

IN RE: PETITION FOR ADMIN. VARIANCE *

NE corner of Todd Avenue and
Wenig Avenue
12th Election District
7th Council District
(7312 Wenig Avenue)

Gene M. Hibler
Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2012-0172-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Gene M. Hibler. The Petitioner is requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a street side setback of 9 feet and a rear yard setback of 3 feet for a proposed addition (garage) in lieu of the required 25 feet and 30 feet, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing was Petitioner Gene M. Hibler and Todd Lewis, who is assisting the Petitioner with the project. Appearing in opposition to the Petitioner's request was Petitioner's brother, Richard Hibler, who resides at 1703 Todd Avenue.

This matter was originally filed as an Administrative Variance, with a closing date of February 20, 2012. On February 21, 2012, Richard Hibler, Petitioner's immediately adjacent neighbor, requested a formal hearing on this matter. The hearing was subsequently scheduled for Tuesday, March 20, 2012, at 11:00 AM, in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested

ORDER RECEIVED FOR FILING

Date 3-22-12

By aw

citizens notice of the hearing.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

Testimony and evidence offered at the hearing disclosed that the subject property is 22,220 square feet, zoned DR 5.5 and located in the Kimberly Farms subdivision in Dundalk. The property is improved with a single-family dwelling with an enclosed area of 1,194 square feet. Petitioner proposes to construct a garage (with dimensions of 38' x 50') at the rear of his home, and he indicated it would be used for storage of boats and antique vehicles. Petitioner's neighbor and brother, Richard Hibler, opposes the plan, and stated that the proposed garage was simply too big and would be situated too close to his home.

Petitioner and his contractor Todd Lewis described the proposal, and submitted elevation drawings (Exhibit 3) which depict in detail the attractive design and quality materials planned for the garage. I have no doubt it would be a handsome structure and I respect Petitioner's desire to construct an addition to the home left to him by his late mother. Unfortunately, I believe I am compelled under the law to deny the relief.

As an initial matter, the proposed garage would be extremely large and would be out of keeping with the homes in the vicinity. Indeed, the garage would be significantly larger than the dwelling itself, and would be positioned approximately 11 feet from Richard Hibler's home.

But more importantly, Petitioner failed to provide any evidence or proof to satisfy the rigorous test for variance relief set forth in *Cromwell v. Ward*, 102 Md. App. 691 (1995) and similar cases. That precedent, and B.C.Z.R. § 307, requires a Petitioner to show that his property

ORDER RECEIVED FOR FILING

Date 3-22-12

By ew

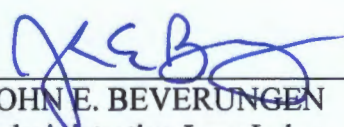
is unique in some way, and that strict enforcement of the B.C.Z.R. would cause the owner to suffer an unreasonable hardship. No evidence or testimony was submitted on these points, and I regret that I am therefore unable to grant the relief.

During the hearing, Petitioner mentioned that he was also constructing a second floor addition to his home, and these renovations are also shown on the proposed elevation sketches. (Exhibit 3). Petitioner indicated he does not need any zoning relief to construct that second story addition, and therefore, there is nothing in this Order that should in any way preclude the County from issuing a permit for that addition, so that the Petitioner can begin construction on that project.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be denied.

THEREFORE, IT IS ORDERED, this 22 day of March, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a street side setback of 9 feet and a rear yard setback of 3 feet for a proposed addition (garage) in lieu of the required 25 feet and 30 feet, respectively, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 3-22-12
By aw 3



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 22, 2012

Gene M. Hibler
7312 Wenig Avenue
Dundalk, Maryland 21222

Re: Petition for Administrative Variance
Case No. 2012-0172-A
Property: 7312 Wenig Avenue

Dear Mr. Hibler:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been denied in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Office of Administrative Hearings an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact our office at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Richard Hibler, 1703 Todd Avenue, Dundalk, MD 21222



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7312 WENIG AVE which is presently zoned DR 5.5

Deed Reference 22642/00543 10 Digit Tax Account # 1208055620

Property Owner(s) Printed Name(s) GENE HIBLER

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s)

see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.8), and Section 32-4-416(a)(2) (indicate type of work in this space to raze, alter or construct addition to building) A CHA

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

GENE HIBLER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7312 WENIG AVE BALD. MD.

Mailing Address City State

21222 443-506-9054 N/A

Zip Code Telephone # Email Address

Representative to be contacted:

TODD (LEW) LEWIS LEWIS DESIGN GROUP

Name - Type or Print

Signature

9400 GUMVIEW RD BALD. MD

Mailing Address City State

21234 410-925-5045 NICKSCHYER BAL 6

Zip Code Telephone # Email Address Hibler.com

A PUBLIC HEARING having formally demanded and/or found to be required, It is ordered by the Office of Administrative Law, of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2012-0172-A Filing Date 1/24/12 Estimated Posting Date 2/5/12 Reviewer 134

1B02.3.C.1 to permit a street side setback of 9 ft. and a rear yard setback of 3 ft. for a proposed addition (garage) in lieu of the required 25 ft. and 30 ft., respectively.

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 7312 WENIG RD BALTO. MD. 21222
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

TO REDUCE REAR SET BACK FROM 30' FEET TO 13' FEET AT
THE NORTHWESTERN CORNER OF THE FRONT OF PROPOSED GARAGE
AND A 3' FOOT SET BACK ON NORTH EASTERN BACK CORNER
OF ATTACHED SITE(PROPOSED)

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

* Gene M. Hibler
Signature of Affiant

GENE HIBLER

Name- Print or Type

Signature of Affiant

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of January, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Gene Hibler
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

Daniel M. Hibler
Notary Public

10/20/2013

My Commission Expires



Lewis Design Group LLC

A Design/Build Company

9400 Gunview Road

Nottingham, MD 21236

410-925-5045

ZONING PRPERTY DESCRITION FOR 7312 WENIG AVE. BALTIMORE, MARYLAND 21222

Beginning for the same at the Northeast corner of Todd and Wenig Avenue both of which Avenues are 40 feet wide running thence in a Easterly direction along the North side of Wenig Avenue and also along the Southern line of Lot 156 (101.70 feet) thence in a Northwesterly direction parallel with the East side of Todd Avenue (101.47 feet) to meet the Southern line of Lot. 151, thence in a Westerly direction along the dividing line between Lots 151 and 152 on said plat (100.00 feet) to the East side of Todd Avenue, thence southerly along the east side of Todd Avenue (120.00 feet) to the place of beginning.

CERTIFICATE OF POSTING

2012-0172-A

RE: Case No.: _____

Petitioner/Developer: _____

Gene Hibler

February 20, 2012

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

7312 Wenig Ave

February 5, 2012

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



Sincerely,

February 5, 2012

(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)

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

No. **78931**

Date: **1/24/12**

PAID RECEIPT

BUSINESS ACTUAL TIME BSW
 1/25/2012 1/24/2012 11:30:55 2

REF MS05 WALKIN MDL IND
 >>RECEIPT # 608459 1/24/2012 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$ 75.00

Dept 5 526 ZONING VERIFICATION

CR NO. 078931

Recpt Tot 175.00
 175.00 CK 0.00 CA
 Baltimore County, Maryland

Total: **175.00**

Rec

From:

Lewis Design Group

For:

Administrative Services

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0172 -A Address 7312 Wenig Ave.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/24/12 Posting Date: 2/5/12 Closing Date: 2/20/12

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2012- 0172 -A Address 7312 Wenig Ave.

Petitioner's Name Gene Hibler Telephone 443-506-9054

Posting Date: 2/5/12 Closing Date: 2/20/12

Wording for Sign: To Permit a street side setback of 9 ft. and a rear
yard setback of 3 ft. for a proposed addition (garage) in lieu of the
required 25 ft. and 30 ft., respectively.

Revised 7/06/11

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0172-A

Petitioner: GONS HOBLEN

Address or Location: 7312 WENIG AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: TODD LEWIS

Address: 9400 GUNVIEW AVE

BALD. MD 21236

Telephone Number: 410-925-5045

CLOSING DATE
2/20/12 - HOLIDAY
OK BY 2/21/12
PER WCR.



D. THOMPSON

FORMAL DEMAND FOR HEARING

CASE NUMBER: 2012-0172-A

Address: 7312 WENIG AVE.

Petitioner(s): HIBLER

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Richard Hibler
Name - Type or Print

☒ Legal Owner OR ☒ Resident of
1703 Todd Ave
Address

Balto MD 21222
City State Zip Code

410-285-8442 443-271-5665
Telephone Number

which is located approximately _____ feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

Kelly Lamend 2/21/12
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

CERTIFICATE OF POSTING

2012-0172-A

RE: Case No.: _____

Petitioner/Developer: _____

Gene Hibler

March 20, 2012

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

7312 Wenig Ave

March 6, 2012

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

Sincerely,

March 6, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

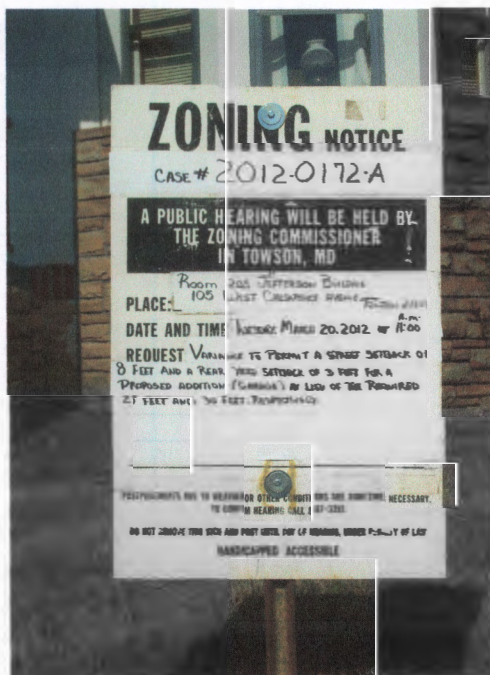
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2012-0172-A
7312 Wenig Avenue
N/east corner of Todd Avenue and Wenig Avenue
12th Election District
7th Councilmanic District
Legal Owner(s): Gene Hibler
Variance: to permit a street side setback of 8 feet and a rear yard setback of 3 feet for a proposed addition (garage) in lieu of the required 25 feet and 30 feet, respectively.
Hearing: Tuesday, March 20, 2012 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 03/628 March 6 298799

CERTIFICATE OF PUBLICATION

3/8/, 2012

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 3/6/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 6, 2012 Issue - Jeffersonian

Please forward billing to:
Todd Lewis
9400 Gunview Avenue
Baltimore, MD 21236

410-925-5045

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0172-A

7312 Wenig Avenue
N/east corner of Todd Avenue and Wenig Avenue
12th Election District – 7th Councilmanic District
Legal Owners: Gene Hibler

Variance to permit a street side setback of 8 feet and a rear yard setback of 3 feet for a proposed addition (garage) in lieu of the required 25 feet and 30 feet, respectively.

Hearing: Tuesday, March 20, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
104 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
February 29, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0172-A

7312 Wenig Avenue
N/east corner of Todd Avenue and Wenig Avenue
12th Election District – 7th Councilmanic District
Legal Owners: Gene Hibler

Variance to permit a street side setback of 8 feet and a rear yard setback of 3 feet for a proposed addition (garage) in lieu of the required 25 feet and 30 feet, respectively.

Hearing: Tuesday, March 20, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
104 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Gene Hibler, 7312 Wenig Avenue, Baltimore 21222
Todd Lewis, 9400 Gunview Road, Baltimore 21236
Richard Hibler, 1703 Todd Avenue, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 5, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 14, 2012

Gene Hibler
7312 Wenig Avenue
Baltimore MD 21222

RE: Case Number: 2012-0172A, Address: 7312 Wenig Avenue

Dear Mr. Hibler:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 24, 2012. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Todd Lewis, 9400 Gunview Road, Baltimore MD 21236

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 1-30-12

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

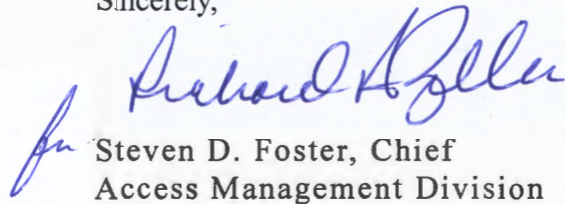
RE: Baltimore County
Item No. 2012-0172-A
Administrative Variance
Gene H. H. H.
7312 Wenig Avenue.

Dear Ms. Lewis:

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. 2012-0172-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: February 06, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For February 13, 2012
Item Nos. 2012-166,167,168,169,170,171,172,173,174,175,176
And 177.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02132012-NO COMMENTS.doc

M E M O R A N D U M

DATE: April 24, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0172-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 23, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 12 Account Number - 1219008700

Owner Information

Owner Name: HIBLER RICHARD BRUCE **Use:** RESIDENTIAL
Mailing Address: 1703 TODD AVE **Principal Residence:** YES
BALTIMORE MD 21222-1838 **Deed Reference:** 1) /07484/ 00188
2)

Location & Structure Information

Premises Address **Legal Description**
1703 TODD AVE LT 148-151,157
0-0000 SE COR KIMMEL AV
KIMBERLY FARMS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0103	0010	0461		0000			148	3	Plat Ref: 0007/0127

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	1,305 SF	16,016 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	49,200	49,200		
Improvements:	130,600	104,400		
Total:	179,800	153,600	179,900	153,600
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
SCHLEMMER NELLIE	03/02/1987	\$59,000
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/07484/ 00188	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class:

RLY

CASE NAME 2012
CASE NUMBER 73121
DATE 3-20-12

PETITIONER'S SIGN-IN SHEET

ADDRESS	CITY, STATE, ZIP
9400 GURVIEW RD	BALTO. MD 21236
7312 WENIG AVE	BALTO.

CASE NAME 2012-0172-A
CASE NUMBER 7312 Wenig Ave.
DATE MARCH 20 2012

E-MAIL

RICHARD B. HIBLER @
YAHOO.COM

PLEASE PRINT CLEARLY

CITIZEN'S SIGN-IN SHEET

CITY, STATE, ZIP

BALTO. MD. 21222

ADDRESS

1703 TODD AVE

NAME

RICHARD B. HIBLER



19940514
SE 2-E

330095

119 127

Lot # 119
Lot # 119
Lot # 116
Lot # 116
Lot # 114
Lot # 114

BAYARD AVE

Lot # 122
1701

Lot # 124
Lot # 124

Lot # 126
Lot # 126

Lot # 126
Lot # 126

Lot # 130
Lot # 130

Lot # 130
Lot # 130

Lot # 130
Lot # 130

12 ED
7 CD

103B1 DR 5-5
PDM # 120089

Pt. Bk./Folio # 007127

KIMMEL AVE

TODD AVE

1203000105
Lot # 137
Lot # 137

19980516

1218012220

103C1

WENIG AVE

SE 3-E

1717

Lot # 457	Lot # 437	Lot # 437
Lot # 457	Lot # 437	Lot # 437
Lot # 457	Lot # 437	Lot # 437
Lot # 457	Lot # 437	Lot # 437
Lot # 452	Lot # 437	Lot # 437
Lot # 452	Lot # 437	Lot # 437
Lot # 452	Lot # 437	Lot # 437
Lot # 452	Lot # 444	
Lot # 452	Lot # 444	
Lot # 449	Lot # 444	
Lot # 449	Lot # 444	
Lot # 449	Lot # 444	

1723

Lot # 431	Lot # 431
Lot # 431	Lot # 431
Lot # 431	Lot # 431
Lot # 431	Lot # 431
Lot # 431	Lot # 431
Lot # 431	Lot # 431
Lot # 425	Lot # 425
Lot # 425	Lot # 425
Lot # 425	Lot # 425
Lot # 425	Lot # 425
Lot # 425	Lot # 425
Lot # 425	Lot # 425

Lot # 287

Lot # 287

Lot # 283

Lot # 283

Lot # 283

Lot # 283

Lot # 283

Lot # 289
1211000990

Lot # 289

Lot # 289

Lot # 292

Lot # 292

Lot # 292

Lot # 292

Lot # 292

ALVAH AVE

RANDOLPH AVE

19730234

Pt. Bk./Folio # 012033E

Lot # 406	Lot # 406
Lot # 406	Lot # 406
Lot # 410	
Lot # 412	
Lot # 412	
Lot # 414	
Lot # 414	
Lot # 414	
Lot # 417	
Lot # 417	
Lot # 417	
Lot # 420	
Lot # 420	
Lot # 420	
Lot # 420	
Lot # 423A	

1222035560

7317

1209010030

Lot # 358

Lot # 358

Lot # 358

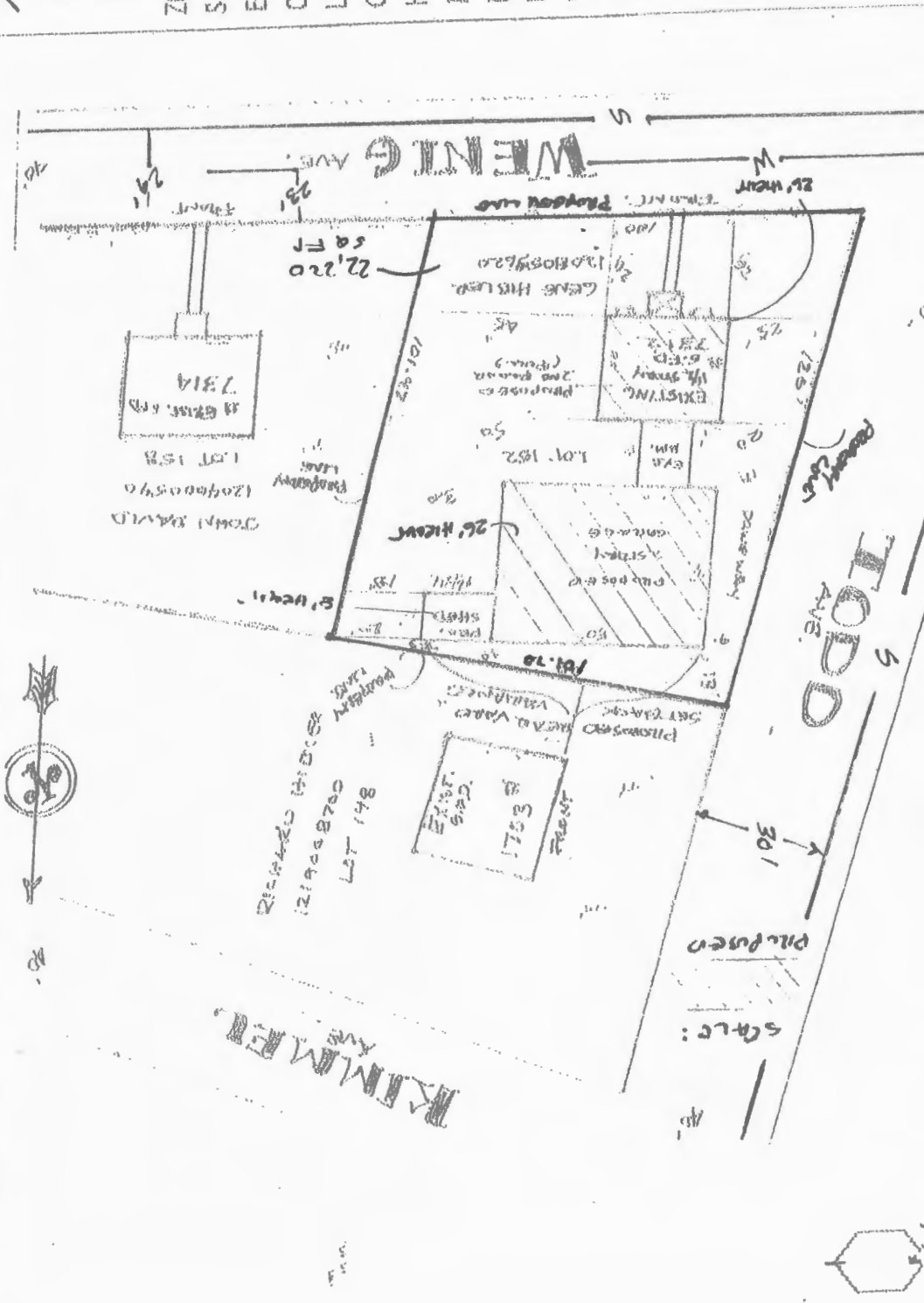
#017

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 7312 WENIG AVE OWNER(S) NAME(S) GENE HIBLER

SUBDIVISION NAME KIMBERLY FARMS LOT # 152 BLOCK # SECTION #

PLAT BOOK # 0007 FOLIO # 127 10 DIGIT TAX # 1208055620 DEED REF. # 22662 / 00543



PLAN DRAWN BY T. LEWIS DATE 1/18/12 SCALE: 1 INCH = 40 FEET
LEWIS DESIGN GROUP 410-925-5045

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP # 103C1

SITE ZONED DR S.S.

ELECTION DISTRICT 12

COUNCIL DISTRICT 3

LOT AREA ACREAGE

OR SQUARE FEET 22, 220

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE

SEWER IS:

PUBLIC ☒ PRIVATE

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:



FRONT FACING WENIG AV
(SOUTH)



SWR view
(EWS)



SIDE FACING TODD AVE
(WEST)



REAR
(NORTH)



Case No.: 2012-172-A

Exhibit Sheet

Petitioner/Developer

DW 3-22-12
4/24/12


Protestant

No. 1	Site Plan	
No. 2	Color Photos (5)	
No. 3	Elevation Drawings	
No. 4	Topo Photo + Sketch	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

KIMMEL AVE
TODD AVE
WENIG AVE
SITE

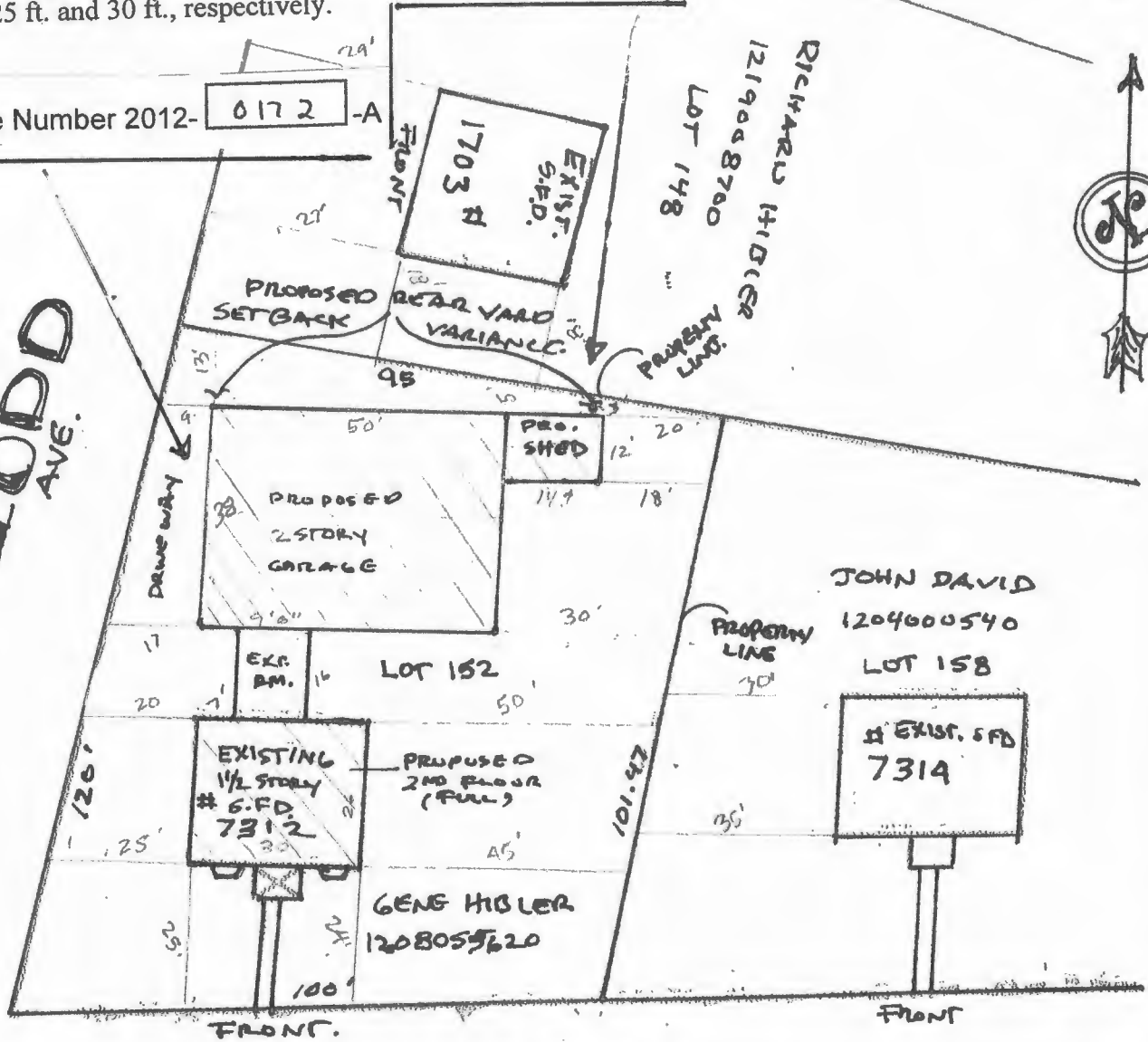
VARIANCE

a street side setback of 9 ft. and a rear yard setback of 3 ft. for a proposed addition (garage) in lieu of the required 25 ft. and 30 ft., respectively.

Case Number 2012- 0172 -A

TODD AVE.

KIMMEL AVE



SCALE:

PROPOSED

WENIG AVE.

HIBLER RESIDENCE

PROPOSED 30X50 CMAGE 12X14 4' SHED
2ND STORY ADDITION 26X30

Lewis Design Group
9400 Gunview Rd.
Baltimore, MD 21236
410-925-2045

Location: 7312 WENIG AVE
BALTO MD 21222

Flood Zone:

Zoning: DR 5.5

Scale: 1" = 30'

Date:

Drawn by: T. LEWIS

Plat: 0007/0127

Folio

Lib:

Pet. 1

CASE NAME 2012-172-PL
CASE NUMBER 7312 Wenig Ave
DATE 3-20-12

[illegible]



REAL PROPERTY LINE #1



REARVIEW THE BURN HOUSE #2



REARVIEW OF A. HIGGINS LOT #3



PLEASE PRINT CLEARLY

C

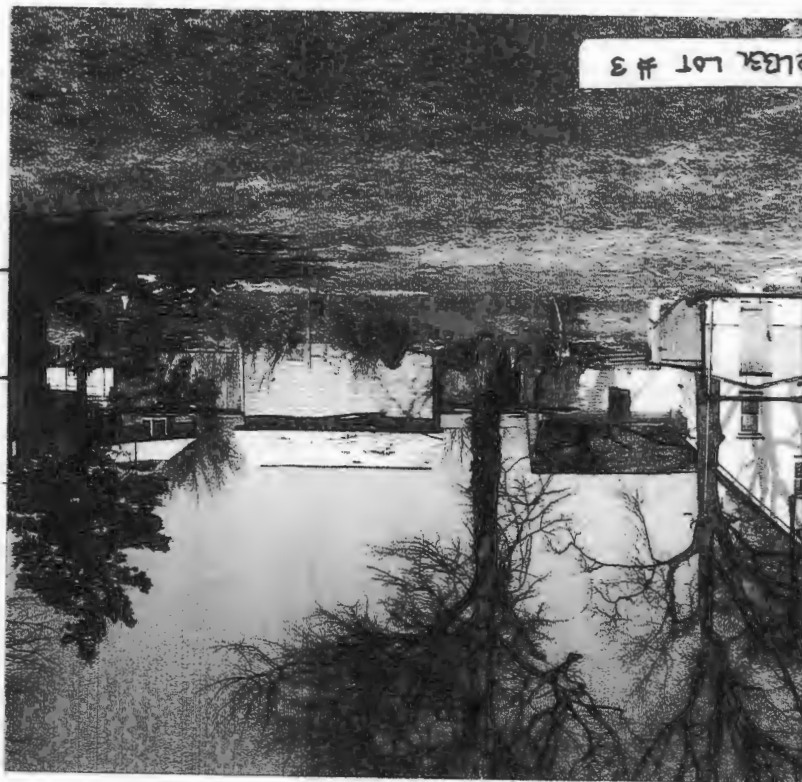
26, GAMING
8, SITE

NAME

ADDRESS

RICHARD B. HIBLER

1703 TOWN



3 # LOT 107

11' W. DISTANCE

#4

5 # 1

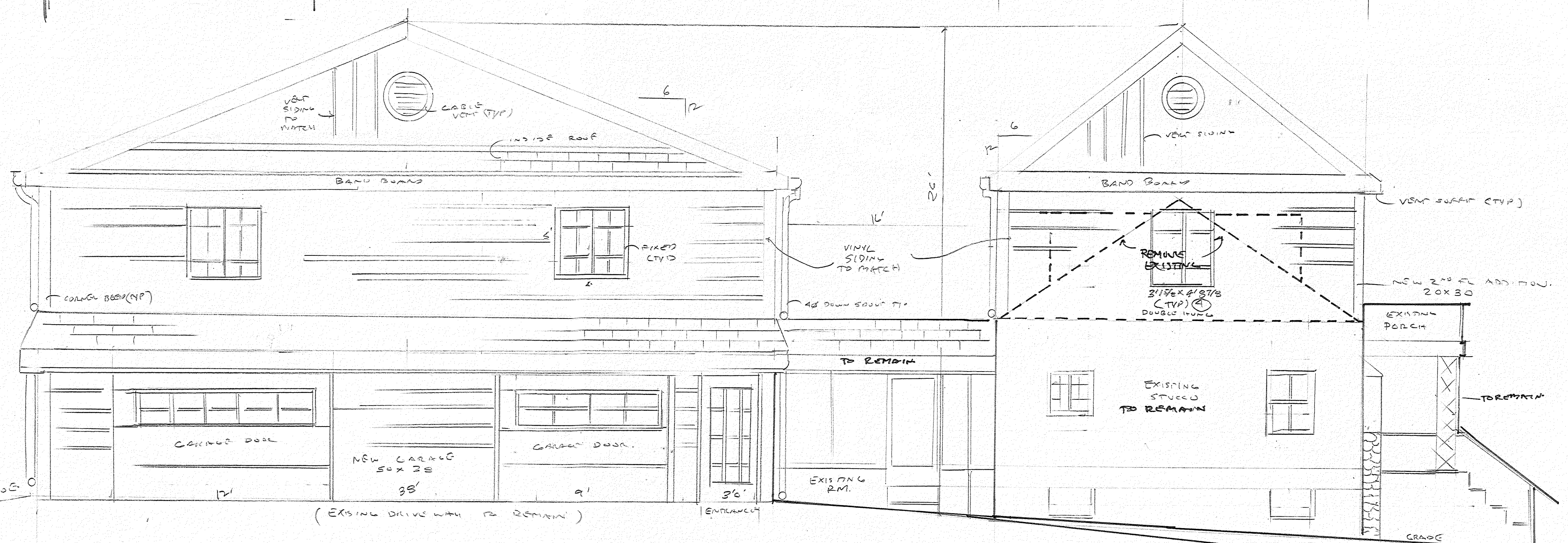
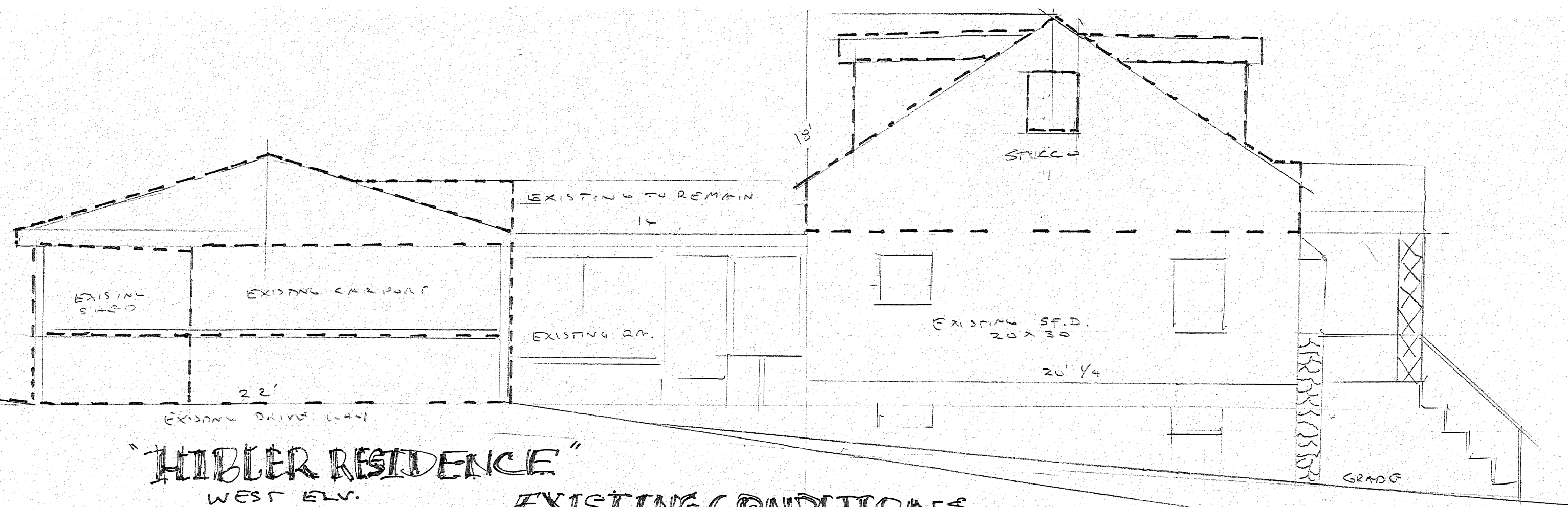


26' 11' 56' 95' 106'

LEWIS DESIGN GROUP
 710-925-5045
 7312 WENIGAN 21222
 DRAWN BY: T. LEWIS
 1/22/12
 EXISTING AND PROPOSED
 CONDITIONS

"HIBLER RESIDENCE"
 WEST ELEV.

EXISTING CONDITIONS
 (NOT TO SCALE)



PROPOSED
 2ND FLOOR ADDITION / CARPORT / STUCCO
 (NOT TO SCALE)

DETAIL
 REMOVE EXISTING
 TO REMAIN

IECC CODE COMPLIANCE SHEET.

2009 IECC CODE COMPLIANCE

- 302.1 Climate zone 4A
- 402 Compliance Method:
Mandatory and Prescriptive Provisions
- 402.1 Exterior Frame Wall Construction:
2x4 studs at 16" o.c.
R-13 Kraft faced batt insulation
7/16" O.S.B. (continuous)
Housewrap
- 402.1 Attic Insulation:
R-38
- 402.1 Basement Wall Insulation:
R-10 Foil Faced Continuous, uninterrupted Batts Full Height
- 402.1 Crawl Space Wall Insulation:
R-10 Foil Faced Continuous Batts Full Height extending from floor above to finish grade level and then vertically or horizontally an additional 2'-0".
- 402.1 Floor Insulation over Unconditioned Space:
R-19 batt insulation
- 402.1 Window U-Value / SHGC
.34 (U-value)
.31 (SHGC)
- 402.1 Slab on Grade Floors Less Than 12" Below Grade:
R-10 Rigid Foam Board Under Slab Extending Either
2'-0" Horizontally or 2'-0" Vertically
- 402.2.3 Attic Access:
Attic access scuttle will be weatherstripped and insulated R-38
- 402.4.1 Building Thermal Envelope (air leakage):
Exterior walls and penetrations will be sealed per this section of the 2009 IECC with caulk, gaskets, weatherstripping or an air barrier of suitable material
- 402.4.2 Building Envelope Tightness Test Option:
Building envelope tightness and insulation installation must meet the inspection criteria listed in table 402.4.2. A "Blower Door Air Infiltration Test" shall be performed in all units.
- 402.4.3 Fireplaces
All wood burning masonry fireplaces will have gasketed doors and outdoor combustion air. Gasketed doors are not required for prefabricated fireplace units.
- 402.4.5 Recessed Lighting
Recessed luminaires installed in the building thermal envelope shall be sealed to limit air leakage

403.1 Thermostat

All dwelling units will have at least (1) programmable thermostat for each separate heating and cooling system per 2009 IECC section 403.1.

Where a Heat pump system having supplementary electric resistance heat is used the thermostat shall prevent the supplementary heat from coming on when heat pump can meet heating load.

403.2 Mechanical Duct Insulation

Supply Ducts in Attic R-8 minimum
Supply Ducts outside of conditioned spaces R-8 minimum
All other ducts except those located completely inside the building thermal envelope R-6 minimum. Ducts located under concrete slabs must be R-6 minimum

403.2.2 Duct Sealing

All ducts, air handlers, filter boxes will be sealed. Joints and seams will comply with section M1601.4.1 of the IRC.

A duct tightness test ("Duct Blaster" duct total leakage test) will be performed on all homes and shall be verified by either a post construction test or a rough-in test. Duct tightness test is not required if the air handler and all ducts are located within the conditioned space.

403.5 Mechanical Ventilation

Outdoor (make-up) air will be brought into the home thru a duct with an automatic or gravity damper

403.6 Equipment Sizing

All furnaces will be 80 % efficient furnaces

404.1 Lighting Equipment

A minimum of 50% of all lamps (lights) must be High-efficacy lamps.

Water Heater

Minimum efficiency established by NAECA

Mechanical Testing

All mechanical testing to be performed by:

This contractor also responsible for generating Certificate of Compliance and affixing to electrical panel.

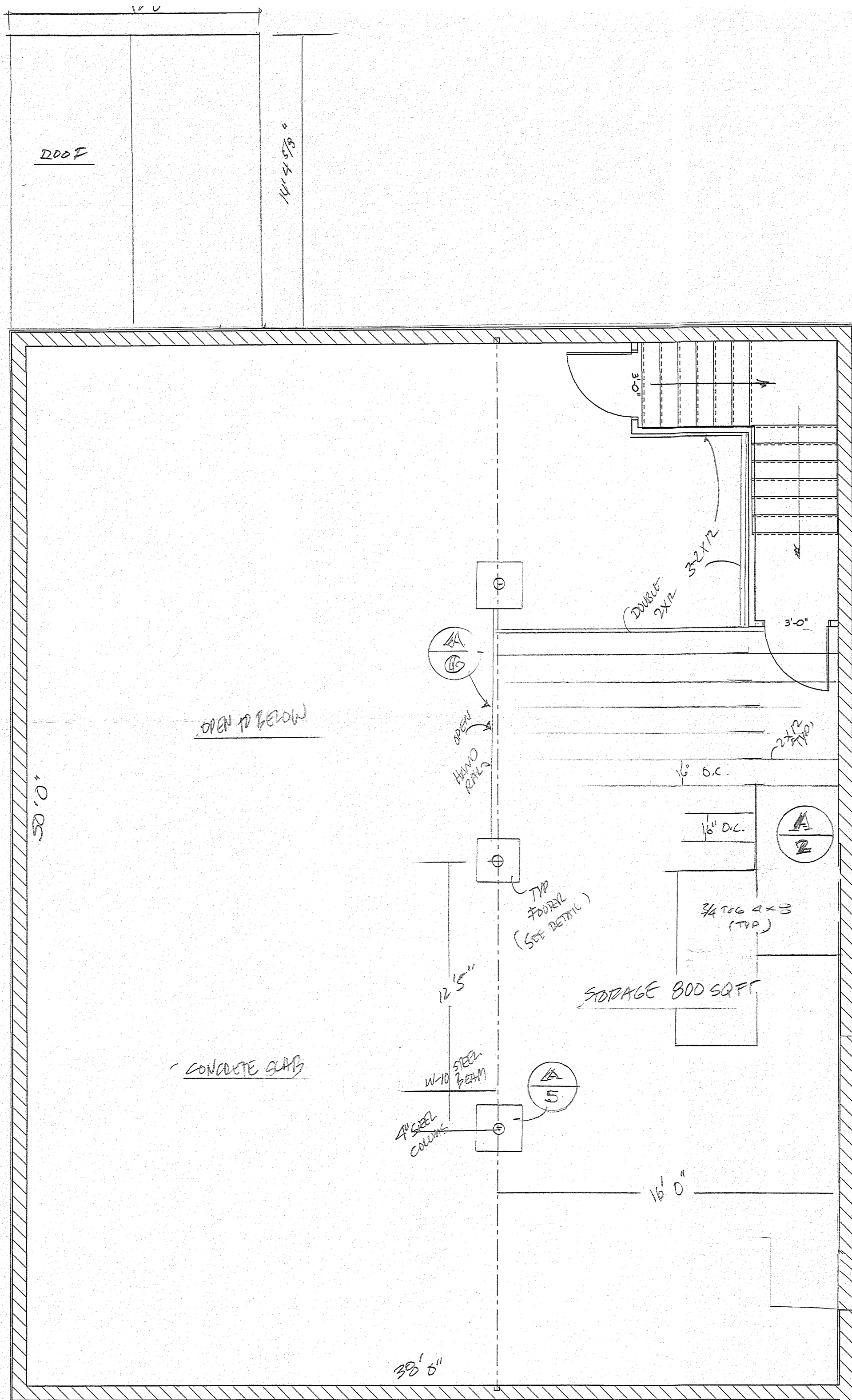
THIBAU

RESIDENCE
7312 WENIG AVE.
BAYTOWN, TX 77022

**SECOND FLOOR ADDITION
AND GARAGE**

LEWIS DESIGN GROUP INC.
410-925-5045

1/4" = 1' DRAWN BY T. LEWIS 1/16/12



PAGE #2

LEWIS RESIDENCES
7312 WENIG AVE.
BAYO MD. 21222

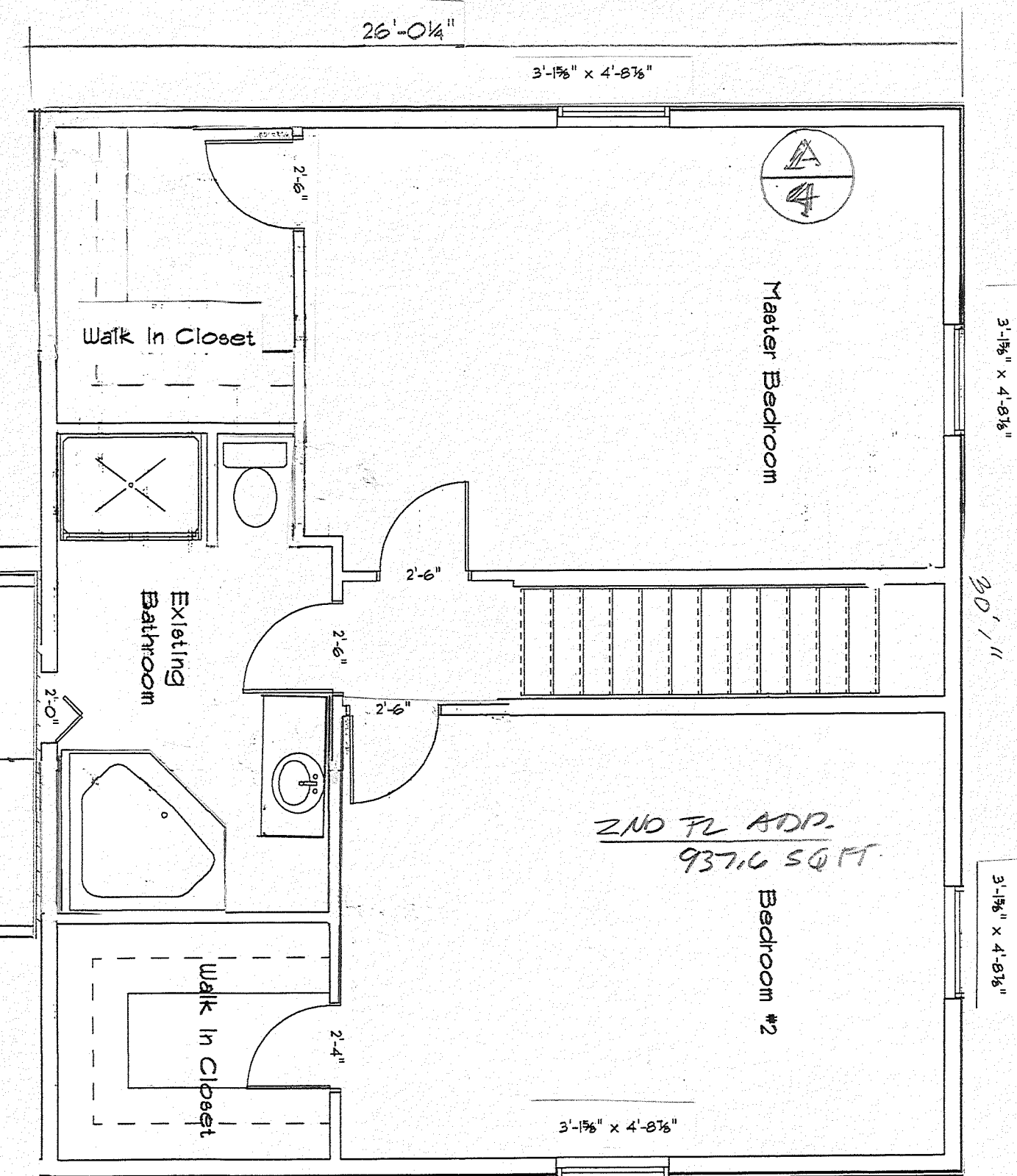
**SECOND FLOOR ADDITION
AND GARAGE**

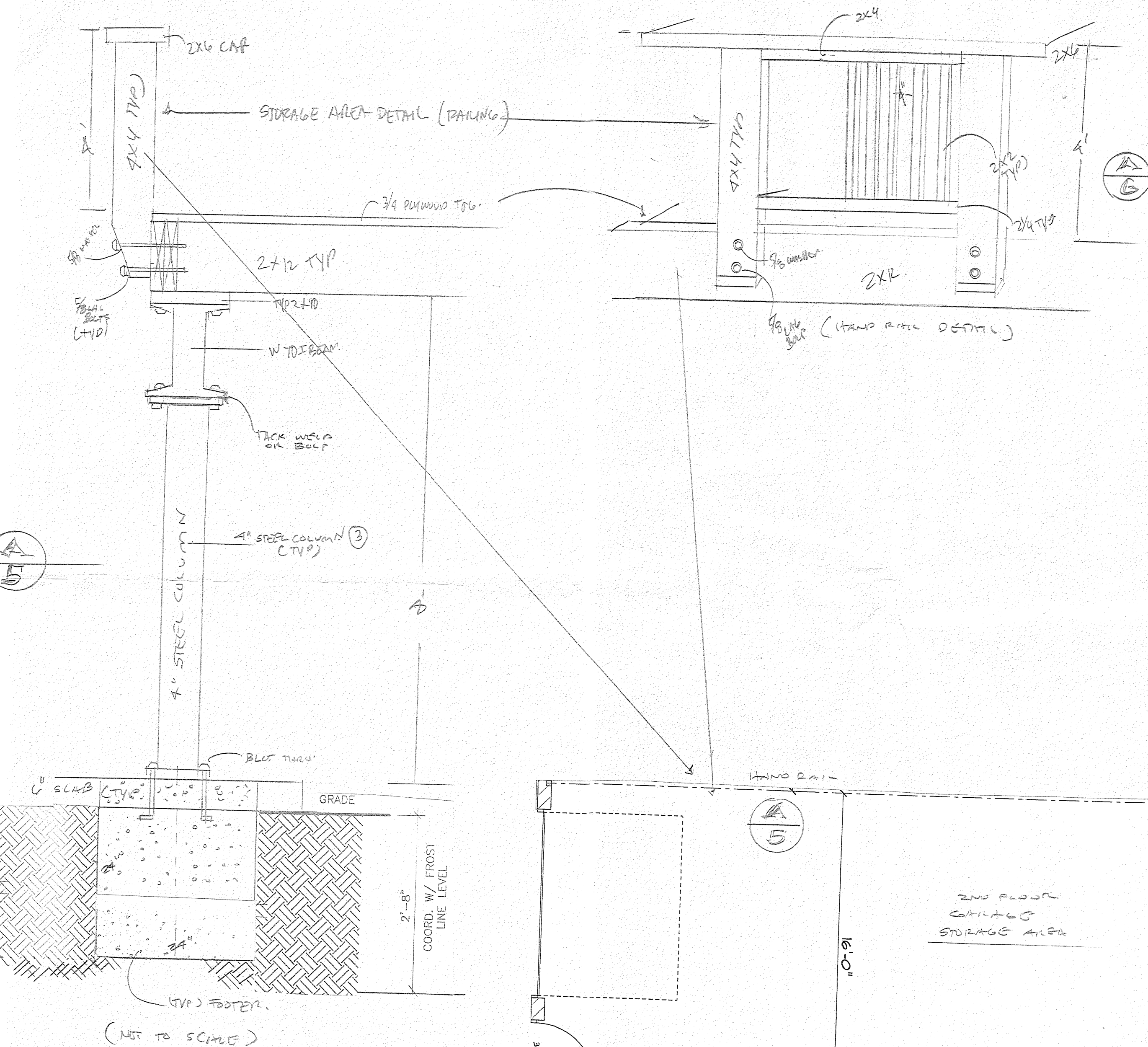
LEWIS DESIGN GROUP INC.
410-925-5045

$\frac{1}{4}'' = 1'$ DRAWN BY T. LEWIS 1/16/12.

*(PROPOSED 2ND FLOOR ADD 9376 SQ FT.)

*(PROPOSED GARAGE SPACE 800 SQ FT.)





PAGE #4

IMBILIER RESIDENCE
 7312 WENIG AVE.
 BALTO MD. 21222

**SECOND FLOOR ADDITION
 AND GARAGE**

LEWIS DESIGN GROUP INC.
 410-925-5045

1/4" = 1' DRAWN BY T. LEWIS 1/22/12

