

IN RE: PETITION FOR VARIANCE

W side of Wagners Avenue; 2150 feet
NW of the c/l Easter Avenue
15th Election District
7th Councilmanic District
(62 Wagners Avenue)

Thurman and Lisa Huhn
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* CASE NO. 2009-0309-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, Thurman and Lisa Huhn. Petitioners are requesting Variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (shed) to be located on the side of a dwelling with a 0 foot setback in lieu of the required rear and 2 ½ feet, respectively. 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 requests were Petitioners Thurman and Lisa Huhn. Appearing in opposition of the request was Ms. Sherian Radtke, resident of 64 Wagners Avenue and adjacent neighbor of Petitioners. There were no other Protestants or interested citizens in attendance.

It should be noted that this matter came before me as a result of a Code Enforcement Correction Notice that was issued to Petitioners on May 6, 2009 in response to a complaint filed by Ms. Radtke, for constructing a shed in the side yard without a permit¹.

¹ Case No: CO-0059744

~~RECEIVED FOR FILE~~
7.27.09
m

Testimony and evidence offered revealed that the subject property is a rectangular-shaped property that is zoned D.R.5.5. The subject property fronts North East Creek on the north side of Wagners Avenue and north of Eastern Boulevard in the Essex area of Baltimore County. As shown on the site plan, the property, consisting of 7,500 square feet, more or less, is improved with a 1½-story single-family dwelling built in 1959 and an existing shed that measures 10 feet wide by 16 feet deep. There is also an existing smaller shed next to the larger shed that measures 8 feet by 8 feet. Testimony proffered by Petitioner Thurman Huhn indicated that the existing larger shed in the side yard (10 feet by 16 feet) was placed in that location eight years ago to replace the smaller shed (8 feet by 8 feet), which was moved so it would be right next to the larger one.

Further testimony established that the neighbor most affected by Petitioner's existing shed, Ms. Mary E. Clark, does not oppose the location of the shed and actually enjoys the benefits she derives from its placement in the side yard close to her property. Petitioners requested and received Ms. Clark's approval prior to constructing the aforementioned shed as indicated by the letter from Ms. Clark that was marked and accepted into evidence as Petitioner's Exhibit 3. Further, Ms. Clark noted that the motion light attached to the shed serves as a security measure for both Petitioners and Ms. Clark, enhancing the safety of the properties. Moreover, the shed helps shield wind and noise from adversely affecting Ms. Clark's home. The letter also establishes that the shed is aesthetically pleasing as it matches the exterior color of Petitioners' home and improves the visual appearance of the property by replacing a metal shed that did not advance the aesthetics of the area.

Testifying in opposition to the location of the shed was Ms. Radtke, who lives on the other side of the property, on the opposite side of where the shed is located. Ms. Radtke

~~REDACTED~~
7.27.09
~~REDACTED~~
~~REDACTED~~

indicated that her relationship with Petitioners as neighbors has been up and down over the years and has deteriorated more recently. She indicated that she made the aforementioned complaint to the County's Code Enforcement Bureau as a retaliation for complaints made by Petitioners to that agency over the condition of her property. Photographs that were taken by Petitioners last year were marked and accepted into evidence as Petitioners' Exhibits 4A through 4F and show a significant amount of debris and building materials strewn throughout Ms. Radtke's property. Ms. Radtke indicated those problems have since been addressed and cleared up.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The Department of Environmental Protection and Resource Management indicated that development of the subject 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). Generally, the remaining comments do not provide opposition or other recommendations concerning the requested relief.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The subject property is constrained environmentally due to its location in a Chesapeake Bay Critical Area. Further, the property is constrained by the dense residential nature of the surrounding area making compliance with the Zoning Regulations a practical hardship. Thus, the shed as it has existed, has had no adverse effects on the most affected neighbor, and has actually provided ample benefits to this neighbor.

I conclude that the subject property is unique in a zoning sense and that Petitioner would suffer practical difficulty and undue hardship if the variance were to be denied. I further find that the variance can be granted in strict harmony with the spirit and intent of said regulations,

~~7.27.09~~
7.27.09
pm

and in such manner as to grant relief without injury to the public health, safety and general welfare.

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 27th day of July, 2009 by this Deputy Zoning Commissioner, that Petitioners' Variance request from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (shed) to be located on the side of a dwelling with a 0 foot setback in lieu of the required rear and 2 ½ feet, respectively, be and are hereby GRANTED, subject to the following:

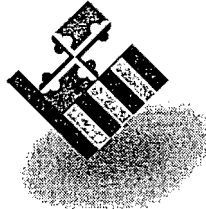
1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, 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 the subject 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.

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

ORDER RECEIVED FOR FILING
7.27.09

BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 27, 2009

THURMAN AND LISA HUHNS
62 WAGNER AVENUE
BALTIMORE MD 21221

Re: Petition for Variance
Case No. 2009-0309-A
Property: 62 Wagners Avenue

Dear Mr. and Mrs. Huhn:

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 cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Sherian Radtke, 64 Wagner Avenue, Baltimore MD 21221
Mary E. Clark, 60 Wagners Lane, Essex MD 21221
Helene Kehring, Division of Code Inspections & Enforcement



TAX. ACCOL

1502000132

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 62 Wagners Ave 21221

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 - to permit an existing detached

accessory structure (shed) to be located on the side of a dwelling with a 0 foot setback in lieu of the required rear and 2 1/2 feet, respectively

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

to be discussed at hearing

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:

Thurman J. Huhn

Name - Type or Print

Signature

62 Wagners Avenue 410-238-0719

Address

Baltimore Co

City

MD

State

Telephone No.

21221

Zip Code

Attorney For Petitioner:

N/A

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Thurman J. Huhn 443-564-5752

Name - Type or Print

Signature

Lisa A. Huhn 410-624-2015

Name - Type or Print

Lisa A. Huhn

Signature

62 Wagners Avenue 410-238-0719

Address

Baltimore Co

City

MD

State

Telephone No.

21221

Zip Code

Representative to be Contacted:

Thurman J. Huhn

Name

62 Wagners Avenue

Address

Baltimore Co

City

MD

State

Telephone No.

21221

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

Case No. 2009-0309-A

REV 9/15/98

7-27-09

5/27/09

ZONING DESCRIPTION FOR

62 Wagner Avenue, Baltimore, MD 21221

Beginning at a point on the North side of Wagner Avenue, which is 50 +/- wide at the distance of 2150 +/- west of the centerline of the nearest improved intersection street Eastern Avenue which is 150 +/- wide. *Being Lot #32, as recorded in Baltimore County Plat Book # 8, Folio #42, containing 7500 square feet. Also known as 62 Wagner Avenue and located in the 15th Election District, 7th Councilman District.

Item # 0309

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

No. **39830**

Date: **5/27/09**

PAID RECEIPT

MISTRESS ACTUAL TIME OFM
 5/27/2009 5:27:00 PM 46:30
 00000 WALKER TONY RAE
 RECEIPT # 40000 5/27/2009 0000
 Dept 5 320 000000 0000 0000
 # 000000
 Recpt 1st 1.5.00
 1.5.00 2 2.00 0
 Baltimore (2009) 0000 0000

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				565

Total: **565**

Rec From:

For:

zoning hearing - case # 2009-0309-A

DISTRIBUTION

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

**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: # 2009-0309-A

62 Wagners Avenue

W/side of Wagners Avenue, 2150 +/- feet north and west of the centerline Easter Avenue

15th Election District — 7th Councilmanic District

Legal Owner(s): Thurman & Lisa Huhn

Variance: to permit an existing detached accessory structure (shed) to be located on the side of a dwelling with a 0 foot setback in lieu of the required 2½ feet, respectively.

Hearing: Monday, July 20, 2009 at 10:00 a.m. in Room 104, Jefferson Building, 105 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.
7/028 July 2 204808

CERTIFICATE OF PUBLICATION

7/21, 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 7/21, 2009.

- ☒ 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 2009-0309-A

Petitioner/Developer THURMAN
HUHN

Date Of Hearing/Closing: 7/20/09

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 62 WAGNER AVENUE

This sign(s) were posted on July 4, 2009

Month, Day, Year

Sincerely,

Martin Ogle 7/4/09

Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411



07/04/2009

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: 2009-0309-A

Petitioner: Thurman Huhn

Address or Location: 62 WAGNERS AVE.

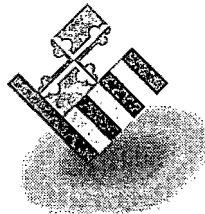
PLEASE FORWARD ADVERTISING BILL TO:

Name: Thurman Huhn

Address: 62 WAGNER AVE-
BALTIMORE MD 21221

Telephone Number: 410-238-0719 / 443-564-5752

Revised 7/11/05 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 18, 2009
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: 2009-0309-A

62 Wagners Avenue

W/side of Wagner Avenue, 2150 +/- feet north and west of the centerline Easter Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Thurman & Lisa Huhn

Variance to permit an existing detached accessory structure (shed) to be located on the side of a dwelling with a 0 foot setback in lieu of the required 2 ½ feet, respectively.

Hearing: Monday, July 20, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Huhn, 62 Wagners Avenue, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 4, 2009.**
- (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 2, 2009 Issue - Jeffersonian

Please forward billing to:
Thurman Huhn
62 Wagner Avenue
Baltimore, MD 21221

410-238-0719

NOTICE OF ZONING HEARING

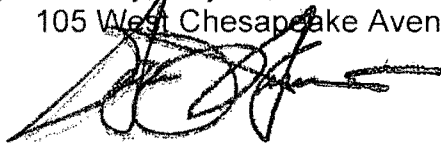
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0309-A

62 Wagners Avenue
W/side of Wagner Avenue, 2150 +/- feet north and west of the centerline Easter Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Thurman & Lisa Huhn

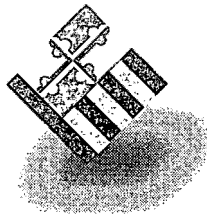
Variance to permit an existing detached accessory structure (shed) to be located on the side of a dwelling with a 0 foot setback in lieu of the required 2 ½ feet, respectively.

Hearing: Monday, July 20, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West 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 16, 2009

Thurman Huhn
62 Wagners Ave.
Baltimore County, MD 21221

Dear: Thurman Huhn

RE: Case Number 2009-0309-A, 62 Wagners 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 27, 2009. 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, reading "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 17 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 18, 2009
SUBJECT: Zoning Item # 09-309-A
Address 62 Wagners Avenue
(Huhn Property)

Zoning Advisory Committee Meeting of June 1, 2009

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: The property is located within an Intensely Developed Area and Buffer Management Area in the Chesapeake Bay Critical Area. Ten percent pollutant reduction requirements and restrictions on uses within the 100-foot tidal buffer apply to this property.

Reviewer: Paul Dennis

Date: June 8, 2009

TB 7/20 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 15, 2009

RECEIVED

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

JUN 17 2009

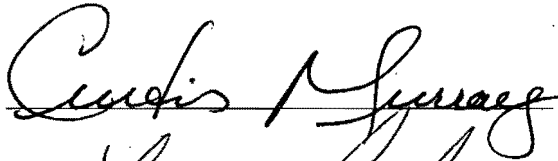
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-307- Variance**

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

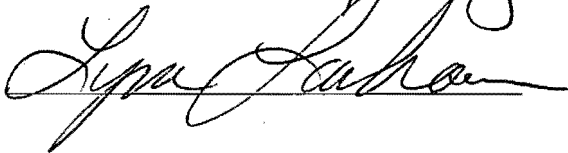
For further questions or additional information concerning the matters stated herein, please contact Diana Iiter in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:

CM/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

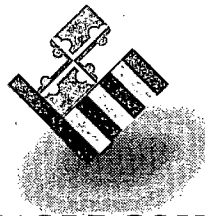
FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 8, 2009
Item Nos. 2009-302, 303, 304, 305,
306, 308, 309 and 310

DATE: June 10, 2009

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

DAK:CEN:cab
cc: File
ZAC-06082009 -NO COMMENTS



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 4, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 1, 2009

Item Numbers 0302, 0303, 0304, 0305, 0306, 0308, 0309, 0310

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

Beverly K. Swain-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JUNE 8, 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. 2009-0309-A
62 WAGNER AVE
HUHN 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. 2009-0309-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

RE: PETITION FOR VARIANCE * BEFORE THE
62 Wagners Avenue; W/S Wagners Avenue, * ZONING COMMISSIONER
2,150' N and W of c/line of Eastern Avenue *
15th Election & 7th Councilmanic Districts
Legal Owner(s): Thurman & Lisa Huhn * FOR
Contract Purchaser(s): Thurman Huhn
Petitioner(s) * BALTIMORE COUNTY
* 09-309-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 10th June day of June, 2009, a copy of the foregoing Entry of Appearance was mailed to Thurman Huhn, 62 Wagners Avenue, Baltimore, MD 21221, Petitioner(s).

Peter Max Zimmerman

RECEIVED
JUN 10 2009

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Livingston, Jeffrey
Date: 7/16/2009 3:39 PM
Subject: Comment Needed for 7/20 @ 10 AM - Case No. 2009-0309-A

*Meeting 7/16
DEPRM*

Hi Jeff,

In reviewing the case files for next week, it appears we need a comment for Tom from your department for Case No. 2009-0309-A. I have attached a case description for your convenience. Thanking you in advance.

CASE NUMBER: 2009-0309--A

62 Wagners Avenue

Location: W side of Wagner Avenue; 2150 feet NW of the centerline Easter Avenue.

15th Election District, 7th Councilmanic District

Legal Owner: Thurman & Lisa Huhn

Contract Purchaser: Thurman Huhn

VARIANCE To permit an existing detached accessory structure (shed) to be located on the side of a dwelling with a 0 foot setback in lieu of the required rear and 2 1/2 feet, respectively.

Hearing: Monday, 7/20/2009 at 10:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 104

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

CASE NAME _____
CASE NUMBER 2009-0309-A
DATE 7-20-09

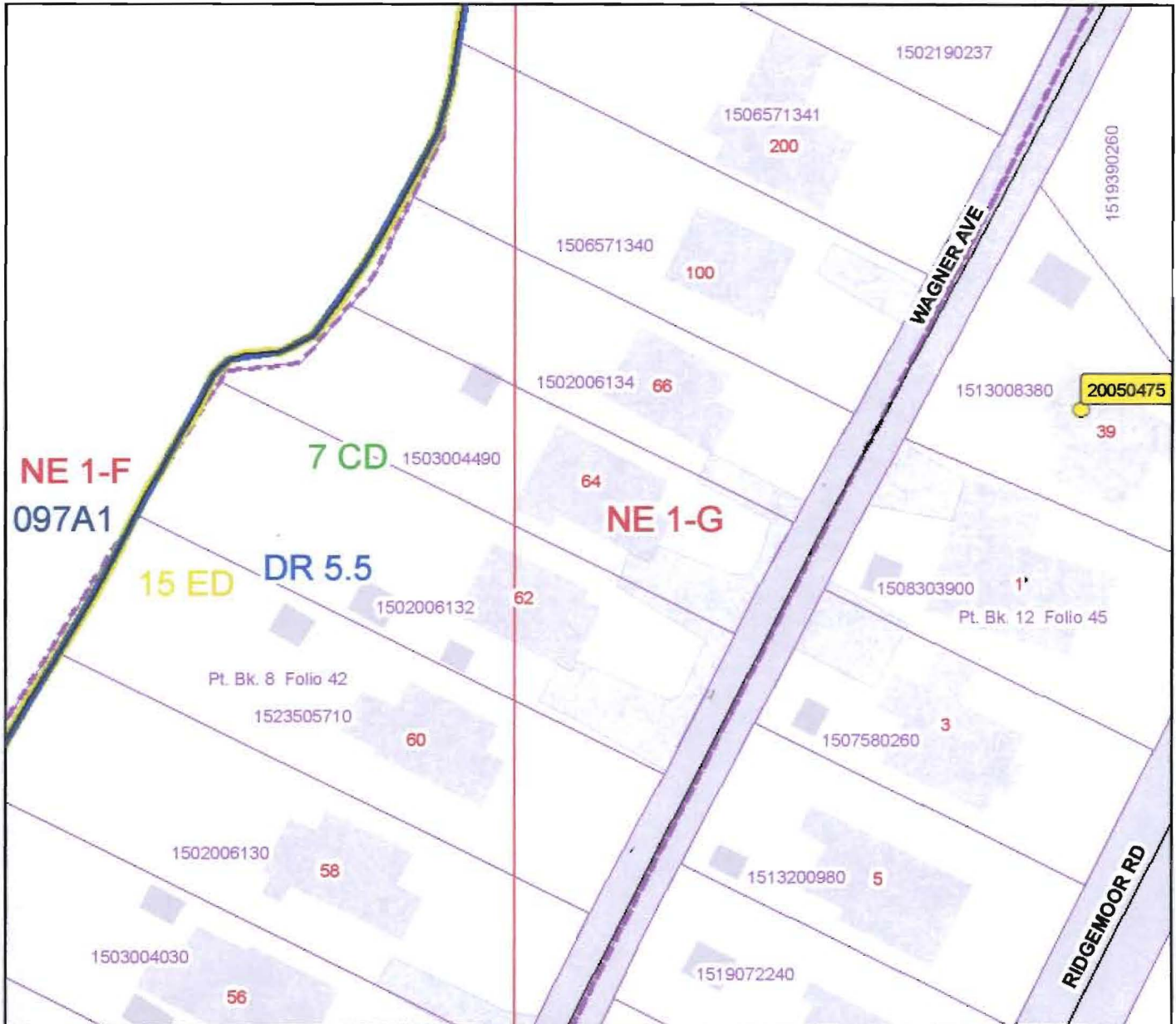
CASE NAME _____
CASE NUMBER 2009-0309-A
DATE 7-20-09

[illegible]

CASE NAME _____
CASE NUMBER 2029-0309-A
DATE 7-20-09

[illegible]

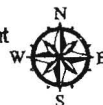
62 Wagner Avenue



DQ Map Notes



Publication Date: May 27, 2009
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



50 0 50 Feet
1 inch equals 50 feet

Item #0309

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 62 Wagners Avenue

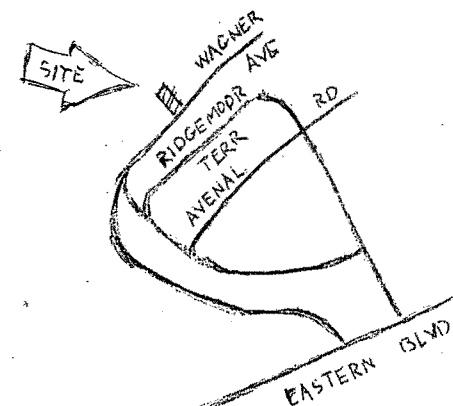
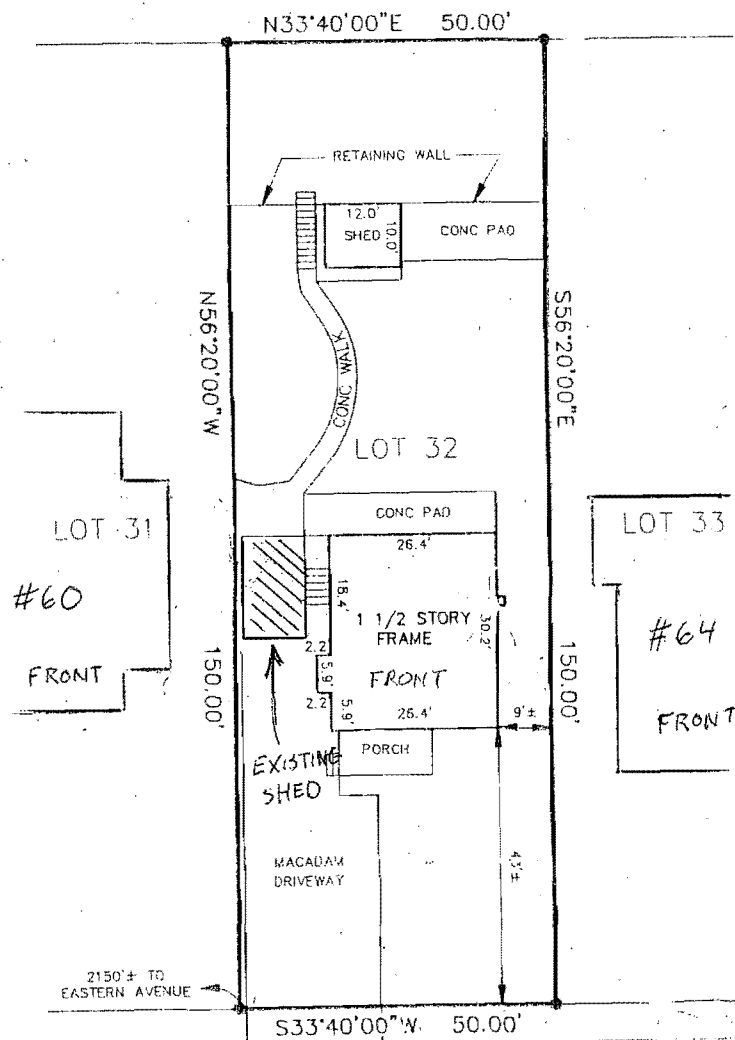
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Ruhl Plat

PLAT BOOK # 8 FOLIO # 42 LOT # 32 SECTION #

OWNER Therman J. & Lisa A. Huhn

NORTH EAST CREEK



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 097A1

ZONING DR 5.5

LOT SIZE 7500

	ACREAGE	SQUARE FEET
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100-YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	☐	

PUBLIC ☒ PRIVATE ☐

SEWER ☒

WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☒

100-YEAR FLOOD PLAIN ☐

HISTORIC PROPERTY/BUILDING ☐

PRIOR ZONING HEARING ☐

ZONING OFFICE USE ONLY

REVIEWED BY RT ITEM # 2009-0309-A

CASE # 2009-0309-A



PREPARED BY

SCALE OF DRAWING: 1" = 30'

Case No.:

2009-0309-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Record Plat	
No. 3	letter of support	
No. 4 A-F	photographs of adjacent property	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 62 Wagners Avenue

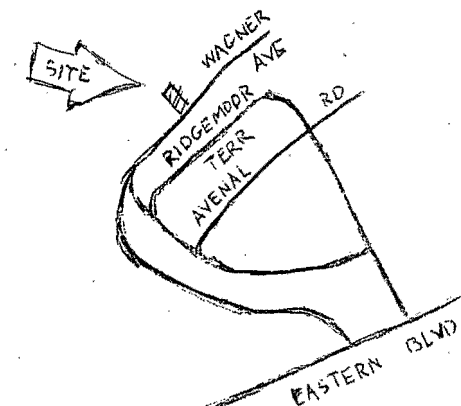
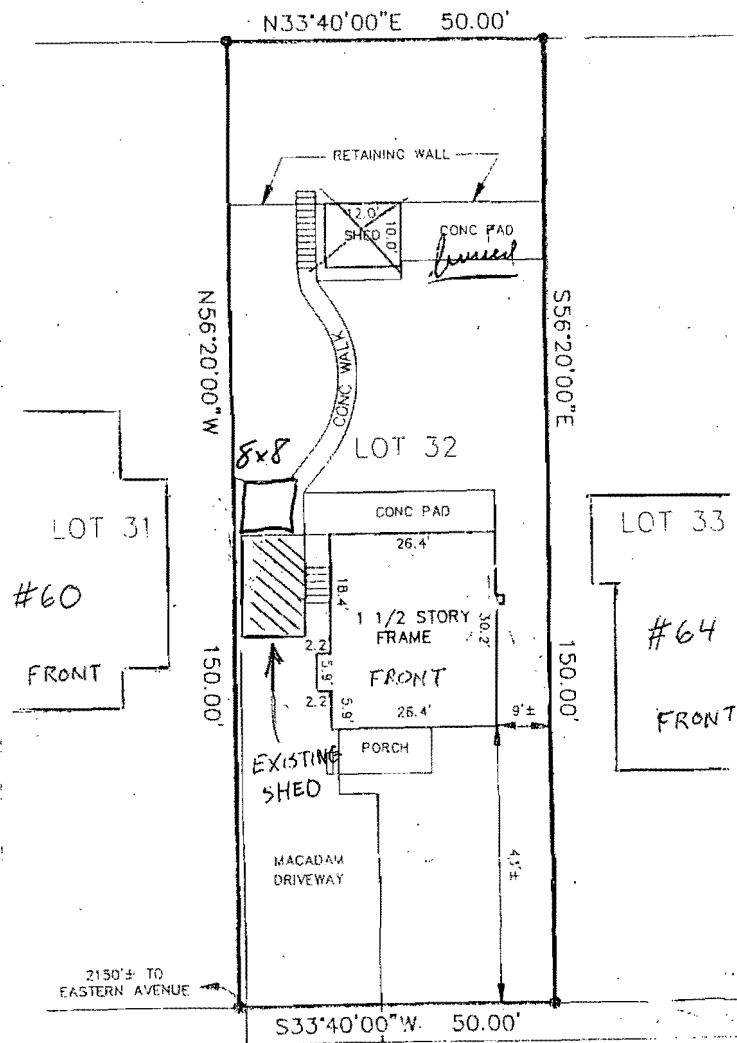
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Ruhl Plat

PLAT BOOK # 8 FOLIO # 42 LOT # 32 SECTION #

OWNER Thurman J. & Lisa A. Huhn

NORTH EAST CREEK



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 097A1

ZONING DR 5.5

LOT SIZE 7500

	ACREAGE	SQUARE FEET
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒
PRIOR ZONING HEARING		

	PUBLIC	PRIVATE	YES	NO
SEWER	☒	☐	☒	☐
WATER	☒	☐	☐	☒
CHESAPEAKE BAY CRITICAL AREA	☒	☐	☒	☐
100 YEAR FLOOD PLAIN	☐	☒	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒	☐	☒
PRIOR ZONING HEARING				

ZONING OFFICE USE ONLY

REVIEWED BY [Signature] ITEM # 2009- CASE # 0309-A

PETITIONER'S

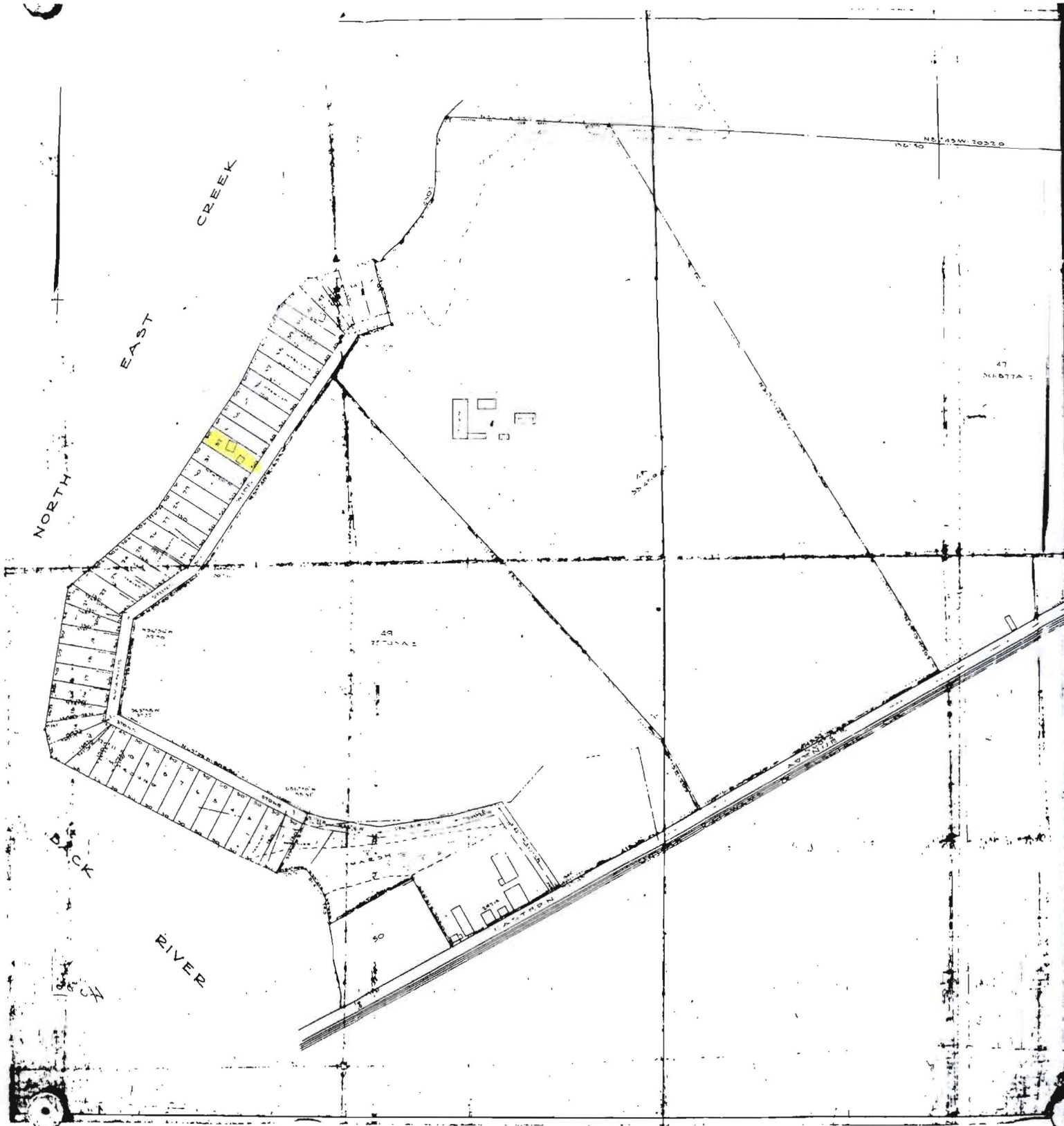
EXHIBIT NO. 1

NORTH

PREPARED BY

WAGNER AVENUE (50' R/W)

SCALE OF DRAWING: 1" = 30'



PETITIONER'S
EXHIBIT NO. 2

Item #0309

To: Zoning Board
From: Mary E. Clark
Date July, 19, 2009
Re: Shed located at 62 Wagners Lane

I am writing on behalf of Lisa and TJ Huhn, Their shed is beside my fence and I understand that my viewpoint may be important to this variance hearing.

The placement of the shed does not bother me. TJ actually asked me if I had any qualms about the placement of this shed before they put it up. I told him I did not have any reservations concerning this shed or its location.

In fact I have reaped some benefits from it:

1. It helps to block the wind from my outside water faucet.
2. TJ and Lisa put a motion sensitive, security light on the shed. The light covers part of my front yard, as well. (Our neighborhood recently received scripted phone calls from the police department concerning an increase in vandalism in our area and they emphasized locking our doors and windows.)
3. When I pull into my driveway at night, their security light turns on. Further protection for me.
4. It is an additional sound barrier between my bedroom and the noise from that end of the street. In the past, I have been called-in for the Burn Center (and now, possibly the disaster committee). I don't sleep well during the daylight hours; this shed adds some buffer to the noise.

The shed matches the exterior color of their house and is generally pleasing to the eye. This shed also replaces a metal one that has been removed by TJ and his family. That one was not pretty.

Thank you for your attention,

Mary E. Clark

Mary E. Clark, RN, BSN
60 Wagners Lane,
Essex, Maryland, 21221
Phone: 410-686-5577

PETITIONER' S
EXHIBIT NO. 3



PETITIONER'S

EXHIBIT NO.

4A-F



2008/07/11

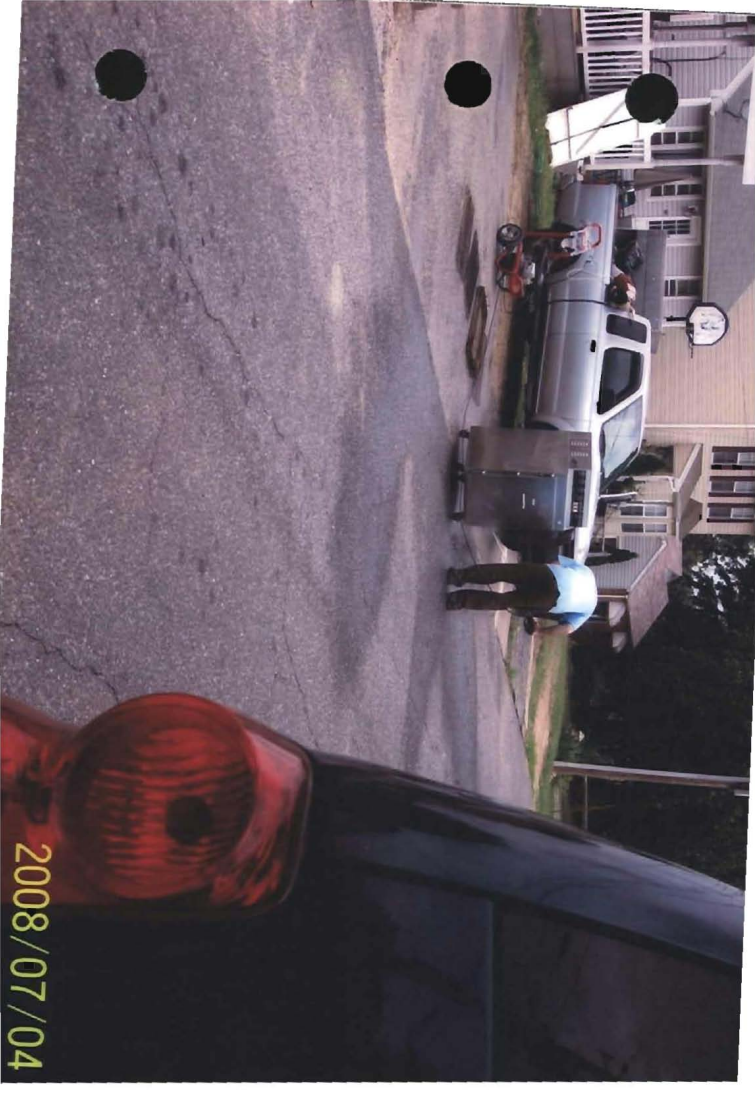




2008/07/06



2008/07/04



2008/07/04

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: June 4, 2009

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2009-0309-A
Legal Owner/Petitioner: Huhn, Thurman & Lisa
Contract Purchaser: N/A
Property Address: 62 Wagners Ave
Location Description: W/side of Wagner Ave, 2150' +/- N & W
of centerline Easter Ave

VIIOLATION INFORMATION: Case No. CO 0059744 (FA0063335)
Defendants: Huhn, Thurman & Lisa

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Sherry Radtke	64 Wagner Ave.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- X 1. Complaint letter/memo/email/fax (if applicable)
- X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- X 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- X 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/gh
C: Code Enforcement Officer



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 59744	Property No. 1502 006132	Zoning: DR
-----------------------------------	------------------------------------	----------------------

Name(s): **Thurman J. Huhn**
Lisa A. Huhn

Address: **62 Wagner Ave. Baltimore MD 21221**

Violation Location: **62 Wagner Ave**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCC 35-2-301, 304

A valid permit is required for shed.

Shed is located in side yard and will also require a variance.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 5/14/09	Date Issued: 5/16/09
------------------------------	-----------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: **GARY HUCK**

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

On or Before:	Date Issued:
---------------	--------------

INSPECTOR: _____

AGENCY _____

CODE ENFORCEMENT REPORT

nt

DATE: 4/29/09 INTAKE BY: Shelton CASE #: FA0063335 INSPEC: _____

COMPLAINT LOCATION: 62 Wagner Ave (00059744)

ZIP CODE: 21221 DIST: 15

COMPLAINANT NAME: Sherry Radtke PHONE #: (H) 831 443 0016 (W) _____

ADDRESS: 64 Wagner Ave ZIP CODE: _____

PROBLEM: Built shed w/o permit. Close to house + property line

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: Inspected on 5/1/09. Saw a shed on side yard, size 10x16 - a permit is required and variance to allow shed to be inside yard. Notice issued. Recheck 5/22/09 Gary D...

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

DATE: 05/05/2009

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:06:09

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 02 006132	15	3-0	34-00	H	NO		03/03/09
HUHN THURMAN J				DESC-1.. IMPS			
HUHN LISA A				DESC-2.. RUHL PLAT			
62 WAGNER AVE				PREMISE. 00062 WAGNER		AVE	

00000-0000

BALTIMORE

MD 21221-7051 FORMER OWNER: HUHN THURMAN J

----- FCV -----			----- PHASED IN -----			
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	54,370	102,120		FCV	ASSESS	ASSESS
IMPV:	117,910	136,630	TOTAL..	194,436	194,436	172,280
TOTL:	172,280	238,750	PREF...	0	0	0
PREF:	0	0	CURT...	194,436	194,436	172,280
CURT:	172,280	238,750	EXEMPT.		0	0
DATE:	07/05	07/08				

---- TAXABLE BASIS ----		FM DATE
ASSESS:	194,436	11/08/08
ASSESS:	172,280	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF