one directly objected to the proposed addition including the Winers who withdrew their opposition having seen the addition elevations.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This lot is oddly shaped such that the corner of the existing house barely complies with the regulation. No practical addition can be made to the rear of the home without a variance. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. Therefore I find the property unique from a zoning perspective.

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I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no other practical place to locate the addition if it is to be attached to the house.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. While I am aware of the neighbors' objections, they focus exclusively on the rental properties owned by the Petitioners adjacent to this property. The proposed addition is essentially invisible to the community with dense vegetative screening on the Winers side. Even if all the allegations of zoning violations on the renters property are true, I can not imply that the proposed addition will somehow adversely affect the community. The protestants may well be correct to complain about the rental properties but, if true, the agency to investigate and enforce the zoning laws is the Department of Permits and Development Management. However here I find no connection, no nexus between the protestants' complaints and the proposed addition which would make me believe the addition would be a change to the character of the neighborhood.

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 with conditions.

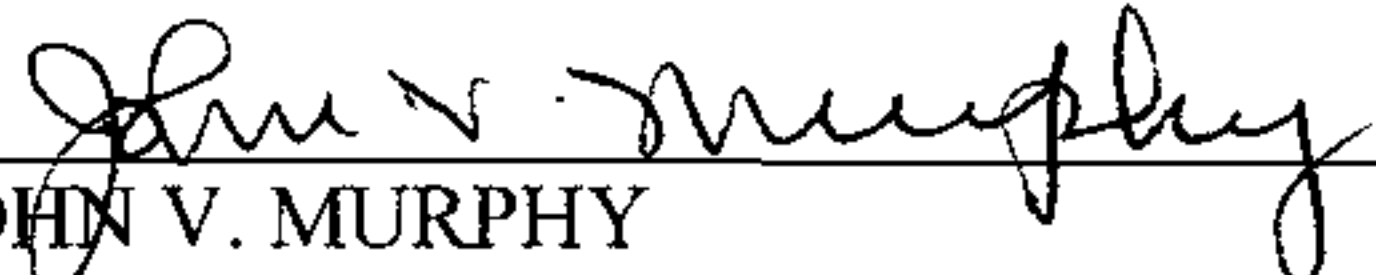
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 20th of July, 2006, that a variance from Section 1A04.3.2.b of the Baltimore County

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Zoning Regulations (B.C.Z.R), to permit a rear yard setback of 37 feet for an addition in lieu of the required 50 feet be and is hereby GRANTED, subject to the following:

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.
2. The proposed addition must be 20 feet from the septic system and 30 feet from the well. An inspection of the well and septic may be required prior to building permit approval.
3. The addition is restricted to single family use only.

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:pz

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7-20-06
JVM



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 20, 2006

STEPHEN AND MICHAELA HUBER
3456 HALCYON ROAD
STEVENSON MD 21153

Re: Petition for Administrative Variance
Formal Hearing
Case No. 06-592-A
Property: 3456 Halcyon Road

Dear Mr. and Mrs. Huber:

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,

Handwritten signature of John V. Murphy in black ink.

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Gus Mack, 1712 Watervale Avenue, Baltimore MD 21222
Ira and Doris Fader, 3416 Halcyon Road, Stevenson MD 21153
Mary Keen and Harris Rubin, 3436 Halcyon Road, Stevenson MD 21153

7-20-06
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Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3456 Halcyon Rd. DC 5
which is presently zoned Stevenson MD

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) 1A04.3.2.b; BCZR, TO

PERMIT A REARYARD SET BACK OF 37ft. FOR AN
ADDITION IN LIEU OF THE REQUIRED 50ft.

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):

Stephen Huber

Name - Type or Print

Signature

Name - Type or Print

Signature

3456 Halcyon Rd.

Address

(410) 486-2661

Telephone No.

Stevenson

City

MD

State

21153

Zip Code

Representative to be Contacted:

Cutting Edge Construction Services Inc.

Name

712 Stemmons Run Rd Unit B (410) 238-4900

Address

Telephone No.

Baltimore

City

MD

State

21221

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 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

CASE NO. 06-592-A

Reviewed By JCM

Date 5.18.06

REV 10/25/01

Estimated Posting Date 5.28.06

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 3456 Halcyon Road
Address
Stevenson MD. 21153
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):

x We are requesting the variance for the addition to our home because my husband has a heart/leg disability and we will in the future be needing to move downstairs our bedroom. We will need the additional space as living quarters. Thank-you!

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.

x Michaela Y. Huber
Signature
Michaela Y. Huber
Name - Type or Print

x Stephen G. Huber
Signature
STEPHEN G. HUBER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of MAY 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michaela Y. Huber / Stephen G. Huber
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Leslie Mosner
Notary Public

My Commission Expires

ZONING DESCRIPTION

3956 HALCYON ROAD

THAT PROPERTY LOCATED ON
THE NORTHEAST CORNER OF
HALCYON & STEVENSON ROADS.

LOT SIZE: 24,206 ∇

E. D. : 3RD

C. D. : 2ND

**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: #06-592-A
3456 Halcyon Road
Northeast corner of
Halcyon Road and
Stevenson Roads
3rd Election District
2nd Councilmanic District
Legal Owner(s): Stephen &
Michaela Huber
Variance: to permit a rear
yard setback of 37 feet for
an addition in lieu of the re-
quired 50 feet.
Hearing: Monday, July
17, 2006 at 2:00 p.m. in
Room 407, County Courts
Building, 401 Bosley
Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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.

6/364 June 29 100337

CERTIFICATE OF PUBLICATION

6/29/2006

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 6/29/2006.

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



LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

592

No. 6057

DATE 5-15-06

ACCOUNT 651-616-6150

AMOUNT \$ 65.00

RECEIVED FROM: S. Huber

345k
Hole for 124

FOR: AD-UPA

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DROB
5/22/2006 5/18/2006 12:24:18 9
REG 0806 WALKIN KACH KVM
>>RECEIPT # 075834 5/18/2006
Rept 3 520 ZONING VERIFICATION
CR NO. 004057

Receipt for \$65.00
4.00 CR \$65.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 5/30/06

Case Number: 06-529-A

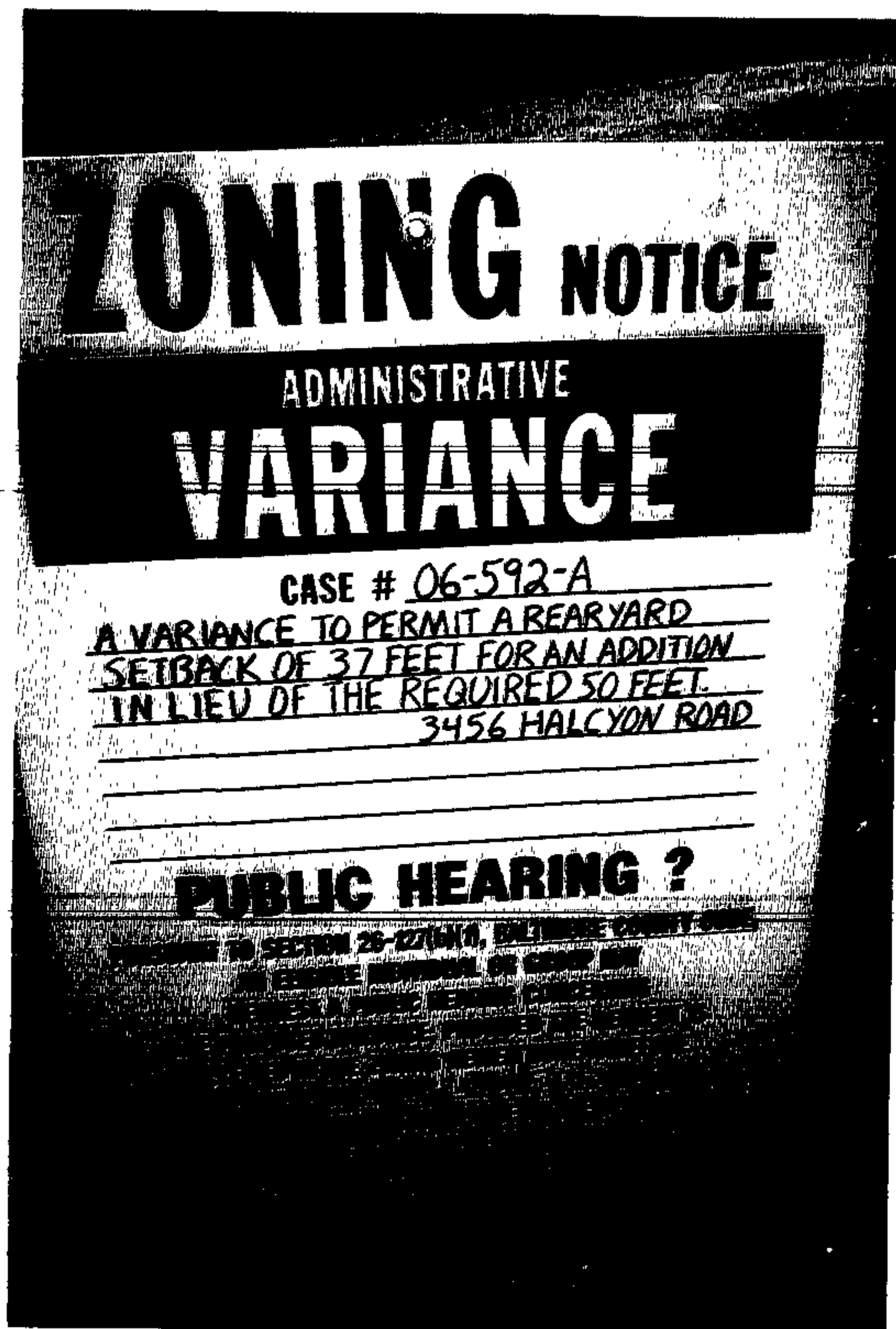
06-592-A

Petitioner/Developer: STEPHEN HUBER--CUTTING EDGE CONSTRUCTION SERVICES

Date of Hearing (Closing): 06/12/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 3456 HALCYON ROAD

The sign(s) were posted on: 5/27/06



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 592 -A Address 3456 Halcyon Rd.

Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5-18-06 Posting Date: 5-28-06 Closing Date: 6-12-06

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- 592 -A Address 3456
Petitioner's Name STEPHEN HUBER Telephone 410-486-2661
Posting Date: 5-28-06 Closing Date: 6-12-06
Wording for Sign: A VARIANCE
To Permit A REAR YARD SETBACK of 37ft.
for an ADDITION IN LIEU OF THE REQUIRED
50ft.

WCR - Revised 6/25/04

**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: 592
Petitioner: STEPHEN HUBER
Address or Location: 3456 HALCYON Rd., STEVENSON, MD. 21153

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: SAME.

Telephone Number: 410-486-2661

**Department of Permits and
Development Management**

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



Baltimore County

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

June 14, 2006

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: 06-592-A

3456 Halcyon Road
Northeast corner of Halcyon Road and Stevenson Roads
3rd Election District – 2nd Councilmanic District
Legal Owners: Stephen & Michaela Huber

Variance to permit a rear yard setback of 37 feet for an addition in lieu of the required 50 feet.

Hearing: Monday, July 17, 2006 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

Timothy Kotroco
Director

TK:klm

A large handwritten checkmark is followed by a signature. To the right, handwritten text reads "no photo available". Below the signature, the date "6-30-06" is written.

C: Mr. & Mrs. Huber, 3456 Halcyon Road, Stevenson 21153
Cutting Edge Construction Services, Inc., 712 Stemmers Run Rd., Unit B, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 1, 2006.**
- (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





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

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401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Huber, 3456 Halcyon Road, Stevenson 21153
Cutting Edge Construction Services, Inc., 712 Stemmers Run Rd., Unit B, Baltimore 21221

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- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



TO: PATUXENT PUBLISHING COMPANY
Thursday, June 29, 2006 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

410-887-3353

NOTICE OF ZONING HEARING

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Northeast corner of Halcyon Road and Stevenson Roads

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Legal Owners: Stephen & Michaela Huber

Variance to permit a rear yard setback of 37 feet for an addition in lieu of the required 50 feet.

Hearing: Monday, July 17, 2006 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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**Department of Permits and
Development Management**

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



Baltimore County

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

July 13, 2006

Stephen Huber
Michaela Huber
3456 Halcyon Road
Stevenson, MD 21153

Dear Mr. and Mrs. Huber:

RE: Case Number: 06-592-A, 3456 Halcyon Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 18, 2006.

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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Cutting Edge Construction Services, Inc. 712 Stemmers Run Road, Unit B Baltimore
21221



**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

June 14, 2006

Stephen Huber
Michaela Huber
3456 Halcyon Road
Stevenson, MD 21153

Dear Mr. & Mrs. Huber:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 06-592-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand by the deputy-zoning commissioner concerning the above proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information, which will be done by this office.

The property must also be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and this office will also handle the billing directly thru Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Joseph Merrey at 410-887-3391.

Very truly yours,


W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Cutting Edge Construction Services, Inc., 712 Stemmers Run Rd., Unit B, Baltimore 21221

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



AV
6/12

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 30 2006

ZONING COMMITTEE

TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination JWL

DATE: May 30, 2006

SUBJECT: Zoning Item # 06-592-A
Address 3456 Halcyon Road
(Huber Property)

Zoning Advisory Committee Meeting of May 30, 2006

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

1. The proposed addition must be 20 feet from the septic system and 30 feet from the well. An inspection of the well and septic may be required prior to building permit approval

Reviewer: S. Farinetti

Date: May 30, 2006

7-20-06
PZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 27, 2006

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

SUBJECT: 3456 Halcyon Road

INFORMATION:

Item Number: 6-592

Petitioner: Stephen and Michaela Huber

Zoning: RC 5

Requested Action: Administrative Variance

The property in question is an undersized lot recorded by deed and improved with an existing dwelling that dates to 1903 according to the Maryland State Assessments tax records. The subject petition requests a rear yard setback of 37 feet in lieu of the required 50 feet for an addition. The petitioner also owns two adjacent undersized lots each improved with a dwelling that is not part of the subject administrative variance request.

SUMMARY OF RECOMMENDATIONS:

Should the Zoning Commissioner grant the requested variance, it should be restricted to single family use only.

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

Prepared by:

Cecilia Murray

Division Chief:
AFK/LL: CM

John L. Lankford



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

May 8, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 30, 2006

Item Numbers: Item Number ⁵⁹²590-596

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File





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

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

Maryland Department of Transportation

Date: 5.25.06

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

RE: Baltimore County
Item No. 592 JCM

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1 800 735.2258 Statewide Toll Free

Street Address 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410 545 0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 30, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 5, 2006
Item No. 590, 591, 592, 593, 594, and 595

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-05302006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO: Kristen Matthews
Dept. of Permits & Development Mgmt.

DATE: June 14, 2006

FROM: Patricia Zook, Secretary to
John V. Murphy
Deputy Zoning Commissioner



SUBJECT: Petition for Administrative Variance – 6/12/06 Closing Date
Case No. 06-592-A (3456 Halcyon Road)

After a review of the above-captioned case file, Jack Murphy has requested that this case be set in for hearing. We are returning the file to you for further processing, i.e., notifying the petitioners, posting of hearing notices, collecting the fee, etc.

Thank you for your attention and cooperation in this matter.

:pz
Attachments

Ira B. Fader, Jr.
3416 Halcyon Road
Stevenson, MD 21153
410-486-8234

July 11, 2006

Mr. Timothy M. Kotroco, Director
Permits and Development Management
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

Re: Variance Case # 06-592-A Huber property

Dear Mr. Kotroco,

Although the property in question is about 75 yards from my property on Halcyon Road, granting the variance would not directly have a negative impact on me. However, I question the use the Huber's intend by adding the addition to their home.

Presently there are more "renters" on the property than the code permits.

On October 8, 1988 in Case # 88-254-SPH and reconsidered on Feb. 28, 1989 it was determined that three (3) apartments would be permitted in 3444 and 3446 (the stable) and one (1) unit only in 3448 (the blacksmith shop). Presently 2 families live there.

Judging from the number of cars parked in the "renter" area and across the road on 3412 Englemeade Road owned by Mr. and Mrs. Brad C. Quint it appears that there are an excessive number of people living on the property. At times there are as many as a dozen cars; not counting the 5 or 6 cars and vans Mr. Huber has parked near his garage.

In order to determine just how many people are living on the property, I had contacted Mr. Ron Turner, Code Enforcement Inspector, who made in initial visit to the property. However, in a phone conversation with me today, Mr. Turner stated Mr. Huber will not allow him onto the premises to inspect the dwellings.

Sir, I do not know how Baltimore County assesses the taxes on property that is used for both personal and rental use. I only know that I am paying my fair share.

Until such time as it is determined that the Huber's property is in compliance with the zoning code for the area, I would object to granting the request any variance.

Very sincerely,

Ira B. Fader, Jr.

June 28, 2006

by M. Kotroco, Director
County
Development Management
Lake Avenue, Room 111
21204

Re: Variance Case # 06-592-A

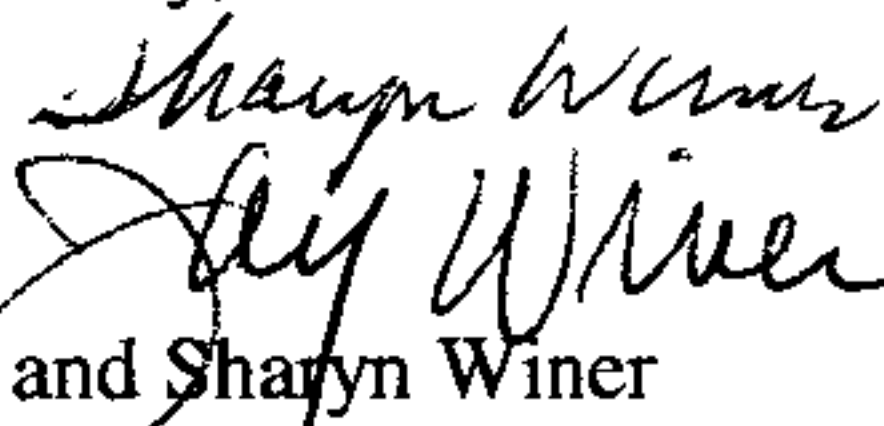
Mr. Kotroco:

We previously wrote to you by letter dated June 7, 2006 regarding this case, in which we requested denial of the application.

We have since been shown the sketch plan of the addition proposed for the residence and believe it would not encroach upon the legal setback any more than the patio that currently extends from the back of the existing house. The plan for a patio enclosure would be preferable to the existing condition.

While we remove our objection to the proposed addition, we renew our concern as to the other buildings on the lot that are rented to multiple tenants. The owners of the property have advised us that they have no intention of renting the house. While it remains their principal residence, we would not object. However, if current zoning enforcement would allow rental and if the rentals are allowed to multiple tenants, as is now the case, then we would maintain our objection.

Sincerely,


Jay and Sharyn Winer
8605 Stevenson Road
Stevenson, Maryland 21153

Ira B. Fader, Jr.
3416 Halcyon Road
Stevenson, MD 21153
410-486-8234

July 11, 2006

Mr. Timothy M. Kotroco, Director
Permits and Development Management
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

Re: Variance Case # 06-592-A Huber property

Dear Mr. Kotroco,

Although the property in question is about 75 yards from my property on Halcyon Road, granting the variance would not directly have a negative impact on me. However, I question the use the Huber's intend by adding the addition to their home.

Presently there are more "renters" on the property than the code permits.

On October 8, 1988 in Case # 88-254-SPH and reconsidered on Feb. 28, 1989 it was determined that three (3) apartments would be permitted in 3444 and 3446 (the stable) and one (1) unit only in 3448 (the blacksmith shop). Presently 2 families live there.

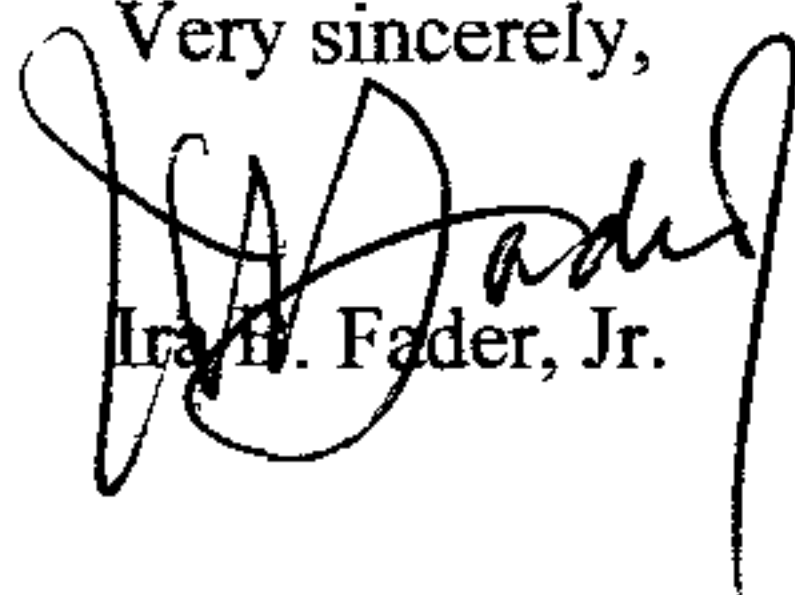
Judging from the number of cars parked in the "renter" area and across the road on 3412 Englemeade Road owned by Mr. and Mrs. Brad C. Quint it appears that there are an excessive number of people living on the property. At times there are as many as a dozen cars; not counting the 5 or 6 cars and vans Mr. Huber has parked near his garage.

In order to determine just how many people are living on the property, I had contacted Mr. Ron Turner, Code Enforcement Inspector, who made in initial visit to the property. However, in a phone conversation with me today, Mr. Turner stated Mr. Huber will not allow him onto the premises to inspect the dwellings.

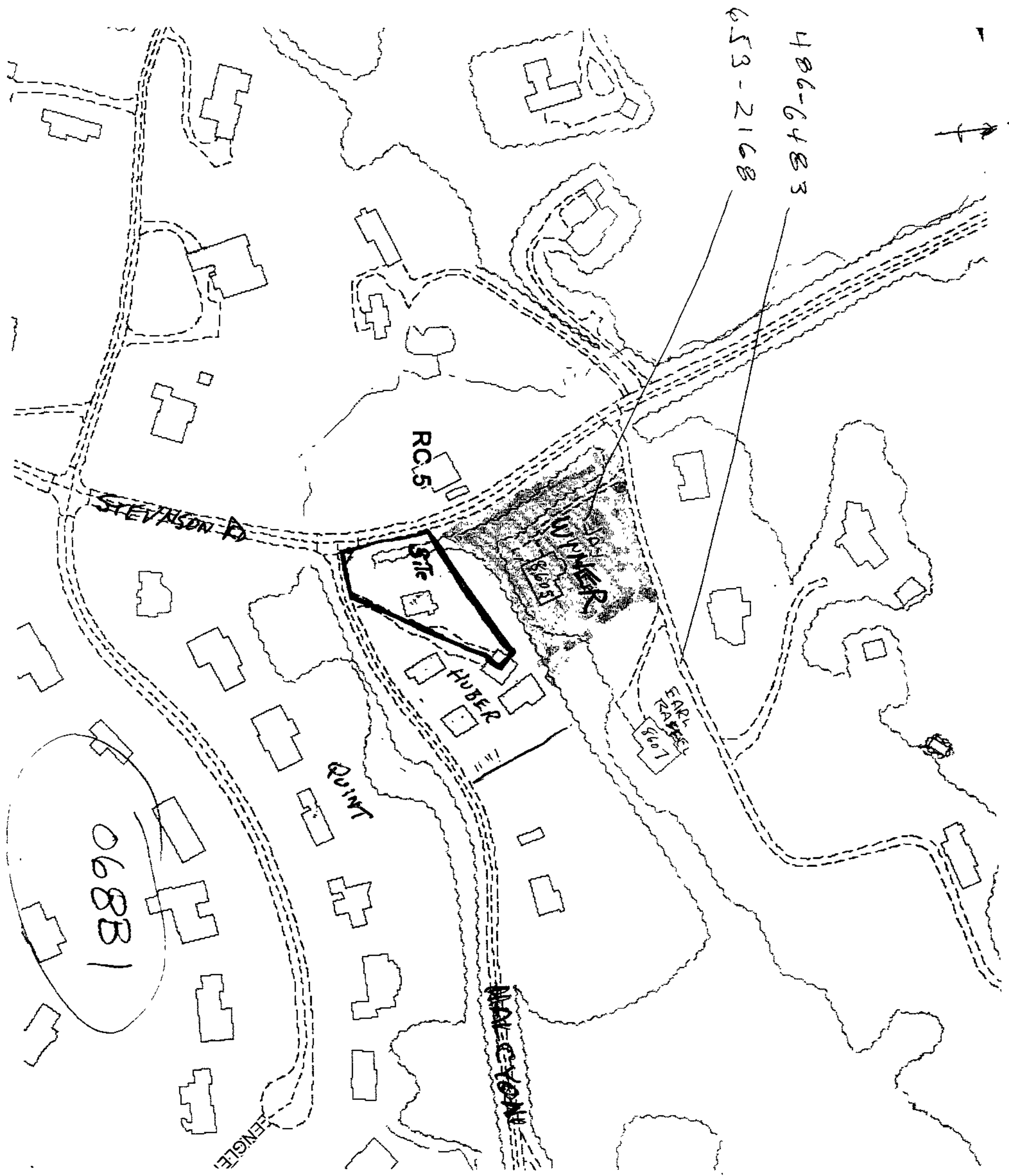
Sir, I do not know how Baltimore County assesses the taxes on property that is used for both personal and rental use. I only know that I am paying my fair share.

Until such time as it is determined that the Huber's property is in compliance with the zoning code for the area, I would object to granting the request any variance.

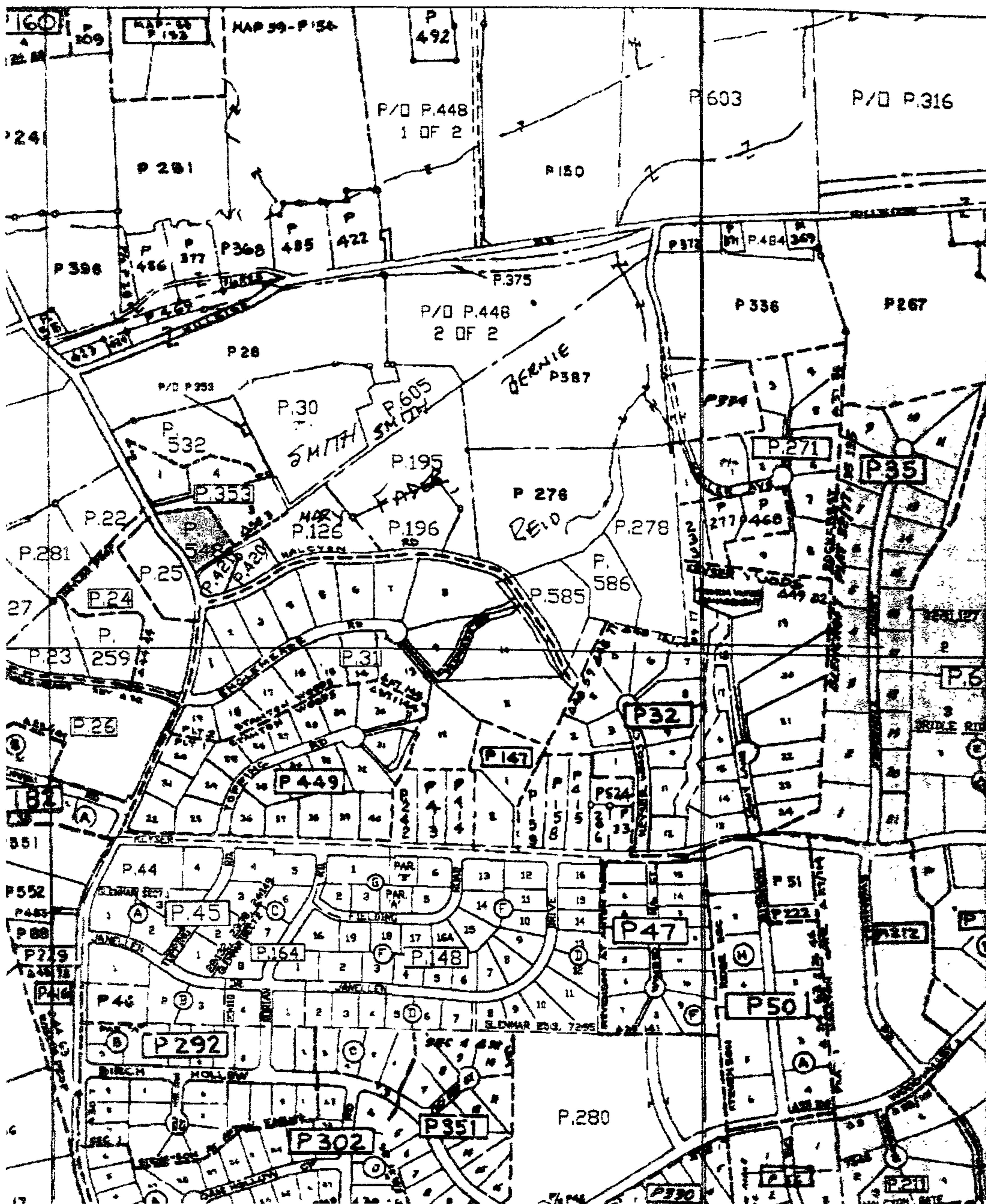
Very sincerely,



Ira B. Fader, Jr.



Map 6-8



June 7, 2006

Mr. Timothy M. Kotroco, Director
Baltimore County
Permits and Development Management
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Variance Case # 06-592-A

Dear Mr. Kotroco:

We are the owners of the property at 8605 Stevenson Road (parcel 548, tax map59) immediately adjoining the subject property. This has been our principal residence since 1986. The neighborhood is generally comprised of high-end, large lot and low density, high tax assessed properties.

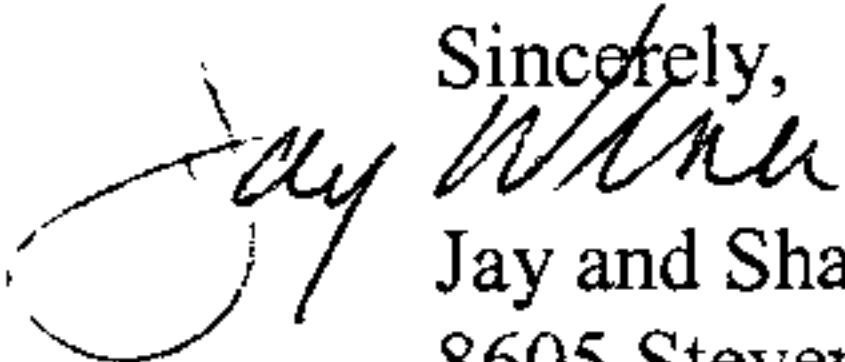
This letter is to request that the Variance application file by Stephen and Michaela Huber be denied. Encroaching any further on the setback between the properties would put the structures too close together. Our home is situated on our lot such that the rear of the house is near the property line between our and the Huber property.

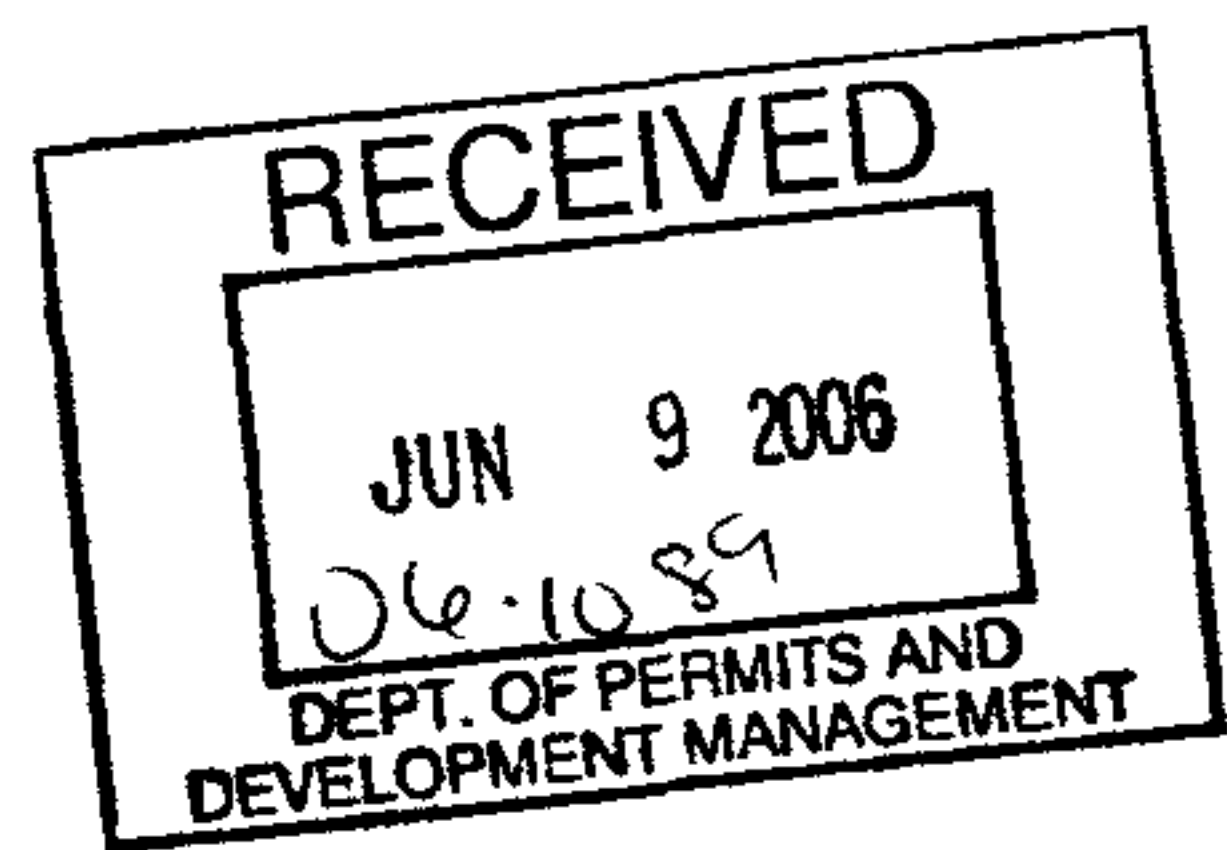
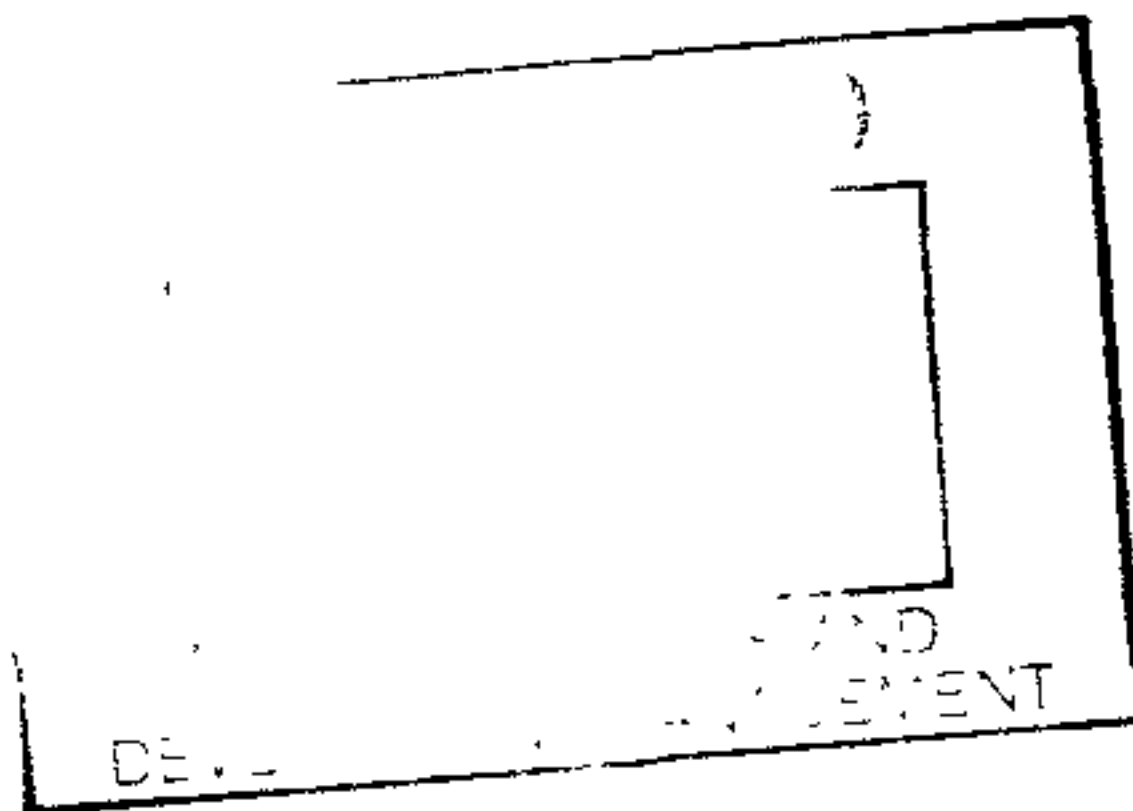
There is already a concrete deck and pool within 6 feet of the property line, as shown on the plat accompanying the petition. Perhaps this was placed prior to 1986. However, any further incursion of additional structures would be offensive. In addition the Huber's now rent several of the structures on their adjoining property to multiple tenants, also already within sight and sound of our residence.. It's become difficult to tell how many tenants there are for each house.

There is nothing we know of to deter the owner from renting the structure that is the subject of this application in the future as with the other structures on their property. Any expansion of the house at 3456 Halcyon Road that would reduce the current set back distance would have a deleterious effect on our property and to the character and density of the surrounding neighborhood.

Thank you for your consideration.

Sincerely,

 *Sharyn Winer*
Jay and Sharyn Winer
8605 Stevenson Road
Stevenson, Maryland 21153



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3456 Halcyon Road

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

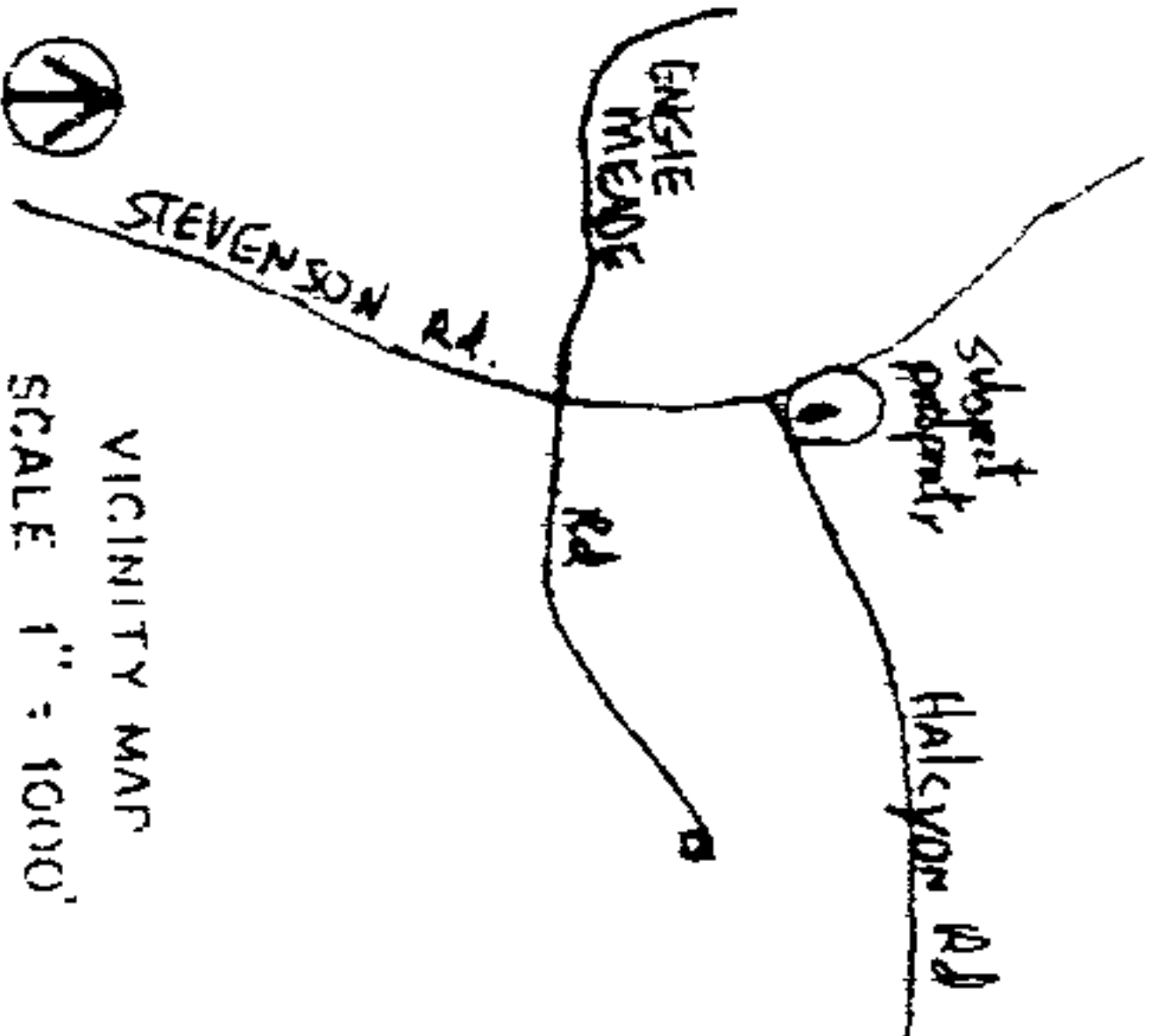
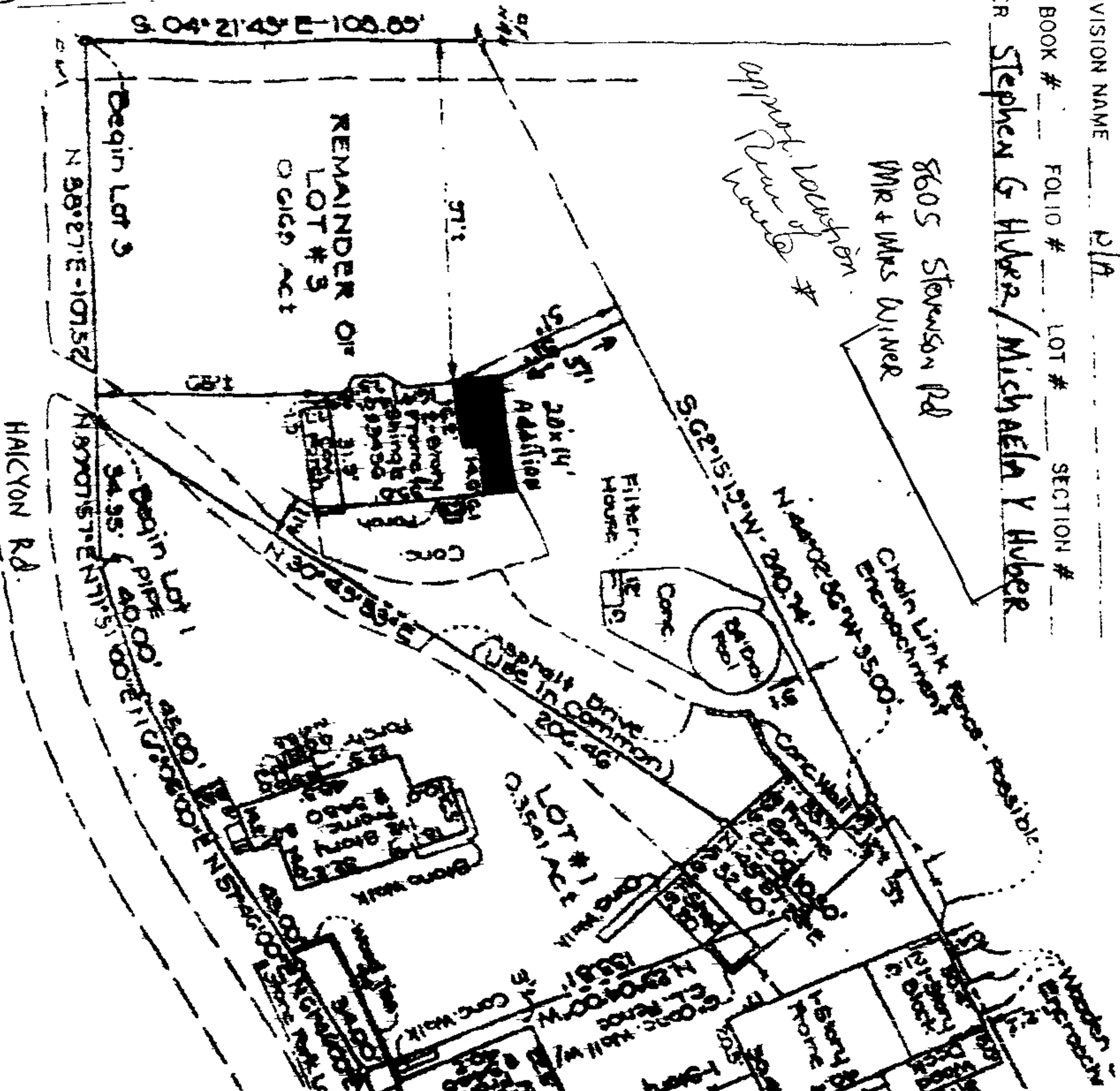
SUBDIVISION NAME PLH

PLAT BOOK # FOLIO # LOT # SECTION #

OWNER Stephen G Huber / Michaela V Huber

8605 Stevenson Rd
Mr + Mrs Huber

approx. location of
apartment building



VICINITY MAP
SCALE 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # DSB1

ZONING RC-5

LOT SIZE 0.5557 24,206
ACREAGE SQUARE FEET

PUBLIC PRIVATE

SEWER ☐ ☒

WATER ☐ ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY
REVISED BY ITEM # CASE #

SCALE OF DRAWING: 1" = 50'



Stevenson Road

S 04° 21' 45" E - 100.00'

Begin Lot 3

N 88° 27' E - 107.52'

HALCYON RD.

Begin Lot 1

N 88° 27' E - 107.52'

Begin Lot 2

N 88° 27' E - 107.52'

Begin Lot 3

N 88° 27' E - 107.52'

Begin Lot 4

N 88° 27' E - 107.52'

Begin Lot 5

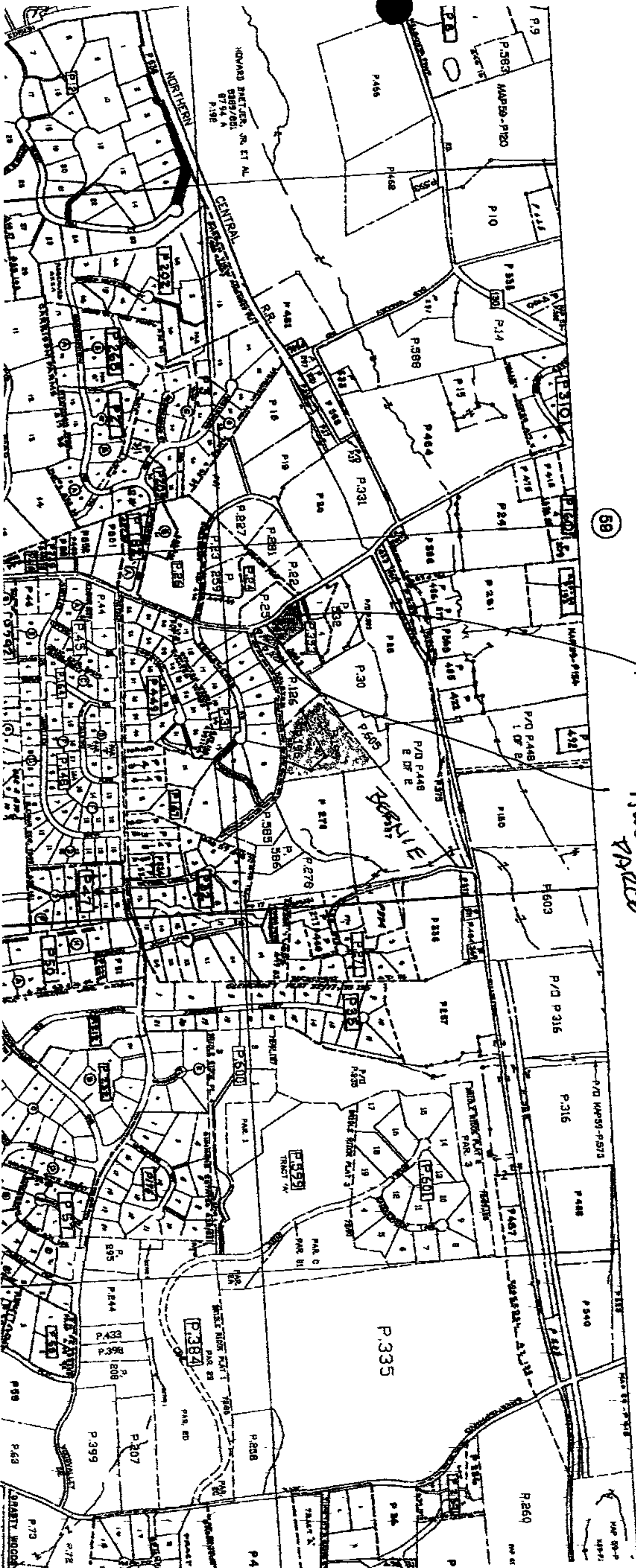
N 88° 27' E - 107.52'

Begin Lot 6

N 88° 27' E - 107.52'

Begin Lot 7

N 88° 27' E - 107.52'



June 9, 2006

Mr. John Murphy
Commissioner
Baltimore County Board of Zoning
FAX: 410-887-3468

Dear Commissioner Murphy:

Re: Case # 06592-A

Please be advised that we object to the variance requested on the property located at 3456 Halcyon Road, Stevenson, MD 21153. We understand that this area is zoned RC-5 and are in favor of keeping the 50 ft. setback in force for this property. The rural conservation restrictions should apply to all properties in this area.

Please note that the sign notifying the public of the pending hearing was posted on June 3, 2006, and the hearing is scheduled for June 12, 2006—10 days instead of the required minimum 15 days. Also, this property houses at least one apartment, as indicated by another sign on the lawn advertising an apartment for rent. Judging by the number of cars parked on the lawn and across the road, they have quite a few occupants and are looking for more.

Very truly yours,



Donald and Mary Bowman
3392 Halcyon Road
Stevenson, MD 21153
410-580-2074

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME _____
CASE NUMBER _____
DATE _____

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Michael Huber	3456 Halcyon Rd	Stearns Md 21153	My HUBER@AOL.com
STEPHEN G. HUBER			THEHUBER@aol.com
Gus Mack	1712 Waterville Ave	Balt. MD 21222	
	contractor		

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME _____
CASE NUMBER _____
DATE _____

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
*12A Fader	3416 Halsey Rd	STEVENSON	12ABF@AOL.COM
*Doris Fader	3416 Halsey Rd	Stevenson	"
*Mary Keen	3436 Halsey Rd	Stevenson MD 21153	maryandtheboys@comcast.net
Harris Rubin	"	"	hrubin@erds.com

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3456 Halcyon Road

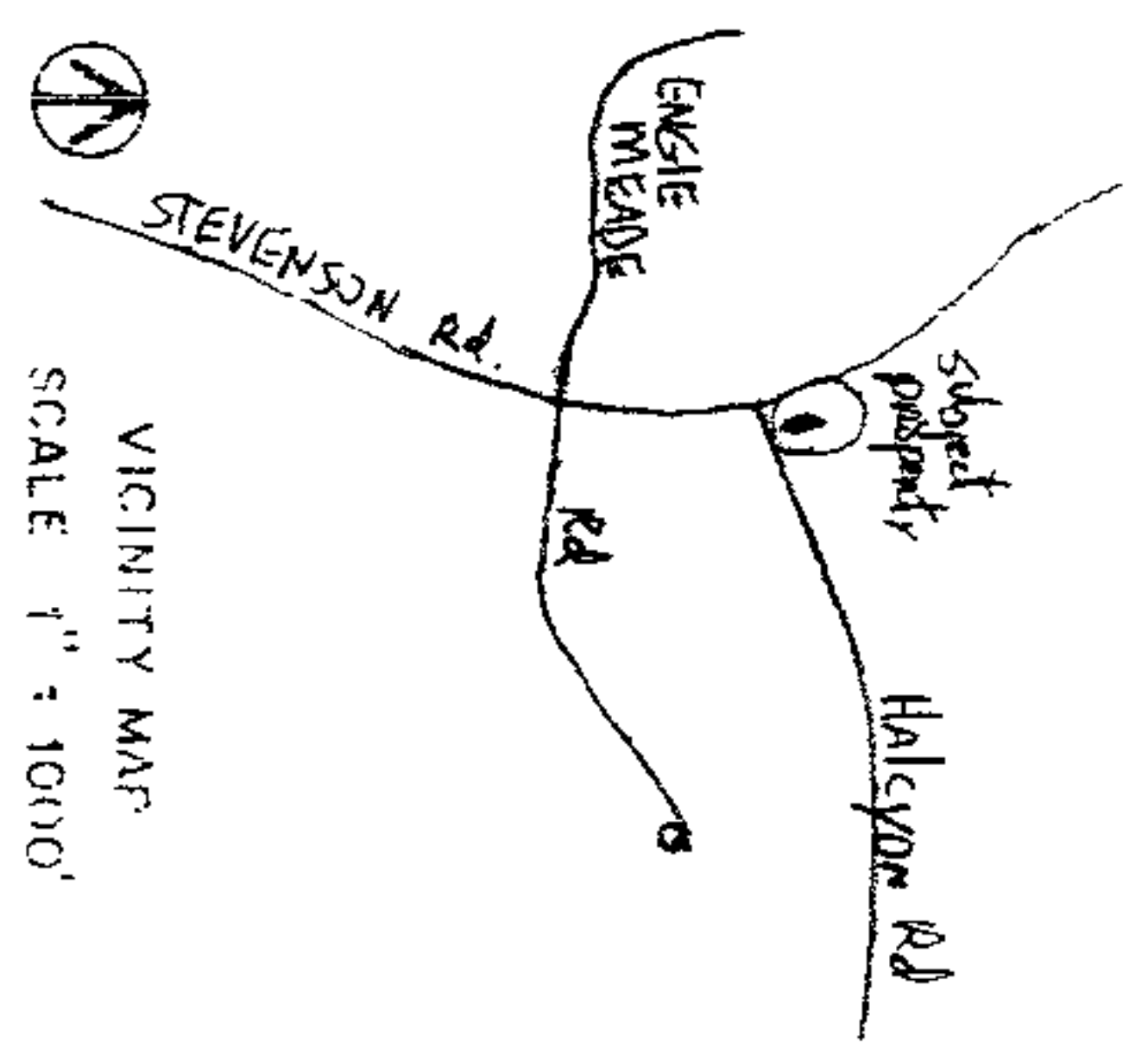
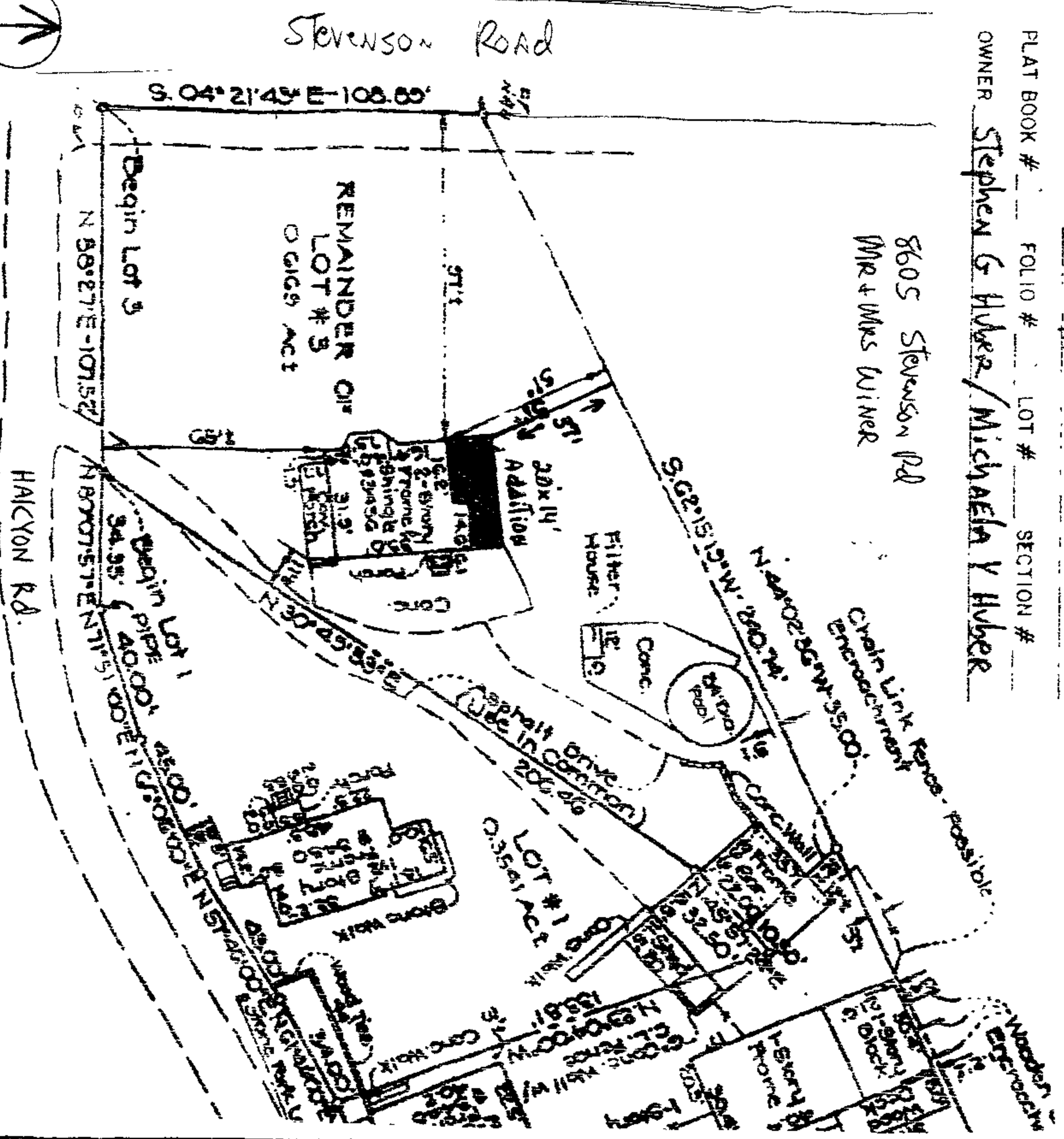
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME N/A

FLAT BOOK # FOLIO # LOT # SECTION #

OWNER Stephen G Huber / Michaela Y Huber

8605 Stevenson Rd
Mr & Mrs Wiener



LOCATION INFORMATION

ELECTION DISTRICT 3
COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # D8B1

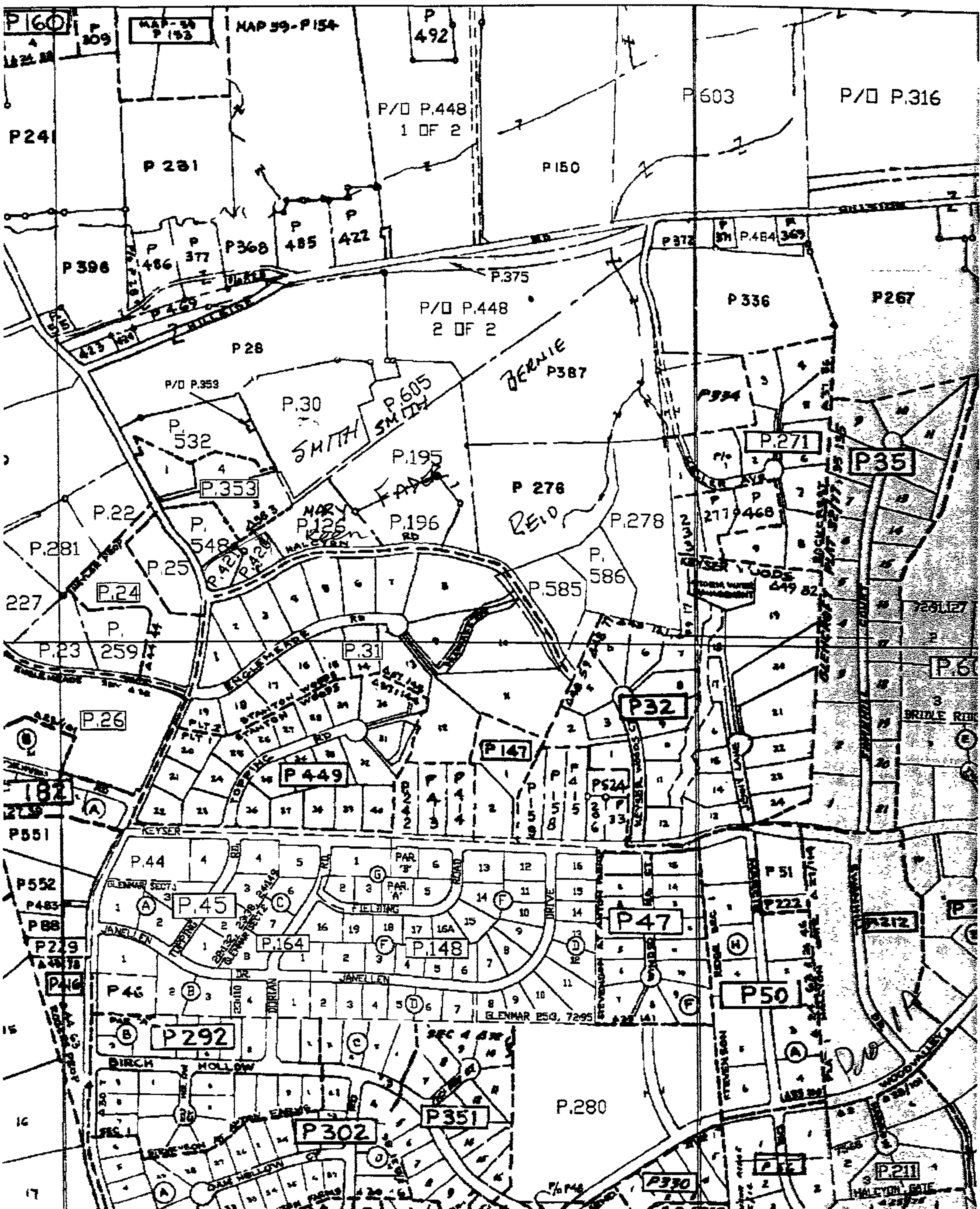
ZONING RC-5

LOT SIZE 0.5557 34,206
ACREAGE SQUARE FEET

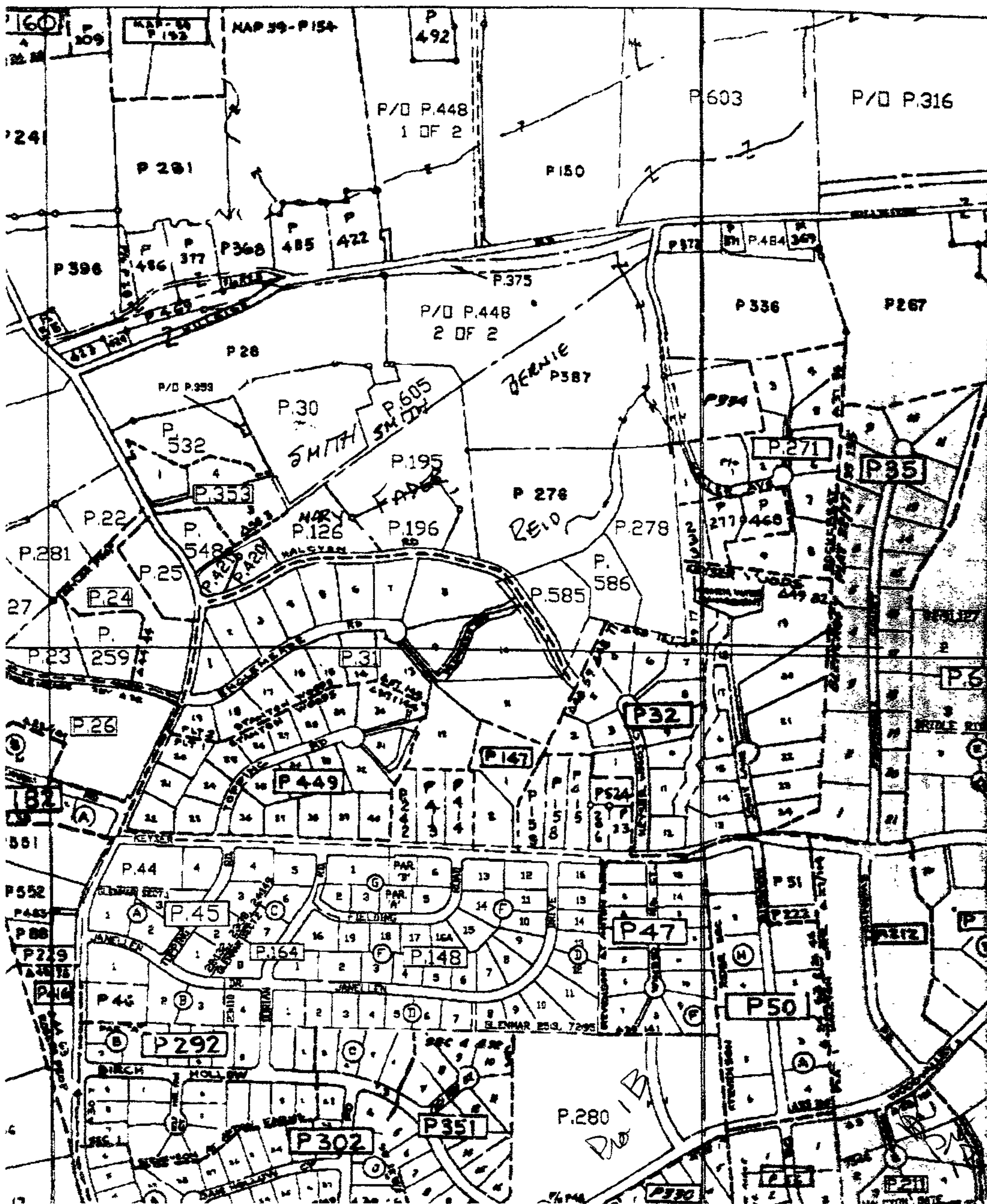
SEWER ☐ PUBLIC ☒ PRIVATE
WATER ☐ ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY / BUILDING ☐ ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE # 28



Map 68



complaint -

County Govt 887-3100

3412
A

Kevin Kamahyt

4th
Qint

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3456 Halcyon Road

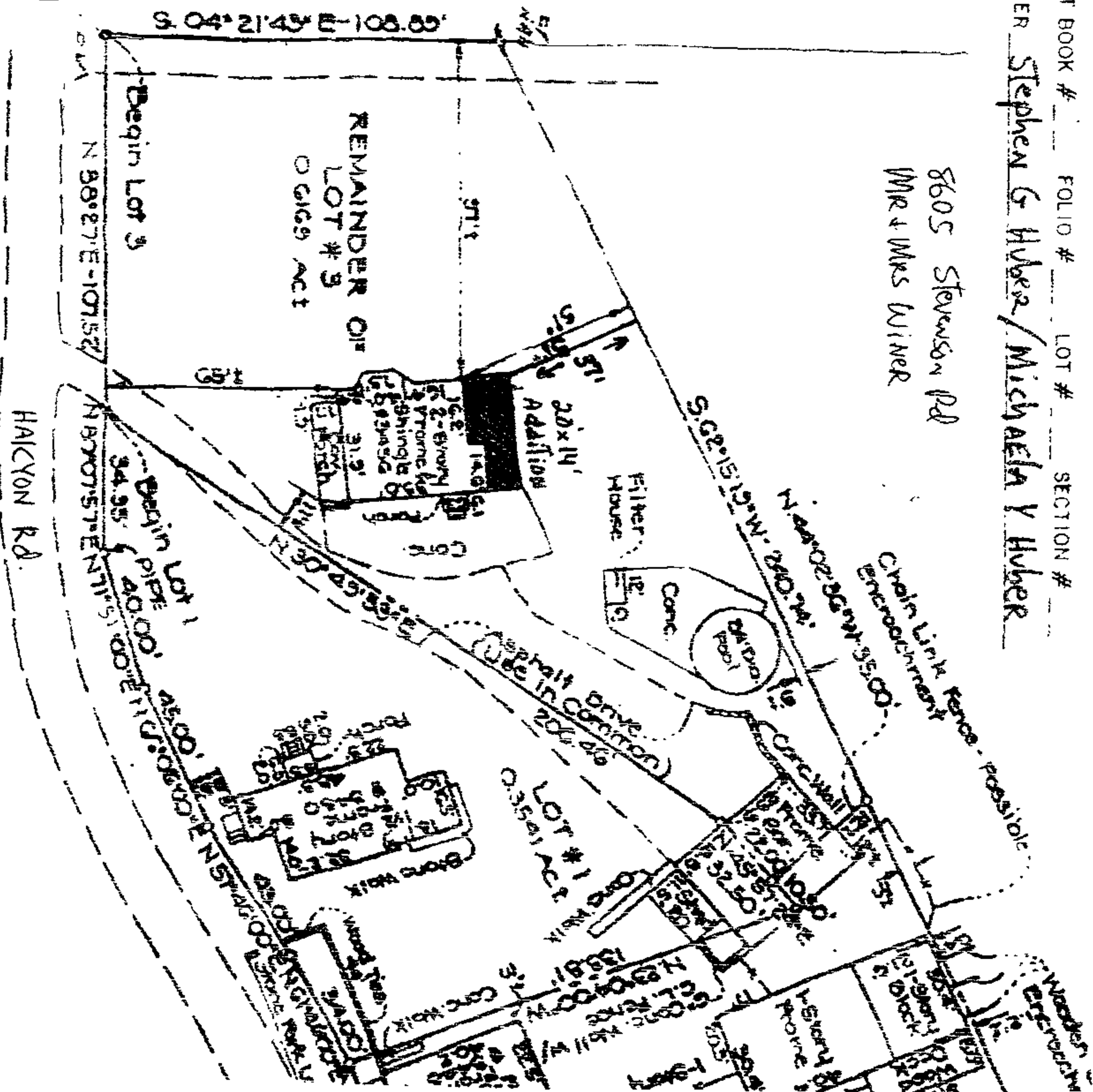
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME N/A

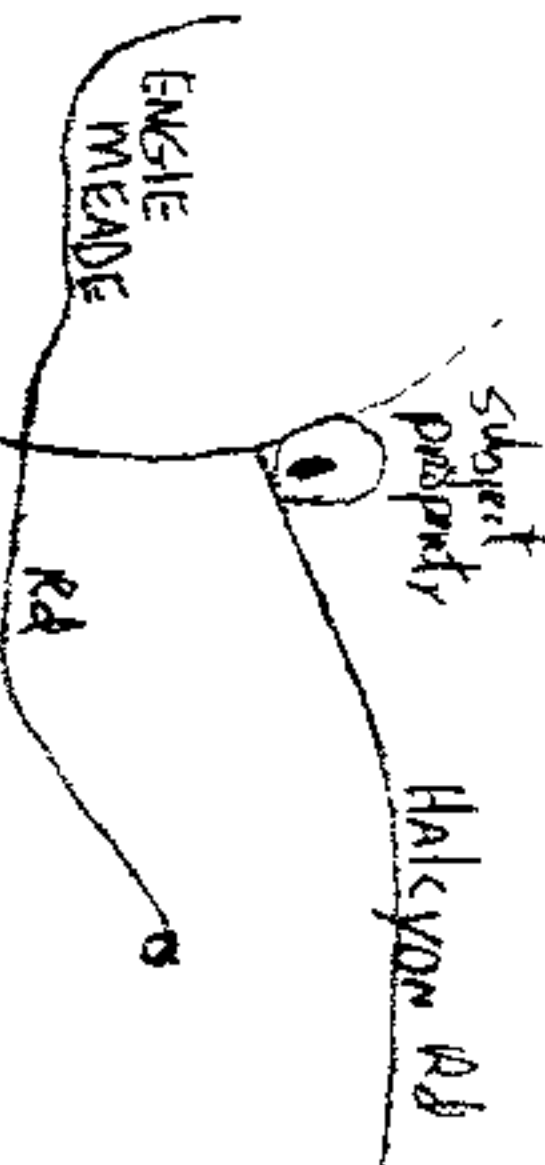
PLAT BOOK # FOLIO # LOT # SECTION #

OWNER Stephen G Huber / Michaela V Huber

8605 Stevenson Rd
Mr & Mrs Wiener



STEVENS ROAD



VICINITY MAP
SCALE 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # DSB1

ZONING RC-5

LOT SIZE 0.5557 24,206
ACREAGE SQUARE FEET

SEWER ☐ PUBLIC ☒ PRIVATE

WATER ☐ ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY / BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

Stevenson Road

S 04° 21' 43" E 108.85'

Begin Lot 3

N 88° 27' E 107.52'

HALCYON RD.

Begin Lot 1

N 88° 27' E 107.52'

NORTH

PREPARED BY MAISTE & WATTS INC.

SCALE OF DRAWING: 1" = 50'

