



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 19, 2012

Gene M. Hibler
7312 Wenig Avenue
Baltimore, Maryland 21222

RE: Petition for Variance
Case No.: 2013-0067-A
Property: 7312 Wenig Avenue

Dear Mr. Hibler:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

RE: PETITION FOR VARIANCE
7312 Wenig Avenue; N/E corner of
Wenig Avenue & Todd Avenues
12th Election & Councilmanic Districts
Legal Owner(s): Gene M. Hibler
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-067-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.

RECEIVED

OCT 03 2012



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 3rd day of October, 2012, a copy of the foregoing Entry of Appearance was mailed to Gene Hibler, 7312 Wenig Avenue, Baltimore, Maryland 21222, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN RE: PETITION FOR VARIANCE

(7312 Wenig Avenue)

12th Election District

7th Councilmanic District

Gene M. Hibler

Petitioner

*

*

*

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*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0067-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by the legal owner of the subject 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 rear yard setback of 10' in lieu of the required 50' and a side yard street setback of 10' in lieu of the required 25' for an addition. 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 public hearing held for this case was Gene M. Hibler. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. There were no adverse ZAC comments submitted from any of the County reviewing agencies, although the Petitioner stated that Ms. Kingeter from the Department of Planning (DOP) visited the site and indicated she supported the relief.

ORDER RECEIVED FOR FILING

Date 11-19-12

By [Signature]

Testimony and evidence revealed that the subject property is 22,220 square feet and is zoned DR 5.5. The Petitioner previously sought variance relief for a garage addition, which was denied in Case No. 2012-0172-A. Since that time, the Petitioner has reduced the size of the garage addition significantly (formerly 38' x 50', now 30' x 40') and has the support of his neighbor (who is his brother), who formerly opposed the relief. *See* Exhibit 3. And perhaps most importantly, the Petitioner indicated that the prior Order stated his garage addition was situated 11' from his neighbor's dwelling, when in fact the distance is 31'. This was a significant factor in the denial of relief in that case (*See* Order dated March 22, 2012, p.2), and I apologize for the mistake. Finally, the garage addition will now be smaller than the original dwelling, which was not the case previously.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. As seen on the site plan, the lot is shaped like a trapezoid, and the angled property boundary lines cause "pinch points" that necessitate variance setback relief.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty and/or hardship, since he would be unable to construct the addition as designed. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of opposition from the community and the lack of negative comments

from Baltimore County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 11-19-12

By EW

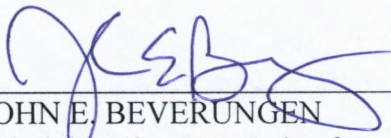
Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 19th day of November, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 10' in lieu of the required 50' and a side yard street setback of 10' in lieu of the required 25' for an addition, be and is hereby GRANTED.

The relief granted herein shall be conditioned upon and subject to the following:

1. The Petitioner may apply for any required permits and may be granted same upon receipt of this Order; however the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

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 11-19-12

By dlw

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

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

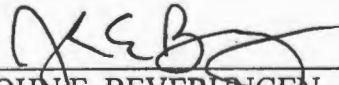
is unique in some way, and that strict enforcement of the B.C.Z.R. would cause the owner to suffer an unreasonable hardship. No evidence or testimony was submitted on these points, and I regret that I am therefore unable to grant the relief.

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



PETITION FOR ZONING HEARING(S)

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 References: 22662 00543 10 Digit Tax Account # 1208055620
Property Owner(s) Printed Name(s) Gene Melvin Hibler

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a Variance from Section(s) 1802.3.C.1; BC2R, TO PERMIT A REAR YARD SETBACK OF 10 FT. IN LIEU OF THE REQUIRED 30 FT, AND A SIDE STREET SETBACK OF 10 FT. IN LIEU OF THE REQUIRED 25 FT. FOR AN ADDITION.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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:

Date

Name- Type or Print

By

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Gene M. Hibler

Name #1 - Type or Print

Name #2 - Type or Print

Gene M. Hibler

Signature #1

Signature #2

7312 Wenig Ave BALTO. MD.

Mailing Address City State

21222, 443-566-9054

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2013-0067-A

Filing Date 9/14/12

Do Not Schedule Dates: _____

Reviewer JCM

**ZONING DESCRIPTION
FOR
7312 WENIG AVENUE**

That property located on the northeast corner of the intersection of Wenig and Todd Avenues, containing 22,220 square feet more or less, located in the 12th Election District and 3rd Council District.

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/neighborhood 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: 2013-0067-A

Petitioner: GENE HIBLER

Address or Location: 7312 WENIG AVE, BALTO. Md. 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 443-506-9054

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

No.

88916

Date:

9/14/12

PAID RECEIPT

BALTIMORE COUNTY, MD
 17/2012
 RECEIPT # 00001
 \$ 75.00
 BALTIMORE COUNTY, MD

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806		0000	6150				75.-

Total: 75.-

Rec
From:

G. HIBLER

For:

2013-0067-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2013-0067-A

RE: Case No.: _____

Petitioner/Developer: _____

Gene M. Hibler

November 14, 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

October 25, 2012

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

Sincerely,

October 25, 2012

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

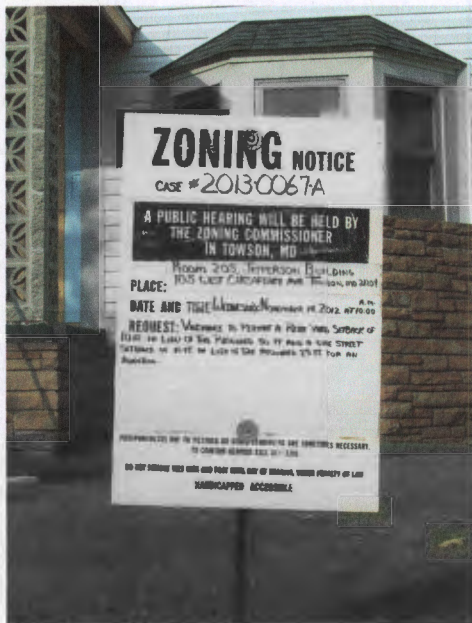
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





KEVIN KAMENETZ
County Executive

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

October 12, 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: 2013-0067-A

7312 Wenig Avenue
NE corner of Wenig & Todd Avenues
12th Election District – 3rd Councilmanic District
Legal Owners: Gene M. Hibler

Variance to permit a rearyard setback of 10 ft. in lieu of the required 50 ft. and a side street setback of 10 ft. in lieu of the required 25 ft. for an addition.

Hearing: Wednesday, November 14, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Gene Hibler, 7312 Wenig Avenue, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 25, 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.

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: # 2013-0067-A

7312 Wenig Avenue

NE corner of Wenig Avenue & Todd Avenues

12th Election District - 3rd Councilmanic District

Legal Owner(s): Gene M. Hibler

Variance: to permit a rearyard setback of 10 ft. in lieu of the required 50 ft. and a side street setback of 10 ft. in lieu of the required 25 ft. for an addition.

Hearing: Wednesday, November 14, 2012 at 10:00 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.
10/29/2012 Oct. 25 883422



501 N. Calvert Street, Baltimore, MD 21278

October 25, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on October 25, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson



KEVIN KAMENETZ
County Executive

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

November 8, 2012

Gene M. Hibler
7312 Wenig Avenue
Baltimore MD 21222

RE: Case Number: 2013-0067 A 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 September 14, 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Debra Wiley - ZAC Comments - Distribution Mtg. of 9/24

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Subject: ZAC Comments - Distribution Mtg. of 9/24

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2013-0064-A - 9535 Gunhill Circle
Administrative Variance - Closing Date: 10/8

2013-0066-A - 10904 Liberty Road
Administrative Variance - Closing Date: 10/8

2013-0067-A - 7312 Wenig Avenue
No hearing date as of 9/24

2013-0068-A - 10515 Vincent Road
Administrative Variance - Closing Date: 10/15

2013-0069-A - 11216 Bird River Grove Road
No hearing date as of 9/24

2013-0070-A - 307 Lantana Drive
Administrative Variance - Closing Date: 10/15

2013-0071-SPH - 1600 Frederick Road
No hearing date as of 9/24

Thanks !

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-27-12

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

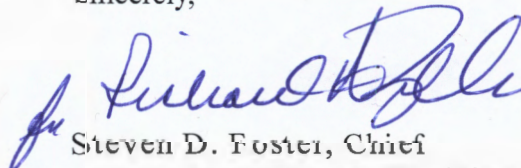
RE: Baltimore County
Item No 2013-0067-A
Variance
Gene M. Hilder
97312 Welling Avenue.

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. 2013-0067-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

11-14 10 am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 03 2012

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: October 3, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013-0067-A
Address 7312 Wenig Avenue
(Hibler Property)

Zoning Advisory Committee Meeting of September 24, 2012.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston – Development Coordination*

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 25, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For October 8, 2012
Item Nos. 2013-0064, 0066, 0067, 0068 and 0070

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

DAK
cc: File

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 12 Account Number - 1208055620

Owner Information

Owner Name: HIBLER GENE M **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 7312 WENIG AVE
BALTIMORE MD 21222-1840 **Deed Reference:** 1) /22662/ 00543
2)

Location & Structure Information

Premises Address 7312 WENIG AVE
0-0000 **Legal Description**
PT LT 152-156
7312 WENIG AVE
KIMBERLY FARMS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0103	0010	0461		0000			152	3		0007/ 0127

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1952	1,194 SF	22,220 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	07/01/2012	07/01/2013
Land	50,800	50,800		
Improvements:	119,800	94,100		
Total:	170,600	144,900	144,900	144,900
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
HIBLER JAMES H	10/04/2005	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/22662/ 00543	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

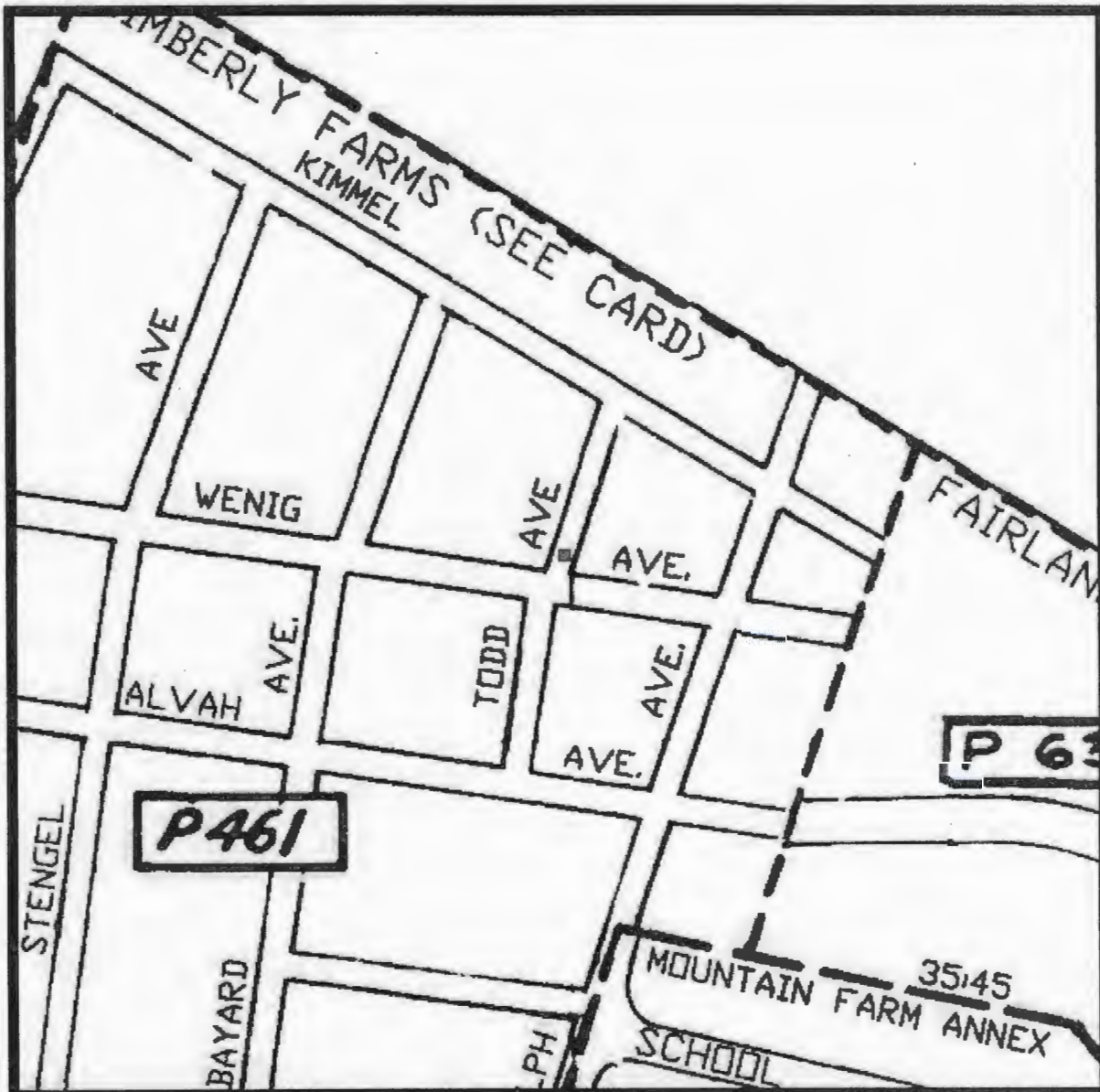
Homestead Application Status: No Application



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

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

District - 12 Account Number - 1208055620



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

M E M O R A N D U M

DATE: December 20, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0067-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 19, 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

11-14 10am

CASE NO. 2013- 0067-A

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9-25</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NO</u>
<u>10-3</u>	DEPS (if not received, date e-mail sent _____)	<u>NO</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>9-21</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2012-0172-A in file</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>10-25-12</u>	
SIGN POSTING	Date: <u>10-25-12</u> by <u>Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: * See prior zoning case

11/14
10 AM

Case No.: 2013-0067-A

Exhibit Sheet

Petitioner/Developer

Protestant

12-20-12 DW
11-19-12 DW

No. 1	Site Plan	
No. 2	Photo	
No. 3	Site Plan w/ neighbor's approval + signature	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS 7312 WENIG AVE OWNER(S) NAME(S) GENE HIBLER.

SUBDIVISION NAME KINGBERRY FARMS LOT # 152 BLOCK # SECTION #
PLAT BOOK # 0007 FOLIO # 127 10 DIGIT TAX # 1208055620 DEED REF. # 22662 / 00593

PETITIONER'S
EXHIBIT NO. 1

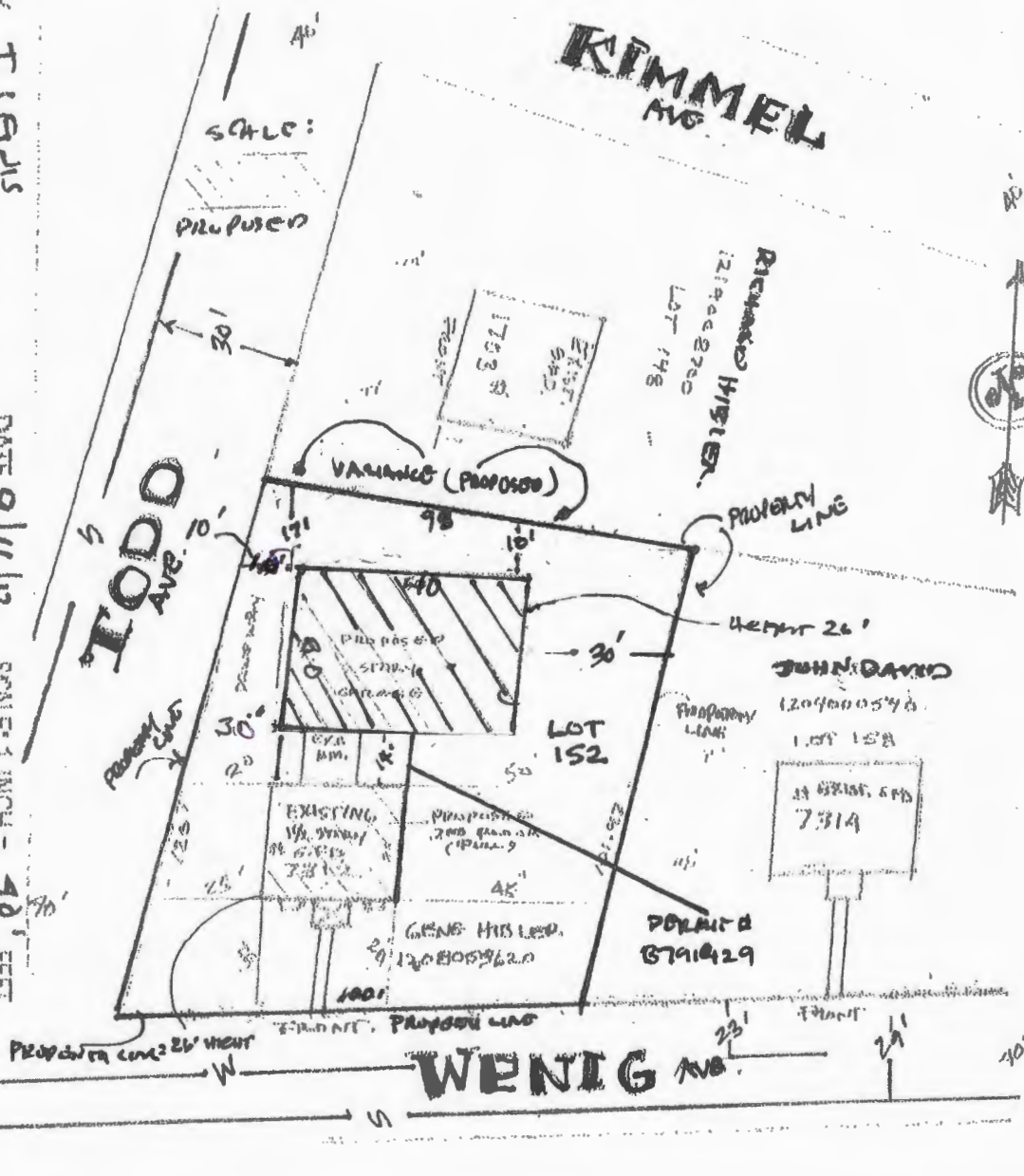
PLAN DRAWN BY T. LEWIS

LEWIS DESIGN GROUP

DATE 9/11/12

SCALE: 1 INCH = 40' FEET

410-925-5045



SITE VICINITY MAP

KIMMEL

0007

SITE

WENIG AVE

MAP IS NOT TO SCALE

ZONING MAP # 103C1

SITE ZONED DR-5-S

ELECTION DISTRICT 12

COUNCIL DISTRICT 3

LOT AREA ACREAGE

OR SQUARE FEET 22,220

HISTORIC? NO

IN CBQA? NO

IN FLOOD PLAN? NO

UTILITIES? MARK WITH X

WATERS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC X PRIVATE

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

CASE # 2012-01724

DEVELOP - DR-70

BOONHARTS 08/05/10N.

VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL

ADDRESS 7312 WENIG AVE OWNER

SUBDIVISION NAME KIMBERLY FARMS

PLAT BOOK # 0007 FOLIO # 127 10 DIGIT TAX # 129

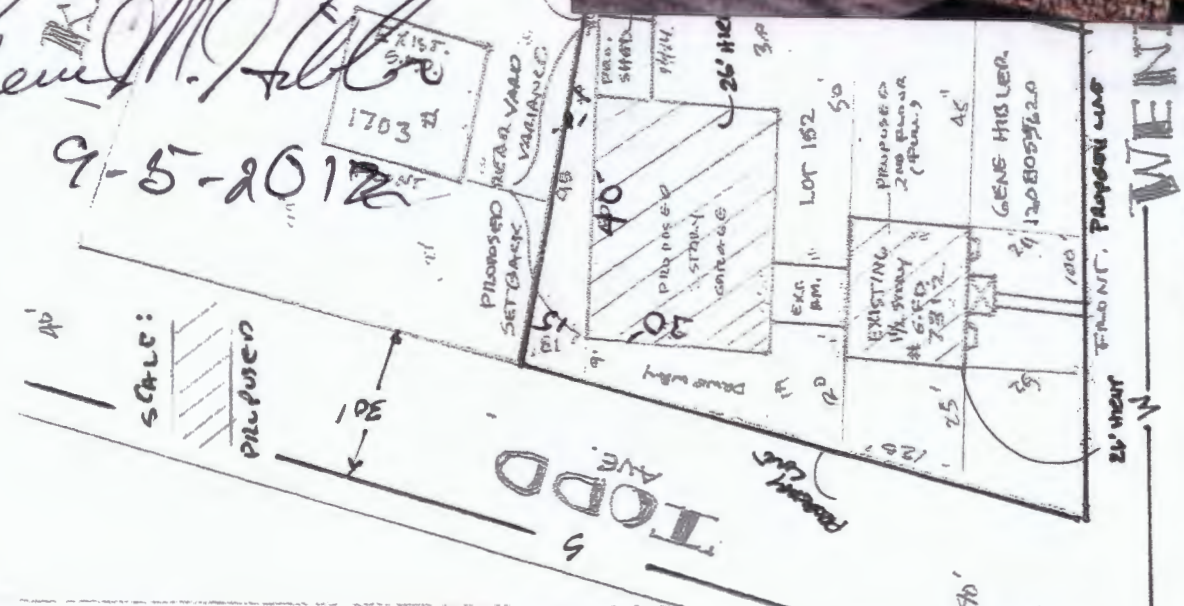


changing garage dimensions
from 38'x50' to 30'x40'

& Richard B Hiller agree
to the above changes

Richard B Hiller
Gene M. Hiller

9-5-2012

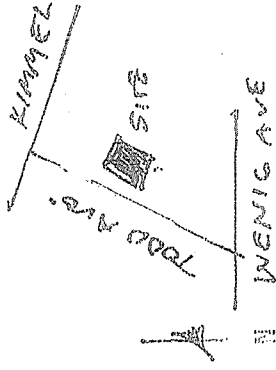


PLAN DRAWN BY T. LEWIS DATE 1/18/12 SCALE: 1 INCH = 40' FEET
LEWIS DESIGN GROUP 410-925-5045

IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE
SEWER IS:
PUBLIC X PRIVATE
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

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 CBDA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE

SEWER IS:

PUBLIC ☒ PRIVATE

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

CASE # 2012-0172-A

DEVELOP - DUE TO

BROTHERS APPLICATION.

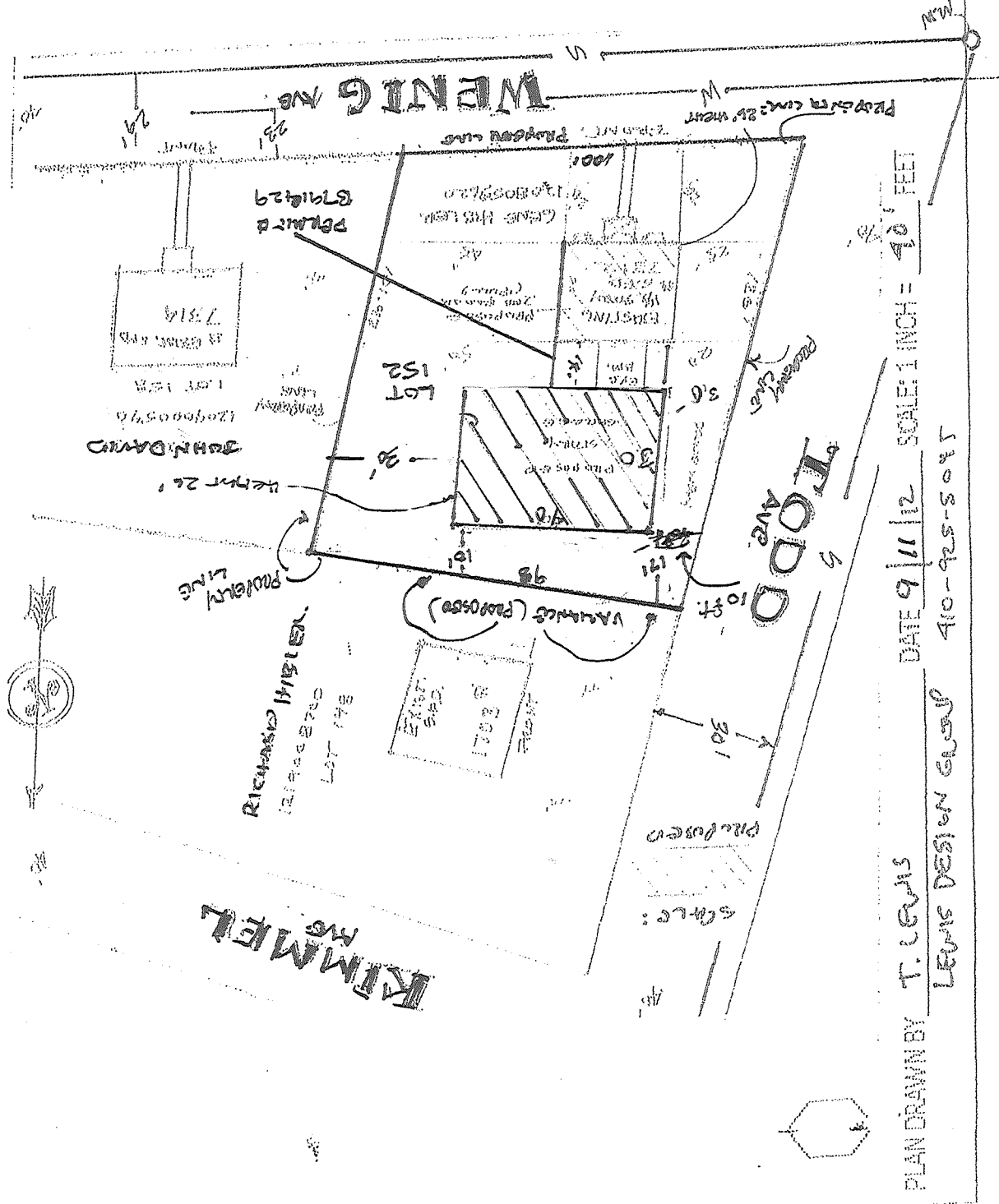
VIOLATION CASE INFO:

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 #

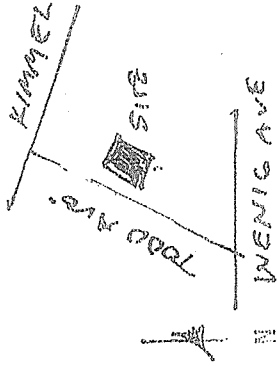
PLAT BOOK # 0007 FOLIO # 127 10 DIGIT TAX # 1208055620 DEED REF. # 22662 / 00543



PLAN DRAWN BY T. LEWIS DATE 9/11/12 SCALE 1 INCH = 40 FEET

LEWIS DESIGN GROUP 410-925-5045

SITE VICINITY MAP

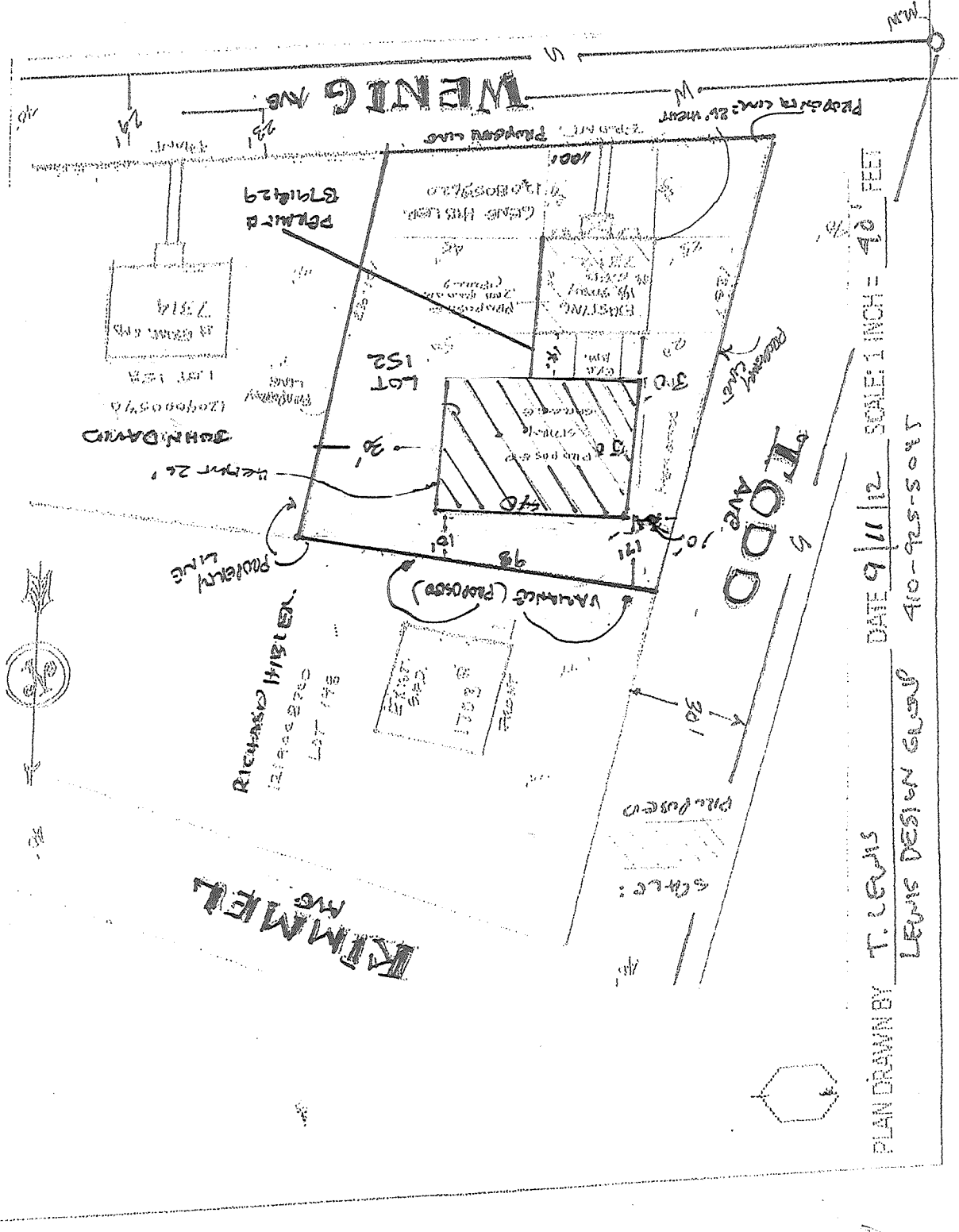


ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 7312 Wenic 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 9/11/12 SCALE: 1 INCH = 40 FEET
LEWIS DESIGN GROUP 410-925-5045

MAP IS NOT TO SCALE

ZONING MAP # 103C1

SITE ZONED DR 5-S

ELECTION DISTRICT 12

COUNCIL DISTRICT 3

LOT AREA ACREAGE

OR SQUARE FEET 22, 22.0

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE

SEWER IS:

PUBLIC ☒ PRIVATE

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

CASE # 2012-0172-A

DENIED - DUE TO

BROTHERS APPLICATION.

VIOLATION CASE INFO:

