IN RE: PETITION FOR SPECIAL HEARING E/S of Hutschenrater East, 1700 feet SE of c/l of Harford Road 11th Election District 3rd Councilmanic District

(Hutschenrater Lane East)

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* CASE NO. 06-631-SPH

Leonard and Mildred Hutschenreuter Petitioners

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at Hutschenreuter Lane East. The Petition was filed by Leonard and Mildred Hutschenreuter, Petitioners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.):

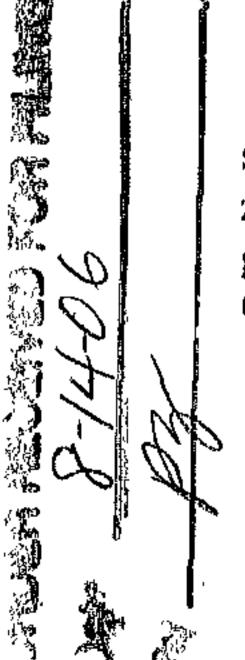
- 1. To allow the non-density transfer of 3 parcels between the same owners, Leonard and Mildred Hutschenrater, totaling 4.208 acres, more or less;
- 2. To allow the creation of a 32.519 acres, more or less, non-density parcel of land to be retained by the subject property owners, being known as parcel "A";
- 3. To allow 2 lots utilizing an existing private access easement to the local public street in lieu of the required in-fee ownership.

The property was posted with Notice of Hearing on July 20, 2006, 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 July 25, 2006, 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.

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 29, 2006 which contains restrictions. A ZAC comment letter was received from the Department of Environmental Planning and Resource Management dated July 3, 2006 and a revised comment dated August 10, 2006 which contains restrictions. A ZAC comment letter was received from the Bureau of Development Plans Review dated June 27, 2006 which contains restrictions. Copies of which are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing was Leonard and Mildred Hutschenrater, Petitioners. Bruce Doak of Gerhold, Cross & Etzel, Ltd., prepared the site plan. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The Petitioners own several properties in this farming community which are in active agricultural use. See Petitioner's exhibit 1. One of those properties known as Parcel 278 contains 34.7 acres zoned primarily RC 2. This parcel is actively farmed. There is a tiny piece of RC 5 on the southern border of the Parcel. Mr. Doak opined that this parcel was a lot of record before 1979 when the RC 2 zoning was imposed and so has two density units associated with it.

In addition the Petitioners own Parcel 589 which contains 4.467 acres zoned RC 2. Mr. Doak indicated that the Petitioner's purchased this parcel 10 years ago after subdivision of the

Castlewood Realty lot adjacent to Parcel 589. The lot is unimproved presently and consequently Mr. Doak opined that this lot has one density unit associated with it.

Finally the Petitioner owns Parcel 466 which contains 15.312 acres, is zoned RC 2 and improved by the Petitioner's home. Mr. Doak indicated that this lot existed as a lot of record prior to 1979. Consequently Mr. Doak opined that this lot has two density units associated with it one of which has been used and with one remaining. In summary Mr. Doak opined that the three parcels have five density units associated with them today of which one density unit has been used by the Petitioner's home on Parcel 466.

The Petitioner would like to take the two density units associated with Parcel 278 (the 34.7 acre tract) to establish two building lots shown as proposed lots 1 and 2 on Petitioner's exhibit 2. Lot 1 would contain 1.378 acres, and lot 2 would contain 1.552 acres which would reduce the size of the Parcel 278 to 32.519 acres (Parcel "D"). Both building lots would be located next to the Petitioner's sister's property (Stifler) which is located at the end of Hutschenreuter Lane East and have access to public road via this Lane. While these lots are located on working farmland, their location near the road, small size and clustered design are the features which will best preserve agricultural uses on the adjacent parcel. Parcel "D" which will contain 32.519 acres would be designated a non density and would not be eligible for development of any kind having had all the density units stripped from it in the creation of the two lots.

In addition to these changes the Petitioners would like to "clean up" the other lots they own looking to the future to preserve agricultural uses to the extent possible and at the same time maintaining the number of density units to which they feel entitled. They propose to enhance the size and configuration of Parcel 466 on which their home is located by means of three non

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density transfers. They first propose to subdivide Parcel 589 (the 4.467 acre parcel) into two lots of 2.467 acres which will be transferred to Parcel 466 as shown in pink on exhibit 2. This will give more front yard area to the home. The transfer will not have any density associated with it.

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Next they propose to transfer 0.5 acres of Parcel 278 (the farm) to Parcel 466 again to enhance the side yard of the Petitioner's home as shown in yellow on exhibit 2. This would be a non density transfer.

Finally they propose a non density transfer of 1.241 acres of Parcel 466 to Parcel 278 so as to include an area where farming is taking place in the farm as shown in light green in exhibit 2. These three transfers have the effect of keeping the productive farming together on one lot and to enhance the Petitioners' home for the future.

After all the transfers noted above the Petitioner's would own Parcel "D" the farm, with no density remaining, building lots 1 and 2, Castlewood Realty lot 2 with one density unit available, and redesigned Parcel 466 with two density units of which one has been used by the Petitioners' home. Thus after all the transfers, the Petitioner would wind up with the same number of density units (five) which the Petitioner had before the transfers occurred. After all the transfers, all the building lots will be clustered around the end of Hutschenreuter Lane East and all the farming area combined into two parcels, one of which will be non density.

Mr. Doak proffered that while Hutschenreuter Lane East connects these properties to Harford Road, it is not a public road. The road bed itself is owned by various property owners each of which acknowledges a 16.5 foot wide right of way. Although the Lane is maintained by the County, he opined it is a private road.

In regard to the Planning Office comments, Mr. Doak agreed to the correction suggested by the Planning Office and made the change on exhibit 2. In regard to the comments from

Development Plans Review, he noted that this Petitioner does not own the length of Hutschenreuter Lane East and consequently can not tell the other owners how wide the pavement should be, or where the mail and trash should be picked up. He indicated that there were many places to pull over and let oncoming traffic pass by. Mail and trash pick up occur where the contractor for those functions agrees to locate the pick up. Finally he opined that whether or not the Petitioner can legally burden the right of way with more traffic from the new homes proposed is a matter for civil law and not zoning.

Finally in regard to the comments from DEPRM, Mr. Doak indicated that DEPRM had approved similar arrangements in the past, that the location of building lots were clustered and agricultural uses preserved by the proposed arrangement. Upon further discussion with DEPRM regarding its comments, the DEPRM reviewer presented a revised comment dated August 10, 2006 which expressed approval of the location, size and configuration of the building lots and retention of the remainder parcel in one large tract as proposed. However the reviewer expressed concern that in past cases involving non density transfers, the Petitioner attached the non density parcel to another parcel. Here we have a non density parcel floating "out there" and perhaps conveying the misconception to the County and public that this Parcel may have some development potential. The reviewer noted that he personally could not keep tract of the non density status of the many such parcels in the system.

However further discussion indicated that the County now relies completely on the applicant to provide zoning (and sometimes title) history for every form of zoning relief and development review. The plans submitted are under seal and the engineer certifies its accuracy. Consequently the County should be notified of the non density status of these parcels for all new zoning and development cases. In regard to notice to the public, we can require the Petitioner to

place notice of the non density nature of the parcel on the land records where a title search will reveal to purchasers the fact that non density parcels have no development potential. As a result of this discussion the reviewer for DEPRM issued a revised comment no longer opposing the request.

Findings of Fact and Conclusions of Law

In regard to comments from Development Plans Review, Mr. Doak tells me that the Petitioner does not own the road bed of Hutschenreuter Lane East and so I have no legal authority to order the Lane be brought up to County panhandle requirements. Nonetheless the comment was made so that the roadbed would support emergency equipment if this were ever needed by the Petitioner and/or family. I can only strongly recommend that the Petitioner use their considerable influence in the area to have the roadbed brought up to County standards. There will be five homes eventually at the end of the Lane all of whom should have the protection afforded others in the County by adequate roads.

In regard to the comments from DEPRM I am satisfied that the very important concerns expressed by the representative of the Department are met by requiring a zoning/title history on each zoning or development request. The County should become aware of the non density status of parcels when the engineer discloses the history on the plan. I am also satisfied that if the Petitioner places this Order and the non density status of the parcel being created in the land records, future purchasers will not be misled by the fact Parcel "D" is a separated parcel with no development potential. I do not believe that the creation of the non density parcel as described above will result in the creation of more lots than allowed under Section 1A01.3 B as the non density parcel is not a lot.

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I find that the arrangement of the proposed homes, the small size of the proposed lots, and the effort to keep agricultural pursuits in large parcels, will enhance agricultural uses. This is the essence of the spirit and intent of the RC 2 regulations. I further find that if the conditions are fulfilled, there will be no adverse impact on the community.

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 Petitioners' request for special hearing should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14th day of August 2006, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.):

- 1. To allow the non-density transfer of 3 parcels between the same owners, Leonard and Mildred Hutschenrater, totaling 4.208 acres, more or less;
- 2. To allow the creation of a 32.519 acres, more or less, non-density parcel of land to be retained by the subject property owners, being known as parcel "A";
- 3. To allow 2 lots utilizing an existing private access easement to the local public street in lieu of the required in-fee ownership.

and for such other relief as may be required and is GRANTED subject to the following conditions.

- 1. The Petitioners may apply for their subdivision 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. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplain (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- 3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- 4. Environmental Impact Review (EIR) The above referenced regulations remain applicable to all parts of the involved properties even if those areas are transferred to other properties.
- 5. The resulting non density parcel so created shall be used for agricultural purposes only. There is no development potential for this non density parcel.

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6. Within 60 days of the approval of the subdivision, the Petitioner shall record new deeds on the Land Records of Baltimore County which refer to this case and the non density status of the non density parcel so created.

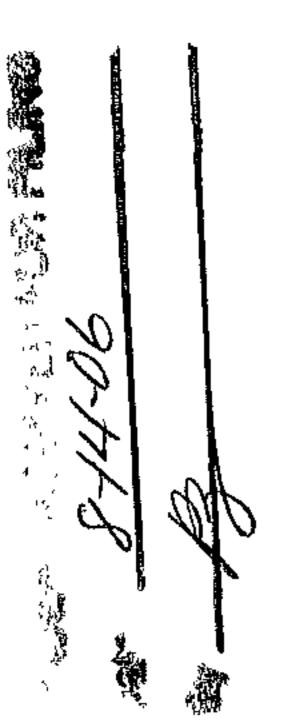
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

August 14, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

LEONARD AND MILDRED HUTSCHENREUTER 6200 HUTSCHENREUTER LANE EAST GLEN ARM MD 21057

Re: Petition for Special Hearing
Case No. 06-631-SPH
Property: 6200 Hutschenreuter Lane East

Dear Mr. and Mrs. Hutschenreuter:

Enclosed please find the decision rendered in the above-captioned case.

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:pz

Enclosure

c: Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Blvd., Suite 100, Towson MD 21286



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Hotschenleder Lone East which is presently zoned 2, C, 2 2, C, 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

SEE ATTACHEO PAGE 2

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:

Legal Owner(s):

	LEONARD H. HUTSLHEN POLIER
Name	- Type or Print - Concard H. Histochenneuler Signature
	MILOPED LI HUSCHENPANEIL
Telephone No	Name - Type or Print
Zip Code	Signature
	6200 HUTSLHEN PAIER LAME EAST 410-592-6617 Address Telephone No.
	6-LEN KRM MD 21057
City	
	Representative to be Contacted:
· 	BRUE DOAK
	Name 320 E. Tans SNITAN BLW 31E. 180 410-6234470 Address Telephone No.
Telephone No.	Mo
Zıp Code	Tansau MD 2/286 City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
	UNAVAILABLE FOR HEARING
Revi	ewed By Bh Date $6/8/06$
1.44.4	[/
	Telephone No. Zip Code City Telephone No. Zip Code

- 1. To allow the non-density transfer of 3 parcels between the same owners, Leonard H. & Mildred L. Hutschenreuter, totaling 4.208 Acres, more or less.
- 2. To allow the creation of a 32.519 Acres, more or less, non-density parcel of land to be retained by the subject property owners, being known as parcel "A".
- 3. To allow 2 lots utilizing an existing private access easement to the local public street in lieu of the required in-fee ownership.



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

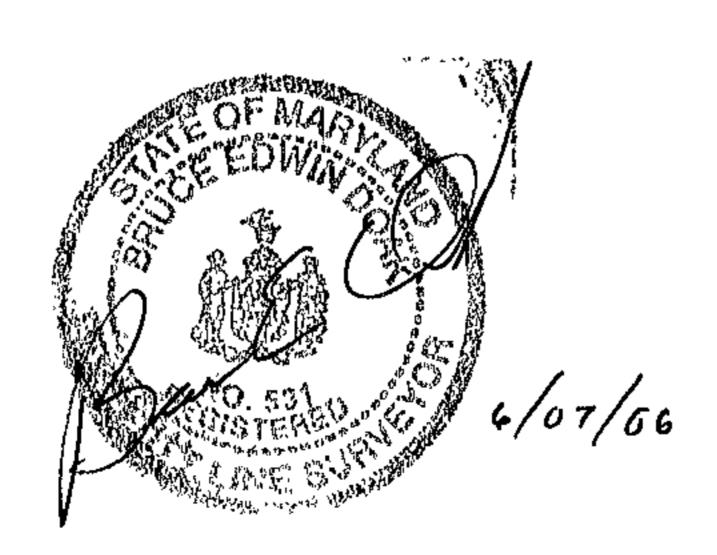
May 15, 2006

ZONING DESCRIPTION OF HUTSCHENREUTER PROPERTY HUTSCHENREUTER LANE EAST 11th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Commencing at a point at the intersection of Hutschenreuter Road and Hutschenreuter Lane East, 1,400 feet, more or less, to the zoning point of beginning, thence running the following six courses and distances, viz: (1) South 62 degrees 16 minutes 32 seconds East 130.72 feet, (2) South 67 degrees 36 minutes 34 seconds East 172.06 feet, (3) North 22 degrees 59 minutes 59 seconds East 741.79 feet, (4) South 88 degrees 35 minutes 00 seconds West 300.22 feet, and (5) South 25 degrees 43 minutes 24 seconds West 609.44 feet to the place of beginning.

Containing 4.467 Acres of land, more or less. (Parcel 589)

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





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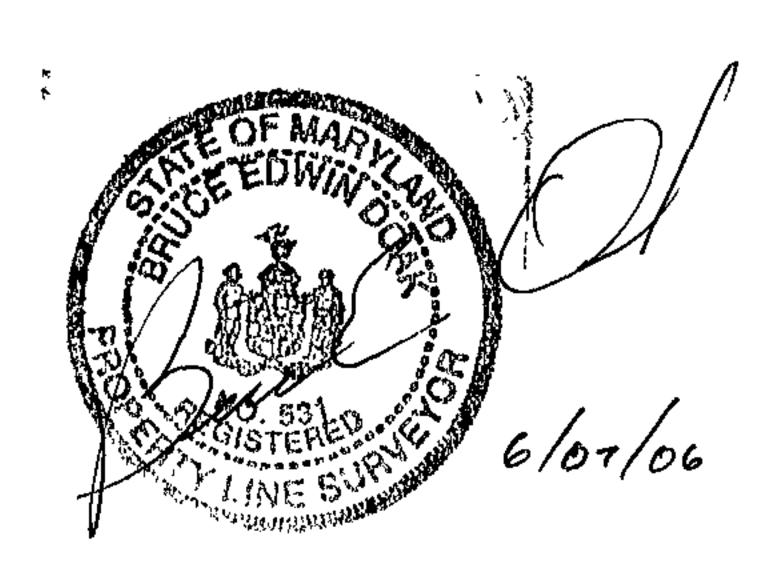
May 15, 2006

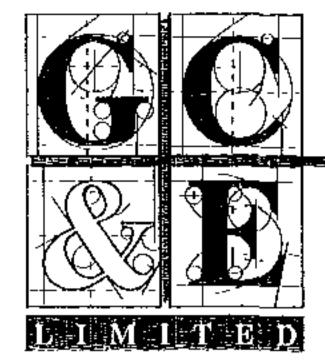
ZONING DESCRIPTION OF HUTSCHENREUTER PROPERTY 6200 HUTSCHENREUTER LANE EAST 11th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Commencing at a point at the intersection of Hutschenreuter Road and Hutschenreuter Lane East, 1,700 feet, more or less easterly to a point in the center of Hutschenreuter Lane East, thence leaving Hutschenreuter Lane East. North 22 degrees 59 minutes 59 seconds East 197.77 feet, and North 22 degrees 59 minutes 59 seconds East 196.02 feet to the zoning point of beginning, thence running the following eight courses and distances, viz: (1) North 22 degrees 59 minutes 59 seconds East 350.00 feet, (2) North 88 degrees 34 minutes 24 seconds East 537.00 feet, (3) North 11 degrees 06 minutes 29 seconds East 1108.72 feet, (4) South 75 degrees 29 minutes 32 seconds East 425.15 feet, (5) South 40 degrees 10 minutes 55 seconds East 617.75 feet, (6) North 86 degrees 02 minutes 36 seconds West 511.19 feet, (7) South 21 degrees 43 minutes 32 seconds West 638.92 feet, and (8) South 73 degrees 13 minutes 04 seconds West 993.20 feet to the place of beginning.

Containing 15.312 Acres of land, more or less. (Parcel 466)

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





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May 15, 2006

ZONING DESCRIPTION OF HUTSCHENREUTER PROPERTY HUTSCHENREUTER LANE EAST 11th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Commencing at a point at the intersection of Hutschenreuter Road and Hutschenreuter Lane East, 1,700 feet, more or less easterly to a point in the center of Hutschenreuter Lane East, thence leaving Hutschenreuter Lane East. North 22 degrees 59 minutes 59 seconds East 197.77 feet to the Zoning Point of Beginning, thence running thence running the following seventeen courses and distances, viz: (1) North 22 degrees 59 minutes 59 seconds 196.02 feet, (2) North 73 degrees 13 minutes 04 seconds East 993.20 feet, (3) South 84 degrees 04 minutes 01 seconds East 280.76 feet, (4) South 09 degrees 27 minutes 29 seconds West 506.30 feet, (5) South 61 degrees 38 minutes 30 seconds West 856.48 feet, (6) South 26 degrees 13 minutes 03 seconds 308.15 feet, (7) South 71 degrees 53 minutes 35 seconds East 201.74 feet, (8) South 39 degrees 07 minutes 54 seconds 742.08 feet, (9) North 60 degrees 30 minutes 04 seconds West 848.98 feet, (10) North 22 degrees 59 minutes 59 seconds East 748.58 feet, (11) South 63 degrees 10 minutes 31 seconds East 280.86 feet, (12) North 19 degrees 27 minutes 46 seconds East 65.00 feet, (13) North 24 degrees 25 minutes 43 seconds East 70.00 feet, (14) North 06 degrees 16 minutes 00 seconds West 60.01 feet, (15) North 65 degrees 22 minutes 04 seconds West 129.60 feet, (16) North 23 degrees 01 minute 34 seconds east 127.46 feet, and (17) North 67 degrees 03 minutes 08 minutes West 119.15 feet to the place of beginning.

Containing 34.708 Acres of land, more or less. (Razce 278)

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



MISCELLANEOUS REC OFFICE OF BUDGET & FIN BALTIMORE COUNT RECEIVED

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: # 06-631-SPH

Hutschenrater Lane East

East side of Hutschenrater East, 1700 feet southeast of centerline of Harford Road

11th Election District — 3rd Councilmanic District
Legal Owner(s): Leonard & Mildred Hutschenrater
Special Hearing: to allow the non-density transfer of 3
parcels between the same owners Leonard H. & Mildred
Hutschenrater, totaling 4.208 acres +/-. To allow the creation of 32.519 acres +/-, non-density parcel of land to be
retained by the subject property owners, being known as
parcel "A". To allow 2 lots utilizing an existing private access easement to the local public street in fleu of the reduited in-fee ownership.

dulred in-fee ownership.

Hearing: Tuesday, August 8, 2006 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

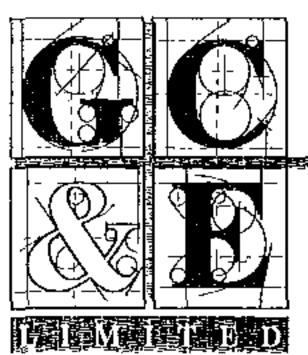
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing,

CERTIFICATE OF PUBLICATION

727,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on $\frac{1}{25}$, $\frac{2006}{}$.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
Towson Times
Owings Mills Times
NE Booster/Reporter
☐ North County News
S. Wilking

LEGAL ADVERTISING



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CERTIFICATE OF POSTING

RE: CASE# 06-631-SPH
PETITIONER/DEVELOPER:
Leonard & Mildred Hutschenrater
DATE OF HEARING: August 8, 2006

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

(see page 2 for full size photo)

LOCATION:

East Side Hutschenrater Lane East

SIGNATURE OF SIGN POSTER

John Dill

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

OSTED ON: July 20, 2006

APIDARION SONER TO SONER TO SONER TO SONE TO S

Romico Courty Office Building

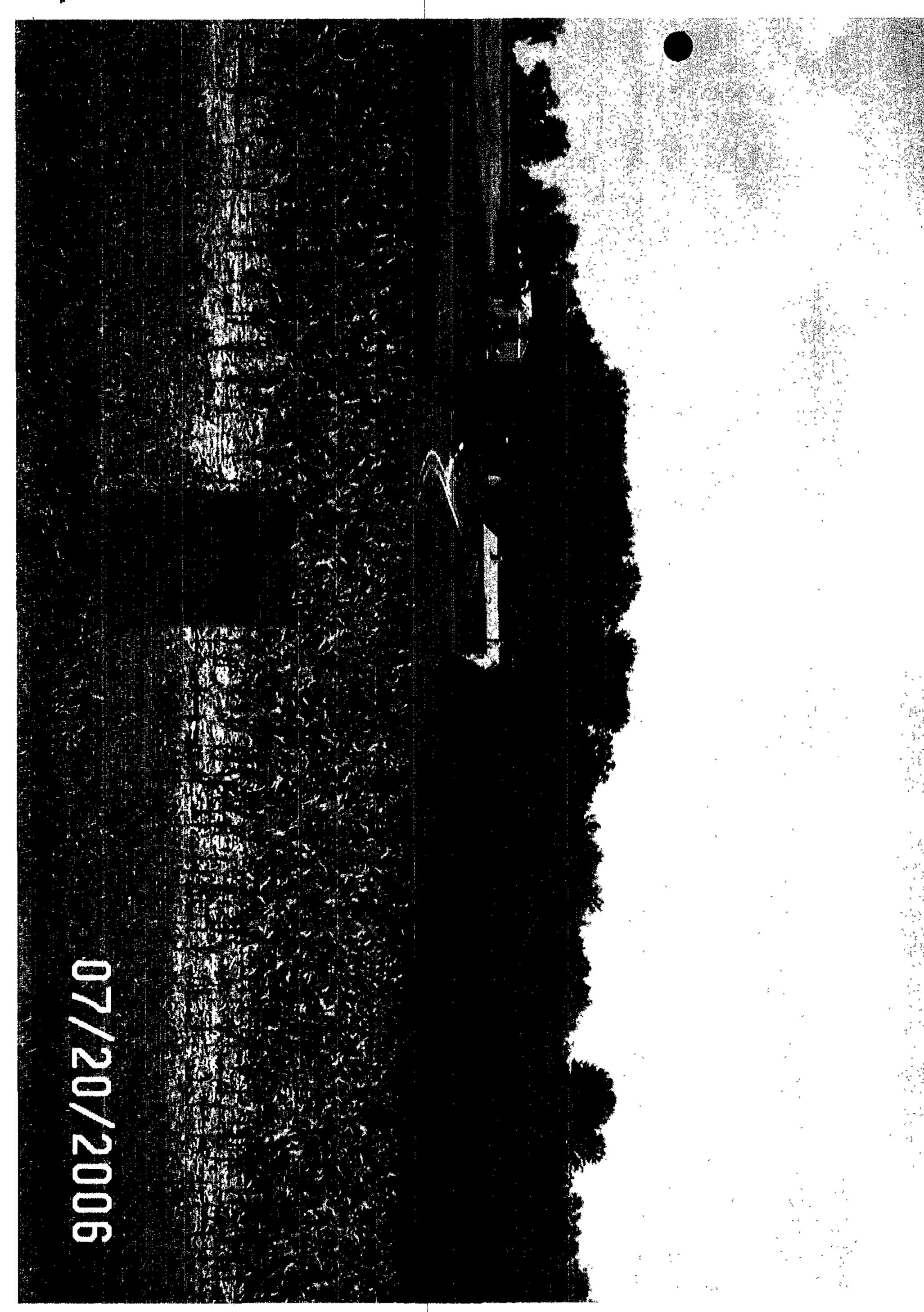
PLACE IN W. Chesapeake Avenue, Towson, MD

2:00 pm Tuesday, August 8, 2006

30361 1861 1861 1861 to allow the non-density

Iranster of 3 parcels between the same ewhers, Leonard 1. 8. Mildred Hutschenrater, totaling 4,208 acres 1/-. To allow the creation of 32.519 acres 1/-, non-density parcels of and to-betretained by the subject property owners, eing known as parcels A.L. [Gallow 2 lots utilizing and a lateting private access easement to the local public street. It lies of the required in-fee ownership.

PORTRONENIERS DUE TO WEATHER OF THE ROUND TROKE ARE CONSTINES NECESSARY TO COMPENSATION OF THE SCHEDULED HEARING DATE.



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 19, 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: 06-631-SPH

Hutschenrater Lane East

East side of Hutschenrater East, 1700 feet southeast of centerline of Harford Road

11th Election District – 3rd Councilmanic District

Legal Owners: Leonard & Mildred Hutschenrater

Special Hearing to allow the non-density transfer of 3 parcels between the same owners, Leonard H. & Mildred Hutschenrater, totaling 4.208 acres +/-. To allow the creation of 32.519 acres +/-, non-density parcel of land to be retained by the subject property owners, being known as parcel "A." To allow 2 lots utilizing an existing private access easement to the local public street in lieu of the required in-fee ownership.

Hearing: Tuesday, August 8, 2006 at 2:00 p.m. in Room 106, County Office Building 111 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. & Mrs. Hutschenrater, 6200 Hutschenrater Lane East, Glen Arm 21057 Bruce Doak, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 24, 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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, July 25, 2006 Issue - Jeffersonian

Please forward billing to:

Leonard Hutschenrater 6200 Hutschenrater Lane East Glen Arm, MD 21057 410-592-6617

NOTICE OF ZONING HEARING

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CASE NUMBER: 06-631-SPH

Hutschenrater Lane East

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Legal Owners: Leonard & Mildred Hutschenrater

Special Hearing to allow the non-density transfer of 3 parcels between the same owners, Leonard H. & Mildred Hutschenrater, totaling 4.208 acres +/-. To allow the creation of 32.519 acres +/-, non-density parcel of land to be retained by the subject property owners, being known as parcel "A." To allow 2 lots utilizing an existing private access easement to the local public street in lieu of the required in-fee ownership.

Hearing: Tuesday, August 8, 2006 at 2:00 p.m. in Room 106, County Office Building 111 W. Chesapeake Avenue, Towson 21204

VILLIÄM J. WISEMAN III

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.

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ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:	
Item Number or Case Number:	06-63/-5077
Petitioner: LEONARD H. HUSCHENPEUR	
Address or Location: HUSLIENREUEP	LANE EAST
PLEASE FORWARD ADVERTISING BIL	.Ļ TO:
Name: LEONARD H. HUSCHEUPEUR	12
Address: 6200 HUSHIANPEUR LAN	LÉ CAST.
GLGN APM MD 21057	
<u> </u>	
Telephone Number: 410-592-6617	



JAMES T. SMITH, JR. County Executive

August 3, 2006

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Leonard H. Hutschenreuter Mildred L. Hutschenteuter 6200 Hutschenreuter Lane East Glen Arm, MD 21057

Dear Mr. and Mrs. Hutschenreuter:

RE: Case Number: 06-631-SPH, Hutschenreuter Lane East

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 8, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

W. Callidal)

WCR:amf

Enclosures

c: People's Counsel

Bruce Doak 320 E. Towsontowne Blvd., Ste 100 Towson 21286



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

June 20,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 19, 2006

Item Numbers: Item Number 611,621,624-637, 639-643

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

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 27, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 21, 2006

Item No. 631

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

If access is granted through the existing right-of-way, we recommend that the driveway be made to conform to county standard panhandle requirements:

- > 16-foot wide paved width.
- > Trash & mail pads.
- Also the petitioner must demonstrate that he has the right to burden the existing right of-way.

DAK:CEN:clw cc: File

ZAC-ITEM NO 631-06272006.doc

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination JWL

DATE:

July 3, 2006

SUBJECT:

Zoning Item # 06-631-SPH

Address

Hutschenreuter Lane East

(Hutschenreuter Property)

Zoning Advisory Committee Meeting of June 19, 2006

X	The Department of Environme	ental Protection and Resource Man	agement offers
	the following comments on the	e above-referenced zoning item:	

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Environmental Impact Review (EIR) - The above referenced regulations remain applicable to all parts of the involved properties even if those areas are transferred to other properties

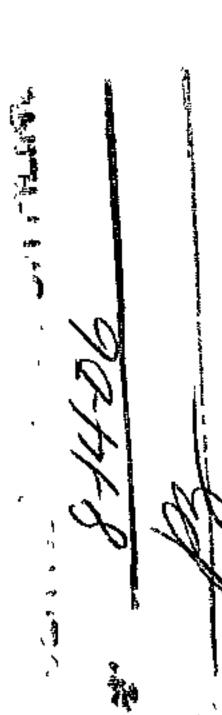
Agricultural Preservation (AP) - Do not support. RC-2 zoning regulations permit property to be subdivided two times. This request appears to subdivide the RC-2 area at least four times.

Reviewer:

P. Dennis, W.S. Lippincott

June 29, 2006 Date:

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2006\ZAC 06-631-SPH.doc



ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

TO:

Development Coordination DATE: August 10, 2006

FROM:

SUBJECT:

Wally Lippincott, Jr. WSC

Hutschenreuter – Sph 200 – 631

Revised Comment:

The subdivision of the two small lots (in the vicinity of other development) and the retention of the remainder of the parcel in one large tract advances the goals of the agricultural protection and is consistent with the purposes of the RC 2 zone and with Sec. of the Baltimore County Code referring to Prime and Productive Soils.

The proposed request for the creation of a nondensity parcel raised concerns for the ultimate disposition of this parcel. One concern is that future owners of the parcel would attempt to add density to the parcel for the purposes of developing the original parcel beyond the permitted RC 2 density for a lot of record.

In this case, there are concerns that merging the nondensity parcel with other lands could have other implications. As an alternative in this case, it is recommended that a language be added to the new deed creating the nondensity parcel that clearly states that there is no density remaining on this parcel and that the land has been subdivided to the fullest extent permitted by the RC 2 zone.

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 29, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-631- Special Hearing

RECOMMENDATION:

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided the site plan is revised as such:

Correct the labeling of the parcels. The proposed 32.519-acre parcel is indicated both as parcel A and parcel D.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

W \DEVREV\ZAC\6-631 doc



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

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

Maryland Department of Transportation

Date: 6.20.06

RE:

Baltimore County

631

BPR

Item No.

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

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 *
Hutschenreuter Lane East; E/S Hutschenreuter
Lane East, 1700' SE c/line Harford Road *
11th Election & 3rd Councilmanic Districts
L.O.: Leonard & Mildred Hutschenreuter *

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-631-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 sent

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

and all documentation filed in the case.

JUM 2 6 2006

Per (1)

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

10x dimmerman

LIDER 6 0 0 8 PAGE 6 7 7

Year One Thousand Nine Hundred and Beventy-Nine, by and between ELIZABETH P. HUTSCHENREUTER, of Baltimore County, State of Maryland, party of the first part, and VEONARD H. HUTSCHENREUTER and MILDRED L. HUTSCHENREUTER, his wille, partiles of the second part.

affection, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said ELIZABETH P. HUTSCHENREUTER does hereby grant and convey unto the said LEONARD H. HUTSCHENREUTER, her son, and MILDRED L. HUTSCHENREUTER, his wife, her daughter-in-law, parties of the second part, subject to the reservations set forth hereinbelow, all that lot or parcel of ground situate, lying and being in the Eleventh Assessment District of Daltimore County, State of Maryland, more particularly described as Follows, to wit:

BEING all that property more particularly described in Deed dated July 18, 1946, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1477 folio 270, from Loretta McNicholas, Widow, unto Herman J. Hutschenreuter and Elizabeth P. Hutschenreuter, his wife. The said Herman J. Hutschenreuter died on April 19, 1977, whereby title to the said property became vested in Elizabeth P. Hutschenreuter, his wife, the within Grantor, by right of survivorship.

SAVING and EXCEPTING therefrom, however, the property contained in the following:

1. Deed dated September 23, 1966, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4676 folio 183, from Herman J. Butschenzeuter and Elizabeth P. Butschenzeuter, his wife, to the State of Maryland for the use of the Department of Forests and Parks.

2. Deed dated September 5, 1969, and recorded among the aforesaid Land Records in Liber O.T.G. No. 5033 folio 91, from Herman J. Hutschenreuter and Elizabeth P. Hutschenreuter, his wife, unto Leonard H. Hutschenreuter and Mildred L. Hutschenreuter, his wife.

3. Doed of even date herewith and recorded or intended to be recorded among the aforesaid Land Records immediately prior hereto, from Elizabeth P. Nutschenreuter unto George C. Stifler and Carol M. Stifler, his wife, which said Dood transferred 1.48 acros of land, more or less.

SUBJECT to the use in common and together with the Grantor horein, George C. Stiflor and Carol M. Stifler, his wife, their heirs, Personal Representatives and assigns of a right of way 30 feet wide laid out adjacent to and Southeast of the North 30 degrees East 299.57 feet line in Deed of even date herewith and recorded or intended to be recorded among the aforesaid Land Records immediately prior hereto, from the Grantor herein unto George C. Drifler and Carol M. Otifler, his wife. The right of way is for ingress, egress and regress.

antitled thereto of the road 16.5 feet wide over the existing road leading from the herein described parcel of land in a westerly and northwesterly direction to the Harford Road as set forth in the said Deed from Loretta McNicholas to Herman J. Hutschenreuter and Elizabeth P. Hutschenreuter, his wife.

RESERVING unto ELIZABETH P. HUTSCHENREUTER, the Grantor herein, the said parcel of ground and premises above described and mentioned, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said ELIZABETH P. HUTSCHENREUTER, the Grantor IRANSFER TAX NOT REQUIRED

nomebued of molitive early to relace

11 11 19 Authorized Signature 11

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herein, for and during the term of her natural life, and no longer, with full power and authority to the said ELIZABETH P. HUTSCHENREUTER, to sell, mortgage, loase or In any manner dispose of or encumber said property hereby conveyed or any interest therein, except by Last Will and Testament, including the absolute estate, with the right to dispose of and consume the proceeds of any sale, mortgage or lease thereof, in such manner as she may desire, without obligation on her part to account for the same, and without obligation on the part of any purchaser, mortgages or lesses to see to the application of the proceeds. The intention being that the said ELIZABETH P. HUTGCHENREUTER in exercise of said powers, shall have the right to convey all interest in said property, both life estate and remainder, and in default of her exercising such powers, then with the remainder over from and immediately after the death of the said ELIZABETH P. HUTSCHENREUTER, unto LEONARD H. HUTSCHENREUTER and MILDRED L. HUTSCHENREUTER, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs, Personal Representatives and assigns of the survivor, in fee simple.

AND THE SAID party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing, whatsoever to encumber the property hereby conveyed; that she will warrant specially the property granted; and that she will execute such further assurances of the same as may be regulate.

WITNESS the hand and seal of the within Grantor.

TEST:

Saunders M. Almond, Jr. - Elizabeth P. Hutschenreuter

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this day of the State of Maryland, in and for the County aforesaid, personally appeared ELIZABETH P. HUTSCHENREUTER, the within Grantor, and she acknowledged the foregoing Deed to be her act.

AS WITNESS my hand and Notarial Seal.

Saundors M. Almond, Jr. NOTARY PUBLIC

My Commission Expires: July 1, 1982.

5L-21 4. 67-21 .. Tearana Poponia

Rec'd for record APR 12 1973 Per Milmer 4, Kahiling, Ir., O'sayin Receipt No.

LIBER 6 0 0 8 PAGE 6 7 5

WITNESSETH, That for and in consideration of love and affection, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said ELIZABETH P. HUTSCHENREUTER does hereby grant and convey unto the said GEORGE C. STIFLER, her sonin-law, and CAROL M. STIFLER, his wife, her daughter, parties of the second part, subject to the reservations set forth hereinbelow, all that lot or parcel of ground situate, lying and being in the Eleventh Assessment District of Baltimora County, State of Maryland, and described as follows, to wit:

BEGINNING for the same at a pipe set in the last line of a parcel of land which by a Deed dated July 18, 1946, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1477 folio 270, was conveyed by Loretta McNicholas to Herman J. Hutschenreuter and wife, said pipe being distant North 30 degrees 00 minutes East 748.03 feet measured along said last line from the boginning thereof and running thence with and binding on said last line, North 30 degrees 00 minutes East 299.57 feet to a pipe, thence leaving said outline and running for lines of division, the seven following courses and distances viz: South 60 degrees 00 minutes East 119.00 feet, South 30 degrees 00 minutes West 127.47 feet to a pipe, South 58 degrees 26 minutes East 129.55 feet to a pipe, South 0 degrees 44 minutes 30 seconds West 60.00 feet to a pipe, South 31 degrees 24 minutes 30 seconds West 70.00 feet to a pipe, South 26 degrees 26 minutes 30 seconds West 65.00 feet to a pipe and North 56 degroom 11 minutes 30 seconds West 280.75 feet to the place of beginning. Containing 1.48 acres of land, more or less.

BEING a part of a parcel of land which by a Deed dated July 18, 1946, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1477 folio 270, was granted and conveyed by Loretta McNicholas, Widow, to Herman J. Hutschenreuter and Elizabeth P. Hutschenreuter, his wife. The said Herman J. Hutschenreuter died on April 19, 1977, whereby title to the said property became vested in Elizabeth P. Hutschenreuter, his wife, the within Grantor, by right of survivorship.

TOGETHER WITH the right and use thereof in common with others entitled thereto of the road 16.5 feet wide over the existing road leading from the heroin described parcel of land in a westerly and northwesterly direction to the Harford Road as set forth in the said Deed from Loretta Monipholas to Herman J. Hutschenreuter and Elizabeth P. Hutschenreuter, his wife.

SUBJECT TO and TOOETHER WITH the right and use thereof in common with the Grantor herein, Leonard II. Hutschenreuter and Mildred L. Hutschenreuter, his wife, of a right of way 30 feet wide laid out adjacent to and southeast of the first line of the herein described parcel of land.

RESERVING unto ELIZABETH P. HUTSCHENREUTER, the Grantor herein, the said parcel of ground and promises above described and mentioned, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said ELIZABETH P. HUTSCHENREUTER, the Grantor herein, for and during the term of her natural life, and no longer, with full power and authority to the said ELIZABETH P. HUTSCHENREUTER, to sell, mortgage, lease or in any manner dispose of or encumber said

TRANSFER TAX NOT REQUIRED

William F Landon
Ting Director of Leanes

Pera -// Authorized Signature

// // // Authorized Signature

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property hereby conveyed or any interest therein, except by Last Will and Testament, including the absolute estate, with the right to dispose of and consume the proceeds of any sale, mortgage or lease thereof, in such manner as she may desire, without obligation on her part to account for the same, and without obligation on the part of any purchaser, mortgage or lessee to see to the application of the proceeds. The intention being that the said ELIZABETH P. HUTSCHENREUTER in exercise of said powers, shall have the right to convey all interest in said property, both life ontate and remainder, and in default of her exercising such powers, then with the remainder over from and immediately after the death of the said ELIZABETH P. HUTSCHENREUTER, unto GEORGE C. STIFLER and CAROL M. STIFLER, his wife, as tenants by the entiraties, their assigns, the survivor of them, and the heirs, Personal Representatives and assigns of the survivor, in fee simple.

and the SAID party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing, whatsoever to encumber the property hereby conveyed; that she will warrant specially the property granted; and that she will execute such further assurances of the same as may be requisite.

wirness the hand and soul of the within Grantor.

TEST:

Saunders M. Almond, Jr. Elizabeth P. Hutschenreuter

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this _______ day of _______,

1979, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ELIZABETH P. HUTSCHENREUTER, the within Grantor, and she acknowledged the foregoing Deed to be her act.

AS WITNESS my hand and Notarial Soul.

Saunders M. Almond, Jr. NOTARY PUBLIC

My Commission Expires: July 1, 1982.

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