

IN RE: PETITION FOR SPECIAL HEARING *

BEFORE THE

NE/S Hilltop Avenue, NE Corner of

*

ZONING COMMISSIONER

Hilltop and Valley Avenues

*

OF

(1745 Hilltop Avenue)

15th Election District

*

BALTIMORE COUNTY

6th Council District

*

CASE NO. 2008-0551-SPH

Charles E. Huber, et ux

Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Charles E. Huber, and his wife, Jeanne D. Huber. The Petitioners request a special hearing to approve two (2) existing accessory buildings to remain on proposed Lot 1 (pending Minor Subdivision 07-083-M) in light of Section 101 (Definitions) of the Baltimore County Zoning Regulations (B.C.Z.R.) where a principal dwelling will not be currently located. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing were Charles E. Huber, property owner, and Robert Lee Steeves, a designer and draftsman with Thompson and McCord, Associates, LLC, the consultants who prepared the site plan for this property and are assisting the Petitioners through the minor subdivision process. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject waterfront properties are an association of three (3) parcels forming an irregularly shaped assemblage of land located on the northeast corner of the intersection of Hilltop Avenue and Valley Avenue as shown on the "Plat of Hilltop Park" in Essex, not far from the River Watch Restaurant and Marina. The property contains a gross area of 1.159 acres, more or less (48,355 square feet), zoned D.R.3.5 and is improved with a

RECEIVED FOR FILING
Date 8-17-08
By [Signature]

two-story brick home built in 1944. The Petitioners purchased the property approximately 17 years ago and are desirous of subdividing the property to create two (2) lots.

An appreciation of the properties past history and use is relevant and is briefly outlined. Prior to the Huber's purchase of Lots 37 and 38, as identified on Tax Map 97, these properties were bisected by a 30-foot right-of-way that ran from the intersection of Hilltop and Valley Avenues to the waters of Hopewell Creek. As a result of litigation filed in the mid 1950's, (*See* Case No. 37512 Docket 61, Folio 28) the unnamed right-of-way was moved and repositioned to the western edge of the Petitioners property and is now unused and covered by mature forest. As illustrated on the site plan (Petitioners' Exhibit 1), the Huber's propose two (2) lots, both of which will be in excess of the 10,000 square foot lot area and meet the other standards and controls for density and bulk regulations contained in B.C.Z.R. Section 1B02.3.C. Proposed Lot 1 will be 70' wide x 250' deep with frontage on Hopewell Creek aka Hopkins Creek. This lot area will be 0.617 acres or 26,854 square feet and contain accessory improvements consisting of a barn, 27'-3" x 27'-4" x 13' high and a small wood shed, 8' x 14' x 8' high. Testimony indicated that Lot 1 will be developed with a 30' x 60', two-story dwelling in which the Petitioners' mother-in-law will live. This new home will be connected to public sewer and water. The Petitioners and their four (4) children will retain and reside in their residence on Lot 2 that will be 0.494 acres (21,500 square feet). Both properties have frontage on Hopkins Creek and will enjoy a use-in-common existing pier that extends into the water from the eastern internal property line.

Mr. Huber describes his current dilemma as a "catch-22" as he cannot obtain development review committee approval and a permit to build the proposed principal structure on Lot 1 without first demolishing the barn and shed as they will exist on the *separate contiguous lot*. The special hearing relief is necessary in order to allow the accessory structures to remain on the lot (Lot 1)

RECEIVED FOR FILING
Date 8-7-08
By [signature]

separate from the principal dwelling on Lot 2 following minor subdivision approval and prior to the construction of the Petitioners mother-in-law home.¹ It is also noted that the Zoning Commissioner's Policy Manual (ZCPM) Sections 400.1A and 400.2A provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, waterfront lots refer to the front of the structure as facing the water. In this case, it was determined by the Zoning Review Office that the front of the home(s) would face Hilltop Avenue. Thus, when the proposed home on Lot 1 is built the existing accessory structures will be in the rear yard in accordance with the regulations.

Section 101 of the B.C.Z.R. defines accessory structure as, "A building which is incidental and serves the primary use or building on the property". Additionally, the definition requires that an accessory structure be located on the same lot as the principal structure served. As noted above, the barn and shed will technically be located on a separate lot once the pending Minor Subdivision 07-083-M is approved.

After due consideration of the testimony and evidence offered in this case, I am persuaded that special hearing relief should be granted. There are two (2) factors that support this approval. First, the fact that the Petitioners own the subject and adjacent lots, which before the subdivision were used in conjunction with one another, is persuasive. Second, Lot 1 cannot meet the requirements of the B.C.Z.R. prior to construction of the proposed principal structure. The demolition of these accessory buildings would be a hardship as the foundation and structures are in excellent condition. Testimony indicated that their use would also afford storage of building materials, construction equipment and tools during the construction of the principal structure by

¹ Waterfront construction (piers, mooring piles, bulkheads) may be constructed on unimproved lots without zoning approval pursuant to B.C.Z.R. Section 417.

RECEIVED FOR FILING
Date 8-7-08
By [signature]

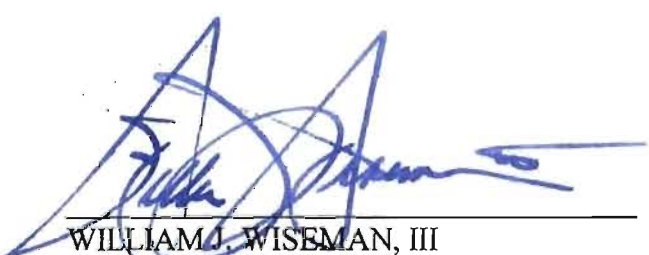
Charles Huber. Therefore, I am persuaded to grant the requested relief. The property is located in the Chesapeake Bay Critical Area (CBCA), which requires that the proposed development comply with these regulations. Finally, there will be no increase in residential density beyond that otherwise allowable by the zoning regulations that would result by granting this request.

Pursuant to the advertisement, posting of the property, and public on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

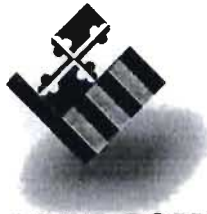
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 7th day of August 2008, that the Petition for Special Hearing to permit the existence of two (2) accessory structures to remain on a lot without a principal structure, as more particularly shown on Petitioners' Exhibit 1, be and the same is hereby GRANTED, subject to the following conditions:

1. ADVISORY: This Order approves the allowance of two (2) existing accessory buildings to remain on Proposed Lot 1 in light of B.C.Z.R. Section 101 (Definitions) where a principal dwelling will not be currently located. It does not address the proposed subdivision. The Petitioners subdivision proposal to create Proposed Lot 1 must be submitted to the Development Review Committee (DRC) for its continued consideration and processing.
2. The Petitioners are hereby made aware that proceeding at this time is at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 8-7-08
By [signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

August 7, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

Charles E. Huber
Jeanne D. Huber
1745 Hilltop Avenue
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
NE/S Hilltop Avenue, NE Corner of Hilltop and Valley Avenues
(1745 Hilltop Avenue)
15th Election District - 6th Council District
Charles E. Huber, et ux - Petitioners
CASE NO. 2008-0551-SPH

Dear Mr. and Mrs. Huber:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with conditions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A large, stylized handwritten signature of William J. Wiseman III, featuring a prominent circular flourish.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Robert Lee Steeves; Thompson and McCord, Associates, LLC, 402 North Hickory Avenue,
Bel Air, MD 21014
People's Counsel; DEPRM; Development Review Committee, DPDM; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1745 Hilltop Avenue
which is presently zoned DR 3.5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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
(This box to be completed by planner)

EXISTING ACCESSORY BUILDINGS TO REMAIN ON PROPOSED LOT 1
(PENDING MINOR SUBDIVISION 07-083-M) IN LIGHT OF SECTION 101 BCZR
DEFINITIONS) WHERE A PRINCIPAL DWELLING WILL NOT BE CURRENTLY
LOCATED.

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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

None

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Charles E Huber

Name - Type or Print

Signature

Jeanne D Huber

Name - Type or Print

Signature

1745 Hilltop Avenue 410-780-7088

Address

Telephone No.

Baltimore

MD

21221

City

State

Zip Code

Representative to be Contacted:

Thompson & Associates LLC

Name

402 N. Hickory Avenue

410-803-0696

Address

Telephone No.

Bel Air

MD

21014

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2008-0551-SH
REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By PLANNING

Date 5-29-08

Date 8-7-08

By [Signature]

**ZONING DESCRIPTION
LANDS OF HUBER
1.159 AC+/-
LOCATED ON HILLTOP AVENUE
FIFTEENTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND**

Beginning for the same at the northeast corner of the intersection of Hilltop Avenue and Valley Avenue, as shown on the plat entitled "Plat of Hilltop Park", recorded in the Land Records of Baltimore County, Maryland in Plat Book 8, Folio 32. Thence running and binding on the outlines of lots 37 & 38 as shown on the said plat, with all courses of this description referred to the Maryland Coordinate System (NAD 83/91), monuments "BCO 743" and "BCO 744", the following six courses:

1. South 60°31'44" East 259.54 feet,
2. North 29°28'20" East 149.47 feet,
3. North 66°05'56" West 73.34 feet,
4. North 25°43'31" East 72.38 feet,
5. North 60°31'44" West 181.74 feet,
6. South 29°30'09" West 214.59 feet, to the beginning hereof; containing **1.159** acre of land, more or less, as surveyed by Thompson & Associates, LLC in January of 2007.

More particularly being shown on a plan entitled "Plan for Zoning Special Hearing Minor Subdivision Pending 1745 Hilltop Avenue 07-083-M Lots 37 & 38 District 15 C6 Baltimore County, Maryland", attached hereto and made apart hereof.

NOTE: SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND/OR ABSTRACT.



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: 2008-0551-SPH
Petitioner: CHARLES HUBER
Address or Location: 1745 HILLTOP AVE ZICZ1

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHARLES HUBER
Address: 1745 HILLTOP RD
BALTO MD ZICZ1
Telephone Number: 410-780-7088

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 15357

Date: 5-29-08

PAID RECEIPT

ADDRESS ACTION TIME TRSM
5/29/2008 5/29/2008 14:19:05 9
601 0003 WALKER ESTE CMS
RECEIPT # 350977 5/29/2008 0611
5 520 ZENITH UNIFICATION
015357
Recpt Tot 865.00
865.00 CR 8.00 CA
Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		006		6150				65.00

Total: 65.00

Rec
From:

For:

C. H. Lee
1745 Hilltop Ave 514
7008-0551-514

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

**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: #2008-0551-SPH

1745 Hilltop Avenue
N/east side of Hilltop Avenue,
N/east corner of Hilltop Avenue
and Valley Avenue
15th Election District
6th Councilmanic District
Legal Owner(s): Charles &
Jeanne Huber

Special Hearing: for 2 existing
accessory buildings to remain
on proposed Lot 1 (Pending
Minor Subdivision 07-083-M)
In light of Section 101 BCZR
(Definitions) where a principal
dwelling will not be currently
located.

Hearing: Friday, August 1,
2008 at 9:00 a.m. In the Jef-
ferson Building, 1st Floor 105
W. Chesapeake 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) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

7/175 July 17 178469

CERTIFICATE OF PUBLICATION

7/17/2008

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 7/17/2008.

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

S. Wilkinson

LEGAL ADVERTISING

Certificate of Posting

RE: Case NO. 2008-0551-SPH

Petitioner/Developer _____

Mr. & Mrs. C. Huber

Date of Hearing/Closing 8/1/08

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

RECEIVED
JUL 29 2008

BY:

Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

1745 Hilltop Avenue

The sign(s) were posted on 7/17/08
(Month, Day, Year)

Sincerely,


(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 2008-0551-SPH

Petitioner/Developer: _____

Mr. & Mrs. C. Huber

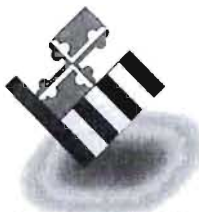
Date of Hearing/Closing: 8/1/08



1745 Hilltop Avenue

Posting Date: 7/17/08

Richard E. Hoffman



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 18, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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: 2008-0551-SPH

1745 Hilltop Avenue

N/east side of Hilltop Avenue, N/east corner of Hilltop Avenue and Valley Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Charles & Jeanne Huber

Special Hearing for 2 existing accessory buildings to remain on proposed Lot 1 (Pending Minor Subdivision 07-083-M) in light of Section 101 BCZR (Definitions) where a principal dwelling will not be currently located.

Hearing: Friday, August 1, 2008 at 9:00 a.m. in the Jefferson Building, 1st Floor
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Huber, 1745 Hilltop Avenue, Baltimore 21221
Thompson & Associates, 402 N. Hickory Avenue, Bel Air 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 17, 2008.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 17, 2008 Issue - Jeffersonian

Please forward billing to:
Charles Huber
1745 Hilltop Avenue
Baltimore, MD 21221

410-780-7088

NOTICE OF ZONING HEARING

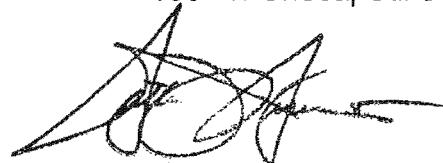
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0551-SPH

1745 Hilltop Avenue
N/east side of Hilltop Avenue, N/east corner of Hilltop Avenue and Valley Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Charles & Jeanne Huber

Special Hearing for 2 existing accessory buildings to remain on proposed Lot 1 (Pending Minor Subdivision 07-083-M) in light of Section 101 BCZR (Definitions) where a principal dwelling will not be currently located.

Hearing: Friday, August 1, 2008 at 9:00 a.m. in the Jefferson Building, 1st Floor
105 W. Chesapeake Avenue, Towson 21204



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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
July 28, 2008

Charles E. & Jeanne D. Huber
1745 Hilltop Ave.
Baltimore, Md. 21221

Dear: Charles E. & Jeanne D. Huber

RE: Case Number 2008-0551-SPH, Address: 1745 Hilltop Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 29, 2008. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Thompson & Associates LLC, 402 N. Hickory Ave., Bel Air, MD 21014



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

June 16, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 09, 2008

Item Number: 0527A, 0549A, 0550A, 0551SPH, 0552SPHA, 0553X, 0554A, 0555A, 0556A, 0557SPH

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

BW 8/1
9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JUL 03 2008

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: July 2, 2008

SUBJECT: Zoning Item # 08-551-SPH
Address 1745 Hilltop Avenue
(Huber Property)

Zoning Advisory Committee Meeting of June 9, 2008

_____ 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:

 X 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: A Chesapeake Bay Critical Area Administrative variance, and a minor subdivision are currently under review.

Reviewer: Paul Dennis

Date: June 30, 2008

BW 8/1
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 16, 2008

RECEIVED
JUN 19 2008

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

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-551- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:

Cucis Murray

Division Chief:

CM/LL

John A. Keller



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 6-20-2008

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

RE: Baltimore County
Item No 2008-0551-SPH
1745 HILLTOP AVE
HUBER PROPERTY
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2008-0551-SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For: Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Sweet 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: June 10, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 16, 2008
Item Nos. 08-0548, 0549, 0550, 0551,
0552, 0553, 0554, 0555, 0556, and 0557

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

DAK:CEN:lrk
cc: File
ZAC-06102008-NO COMMENTS

Item # 0551

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1745 Hilltop Avenue; NE/S Hilltop Avenue, *
NE corner of Hilltop & Valley Avenues * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Charles & Jeanne Huber * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-551-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 and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Thompson & Associates, LLC, 402 N. Hickory Avenue, Bel Air, MD 21014, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Bill Wiseman - SDAT's for Mr. Hubers Property

From: "Robert Steeves" <rsteeves@thompsonassociatesllc.com>
To: <wwiseman@baltimorecountymd.gov>
Date: 08/01/08 12:11 PM
Subject: SDAT's for Mr. Hubers Property

Good morning again Mr. Wiseman.

Attached you should find scans of the SDAT's for Mr. Charles Huber's property that you requested at this morning's zoning hearing, (RE: Case Number 2008-0551-SPH). The legal description for the account without a lot number seems consistent with the legal description for lots 37 & 38 but may refer to the right of way which bisect the lots at an angle and not the amended right of way created by the Equity Docket you made a copy of this morning. I did call Baltimore County Department of Assessment and Taxation and had them run an index on Mr. Huber and these were the only three under his name. I hope that this provides you with the information you require. If you do require additional information please do not hesitate to contact me by e-mail or the phone number below. Thank you for your time and consideration in this matter.

Thanks,
Robert

Robert Lee Steeves
Designer/Draftsman

Thompson & McCord Associates, LLC
402 N. Hickory Avenue
Bel Air, Maryland 21014
Phone: 410-803-0696
Fax: 410-838-0666
Surveyors & Engineers

Any electronic files transferred by this email are for informational purposes only. Thompson & McCord makes no warranty as to the accuracy or completeness of any attached files or to knowledge of any potentially harmful computer viruses or the like. You may not redistribute any attached files or use for any other purposes except the specific project for which these files are intended, without the express consent of Thompson & McCord Associates, LLC. If you are not the intended recipient of this email, immediately notify the sender and delete it from your records.

If a file is attached with a .dwf extension, a free viewer may be downloaded by copying the following path to an internet browser: <http://usa.autodesk.com/adsk/servlet/item?siteID=123112&id=4424149>



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
 Real Property Data Search (2007 vw2.3)

Go Back
 View Map
 New Search

Account Identifier: District - 15 Account Number - 1502006342

Owner Information

Owner Name: HUBER CHARLES E Use: RESIDENTIAL
 HUBER JEANNE D Principal Residence: NO
 Mailing Address: 1745 HILLTOP AVE Deed Reference: 1) / 8934/ 796
 BALTIMORE MD 21221-3038 2)

Location & Structure Information

Premises Address Legal Description
 HILLTOP AVE 350 SW OAKFIELD AVE
 WATERFRONT HILLTOP PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
97	6	418						3	Plat Ref: 8/ 32

Special Tax Areas Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		6,600.00 SF	34

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value Phase-In Assessments		
		As Of 01/01/2006	As Of 07/01/2007	As Of 07/01/2008
Land	1,650	1,650		
Improvements:	0	0		
Total:	1,650	1,650	1,650	1,650
Preferential Land:	0	0	0	0

Transfer Information

Seller: CALLAHAN WILLIAM L, JR	Date: 10/09/1991	Price: \$1
Type: NOT ARMS-LENGTH	Deed1: / 8934/ 796	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
 Exempt Class:

Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vvw2.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 Account Number - 1502006341

Owner Information

Owner Name:	HUBER CHARLES E HUBER JEANNE D	Use:	RESIDENTIAL
Mailing Address:	1745 HILLTOP AVE BALTIMORE MD 21221-3038	Principal Residence:	NO
		Deed Reference:	1) / 8934/ 796 2)

Location & Structure Information

Premises Address	Legal Description
VALLEY AVE	380 SW OAKFIELD AV HILLTOP PARK
WATERFRONT	

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
97	6	418					38	3	Plat Ref: 8/ 32

Special Tax Areas

Town	
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		31,434.00 SF	34
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	5,890	7,850		
Improvements:	0	0		
Total:	5,890	7,850	7,196	7,850
Preferential Land:	0	0	0	0

Transfer Information

Seller: CALLAHAN WILLIAM L, JR	Date: 10/09/1991	Price: \$1
Type: NOT ARMS-LENGTH	Deed1: / 8934/ 796	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 **Account Number -** 1502006340 ✓

Owner Information

Owner Name:	HUBER CHARLES E HUBER JEANNE D	Use:	RESIDENTIAL
Mailing Address:	1745 HILLTOP AVE BALTIMORE MD 21221-3038	Principal Residence:	YES
		Deed Reference:	1) / 8934/ 796 2)

Location & Structure Information

Premises Address	Legal Description
1745 HILLTOP AVE	170 SW OAKFIELD AV HILLTOP PARK
WATERFRONT	

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
97	6	418					37	3	Plat Ref: 8/ 32

Special Tax Areas

Town	
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1944	2,072 SF	23,084.00 SF	34
Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	41,020	140,020		
Improvements:	128,780	196,680		
Total:	169,800	336,700	281,066	336,700
Preferential Land:	0	0	0	0

Transfer Information

Seller: CALLAHAN WILLIAM L,JR	Date: 10/09/1991	Price: \$1
Type: NOT ARMS-LENGTH	Deed1: / 8934/ 796	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 **Account Number -** 1502006340

Owner Information

Owner Name:	HUBER CHARLES E HUBER JEANNE D	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	1745 HILLTOP AVE BALTIMORE MD 21221-3038	Deed Reference:	1) / 8934/ 796 2)

Location & Structure Information

Premises Address	Legal Description
1745 HILLTOP AVE	170 SW OAKFIELD AV HILLTOP PARK
	WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
97	6	418				37		3	Plat Ref: 8/ 32

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1944	2,072 SF	23,084.00 SF	34
Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	41,020	140,020		
Improvements:	128,780	196,680		
Total:	169,800	336,700	281,066	336,700
Preferential Land:	0	0	0	0

Transfer Information

Seller: CALLAHAN WILLIAM L,JR	Date: 10/09/1991	Price: \$1
Type: NOT ARMS-LENGTH	Deed1: / 8934/ 796	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

CASE NAME _____
CASE NUMBER 2008-0551-SPH
DATE 8-1-08

[illegible]

Case No.: 2008-0551-SPH

1745 HILLTOP AVE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	Road Closes - Realignment of Rt of Way	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Guarantee Maryland Abstracts, Inc.

2924 Churchville Road
Churchville, MD 21028
410-734-7877 (Phone)
410-734-0440 (fax)

BILL TO

Thompson & McCord
402 N. Hickory Avenue
Bel Air, MD 21014

INVOICE

DATE

INVOICE #

8/14/2007

GMA07-933

SERVICE	PROPERTY/FILE NO./OWNER/PLAT	AMOUNT
Document Retrieval	Document retrieval from archives	75.00
DOCUMENT RETRIEVAL		Total \$75.00

PLEASE REMIT PAYMENT TO GUARANTEE MARYLAND ABSTRACTS, INC.
2924 Churchville Road
Churchville, Maryland 21028

PETITIONER' S

EXHIBIT NO. 2

EQUITY CASE

37572

JB

FREDERICK A. BARTH and
PATRICIA BARTH, his wife
and
MARLIN A. SNYDER and
VIOLET I. SNYDER, his wife
and
GEORGE M. BOESE and
CATHERINE BOESE, his wife
and
ROBERT BEEFORD and
MARTEA BEEFORD, his wife
and
JOHN SNYDER and
VALENTINE SNYDER, his wife
and
T. GILBERT NYE and
VELMA NYE, his wife
and
WILLIAM S. CUNTER and
MILDRED CUNTER, his wife
and
JOHN PEPE and
ELVA PEPE, his wife
and
WILLIAM CULLER and
ANN CULLER, his wife
and
WILLIAM H. HUSBLE and
PEARL HUSBLE, his wife
and
THEODORE S. WERNICK and
JUDITH WERNICK, his wife
and
AUSTIN C. MILLER and
KATHLEEN L. MILLER, his wife

Complainants

vs.

JOSEPH P. KURIK and
THOMAS L. KURIK, his wife

Respondents

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

IN EQUITY

BILL OF COMPLAINT

TO THE HONORABLE THE JUDGE OF SAID COURT,

The Bill of Complaint of Frederick A. Barth and Patricia Barth, his wife; Marlin A. Snyder and Violet I. Snyder, his wife; George M. Boese and

FILED JUN 1 1958

Catherine Bosse, his wife; Robert Bedford and Martha Bedford, his wife; John Snyder and Valerie Snyder, his wife; T. Gilbert Nye and Velma Nye, his wife; William S. Gunter and Mildred Gunter, his wife; John Pope and Elva Pope, his wife; William Culler and Ann Culler, his wife; William H. Mussle and Pearl Mussle, his wife; Theodore S. Warnick and Irene Warnick, his wife; and AUSTIN C. MILLER/ KATHLEEN L. MILLER, his wife, by James A. Pine, their Solicitor, respectfully represents unto your Honor:

(1) That your Petitioners are owners of property located in the development known as "Hilltop Park" in the Fifteenth Election District of Baltimore County and reside upon their respective properties.

(2) That the said development known as "Hilltop Park" was laid out and developed by the Paleazar Realty Corporation, a body corporate of the State of Maryland, in the year 1926 and a plat of said development was duly recorded among the Land Records of Baltimore County on February 8, 1926, and is now of record in Plat Book WPG No. 8, folio 32; a copy of said Plat is attached hereto marked Complainants' "Exhibit A" and is prayed to be taken as a part hereof.

(3) That among the roads and ways laid out on said property and shown on the above referred to Plat are Hilltop Avenue and Valley Avenue, each thirty (30) feet in width and an unnamed road or way thirty (30) feet in width leading from Hilltop Avenue at its intersection with Valley Avenue to the waters of Hopewell Creek which said road or way has been continuously used by your Complainants and other property owners and residents of said development known as "Hilltop Park" as a means of ingress and egress to and from Hilltop Avenue to the waters of Hopewell Creek.

(4) That on or about February 27, 1953, the Respondents, Joseph P. Kubik and Thelma L. Kubik, purchased from the Reliable Homes Corporation, a body corporate of the State of Maryland, Lots No. 37 and 38 as designated and shown on the aforesaid Plat of "Hilltop Park", the Deed to said

property being recorded among the Land Records of Baltimore County in Liber GLB No. 2262, folio 349.

(5) That the said Respondents since their purchase of said Lots No. 37 and 38 have barricaded and fenced the aforesaid thirty (30) foot road or way leading from Hilltop Avenue to the waters of Hopewell Creek, which lies between said Lots No. 37 and 38, thereby preventing your Complainants and others from using said road or way and have warned your said Complainants not to use said road or way.

(6) That the said Respondents have thrown brush and other debris on and across the bed of the aforesaid Valley Avenue preventing your Complainants and others legally entitled to use thereof from using said Valley Avenue.

(7) That the said Respondents have no legal title to said thirty (30) foot road or way, or the said Valley Avenue, are not assessed therefor on the tax records of Baltimore County and have not the exclusive use thereof but merely have a use thereof in common with your Complainants and others entitled thereto.

(8) That the aforesaid thirty (30) foot road or way leading from Hilltop Avenue to the waters of Hopewell Creek is the only approach or means of access to the waters of Hopewell Creek which are used by your Petitioners and others for fishing, boating and bathing.

(9) That your Petitioners have no complete and adequate remedy at law and will suffer irreparable loss and injury unless this Honorable Court, sitting as a Court of Equity, intervenes to grant the relief prayed herein.

TO THE END THEREFOR:

(a) That the Respondents be enjoined and restrained from obstructing or preventing the free and uninterrupted use of the aforesaid thirty (30) foot road or way and the said Valley Avenue.

(b) That the said Respondents be commanded and directed to remove

all barricades, fences and other obstructions from the said thirty (30) foot road or way and Valley Avenue.

(s) That your Complainants may have such other and further relief as the nature of their may require.

AND AS IN DUTY BOUND, ETC.

Frederick A. Barth
Frederick A. Barth

Patricia Barth
Patricia Barth

Marlin A. Snyder
Marlin A. Snyder

Violet I. Snyder
Violet I. Snyder

George M. Boose
George M. Boose

Catherine Boose
Catherine Boose

Robert Bedford
Robert Bedford

Martha Bedford
Martha Bedford

John Snyder
John Snyder

Valerie Snyder
Valerie Snyder

Y. Gilbert Nye
Y. Gilbert Nye

Valma Nye
Valma Nye

William S. Hunter
William S. Hunter

Mildred Hunter
Mildred Hunter

John Pope
John Pope

Ella Pope
Ella Pope

William Culler
William Culler

Ann Culler
Ann Culler

William H. Masole
William H. Masole

Pearl M. Masole
Pearl Masole

Theodore S. Wernick
Theodore S. Wernick

Irene Wernick
Irene Wernick

Arthur B. Miller
Arthur B. Miller

Kathleen L. Miller
Kathleen L. Miller

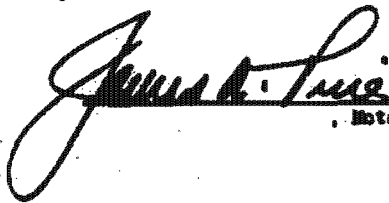
James A. Pine

James A. Pine
21 W. Pennsylvania Avenue
Towson 4, Maryland

Solicitor for Complainants

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:-

I HEREBY CERTIFY, That on this 1st day of June in the year one thousand nine hundred and fifty-six, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared FRANKFORD A. BAYNE and PATRICIA BAYNE, MARLIN A. SNYDER and VIOLET I. SNYDER, GEORGE M. BOONE and CATHERINE BOONE, ROBERT BENFORD and MARTHA BENFORD, JOHN SNYDER and VALERIE SNYDER, T. GILBERT NYE and VELMA NYE, WILLIAM S. GUNTER and MILLEND GUNTER, JOHN PEPE and ELVA PEPE, WILLIAM COLLIER and ANN COLLIER, WILLIAM H. MIDDLE and PAUL MIDDLE, THEODORE S. WHINNICK and IRVING WHINNICK, ^{the} ~~AUSTIN C. MILLER and KATHARINE MILLER~~, above named Complainants, and made oath in due form of law that the matters and facts set forth in the foregoing Bill of Complaint are true and correct to the best of their knowledge, information and belief and further made oath that they have no complete and adequate remedy at law and will suffer irreparable loss, injury and damage unless the Circuit Court for Baltimore County, sitting as a Court of Equity, intervenes for the purpose of granting the relief prayed in said Bill of Complaint.


Notary Public

ORDER

Upon the foregoing Petition, Affidavit and Exhibit it is
ORDERED this 1 day of ^{June} ~~MAY~~, 1956, by the Circuit Court for Baltimore
County in Equity, that JOSEPH P. MURKIN and THELMA L. MURKIN be and they are
hereby enjoined and restrained from placing or maintaining any barricades,
fences or other obstruction across the thirty (30) foot road or way leading
from Hilltop Avenue to the waters of Hopewell Creek and Valley Avenue or in any
manner interfering with the free and uninterrupted use of said road or way and
Avenue by the Complainants herein or others entitled to the use thereof.
AND, IT IS FURTHER ORDERED, that the said JOSEPH P. MURKIN and THELMA L. MURKIN,
his wife, forthwith remove all barricades, fences or other obstructions which
prevent or interfere with the use of said thirty (30) foot road or way and
Valley Avenue, all actions to the contrary be shown on or before the
15 day of JUNE, 1956, provided a copy of this ORDER be served on
the said Respondents on or before the 8 day of June
1956.


Judge

Circuit Court for Baltimore County

EQUITY SUMMONS

June

Return Day

File No. 37512

Docket 61 Folio 26

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

To: Joseph P. Kubik & Thelma L. Kubik

Hill Top Avenue

Hill Top Park

Middleborough 21, Md.

GREETING:

We command and enjoin you, within fifteen (15) days from the first Monday of June next, to answer or make other defense to the Complaint of Frederick A. Barth, et al

exhibited against you in the Circuit Court for Baltimore County. Your failure to answer or file such other defense within the time named will be at your peril and Complainant(s) may thereupon obtain A Decree Pro Confesso against you which, upon proper proof, may be converted to a final Decree for the relief requested. PERSONAL ATTENDANCE IN COURT ON THE DAY NAMED IS NOT NECESSARY.

Witness the HONORABLE JOHN B. GONTRUM, Chief Judge of the Third Judicial Circuit of Maryland, the 7th day of May, 1956.

Issued this 1st day of June, 1956.

James A. Pine
21 W. Penna Ave.
Towson 4, Md.

GEORGE L. BYERLY, Clerk.

Per *[Signature]*
Deputy Clerk.

True Copy—Test:

Collector(s) for Complainant(s).

Clerk.

SHERIFF'S RETURN:

Summoned Joseph P. Kubik & Thelma L. Kubik and a copy of Sub. Bill of Complaint & Order served on and left with each of them this 2nd day of June 1956

Returned this 4th day of June, 1956

Gilbert A. Miller
Sheriff.

cost
\$ 6.00

FILED JUN 1 1956

FREDERICK A. BARTH
PATRICIA BARTH, his wife

IN THE CIRCUIT COURT

MARTIN A. SNYDER and
VIOLET I. SNYDER, his wife

GEORGE M. BOSSE and
CATHERINE BOSSE, his wife

ROBERT BEDFORD and
MARTHA BEDFORD, his wife

JOHN SNYDER and
VALERIE SNYDER, his wife

T. GILBERT NYE and
VELMA NYE, his wife

FOR BALTIMORE COUNTY

WILLIAM S. GUNTER and
MILDRED GUNTER, his wife

JOHN PEPE and
ELVA PEPE, his wife

WILLIAM CULLER and
ANN CULLER, his wife

WILLIAM H. NUSSLE and
PEARL NUSSLE, his wife

THEODORE S. WERNICK and
ERNE WERNICK, his wife

IN EQUITY

AUSTIN C. MILLER and
KATHLEEN L. MILLER, his wife

COMPLAINANTS

VS.

JOSEPH P. KUBIK and
THELMA L. KUBIK, his wife

RESPONDENTS

* * * * *

ANSWER

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Answer of Joseph P. Kubik and Thelma L. Kubik, his wife, by C.
Victor McFarland, their solicitor, respectfully shows:

1. That they admit the allegations contained in the first and
second paragraphs of said Bill.

JUN 14 1933

2. That they deny the allegation contained in the sixth paragraph, and say that they have not thrown brush and debris on and across the bed of Valley Avenue.

3. That they deny the allegation contained in the eighth paragraph, and say that the use of said 30 foot Road as laid out on the Flat of Hilltop Park, recorded among the Flat Records of Baltimore County in Flat Book W.P.C. No. 8, folio 32, for the use of fishing, boating and bathing is impossible considering the condition of beach and extremely shallow water even at high tide.

4. That they deny the allegations contained in paragraphs three through five, inclusive, and seven through nine, inclusive, of said Bill. The Defendants say that they are the owners of the legal title in and to the bed of the aforementioned unnamed 30 foot Road or Way leading from Hilltop Avenue to the waters of Hopewell Creek by the operation of the Act of 1892, Ch. 68, Code Art. 21, Sec. 115 Annotated Code of Maryland, 1951, and farther that the said 30 foot Road is not subject to an easement expressed or implied, reserved unto the Complainants or any others.

And having fully answered said Bill of Complaint and Order Nisi, the Respondents pray that they be dismissed with their proper cost.

C. Victor McFarland
C. Victor McFarland
212 Washington Ave., Towson, Md.
Solicitor for Respondents

Joseph P. Kubik
Joseph P. Kubik
Thelma L. Kubik
Thelma L. Kubik

STATE OF MARYLAND
BALTIMORE COUNTY

I HEREBY CERTIFY that on this 13th day of June, 1956, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared JOSEPH P. KUBIK and THELMA L. KUBIK, his wife, Respondents in the above case, and they made oath in due form of law that the matters and facts set forth in the foregoing Answer are true to the best of their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

C. Victor McFarland
C. Victor McFarland, Notary Public
My commission expires May 1957

I HEREBY CERTIFIED that on this 14th day of June, 1956, I mailed a copy of this Answer to James A. Pine, Esquire, 21 W. Pennsylvania Avenue, Towson 4, Maryland, Attorney for the Plaintiffs.

C. Victor McFarland
C. Victor McFarland

37512

FREDERICK A. BARTH and
PATRICIA BARTH, his wife
and
MARLIN A. SNYDER and
VIOLET I. SNYDER, his wife
and
GEORGE M. BOSSE and
CATHERINE BOSSE, his wife
and
ROBERT BEDFORD and
MARTHA BEDFORD, his wife
and
JOHN SNYDER and
VALERIE SNYDER, his wife
and
T. GILBERT NYE and
VILMA NYE, his wife
and
WILLIAM S. GUNTER and
MILDRED GUNTER, his wife
and
JOHN FEPE and
LINA FEPE, his wife
and
WILLIAM GUNTER and
MRS. GUNTER, his wife
and
JULIAN W. BUSSLE and
MRS. BUSSLE, his wife
and
THEODORE S. VERHICK and
MRS. VERHICK, his wife
and
ARTHUR C. MILLER and
CATHERINE L. MILLER, his wife

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

IN EQUITY

Complainants

vs.

JOSEPH L. KUBIK and
VILMA L. KUBIK, his wife

Respondents

INTERROGATORIES OF RESPONDENTS

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Now come the Respondents, Joseph L. Kubik and Vilma L. Kubik, his wife, by their Solicitor, C. Victor McFarland, demand that in accordance with the provisions of the General Rule of Practice and Procedure of the Court of Baltimore County, Dis. every Rule 2, the complainants or their Solicitor answer the following interrogatories under oath on or before

FILED

NOV 26 PM 12:53

C. V. OF CIRCUIT
COURT, BALTO. CO.

(5)

the *11th* day of *December*, 1956.

(1) How many of the complainants own exterior lots in "Hilltop Park" recorded among the plat records of Baltimore County in Plat Book W.P.C. #8, folio 32, Complainants' "Exhibit A", which already bind on Hopewell Creek or any other creek? Please specify by giving names and addresses.

(2) Why would the aforementioned property owners need the use of the unnamed road or way (thirty feet) as shown on the aforementioned plat for ingress and egress to and from Hilltop Avenue to the water of Hopewell Creek or suffer irreparable loss or injury?

(3) By what means express or implied have the Complainants acquired the legal right to use Valley Avenue or the thirty foot road or way as shown on the aforementioned plat?

(4) To what public road or way does the aforesaid Valley Road lead, proceeding Southeastarily from Hilltop Avenue as shown on the plat of Hilltop Park recorded as aforesaid?

(5) To what advantage or asset would the utilization of Valley Road afford the Complainants?

(6) By what authority, instrument, legal document or other means do the Complainants claim that the Respondents "have not the exclusive use thereof but merely have a use thereof in common with the Complainants and others entitled thereto" and further say that the Respondents "have no legal title" to either Valley Road or the unnamed thirty foot road as aforementioned?

(7) What specific "irreparable loss and injury" have the alleged acts of the Respondents caused the Complainants?

(8) Have the Complainants used the aforesaid thirty foot road for ingress and egress to the waters of Hopewell Creek?

(9) Have the Complainants used the beach area of the intersection of the aforementioned thirty foot road or way with the waters of Hopewell Creek for bathing or swimming; if so, who, and how often?

(10) If they used said thirty foot road as above, was it at both low and high tide; if not, which?

(11) Have any of the Complainants ever owned any boat or boats? If so, where were they docked, or if launched each time they were used, from where were they launched?

(12) Which of the Complainants in this case originally decided to bring suit? Which of the Complainants procured the services of their Solicitor and saw to the financing thereof?

(13) By what means did the above party or parties enlist the support of the remaining Complainants? What particular line of reason and approach did they utilize to gather this support?

(14) Give the names and addresses of all witnesses to be called by the Complainants in this case.

(15) Summarize briefly the Complainants' basis of complaint which they intend to propound at the trial.

(16) If the answer to any interrogatory herein is incomplete by reason of the Complainants' lack of present knowledge, give the complete answer to such interrogatory as soon as such information is acquired by the Complainant before trial in writing if possible and if time permits, or orally if acquired upon the eve of trial.

Joseph P. Kubik
Joseph P. Kubik

Thelma L. Kubik
Thelma L. Kubik

C. Victor McFarland
C. Victor McFarland
212 Washington Ave., Towson, Md.
Solicitor for Respondents

I HEREBY CERTIFY that on this 26th day of November, 1956,
I filed a copy of these Interrogatories of Respondents to James A. Fine,
Captain, 212 Pennsylvania Avenue, Towson 4, Maryland, Attorney for the
Respondents.

C. Victor McFarland
C. Victor McFarland

37512
4/18

FREDERICK A. BARTH and
PATRICIA BARTH, his wife
and
MARLIN A. SNYDER and
VIOLET I. SNYDER, his wife
and
GEORGE M. BOSSE and
CATHERINE BOSSE, his wife
and
ROBERT BEDFORD and
MARTHA BEDFORD, his wife
and
JOHN SNYDER and
VALERIE SNYDER, his wife
and
T. GILBERT NYE and
VELMA NYE, his wife
and
WILLIAM S. GUNTER and
MILDRED GUNTER, his wife
and
JOHN PEPE and
ELVA PEPE, his wife
and
WILLIAM CULLER and
ANN CULLER, his wife
and
WILLIAM H. NUSSLE, and
PEARL NUSSLE, his wife
and
THEODORE S. WERNICK and
IRENE WERNICK, his wife
and
AUSTIN C. MILLER and
MATHLEEN L. MILLER, his wife

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

IN EQUITY

Complainants

vs.

JOSEPH P. KUBIK and
THELMA L. KUBIK, his wife

Respondents

ANSWERS TO INTERROGATORIES

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Now come the Complainants, by James A. Pinn, their Solicitor,
and answering the interrogatories under the General Rule of Practice and
Procedure of the Court of Appeals of this State, Discovery Rule 2, says:

FILED

APR-4 AM 10:23

CIRCUIT
COURT, BALTO. CO.

- (1) Yes, two. Mr. Gilbert Nye and Mr. William Culler.
- (2) Get to and from Hopewell Creek, for swimming, boating, and fishing. The property owners are being deprived of their rights of a public way specifically set aside for them.
- (3) By the Plat itself. Prior use of both before Kubiks' built their house and blocked the way.
- (4) West road.
- (5) By Mr. Kubik's own actions. He has stopped the people of the community from using Valley Road. Blocking off same.
- (6) By Plat on Record of "Hilltop Park" and Deeds of owners.
- (7) Denied the use of Valley Road and Thirty (30) foot right of way to Hopewell Creek.
- (8) Yes.
- (9) Mr. Marlin Snyder, William Culler, Theodore Wernick, Elva Pepe, Mildred Gunter, Velma Nye.
- (10) Both.
- (11) George Bosse, Fred Barth, Austin Miller, Gilbert Nye. Other parts of Hopewell Creek because the Kubiks' will not let them launch or moor their boats near public thirty foot (30) right of way of Hopewell Creek.
- (12) All of them. All of them.
- (13) All combined together voluntarily.
- (14) A surveyor to be called and named later. The complainants themselves and W. E. Gray, 731 Eastern Avenue, Essex 21, Maryland.
- (15) Kubiks' built their home and garage on thirty foot (30') right of way. Kubiks' built their home and garage off of their lot and placed debris on Valley Road, blocking it.

Frederick A. Barth

Patricia Barth

Marlin A. Snyder
Marlin A. Snyder

Violet I. Snyder
Violet I. Snyder

George H. Boser
George H. Boser

Catherine Boser
Catherine Boser

Robert Bedford
Robert Bedford

Martha Bedford
Martha Bedford

John Snyder
John Snyder

Valerie Snyder
Valerie Snyder

Y. Gilbert Nye
Y. Gilbert Nye

Valma Nye
Valma Nye

William S. Genter
William S. Genter

Mildred Gunter
Mildred Gunter

John Pope
John Pope

Ella Pope
Ella Pope

William Culler
William Culler

Ann Culler
Ann Culler

William H. Nussle
William H. Nussle

Pearl Nussle
Pearl Nussle

Theodore S. Wernick
Theodore S. Wernick

Irene Wernick
Irene Wernick

Austin C. Miller
Austin C. Miller

Kathleen L. Miller
Kathleen L. Miller

James A. Price
James A. Price, collector for contributions
at W. Penna. Avenue, Towson 4, Maryland.

A F F I D A V I T

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 4th day of January, 1957, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared FREDERICK A. BARTH, PATRICIA BARTH, MARLIN A. SNYDER, VIOLET I. SNYDER, GEORGE M. BOSSE, CATHERINE BOSSE, ROBERT BEDFORD, MARTHA BEDFORD, JOHN SNYDER, VALERIE SNYDER, T. GILBERT NYE, VELMA NYE, WILLIAM S. GUNTER, MILERED GUNTER, JOHN PEPE, ELVA PEPE, WILLIAM CULLER, ANN CULLER, WILLIAM H. HUGHES, PEARL RUSSLE, THEODORE S. WERNICK, IRENE WERNICK, AUSTIN C. MILLER, and KATHLEEN L. MILLER, and they acknowledged the foregoing Answers to Interrogatories to be true to the best of their knowledge and belief.


Amey Bailey
Notary Public

I HEREBY CERTIFY that on this 4th day of January, 1957, I mailed a copy of these Answers to Interrogatories of Complainants to C. Victor McFarland, Esquire, Solicitor for the Respondents at 212 Washington Avenue, Towson 4, Maryland.

James A. Lurie
James A. Lurie

FREDERICK A. BARTH and	*	IN THE CIRCUIT COURT
PATRICIA BARTH, his wife		
and	*	
MARLIN A. SNYDER and	*	
VIOLET I. SNYDER, his wife		
and	*	
GEORGE M. BOSSE and	*	
CATHERINE BOSSE, his wife		
and	*	
ROBERT BEDFORD and	*	
MARTHA BEDFORD, his wife		
and	*	
JOHN SNYDER and	*	
VALERIE SNYDER, his wife		
and	*	FOR BALTIMORE COUNTY
T. GILBERT NYE and	*	
VELMA NYE, his wife		
and	*	
WILLIAM S. CUNTER and	*	
MILDRED CUNTER, his wife		
and	*	
JOHN PEPE and	*	
ELVA PEPE, his wife		
and	*	
WILLIAM CULLER and	*	
ANN CULLER, his wife		
and	*	
WILLIAM H. NUSSLE, and	*	
PEARL NUSSLE, his wife		
and	*	IN EQUITY
THEODORE S. WEENICK and	*	
IRENE WEENICK, his wife		
and	*	
AUSTIN C. MILLER and	*	
KATHLEEN L. MILLER, his wife		

Complainants

vs.

JOSEPH P. KUBIK and
THELMA L. KUBIK, his wife

Respondents

EXCEPTION TO ANSWERS TO THE INTERROGATORIES OF THE RESPONDENTS

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Now come the Respondents, Joseph P. Kubik and Thelma L. Kubik, his wife, by their Solicitors, C. Victor McFarland and Thomas Worthington Brandige,

III, demand that in accordance with the provisions of the General Rule of Practice and Procedure of the Court of Appeals of this state, Rule 417, Section "C", entitled "Exception", the Complainants or their Solicitor, James A. Pine, more fully and sufficiently answer the Interrogatories filed in this case by the Respondents, excepted to as set forth below, under oath on or before the

1057 MAY 14 PM 12 07
C. V. McFARLAND & CO.

FD

date which the Honorable Court shall fix.

I. Exception to Answer of Question 2 - The Respondents are aware of the exterior lot owners contentions, but the Complainants in their answer to this Interrogatory failed to allege any irreparable loss or injury that they have suffered, except that of a supposed naked right.

II. Exception to Answer of Question 4. - West Road is not shown on plat of Hilltop Park, Complainants' Exhibit "A". The Respondents did not intend that the question be ambiguous and do not think it is such. Leaving out the direction description, the Respondents contend the Question restricts the road, if there is such to be shown on the plat of Hilltop Park. The Complainants could have accomplished the same in a negative manner if they had made their answer more complete.

III. Exception to Answer of Question 5 - The Complainants have not answered this Question. Apparently, through inadvertence, they are in a different trend of thought.

IV. Exception to Answer of Question 6 - By what authority or otherwise does the plat of Hilltop Park restrict the rights of the Respondents and give rights to the Complainants? What owners' deeds? The answer is not complete nor are the references specific.

V. Exception to Answer of Question 7 - Same objection as Exception I as to all of the Complainants.

VI. Exception to Answer of Question 9 - The Complainants have not answered Question as to which alleged purpose they have utilized the beach area or how oftenthesse individuals have used said beach.

VII. Exception to Answers of Questions 12 & 13 - The answers of the Complainants are not sufficient. The respondents do not mean to be facetious but it does not seem to be within the realm of possibility that on a specific date and time all twenty-four of the Complainants under an irresistible compulsion simultaneously decided to bring suit, and finance the same.

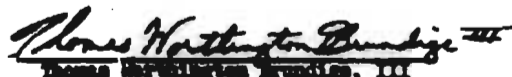
To the End Wherefor:

A. The Respondents pray that the Court under the authority of the aforementioned Rule of Practice and Procedure assess the Complainants for their expenses and reasonable attorneys' fees that they incur as a result of the necessity of filing these Exceptions.

B. That a hearing be had on these Exceptions as soon as the Honorable Court finds it convenient.

C. That the Complainants be compelled to answer these Exceptions to the Respondents' Interrogatories within a reasonable time.


C. Victor McFarland


Thomas Worthington Brundage, III
Solicitors for the Respondents

I HEREBY CERTIFY that on this 14th day of January, 1957
I mailed a copy of these EXCEPTIONS TO ANSWERS TO THE INTERROGATORIES
OF THE RESPONDENTS to James A. Pines, Esquire, 21 W. Pennsylvania Avenue,
Towson 4, Maryland, Attorney for the Plaintiffs.


C. Victor McFarland

WILLIAM S. GUNTER, et al.

Vs.

JOSEPH P. KUBIK, et ux.

IN THE CIRCUIT COURT

OF

BALTIMORE COUNTY

IN EQUITY

Equity Docket G.L.B. No. 61,
folio 28
Case No. 37-512

1 : : : : 1

Please enter my appearance for the Defendants in
this cause.

Thomas W. Brundage, III
Thomas W. Brundage, III
Attorney for the Defendants
212 Washington Avenue
Towson 4, Maryland
Valley 5-2900

FILED

MAY 27 PM 1:13

CLERK OF CIRCUIT
COURT, BALTO. CO.

WILLIAM S. GUNTER, et al.

Vs.

JOSEPH P. KUBIK, et ux.

IN THE CIRCUIT COURT

OF

BALTIMORE COUNTY

IN EQUITY

Equity Docket G.L.B. No. 61,
folio 28
Case No. 37-512

: : : : : :

DECREE

This cause having come on for hearing, upon Bill and Answer, testimony having been heard in open Court, *and the testimony of the Counsel* the Counsel for the parties were heard and the proceeding considered.

It is thereupon, this *29* day of May, 1957, by the Circuit Court for Baltimore County in Equity, **ADJUDGED, ORDERED, AND DECREED**, that the unnamed 30-foot way between Lots 37 and 38 as shown on the Plat of Hilltop Park recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 8, folio 32, be forever closed and extinguished and any use thereof as a right of way is forever denied *in so far as the parties state one can come of*

It is thereupon further **ADJUDGED, ORDERED, AND DECREED**, that in lieu and in place of the above closed 30-foot way, a 36.10 foot way be opened to the complainants to the same extent as said complainants' rights existed in and to the above closed 30-foot way prior to this Decree. The said 36.10 foot way is to be located and described as follows:

A 36.10-foot way running from the Southeast side of Hilltop Avenue to the waters of Hopewell Creek as shown on the aforementioned Plat of Hilltop Park, being 36.10 feet wide for its full length and having for its Northeast boundary a line parallel to and 1 foot Southwest of the dividing line between Lots Nos. 36 and 37 on the said Plat of Hilltop Park and having for its Southwest boundary a line parallel to and 36.10 feet Southwest of the above described Northeast boundary.

1957 - 1959
CIRCUIT
CO. CO.

9

It is thereupon further ADJUDGED, ORDERED, AND
DECREED that the above-described 36.10-foot way be delineated
on the ground by stakes placed on both the Northeast and
Southwest boundaries thereof. Said stakes to be clearly dis-
cernible and to be located and placed by the Defendants in
this cause or their agents.

It is further ORDERED that the ^{defendants} ~~Complainants~~ pay the
costs of this suit.

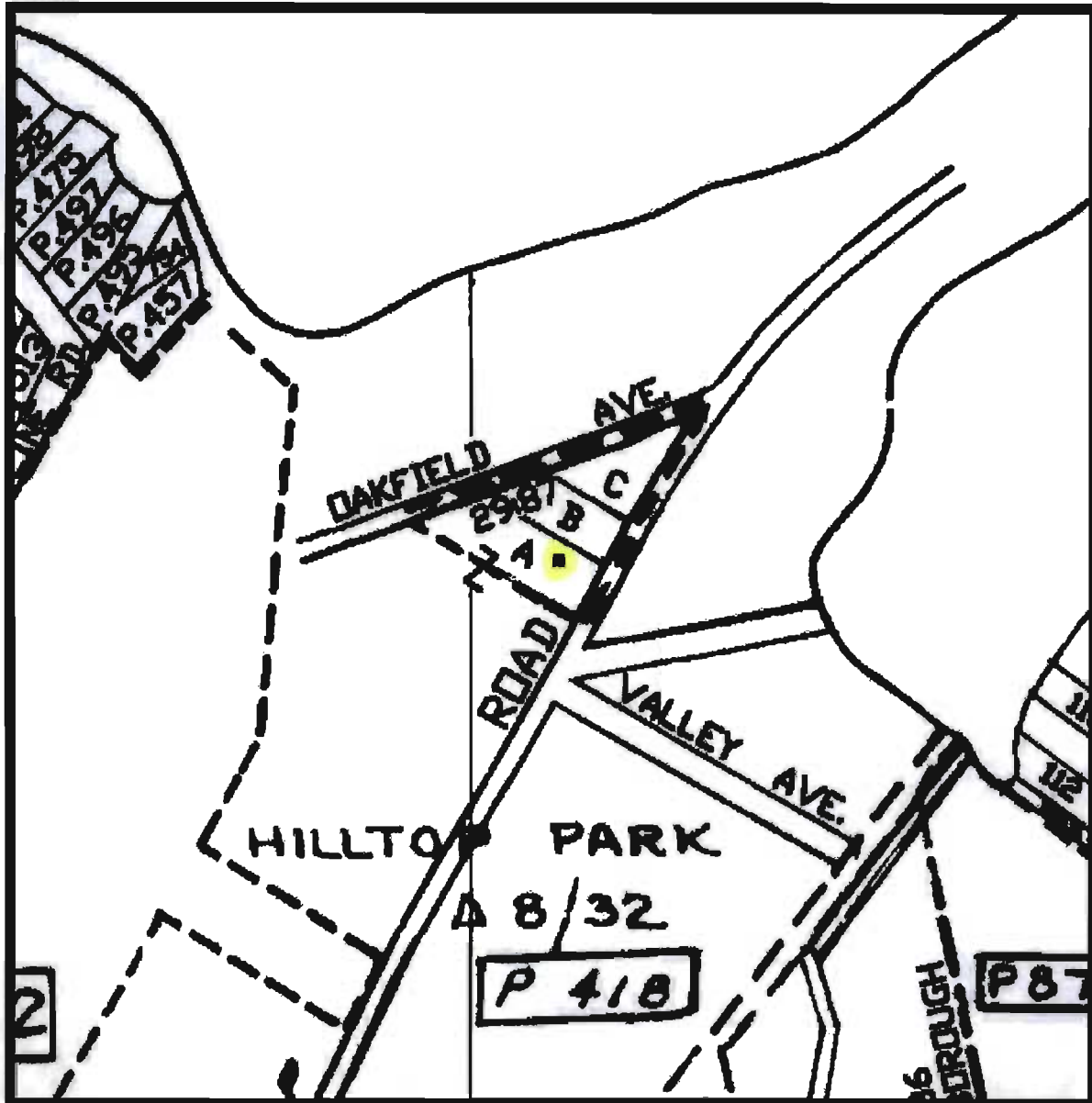

Judge



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

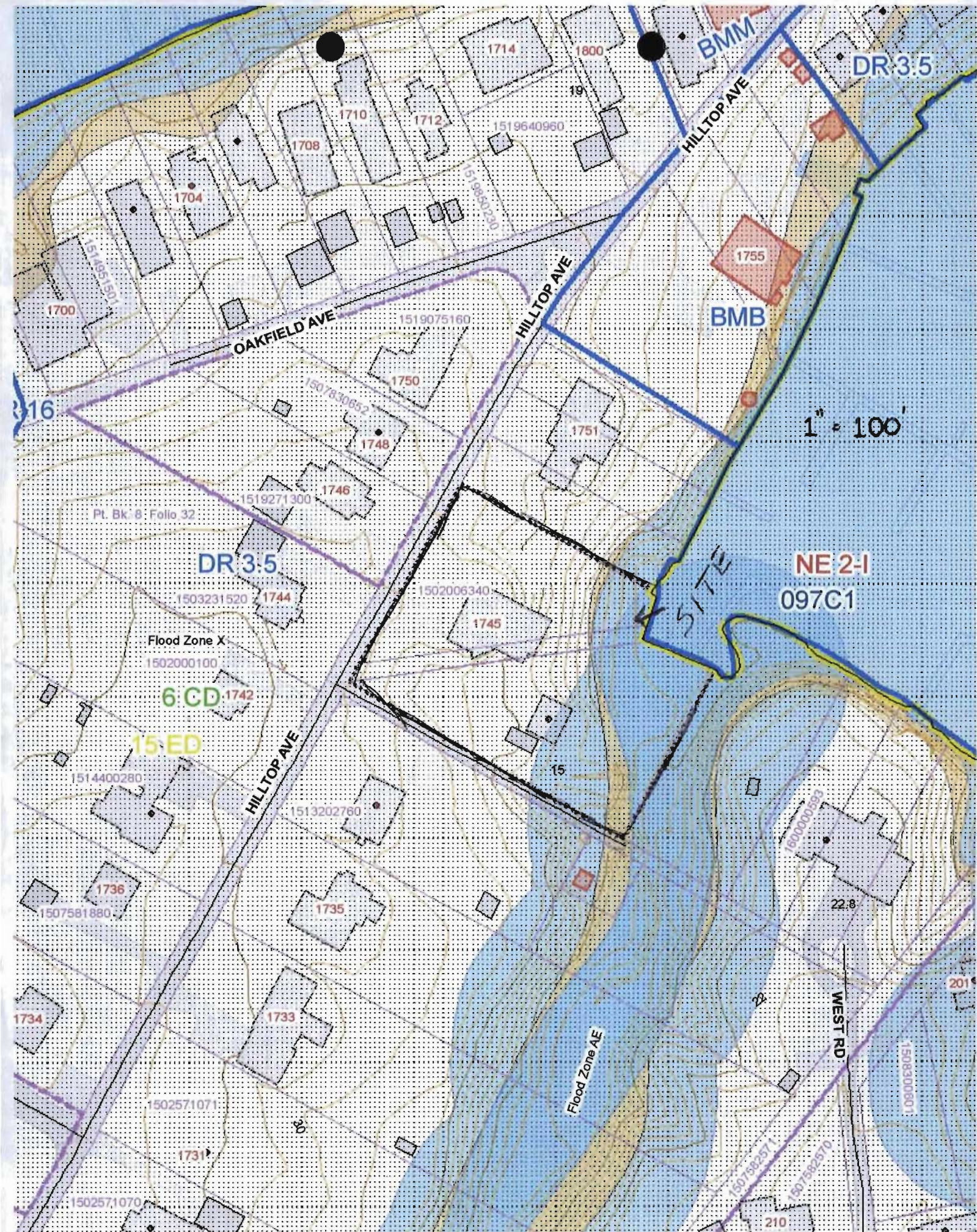
[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 1502006340

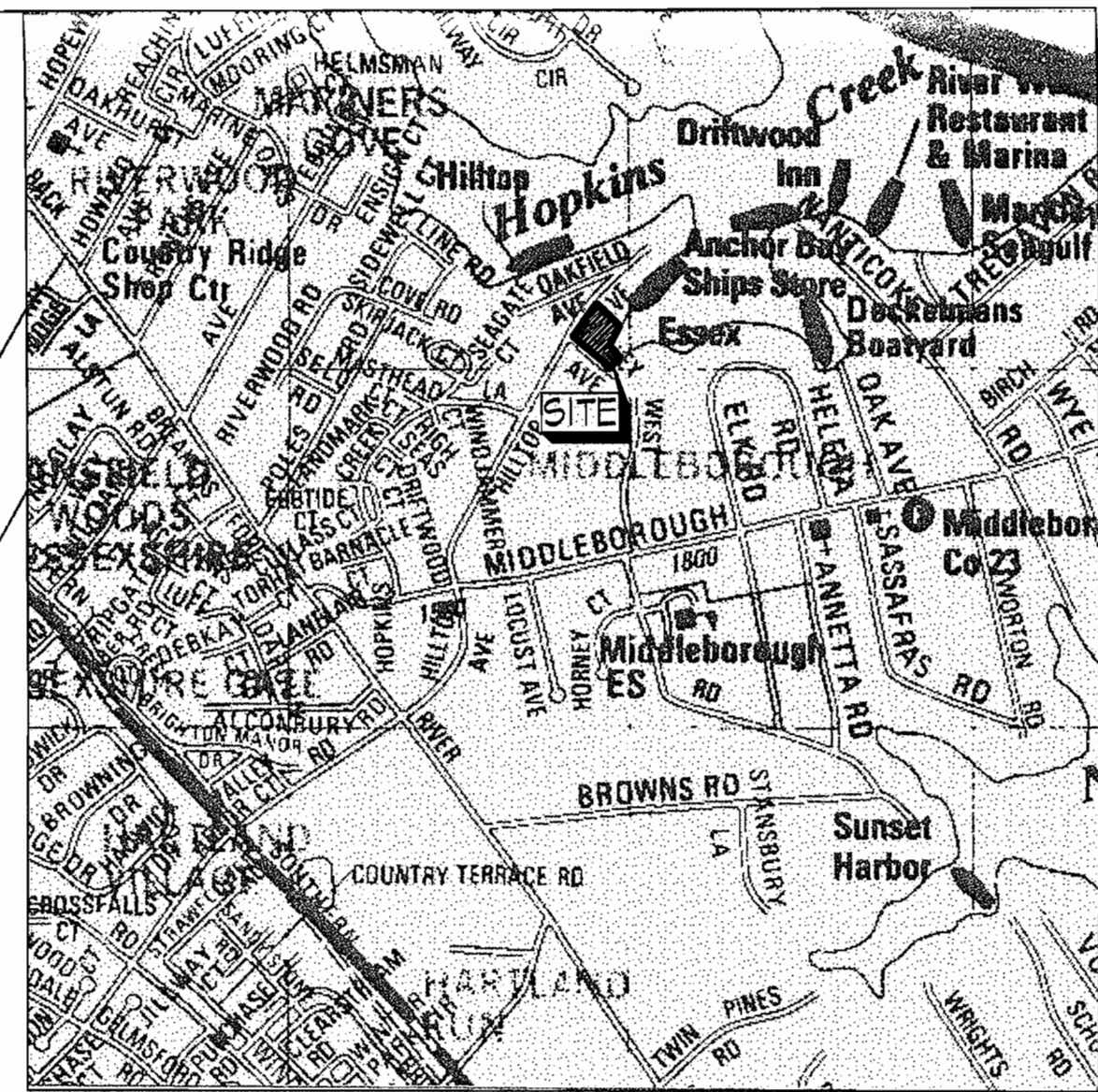


Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web
 site at www.mdp.state.md.us/webcom/index.html





2008-0551-S14



SCALE 1" = 1000

SITE

- | | | | |
|----|---------------------------------------|----------|----------------|
| 1. | TOTAL AREA OF LOTS | 1.159 AC | 50,500.7 SQ FT |
| 2. | TOTAL AREA DEDICATED TO BALTIMORE CO. | 0.049 AC | 2145.9 SQ FT |
| 3. | TOTAL AREA OF SITE | 1.110 AC | 48354.8 SQ FT |
2. ALL PARKING SPACES WILL BE A MINIMUM OF 9' X 18' UNLESS OTHERWISE NOTED.
3. EXISTING SITE CONDITION: EXISTING SINGLE FAMILY DWELLING, PARTIAL WOODS, & OPEN SPACE.
4. REFUSE COLLECTION WILL BE BY BALTIMORE COUNTY AT THE NORTH WEST CORNER OF THE LOTS.
5. IMPERVIOUS CALCULATIONS:
- | | | |
|--------------------------|---------------|---------------|
| | LOT 37 | LOT 38 |
| EXISTING IMPERVIOUS AREA | 5149.9 S.F. | 1820.75 S.F. |
| | LOT 1 | LOT 2 |
| PROPOSED IMPERVIOUS AREA | 3206.1 S.F. | 3043.4 S.F. |
6. THE ISSUANCE OF THE BUILDING PERMIT AND ALL GRADING WILL BE DONE IN ACCORDANCE WITH THE STANDARD PLAN FOR SEDIMENT CONTROL AND SEDIMENT CONTROL APPROVED BY THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT. GRADING SHOWN IS SCHEMATIC ONLY. FINAL GRADING SHALL BE SHOWN ON THE PLAN TO ACCOMPANY THE BUILDING PERMIT APPLICATION.
7. MASTER WATER W-1 MASTER SEWER S-1.
8. PUBLIC WATER AND SEWER WILL BE PROVIDED FOR ALL LOTS. THE COST WILL BE THE RESPONSIBILITY OF THE BUILDER AND NOT THE DEVELOPER OF THE SUBDIVISION.
9. BIDDER PROPOSED GRADE IS ANTICIPATED LIMIT OF DISTURBANCE.
10. EXISTING BUILDINGS LABELED (TO BE RAZED) ARE TO BE RAZED BY THE DEVELOPER BEFORE SALE OF ANY LOTS OR FIRST BUILDING PERMIT APPLICATION.

ENVIRONMENTAL

11. THE ENTIRE SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
12. TOTAL AREA DISTURBED ON SITE 10,695 SF
OFFSITE 1,404 SF
TOTAL 12,099 SF
13. THERE ARE NO ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS WITHIN THE PROPERTY LIMITS SHOWN ON THIS PLAN TO THE BEST OF OUR KNOWLEDGE.
14. THE EXISTING SLANDER CREEK WATERWAY DENOTED ON THE PLAN.
15. THERE ARE NO WELLS, SEPTIC TANKS OR UNDERGROUND STORAGE TANKS ON SITE.
16. TIDAL WETLANDS HAVE BEEN LOCATED ON THE SITE.
17. A "CRITICAL AREA BUFFER MANAGEMENT PLAN" (C.F.P. EQUIVANT) HAS BEEN SUBMITTED FOR APPROVAL TO ENVIRONMENTAL IMPACT REVIEW.
18. SOME SLOD, SOILS MAY BE.
19. A STORMWATER MANAGEMENT REPORT HAS BEEN SUBMITTED INCLUDING COMPUTATIONAL ANALYSIS AND PROPOSED METHODS OF NON-STRUCTURAL BMP.
20. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON EXISTING WATERWAY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
21. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT, AND FOREST CONSERVATION EASEMENT EXCEPT AS SPECIFIED BY THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
22. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE DEEDS AND DEEDS OF FORESTWOMER OWNERS WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

ZONING

23. EXISTING ZONING OF SUBJECT PROPERTY D.R.3.5
24. THIS PROPERTY HAS NO ZONING CASE HISTORY.
25. PROPOSED USE: RESIDENTIAL SUBDIVISION (SINGLE FAMILY HOUSES).
26. THE PROPOSED LOT SIZES ARE 10,000 SQ. FT. LOTS WITH A 10' WIDE PLANTER ROW ON THIS PLAN ARE FOR SALE.
27. EACH HOUSE TO HAVE TWO (2) OFF STREET PARKING PLACES. MIN SIZE 9' X 18' EACH.
28. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SINCE OCTOBER 7, 1991. NO PART OF THE GROSS AREA OF THIS PROPERTY IS SHOWN ON THE PLAN AS BEING USED FOR ANY OTHER PURPOSE OR REPRESENTED AS DENSITY TO SUPPORT ANY OTHER OFFSITE DWELLING.
29. THESE CONTIGUOUS EXISTING LOTS HAVE BEEN HELD INTACT SINCE THEIR RECORDATION AS SHOWN IN PLAT OF HILLTOP PARK JANUARY 20, 1926 PLAT REF: W-10-1-10.
30. THE CRITICAL AREA LAND USE DESIGNATION IS LDA
31. THE EXISTING PIER IS FOR PRIVATE USE, IT IS TO BE MAINTAINED FOR THE RIGHT AND USE OF LOTS 1 & 2 EXCLUSIVELY.
32. THE AREA BETWEEN THE SHORELINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND LEFT FREE OF ANY OBSTRUCTIONS.
33. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS.
34. THE USE OF OR ANY OF ANY OF THE LOTS MUST BE DUE TO IMPROVED GRADING. IMPROPER INSTALLATION OF DRAINAGE FACILITIES WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.
35. AN AMENDMENT TO PLAT #82 IS REQUIRED TO CREATE THESE LOTS, AND THAT AMENDED PLAT MUST BE FILED ON THIS APPROVED PLAN.
36. SEE PLAT VIEW FOR EXACT LOCATIONS OF RIGHTS OF WAY CLOSED & OPENED BY DECREE CASE # 37512, EQUIT DCKET # 61-28
37. ENVELOPES OR DWELLINGS AS SHOWN DICTATE A SPECIFIC LOCATION AND ORIENTATION WHICH IS TO BE MAINTAINED IN ACCORDANCE WITH BALTIMORE COUNTY ZONING REGULATIONS AND POLICIES. SHOULD THE LOCATION OR ORIENTATION CHANGE SO AS TO CREATE CONFLICTS WITH THE REGULATIONS OR POLICIES, THE LOCATION OR ORIENTATION MUST BE ADJUSTED TO ALLEVIATE THE CONFLICT.
38. THE MAXIMUM DWELLING HEIGHT ALLOWED IS 50 FEET.

MINIMUM BUILDING SETBACK REQUIREMENTS

(D.R. 3.5)	
MINIMUM NET LOT AREA:	10,000 S.F.
MINIMUM LOT WIDTH:	70 FEET
MINIMUM FRONT YARD DEPTH:	30 FEET
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD:	10 FEET
MINIMUM SUM OF SIDE YARD WIDTHS:	25 FEET
MINIMUM REAR YARD DEPTH:	30 FEET
MINIMUM SIDE YARD FROM R/W	30 FEET

STANDARD NOTES FOR MINOR SUBDIVISION

- A. GROSS & NET AREA OF TRACT:**
- | | | | |
|--------------------|------------|--------------------|------------|
| EX. LOT 37 : | 0.673 AC ± | EX. LOT 38 : | 0.486 AC ± |
| HIGHWAY WIDENING : | 0.045 AC ± | HIGHWAY WIDENING : | 0.004 AC ± |
| GROSS TOTAL : | 1.159 AC ± | | |
| NET TOTAL : | 1.110 AC ± | | |
- B. ZONING CLASSIFICATION D.R. 3.5**
- C. DENSITY CALCULATIONS**

LOTS ALLOWED = 3.5 X 1.159 AC = 4.05 LOTS
LOTS PROPOSED = 2 LOTS
CHARLES E. HUBER
1745 HILLTOP AVE.
BALTIMORE MD, 21221-3038
TELEPHONE # 410-780-7088

D. OWNERS/DEVELOPERS

- F. TAX ACCOUNT: 1502006340,1502006341,1502006342
G. 200-SCALE MAP REFERENCE: 097C1
H. PLAT REF: 8/32
I. DEED REF: 8934 /796
J. TAX MAP 97, GRID 8, PARCEL 418, LOT 37 & 38
K. SCHOOLS: MIDDLEBOROUGH ELEMENTARY SCHOOL,
DEEP CREEK MIDDLE SCHOOL, CHESAPEAKE HIGH SCHOOL
L. CENSUS TRACT 4508.00. 2000 CENSUS BLOCK GROUP: 240054508002
M. WATERSHED MIDDLE RIVER,
N. WATER SERVICE AREA: FIRST ZONE
O. SEWER SHED: 39
P. TRANSPORTATION ZONE: 0735
Q. REGIONAL PLANNING DISTRICT 328
R. COUNCILMANIC DISTRICT: 6

IMPERVIOUS SURFACE TABLE:

	LOT AREA	EX. IMPERVIOUS	PROP. IMPERVIOUS	% IMP. PROP.
LOT 1	21500.0 S.F.	2671.8 S.F.	3206.1 S.F.	14.91 %
LOT 2	26854.7 S.F.	3799.0 S.F.	3034.3 S.F.	11.29 %
TOTAL	48354.7 S.F.	6470.8 S.F.	6240.4 S.F.	12.91 %

FLOOD NOTE

THE LOTS SHOWN HEREON LIE WITHIN ZONES A, B & C AS SHOWN ON THE F.I.R.M. MAP 240010 0455 C
EFFECTIVE DATE NOVEMBER 17, 1993.
100 YEAR & 500 YEAR FLOODPLAIN DENOTED ON PLAN

SOIL GROUPS

SOIL GROUPS					
SYMBOL	NAME	HYDRIC	HIGHLY ERODIBLE	BUILDING CONSTRAINTS	HYDROLOGIC SOIL GROUP
SHD2	SASSAFRAS SANDY LOAM	NO	NO	MODERATE	B

JOSEPH THOMPSON
PROFESSIONAL LAND SURVEYOR

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE APPROVED DEVELOPMENT PLAN DATED _____ AND HAVE PREPARED WITH DUE DILIGENCE THIS RECORD PLAT PURSUANT TO THAT APPROVED DEVELOPMENT PLAN.

DESIGNED: JRO	DRAWN: JRO	CHECKED: CTM	Plan for Zoning Special Hearing Minor Subdivision Planning	
REVISIONS				
NO.	DESCRIPTION	DATE		
PETITIONER'S			1745 HILLTOP AVENUE 07-083-M LOTS 37 & 38 DISTRICT 15 C6 Baltimore County, Maryland	
EXHIBIT NO. <u>1</u>				
			 THOMPSON & McCORD ASSOCIATES, LLC	
			Surveyors & Engineers 402 Hickory Avenue Bel Air, Maryland 21014 Phone: 410-803-0696 Fax: 410-838-0686	
SCALE: Scale 1" = 20'		DATE: 01/03/08	PROJECT NUMBER: 3044	SHEET: 1 OF 1