

IN RE: PETITION FOR VARIANCE

N side of Holly Beach Road, 102 feet W
from the c/l of Henrietta Avenue
15th Election District
6th Councilmanic District
(2508 Holly Beach Road)

Kurt and Alison Hupper
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0123-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Kurt and Alison Hupper. Petitioners are requesting Variance relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 42 foot setback from the centerline of a road in lieu of the minimum required 75 feet, and from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure to be located in the side yard in lieu of the rear yard. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Kurt Hupper. Also appearing in support of the requested relief was James Grammer with McKee & Associates, Inc., the professional land surveyor who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped lot approximately 100 feet wide and 200 feet deep containing 19,500 square feet or 0.45 acre, more or less, zoned R.C.5. The property is located along the southern shoreline of Middle River. The property comprises Lots 7 and 8 which were originally recorded in the land records in 1913.

APPROPRIATELY FILED FOR RECORD
2.5.09
MB

The property was at one time improved with a one-story dwelling built in approximately 1919, prior to the existing zoning regulations. There were also several sheds located on the property. Petitioners purchased the property in April 2003 and began cleaning up the lot, unsure of the long term future of the existing dwelling. Following the destructive force of Hurricane Isabel in September 2003 and after consideration of the age and condition of the dwelling, Petitioners decided to raze the dwelling in order to construct a replacement dwelling.

In September, 2007, Petitioners made several variance requests for the property in Case No. 2007-0558-A. Among the variance requests in that case, Petitioners sought approval to permit a 58 foot setback from the centerline of a road in lieu of the minimum required 75 feet. In an Order dated September 19, 2007, the undersigned granted Petitioners' variance requests. At this juncture, Petitioners still wish to utilize the variance requests that were granted in the prior case for the reduced setback from the centerline of the road, as well as to permit lot coverage of 25% in lieu of the maximum permitted 15% for a replacement dwelling and to permit an accessory structure (pool) in the front yard in lieu of the required rear yard; however, due to changes in the design and configuration of the proposed dwelling, Petitioners have come back before this Commission seeking the instant variance relief in order to place the proposed dwelling closer to the street (42 feet from the centerline of the road in lieu of the minimum 75 feet), and to construct a separate garage in the side yard rather than the required rear yard. Petitioners had originally planned for an attached garage, but decided on a separate garage structure because that layout is more prevalent in the community.

In support of the requested relief, Mr. Grammer relied primarily on the same rationale for the original variance requests in Case No. 2007-0558-A. Mr. Grammer indicated that Petitioners desire to locate the replacement dwelling and garage closer to Holly Beach Avenue in order to

2007-0558-A
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have more usable space in the front yard and to preserve the views of the shoreline for themselves as well as their neighbors. In addition, the useable space on the property is severely impacted and limited by the slope of the property and by the depth of the property toward the sandy beach area at the waterfront. Mr. Grammer indicated this makes Petitioners' property unique. They also point to the fact that the adjacent properties along the shoreline to the east (lots 9, 10, and 11 on the site plan) sit further out toward the water by approximately 15 to 20 feet than the subject property. Also, the adjacent properties along the shoreline to the west (lots 3, 4, 5, and 6) have much more gradual slopes to the water than the subject property. Finally, Mr. Grammer, opined that due to the uniqueness of the lot and its configuration, denying the requested variance relief would not allow Petitioners to utilize the lot for its best purpose without practical difficulty or undue hardship. He also opined that the granting the variance requests would not have an adverse effect on any adjacent neighbors (and would in fact improve neighbors' sightlines), nor would granting the variance requests be detrimental to the health, safety, and general welfare of the community.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated December 1, 2008, which indicate that it does not oppose Petitioners' request, provided the construction complies with the current R.C.5 requirements. In order to make this determination, the Office of Planning will require the submission of additional information, which will be expounded on further in this Order. Comments were received from the Department of Environmental Protection and Resource Management dated November 21, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The

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maximum lot coverage permitted is 31.25% which equals 6,093 square feet. The 25% threshold is 4,975 square feet. Mitigation is required between 25% to 31.25% if applicable. There is also a 15% afforestation requirement that must be met on-site.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. As I indicated in the earlier case, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. I find that the use of the property is significantly limited by the present location of the existing dwelling and the severe drop off of the property toward the shoreline. This is exacerbated by the fact that the shoreline also contains a large sandy beach area. While the sandy beach may be desirable to a degree, it also effectively shrinks the useable area of the lot for Petitioners. Therefore, I find the property unique in a zoning sense. I also do not believe that allowing a 42 foot setback to the centerline of the road rather than the previously approved 58 feet will have any appreciable impacts. Based on my review of the previous case and the instant matter, it appears the requested change may be more beneficial, especially environmentally with less impervious area since the home would be closer to the road, and with more open areas along the shoreline.

I also find that strict compliance with the zoning regulations of Baltimore County would result in practical difficulty and undue hardship, and would deny Petitioners the best use of their property. Finally, I find that these variances can be granted in strict harmony with the spirit and intent of the zoning regulations and the ZAC comments, and in such a manner as to grant relief without injury to the public, health, safety or general welfare. It appears that Petitioners' intentions with regard to the subject property are consistent with the appearances and uses of the properties nearby -- especially with regard to locating a separate garage structure in the side yard, closer to the road. As shown on the site plan, this layout seems to be more the norm in this area.

~~CONFIDENTIAL FOR PLANNING~~
2.5.09
[Signature]

Thus, I find that relief can be granted such that there will be no detrimental impact to adjacent properties or the surrounding locale. The proposed development must also comply with the Chesapeake Bay Critical Area regulations.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED this 6th day of February, 2009 by this Deputy Zoning Commissioner, that Petitioners' Variance request from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 42 foot setback from the centerline of a road in lieu of the minimum required 75 feet, and from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure to be located in the side yard in lieu of the rear yard be and are hereby GRANTED, subject to the following:

1. Petitioners are advised that they may apply for any required building permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. 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).
3. The property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The maximum lot coverage permitted is 31.25% which equals 6,093 square feet. The 25% threshold is 4,975 square feet. Mitigation is required between 25% to 31.25% if applicable.
4. There is a 15% afforestation requirement that must be met on-site.

~~CONFIDENTIAL FOR FILE~~

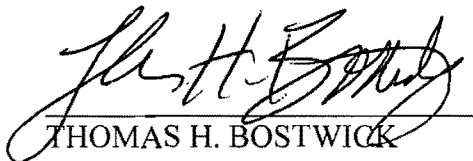
2.5.09

[Signature]

5. Prior to obtaining a building permit, Petitioners shall submit the following information to the Office of Planning for their determination that the proposed structure meets the R.C.5 Performance Standards:

- a. Submit photographs of existing adjacent dwellings to the Office of Planning.
- b. Submit building elevations (all sides) of the proposed dwelling to the Office of Planning for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) use the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
- c. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- d. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
- e. Provide landscaping along the public road, if it is consistent with the existing streetscape.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

~~COPIES DESTROYED FROM PUBLIC~~
2.5.09
M



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

February 6, 2009

KURT AND ALISON HUPPER
213 SHERWOOD ROAD
COCKEYSVILLE MD 21030

Re: Petition for Variance
Case No. 2009-0123-A
Property: 2508 Holly Beach Road

Dear Mr. and Mrs. Hupper:

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,

A handwritten signature in dark ink, appearing to read "John H. Bostwick", written over a circular stamp.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: James D. Grammer, Mckee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville Md 21030



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2508 HOLLY BEACH ROAD
which is presently zoned RC-5

Deed Reference: 177961106 Tax Account # 15-12-201920

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

KURT HUPPERT
Name - Type or Print _____
Signature [Signature] _____
ALISON HUPPERT
Name - Type or Print _____
Signature [Signature] _____
213 SHERWOOD ROAD 410 683-0464
Address _____ Telephone No. _____
COCKEYSVILLE MD 21030
City _____ State _____ Zip Code _____

Representative to be Contacted:

JAMES GRAMMER
McKEE & ASSOC., INC
Name _____
5 SHAWAN RD, STE 1 410 527-1535
Address _____ Telephone No. _____
COCKEYSVILLE MD 21030
City _____ State _____ Zip Code _____

Case No. 2009-0123-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____
Reviewed by JF Date 10/28/08

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

**2508 HOLLY BEACH ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD**

REQUESTED ZONING VARIANCE RELIEF:

1. Requesting a variance from Section 1A04.3.B.2.b. to permit a 42-foot setback from the centerline of a road in-lieu of the minimum required 75-feet.
2. Requesting a variance from Section 400.1 to permit an accessory structure to be located in the side yard in-lieu of the rear yard.
3. Any other relief as deemed necessary by the Zoning Commissioner.

PRACTICAL DIFFICULTY AND HARDSHIP:

1. The property is topographically restricted due to a significant elevation change along the shoreline.
2. Placing the proposed dwelling closer to the street is more in keeping with the Chesapeake Bay Critical Area guidelines, in that the amount of impervious area is kept to a minimum. Additionally there will be more vegetative cover on the waterside portion of the property if the variance is granted.
3. Other testimony to be provided at the hearing.

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

**ZONING DESCRIPTION
2508 HOLLY BEACH ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD**

BEGINNING at a point on the North side of Holly Beach Road Road, 40 feet wide, said point being situated 102' +/- westerly from the centerline extension of Henrietta Avenue, 40 feet wide. Being Lots 7 and 8 as shown on Plat No. 1, Holly Beach recorded in Baltimore County Plat Book W.P.C. 4, page 182 and containing 19,500sf or 0.45 acres of land, more or less.

Being known as 2805 Holly Beach Road and lying in the 15th Election District, 6th Councilmanic District.

2007-0123-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 2999

Date: 10-24-07

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	506	0000		6150						65.00

Total: 65.00

Rec
From

Kurt John Huppert

For

Refund for Variance

250F Holly Beach Del.

Cont # 2809-0123-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

BUSINESS ACTUAL TIME DED
 10/24/07 10/24/07 09:20:07
 5005 001111 000 000
 RECEIPT # 443284 10/24/2007 1811
 5 528 701111 VERIFICATION
 023998
 Receipt Tot 125.00
 445.00 01 1.00 02
 Baltimore County, Maryland

**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: #2009-0123-A

2508 Holly Beach Road

N/side of Holly Beach Road at the distance of 102 +/- feet west from c/line of Henrietta Avenue

15th Election District - 6th Councilmanic District

Legal Owner(s): Kurt & Allison Huppert

Variance: to permit a 42-foot setback from the centerline of a road in lieu of the minimum required 75 feet. To permit an accessory structure to be located in the side yard in lieu of the rear yard. Any other relief as deemed necessary by the Zoning Commissioner.

Hearing: Friday, January 9, 2009 at 10:00 a.m. in Room 106, County Office Building, 111 West 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 concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 12/753 Dec. 23

190999

CERTIFICATE OF PUBLICATION

1/7/2009

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 12/23/2008.

- ☒ 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: 2009-0123-A

Petitioner/Developer: _____

Randall LA RONDE

Date of Hearing/Closing: Jan 9 09

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

Attn : Kristin 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: _____

2508 Holly Beach Road

The sign(s) were posted on _____ Dec 24 08
(Month, Day, Year)

Sincerely,

Robert Black Dec 29, 08

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0123-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: Room 106, County Office Building
111 WEST CHESAPEAKE AVENUE, TOWSON 21204

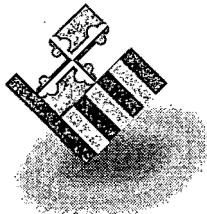
DATE AND TIME: FRIDAY, JANUARY 9, 2009 AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT A 42-FOOT SETBACK FROM THE
CENTERLINE OF A ROAD IN LIEU OF THE MINIMUM REQUIRED 75 FEET
TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE SIDE
YARD IN LIEU OF THE REAR YARD. ANY OTHER RELIEF AS DEEMED
NECESSARY BY THE ZONING COMMISSIONER.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3191

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
December 5, 2008
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: 2009-0123-A

2508 Holly Beach Road

N/side of Holly Beach Road at the distance of 102+/- feet west from c/line of Henrietta Avenue
15th Election District – 6th Councilmanic District

Legal Owners: Kurt & Allison Huppert

Variance to permit a 42-foot setback from the centerline of a road in lieu of the minimum required 75 feet. To permit an accessory structure to be located in the side yard in lieu of the rear yard. Any other relief as deemed necessary by the Zoning Commissioner.

Hearing: Friday, January 9, 2009 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Kurt & Allison Huppert, 213 Sherwood Road, Cockeysville 21030
James Grammer, McKee & Associates, 5 Shawan Road, Ste. 1, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 24 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
Tuesday, December 23, 2008 Issue - Jeffersonian

Please forward billing to:

Kurt Huppert
213 Sherwood Road
Cockeysville, MD 21030

410-693-0464

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: 2009-0123-A

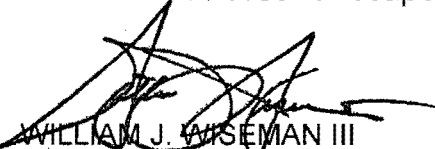
2508 Holly Beach Road

N/side of Holly Beach Road at the distance of 102+/- feet west from c/line of Henrietta Avenue
15th Election District – 6th Councilmanic District

Legal Owners: Kurt & Allison Huppert

Variance to permit a 42-foot setback from the centerline of a road in lieu of the minimum required 75 feet. To permit an accessory structure to be located in the side yard in lieu of the rear yard. Any other relief as deemed necessary by the Zoning Commissioner.

Hearing: Friday, January 9, 2009 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL
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OFFICE AT 410-887-4386.

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

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
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: 2009 - 0123 - A

Petitioner: KURT HUPPERT, ALISON HUPPERT

Address or Location: 2508 HOLLY BEACH ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: KURT HUPPERT

Address: 213 SHERWOOD ROAD
COCKEYSVILLE, MD 21030

Telephone Number: 410 683 - 0464

Revised 7/11/05 - SCJ

RE: PETITION FOR VARIANCE * BEFORE THE
2508 Holly Beach Road; N/S Holly Beach * ZONING COMMISSIONER
Road, 102' W c/line of Henrietta Avenue * FOR
15th Election & 6th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Kurt & Alison Hupper *
Petitioner(s) * 09-123-A

* * * * *

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.

RECEIVED

NOV 12 2008

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

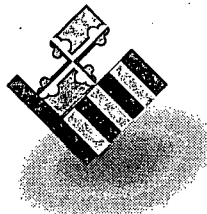
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of November, 2008, a copy of the foregoing Entry of Appearance was mailed to James Grammer, McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville, MD 21030, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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
January 5, 2009

Kurt & Alison Huppert
213 Sherwood Rd.
Cockeysville, MD 21030

Kurt & Alison Huppert

RE: Case Number 2009-0123-A, 2508 Holly Beach Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 28, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
James Grammer; 5 Shawn Rd, St.1; Cockeysville, MD 21030

TB 1/9
10Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 1, 2008

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

SUBJECT: 2508 Holly Beach Road

INFORMATION:

Item Number: 9-123

Petitioner: Kurt Huppert

Zoning: RC 5

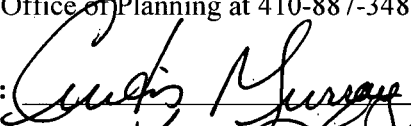
Requested Action: Variance

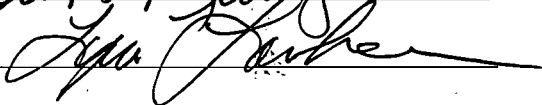
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by: 

Division Chief: 
AFK/LL: CM

RECEIVED
DEC 1 0 2008

BY:

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED**
NOV 21 2008

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 21, 2008

SUBJECT: Zoning Item # 09-123-A
Address 2508 Holly Beach Road
(Huppert Property)

BY:.....

Zoning Advisory Committee Meeting of November 3, 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:

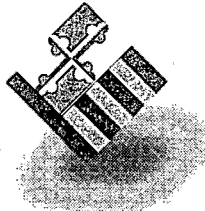
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

- 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:

The property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). The maximum lot coverage permitted is 31.25%, which equals 6,093 square feet. The 25% threshold is 4,875 square feet. Mitigation is required between 25-31.25% if applicable. There is also a 15% afforestation requirement that must be met on-site.



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

November 10, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 03, 2008

Item Numbers: Item Number 0109 through 0125¹⁰³

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



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: Nov. 3, 2009

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

RE: Baltimore County
Item No 2009-0123-A
2508 HOLLY BEACH RD.
HUPPER PROPERTY
VARIANCE

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. 2009-Q123-A.

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 7, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For November 10, 2008
Item No.: 2009-109, 110, 112, 113,
114, 115, 116, 117, 118, 119, 120,
122 & 123

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

DAK:CEN:cab
cc: File

ZAC-11072008-NO COMMENTS

DATE JAN 9, 2009

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.:

2009-0123-A

Exhibit Sheet

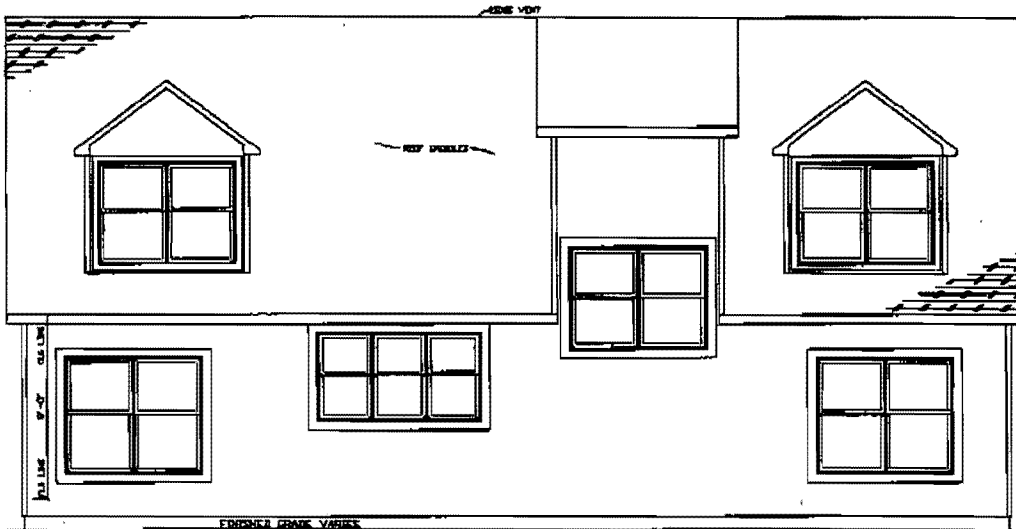
Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Aerial Photograph	
No. 3 A-F	Photos of subject property and nearby properties	
No. 4	Elevations + renderings of proposed home	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

DREAMS U BUILD/HUPPERT 3

SN- /PT-21534/QN-6418/MD



CONSTRUCTION OF THIS HOUSE
FROM THE INSIDE OUT

excel HOMES FROM THE INSIDE OUT	R.E. 61 205 003 LITZAPOL, PA 17043 (717) 444-0000 FAX (717) 444-7077 WWW.EXCELHOMES.COM		REAR ELEVATION	
	DRAWN BY: JS CHECKED BY: JS DATE: 12/1/2009	DATE: 12/1/2009 BY: JS	SCALE: 1/4" = 1'-0" SHEET: 003A	

Ret 4

VICINITY MAP
SCALE: 1"= 1000'

LOCATION INFORMATION

ELECTION DISTRICT:	15TH			
COUNCILMANIC DISTRICT:	6TH			
1" = 200' SCALE MAP No.:	09863			
PRESENT ZONING:	RC 5			
LOT SIZE:	0.45 AC. ± ACREAGE		19,500 S.F. ± SQUARE FEET	
	PUBLIC	PRIVATE	YES	NO
WATER	☒	☐		
SEWER	☒	☐		
CHESAPEAKE BAY CRITICAL AREA:		☒	☐	
100-YEAR FLOOD PLAIN:		☒	☐	
HISTORIC PROPERTY/ BUILDING:		☐	☒	
PRIOR ZONING HEARINGS: (SEE NOTES HEREON)		☒	☐	
OWNER INFORMATION: NAME:	KURT HUPPERT & ALISON HUPPERT			
ADDRESS:	213 SHERWOOD ROAD COCKEYSVILLE, MD 21030 PHONE No.: 410-683-0464			
DEED REFERENCE:	17796/106			
PROPERTY TAX ACCT. No.:	15-12-201920			

PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE

#2508 HOLLY BEACH ROAD

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1"= 30' DATE: OCTOBER 22, 2008

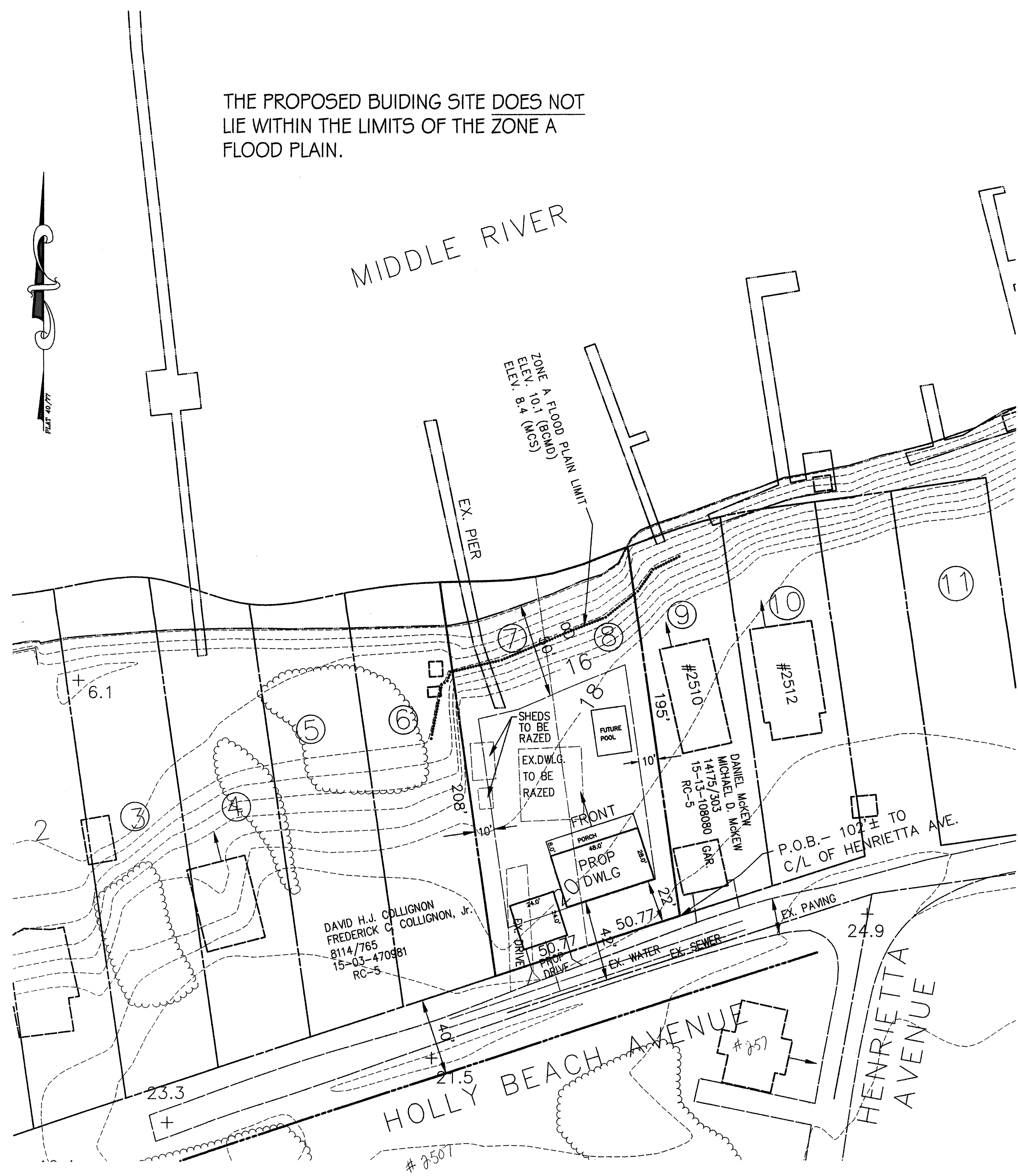
Ret 1

2009-0123-2

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying
Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1553

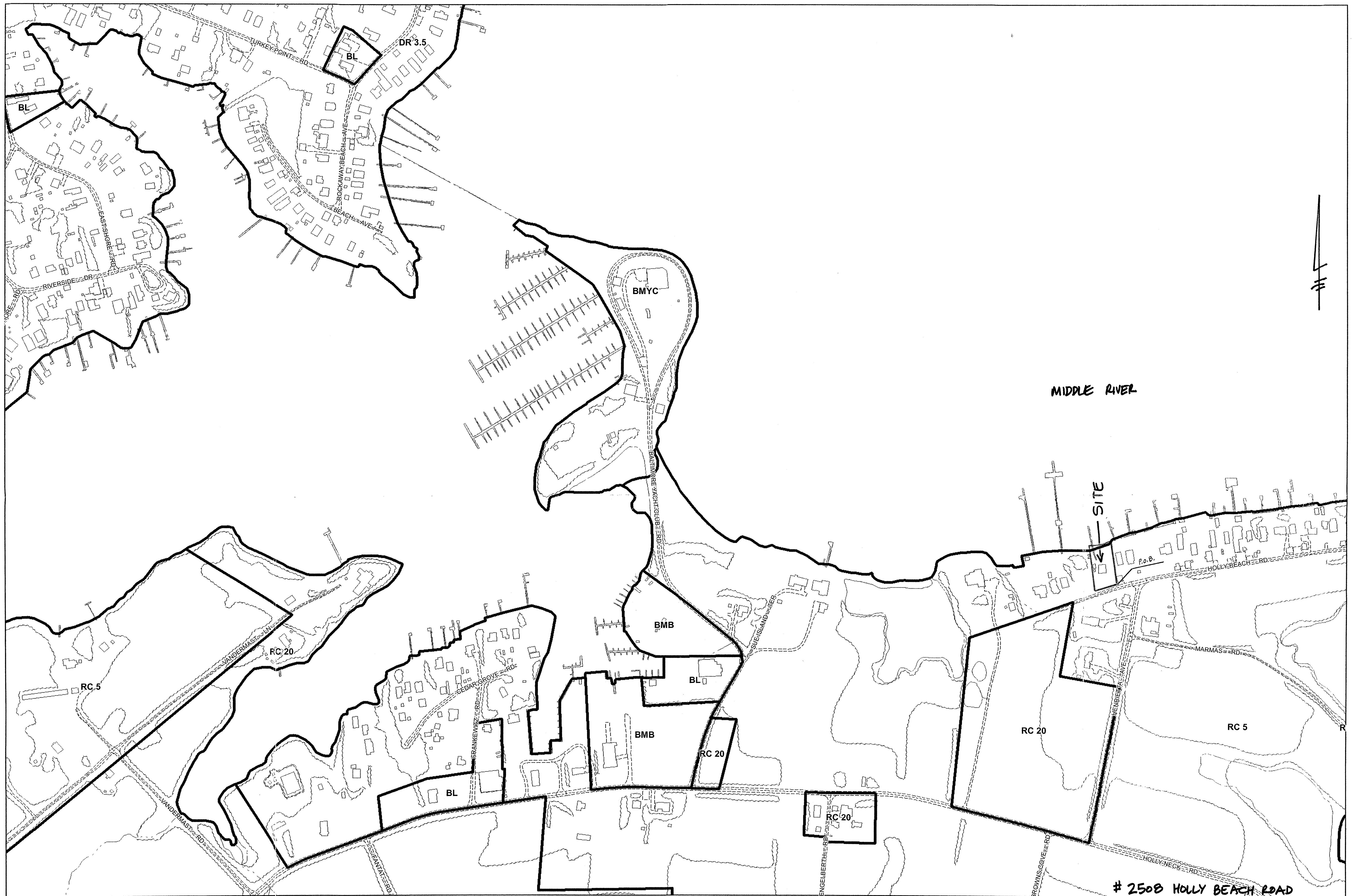
COMPUTED BY:	DRAWN BY: JDG	CHECKED BY: JDG	JOB No.: 05-103
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THE PROPOSED BUIDING SITE DOES NOT
LIE WITHIN THE LIMITS OF THE ZONE A
FLOOD PLAIN.



ELEVATION CONVERSION:
BCMD - 1.7' = MCS

FLOOD ELEVATION 10.1(BCMD)
-1.7
8.4 (MCS)



MIDDLE RIVER

SITE

2508 HOLLY BEACH ROAD
15th ELECT. DIST. 6th COUNCILMANIC DISTRICT

Plan Sheet: 098B3

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 8, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Zoning
- Streams
- Vegetation
- Buildings
- Roads
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

097C2	098A2	098B2	098C2
097C3	098A3	098B3	098C3
104C1	105A1	105B1	105C1

Scale

1" = 200'

0 100 200 400
Feet

1

Data Sources:
Planimetric Data - Baltimore County
GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004



2508 HOLLY BEACH RD
CASE NO. 2009-0123 A

Pet 2



SUBJECT SITE (FROM ROAD)



SOUTHWESTERLY ALONG HOLLY BEACH ROAD

PICTURE EXHIBITS
2508 HOLLY BEACH ROAD
CASE No. 2009-0123-A

Ret 3A-F



NORTHEASTERLY ALONG HOLLY BEACH ROAD



FRONT OF #2507 HOLLY BEACH ROAD

PICTURE EXHIBITS
2508 HOLLY BEACH ROAD
CASE No. 2009-0123-A



REAR ELEVATION OF #257 HENRIETTA AVENUE



#2510 HOLLY BEACH ROAD (DWELLING IN BACKGROUND)

PICTURE EXHIBITS
2508 HOLLY BEACH ROAD
CASE No. 2009-0123-A



LOOKING SOUTHEAST ~~EAST~~ ALONG SHORELINE FROM
NORTHEAST PROPERTY LINE



LOOKING SOUTHEAST ~~EAST~~ TOWARDS COLLINGNON RESIDENCE
FROM NORTHEAST PROPERTY LINE

PICTURE EXHIBITS
2508 HOLLY BEACH ROAD
CASE No. 2009-0123-A



LOOKING NORTHEAST ALONG SHORELINE FROM
NORTHEAST PROPERTY LINE



LOOKING SOUTH TOWARDS HOLLY BEACH ROAD
FROM NORTHEAST PROPERTY LINE

PICTURE EXHIBITS
2508 HOLLY BEACH ROAD
CASE No. 2009-0123-A



LOOKING NORTHEAST ALONG SHORELINE FROM
NORTHWEST PROPERTY LINE

PICTURE EXHIBITS
2508 HOLLY BEACH ROAD
CASE No. 2009-0123-A