

IN RE: PETITION FOR ADMIN. VARIANCE

11th Election District
3rd Councilmanic District
(13035 Long Green Pike)
Richard and Dawn M. Huffman
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0169-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Richard and Dawn M. Huffman, for property located at 13035 Long Green Pike. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit the existing dwelling with a height of 24', to remain as an accessory structure after completion of owners' new home, in lieu of the 15' required. The subject property and requested relief are more particularly described on Petitioners' Exhibit 1. Despite the size and configuration of the proposed accessory structure as a pool-house, the undersigned received on February 22, 2013, an Affidavit from Petitioners through counsel, Howard L. Alderman, Jr., Esquire, with Levin & Gann. In the Affidavit, Petitioners affirm that following construction and occupancy of the new dwelling, the existing dwelling will be used thereafter only as an accessory structure (pool-house) and at no time thereafter will it be used as additional living quarters or for residential occupation. In addition, Baltimore County Code Enforcement Officers may, after reasonable notice, inspect same. Upon that understanding and condition, Petitioners' request will be granted.

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.

ORDER RECEIVED FOR FILING

Date 2-25-13

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 27, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 25th day of February, 2013 that a Variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit the existing dwelling with a height of 24', to remain as an accessory structure after completion of owners' new home, in lieu of the 15' required, be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their appropriate 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Following construction and occupancy of the new dwelling, the existing dwelling will be used thereafter only as an accessory structure (pool-house) and at no time thereafter will it be used as additional living quarters or for residential occupation.

ORDER RECEIVED FOR FILING

Date

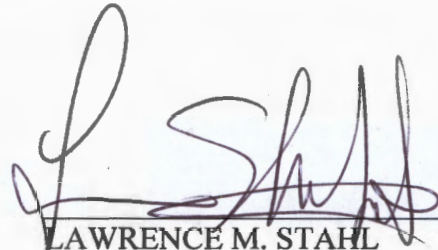
2-25-13

By



3. Baltimore County Code Enforcement Officers may, after reasonable notice, inspect the accessory structure (pool-house) to ensure compliance with Condition 2 above.

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



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 2-25-13

By DW



KEVIN KAMENETZ
County Executive

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

February 25, 2013

Richard Huffman
Dawn M. Huffman
13035 Long Green Pike
Hydes, Maryland 21082

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
(13035 Long Green Pike)
Case No. 2013-0169-A

Dear Mr. and Mrs. Huffman:

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.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw
Enclosure

c: Howard L. Alderman, Jr., Esq., Levin & Gann, PA, 502 Washington Ave., Ste. 800,
Towson, MD 21204
James Grammer, 10 Gerard Ave., Ste. 101, Timonium, MD 21093



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 13035 Long Green Pike

which is presently zoned RC-2

Deed Reference 30276 / 00426

10 Digit Tax Account # 19-00-005071

Property Owner(s) Printed Name(s) Richard Huffman & Dawn M. Huffman

(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. **XX** **ADMINISTRATIVE VARIANCE** from section(s)

400.3 to permit the existing dwelling with a height of 24 feet, to remain as an accessory structure after completion of Owner's new home, in lieu of the 15 feet required.

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)

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:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney BY Petitioner:

Howard L. Alderman, Jr., / Levin & Gann, PA

Name- Type or Print

Signature

502 Washington Avenue, STE 800 Towson MD

Mailing Address

City

State

21204

410-321-0600

halderman@LevinGann.com

Zip Code

Telephone #

Email Address

Legal Owners:

Richard Huffman

Dawn M. Huffman

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

13035 Long Green Pike Hydes MD

Mailing Address

City

State

21082

443-807-0107

rhuffman@celebree.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

James Grammer

Name – Type or Print

Signature

10 Gerard Avenue, STE 101 Timonium MD

Mailing Address

City

State

21093

410-252-4444

jgrammer@polarisc.com

Zip Code

Telephone #

Email Address

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 2013-0169-A Filing Date 1/16/13 Estimated Posting Date 1/27/13 Reviewer G.H.

Rev 10/12/11

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: 13035 Long Green Pike Hydes Maryland 21082
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)

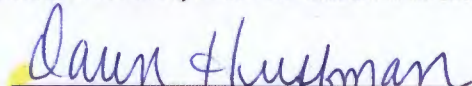
Owners currently reside in the existing structure, located on 40+ acres, which is 24 feet in height. Owners have applied to construct a new, principal home and seek to retain the existing structure as a pool-house, accessory structure to the new home. The location of the new home meets all requirements of the BCZR. The size and footprint of the existing structure will not change. The existing structure is located more than 520 feet from the nearest property line and will remain on the interior of the existing tree/forest cover on the property. The requested relief is for the existing structure only, once it becomes accessory to the new home. Owners' legal counsel has confirmed with County Zoning Officials that the existing structure, to remain located in the rear yard of the proposed new home, will not require any additional variance relief. Requiring the Owners to demolish the existing structure to a height of 15 feet would result in extreme practical difficulty and result in economic waste. The size, shape, topography and configuration of the subject property and the existing improvements thereon render it unique to other properties in the area. The relief requested is the minimum relief necessary to provide substantial relief to the Owners for use of a [pre-existing] accessory structure, permitted as of right. Given that no increase in height of the existing structure is proposed, the requested relief can be granted such that the spirit and intent of the BCZR will be observed and public health, safety and welfare secured. The accessory structure will not be used as additional living quarters.

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


Signature of Affiant

Richard Huffman

Name- Print or Type


Signature of Affiant

Dawn M. Huffman

Name- Print or Type

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

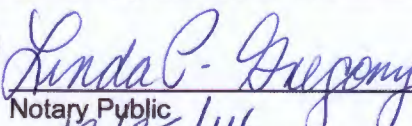
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of January, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Richard Huffman and Dawn M. Huffman, Owners and

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


Notary Public
12/25/14
My Commission Expires



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
(410) 252-4444 (o)
(410) 252-4493 (f)
www.polarisl.com

**ZONING DESCRIPTION TO ACCOMPANY
ADMINISTRATIVE VARIANCE REQUEST
13035 LONG GREEN PIKE
11TH ELECTION DISTRICT, 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD**

BEGINNING at a point on the East side of Long Green Pike, being 70-feet wide, said point being situated 270' southerly from the centerline extension of Hydes Road. Being known and designated as Tract 'B' as shown on Plat of Burton-Tracts A, B, C, & D, which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr. 48, page 43. Containing 1,748,847 square feet or 40.148 acres of land, more or less. Also being known as 13035 Long Green Pike and lying in the 11th Election District, 3rd Councilmanic District.

2013-0169-A

CERTIFICATE OF POSTING
RTIFICATE OF POSTING

RE: CASE NO: 2013-0169-A

PETITIONER/DEVELOPER _____

HOWARD ALDERMAN JR

DATE OF HEARING/CLOSING: _____

2/11/13

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 CERITFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 13035 LONG GREEN PIKE

THIS SIGN(S) WERE POSTED ON _____

January 27, 2013
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 1/27/13
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE 2013-0169-A

TO PERMIT AN EXISTING DWELLING WITH A HEIGHT OF 24 FEET, TO REMAIN AS AN ACCESSORY STRUCTURE AFTER COMPLETION OF OWNER'S NEW HOME, IN LIEU OF THE REQUIRED 15 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 24-127(b)(1) BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON MONDAY FEBRUARY 11, 2013
ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21204
TEL. 410.857.3391

DO NOT REMOVE THIS SIGN AND POST EXTENDING TO THE DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

madm Ogle 1/27/13

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012-¹³ 0169 -A Address 13035 Long Green Pike

Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/16/13 Posting Date: 1/27/13 Closing Date: 2/11/13

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

- 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.
- 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.
- 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.
- 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 2012-¹³ 0169 -A Address 13035 Long Green Pike

Petitioner's Name Howard Alderman Jr Telephone 410-321-0600

Posting Date: 1/27/13 Closing Date: 2/11/13

Wording for Sign: To Permit an existing dwelling with a height of 24 feet, to remain as an accessory structure after completion of owner's new home, in lieu of the required 15 feet

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: 2013 ----- 0169 --A

Petitioner: Richard and Dawn M. Huffman

Address or Location: 13035 Long Green Pike, Hydes, MD 21082

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mr. Richard Huffman

Address: 13035 Long Green Pike

Hydes, Maryland 21082

Email: rhuffman@celebree.com

Telephone Number: 443-807-0107



KEVIN KAMENETZ
County Executive

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

February 12, 2013

Richard & Dawn Huffman
13035 Long Green Pike
Hydes MD 21082

RE: Case Number: 2013-0169 A, Address: 13035 Long Green Pike, 21082

Dear Mr. & Ms. Huffman:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 16, 2013. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Howard L Alderman Jr., 502 Washington Avenue, Suite 800, Towson MD 21204
James Grammer, 10 Gerard Avenue, Suite 101, Timonium MD 21093



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-25-13

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

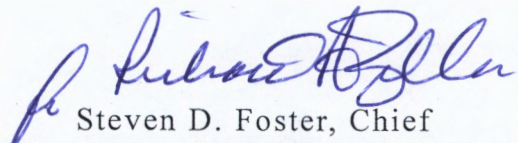
RE: Baltimore County
Item No 2013-0169-A
Administrative Variance
Richard & Dawn Huffman
13035 Long Green Pike.

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. 2013-0169-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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 30, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For January 28, 2013
Item Nos. 2013-0151,0153,0154,0156,0157,0158,0159,0160,0161,0162,
0163,0164,0165,0166,0167,0168,0169, and 0172.

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

DAK:CEN
Cc: file

M E M O R A N D U M

DATE: March 28, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0169-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 27, 2013. 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

Debra Wiley - Re: 13035 Long Green Pike/Case No. 2013-0169-A

From: Debra Wiley
To: Alderman, Howard
Date: 2/19/2013 1:57 PM
Subject: Re: 13035 Long Green Pike/Case No. 2013-0169-A

Mr. Alderman,

The draft has been reviewed by Judge Stahl and he has approved. Thanks in advance.

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

>>> Howard Alderman <halderman@levingann.com> 2/19/2013 1:18 PM >>>
Deb,

A first DRAFT of a proposed Affidavit is attached for review/comment/approval.

The attachment has been scanned and found to be virus free.

Thank you,

Howard

~~~~~  
Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA  
Nottingham Centre, 8<sup>th</sup> Floor  
502 Washington Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
410-456-8501 (cell)  
Email: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
Website: [www.LevinGann.com](http://www.LevinGann.com)



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

Find me on Completely E-Legal



**Debra Wiley - 13035 Long Green Pike/Case No. 2013-0169-A**

**From:** Howard Alderman <halderman@levinggann.com>  
**To:** 'Debra Wiley' <dwiley@baltimorecountymd.gov>  
**Date:** 2/19/2013 1:18 PM  
**Subject:** 13035 Long Green Pike/Case No. 2013-0169-A  
**CC:** "Larry Stahl (lstahl@baltimorecountymd.gov)" <lstahl@baltimorecountymd.gov>  
**Attachments:** Affidavit of Richard & Dawn Huffman - 13035 Long Green Pike.doc

Deb,

A first DRAFT of a proposed Affidavit is attached for review/comment/approval.

The attachment has been scanned and found to be virus free.

Thank you,

Howard

RECEIVED

FEB 19 2013

OFFICE OF ADMINISTRATIVE HEARINGS

~~~~~  
 Howard L. Alderman, Jr., Esquire
 Levin & Gann, PA
 Nottingham Centre, 8th Floor
 502 Washington Avenue
 Towson, Maryland 21204
 410-321-0600 (voice)
 410-296-2801 (fax)
 410-456-8501 (cell)
 Email: halderman@LevinGann.com
 Website: www.LevinGann.com



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

Find me on Completely E-Legal



**Recognized as One
 Of Maryland's
 Super Lawyers**

This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

February 22, 2013

HAND DELIVERED

The Honorable Lawrence M. Stahl,
Managing Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

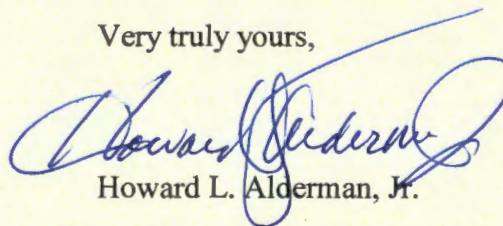
RE: Petition for Administrative Variance
13035 Long Green Pike
Case No. 2013-0169-A
Richard and Dawn M. Huffman, Owners/Petitioners
Combined Owners' Affidavit

Dear Mr. Stahl:

Enclosed is the notarized, original Combined Owner's Affidavit signed by the Owners/Petitioners of the above-referenced property. I would appreciate it if you would file this Affidavit in the above-referenced Case file and make reference to it in any Order issued in this case.

Should you need any additional information in regard to this property or the Owners/Petitioners, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosure
c (w/encl.): Mr. and Mrs. Richard Huffman

RECEIVED

FEB 22 2013

OFFICE OF ADMINISTRATIVE HEARINGS

COMBINED OWNERS' AFFIDAVIT
13035 Long Green Pike
Case No. 2013-0169-A

We, **RICHARD HUFFMAN** and **DAWN M. HUFFMAN**, each an undersigned Affiant (referred to collectively herein as the "**Affiants**"), are each over the age of eighteen, are each competent to make this affidavit and each of us has personal knowledge of the following facts:

1. The Affiants, pursuant to a Deed, recorded among the Land Records of Baltimore County, Maryland in Liber 30276 at page 426, dated November 23, 2010, from the Trustees of the Robert James Smith Revocable Trust, are the fee simple, legal owners of the property and improvements located at 13035 Long Green Pike (the "**Property**").

2. The Affiants, together with their children reside in the existing dwelling on the Property (the "**existing dwelling**").

3. The Affiants intend to construct a new, larger dwelling on the Property (the "**new dwelling**").

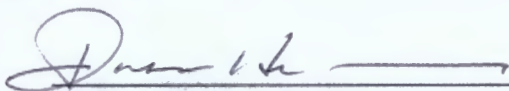
4. The Affiants have filed with Baltimore County, Maryland, a Petition for Administrative Zoning Variance [Case No. 2013-0169-A] (the "**Variance Case**") to permit the existing dwelling, which has a height of 24 feet, to remain after construction of the new dwelling, for use as an accessory structure – pool house.

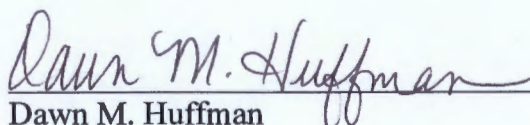
5. The Affiants hereby make their respective oaths, in due form, to Baltimore County and its various agencies, that following construction and occupancy of the new dwelling, the existing dwelling will be used thereafter only as an accessory structure/pool house and at no time thereafter will it be used as additional living quarters or for residential occupation.

6. In furtherance of the oath made herein, the Affiants hereby agree and acknowledge that Baltimore County Code Enforcement Officers may, once the existing dwelling is converted to the accessory structure/pool house described in the Variance Case, after reasonable notice inspect the accessory structure/pool house to ensure that no portion of it is being used as living quarters or

for residential occupation.

Each of us, the undersigned Affiants, do solemnly declare and affirm under the penalties of perjury that the above statements are true and correct.


Richard Huffman

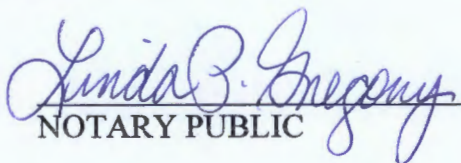

Dawn M. Huffman

Date: 2/21/13

STATE OF MARYLAND, CITY/COUNTY OF Harford, to wit:

I HEREBY CERTIFY, that on this 21st day of February, in the year 2013, before me, the subscriber, a Notary Public for the state and city/county aforesaid, personally appeared RICHARD HUFFMAN and DAWN M. HUFFMAN, the above-named Affiants, and each of them acknowledged the foregoing Affidavit to be their respective Act and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS my hand and notarial seal.


NOTARY PUBLIC

My Commission Expires: 12/25/14

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

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

Account Identifier: District - 11 Account Number - 1900005071

Owner Information

Owner Name: HUFFMAN RICHARD
HUFFMAN DAWN M **Use:** AGRICULTURAL
Mailing Address: 13035 LONG GREEN PIKE **Principal Residence:** YES
HYDES MD 21082-9709 **Deed Reference:** 1) /30276/ 00426
2)

Location & Structure Information

Premises Address **Legal Description**
13035 LONG GREEN PIKE 40.148 AC TRACT B
HYDES 21082-9709 13035 LONG GREEN PIKE
BURTON

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0045	0020	0266		0000				3	Plat Ref: 0048/ 0043

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1982	3,851 SF	40.1400 AC	05

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT BRICK	

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2012	07/01/2012	07/01/2013	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	133,600	133,600			
Improvements:	619,500	498,700			
Total:	753,100	632,300	632,300	632,300	
Preferential Land:	13,600			13,600	

Transfer Information

Seller:	Date:	Price:
SMITH ROBERT JAMES TRUSTEE	12/16/2010	\$1,300,000
Type: ARMS LENGTH IMPROVED	Deed1: /30276/ 00426	Deed2:
Seller: SMITH ROBERT J	Date: 11/06/1992	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09451/ 00349	Deed2:
Seller: HOMESITE DEV AG USE 83-84	Date: 10/02/1981	Price: \$160,000
Type: ARMS LENGTH IMPROVED	Deed1: /07609/ 00069	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: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application



PHOTOGRAPH LEGEND 13035 LONG GREEN PIKE



Permit Review Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 1/11/2013

2013-0169-A



A - EXISTING DWELLING - FRONT ELEVATION



B - VIEW TOWARDS FRONT OF PROPOSED DWELLING

PICTURE EXHIBITS
13035 LONG GREEN PIKE
HUFFMAN RESIDENCE

2013-0169-A



C - PANORAMA FROM THE FRONT OF THE EXISTING DWELLING LOOKING SOUTHERLY



D - RIGHT (EAST) ELEVATION OF EXISTING DWELLING

PICTURE EXHIBITS
13035 LONG GREEN PIKE
HUFFMAN RESIDENCE

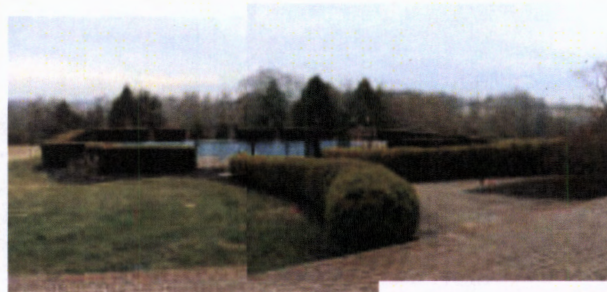
2013-0169A



E - PANORAMA FROM THE RIGHT OF THE EXISTING DWELLING LOOKING EASTERLY



E - REAR (NORTH) ELEVATION OF EXISTING DWELLING



G - VIEW OF EXISTING POOL FROM THE REAR OF THE EXISTING DWELLING

PICTURE EXHIBITS
13035 LONG GREEN PIKE
HUFFMAN RESIDENCE

2013-0169-A



H - VIEW FROM NORTHWEST CORNER OF EXISTING DWELLING LOOKING NORTHWESTERLY



I - VIEW OF LEFT (WEST) ELEVATION FROM THE EAST SIDE OF THE PROPOSED DWELLING

PICTURE EXHIBITS
13035 LONG GREEN PIKE
HUFFMAN RESIDENCE

2013-0169-A



J - LOOKING NORTH FROM PROPOSED DWELLING



K - LOOKING NORTHWEST FROM PROPOSED DWELLING

PICTURE EXHIBITS
13035 LONG GREEN PIKE
HUFFMAN RESIDENCE

2013-0169A



L - LOOKING WEST FROM PROPOSED DWELLING



M - LOOKING SOUTH FROM PROPOSED DWELLING

PICTURE EXHIBITS
13035 LONG GREEN PIKE
HUFFMAN RESIDENCE

2013-0169-A



N - LOOKING EAST FROM PROPOSED GARAGE
(#6009 CHURCH LANE IS IN UPPER RIGHT CORNER OF PICTURE)



Q - VIEW FROM PROPOSED FRONT DOOR LOOKING SOUTHEASTERLY

PICTURE EXHIBITS
13035 LONG GREEN PIKE
HUFFMAN RESIDENCE

2013-0169-A



P - EAST ELEVATION OF EXISTING BARN #1 (17'+/- HIGH)
(#13101 IS VISIBLE OVER THE HILL TO THE LEFT OF THE BARN)



Q - VIEW FROM BARN #1 TOWARDS NORTH SIDE OF #13001 LONG GREEN PIKE

PICTURE EXHIBITS
13035 LONG GREEN PIKE
HUFFMAN RESIDENCE

2013-0169-A



R - VIEW FROM REAR OF BARN #1 TOWARDS #13101 LONG GREEN PIKE



S - VIEW OF REAR OF #13101 LONG GREEN PIKE FROM PROPERTY LINE

PICTURE EXHIBITS
13035 LONG GREEN PIKE
HUFFMAN RESIDENCE

2013-0169-A



I - VIEW OF REAR OF #13109 LONG GREEN PIKE FROM PROPERTY LINE



U - FRONT (SOUTHWEST) ELEVATION OF BARN #2 (17'+/- HIGH)

PICTURE EXHIBITS
13035 LONG GREEN PIKE
HUFFMAN RESIDENCE



V - VIEW OF #6009 CHURCH LANE FROM BARN #2



W - VIEW TOWARDS EXISTING DWELLING FROM DRIVEWAY
ENTRANCE LEADING TO #13023 LONG GREEN PIKE

PICTURE EXHIBITS
13035 LONG GREEN PIKE
HUFFMAN RESIDENCE

NOTES:

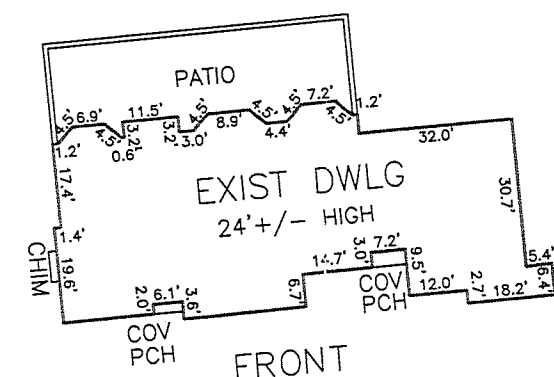
1. EXISTING ZONING: RC-2.
2. 200 SCALE ZONING MAP NO. 045a3.
3. BEING KNOWN AND DESIGNATED AS: TRACT B, "BURTON", PLAT EHK, Jr 48/43.
4. RECORDED SEPTEMBER 1981.
5. THIS SITE LIES WITHIN THE LONG GREEN VALLEY HISTORIC DISTRICT.
6. (INVENTORY No.: BA-2138) THIS LOT IS NOT HISTORIC.
7. TO OUR KNOWLEDGE THERE ARE NO EXISTING OR OUTSTANDING ZONING VIOLATIONS FOR THIS SITE.
8. THIS SITE IS NOT LOCATED WITHIN A 100-YEAR FLOOD PLAIN.
9. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
10. THIS SITE IS SERVED BY PRIVATE WELL AND SEPTIC SYSTEMS.
11. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A BOUNDARY SURVEY.
12. GROSS AREA OF SITE: 40.148 Ac±
13. NET AREA OF SITE: 40.148 Ac±
14. EXISTING USE: SINGLE FAMILY RESIDENCE AND AGRICULTURAL.
15. PROPOSED USE: SINGLE-FAMILY RESIDENCE AND AGRICULTURAL.

PRIOR ZONING HEARING:

ZONING CASE NO.: 1990-001-SPHX

DISPOSITION: ORDERED BY THE DEPUTY ZONING COMMISSIONER AUGUST 3, 1989 THAT THE PETITION FOR SPECIAL HEARING FOR A FINDING THAT THE LANDING AND TAKING OFF OF A HELICOPTER (ON A PRIVATE GRASS LANDING STRIP) IS PERMITTED UNDER THE SPECIAL EXCEPTION REQUIREMENTS FOR AN AIRPORT IN AN R.C. 2 ZONE, AND THE PETITION FOR SPECIAL EXCEPTION TO APPROVE THE USE OF THE SUBJECT PROPERTY AS AN AIRPORT (PRIVATE GRASS LANDING STRIP) TO INCLUDE THE LANDING OF A HELICOPTER, AS MORE PARTICULARLY DESCRIBED IN PETITIONER'S EXHIBIT 1, BE AND ARE HEREBY DENIED. IT IS FURTHER ORDERED THAT THE PETITIONER SHALL CEASE PERMITTING THE LANDING AND TAKING-OFF OF HELICOPTERS FROM THE SUBJECT PROPERTY KNOWN AS 13035 LONG GREEN PIKE.

APPEAL FILED WITH THE BALTIMORE COUNTY BOARD OF APPEALS ORDERED DISMISSED ON MARCH 6, 1990.

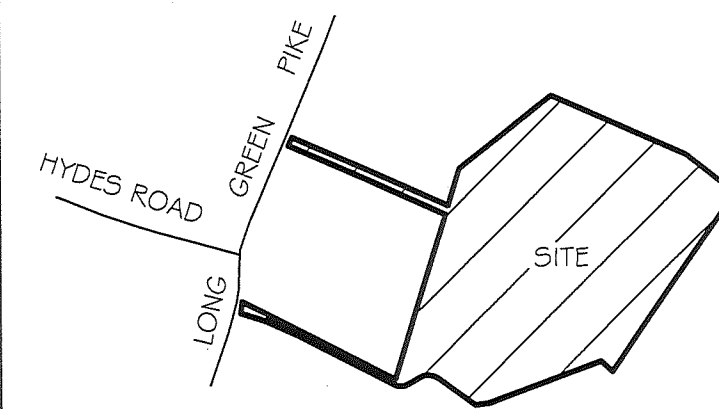


EXISTING DWELLING DETAIL

NOT TO SCALE

WILLIAM R. ANDERSON, Jr.
KATHRYN H. ANDERSON
5907 CHURCH LANE
7664/259
19-00-005070
TM 45, GRID 20, PAR 266
TRACT A, BURTON (48/43)

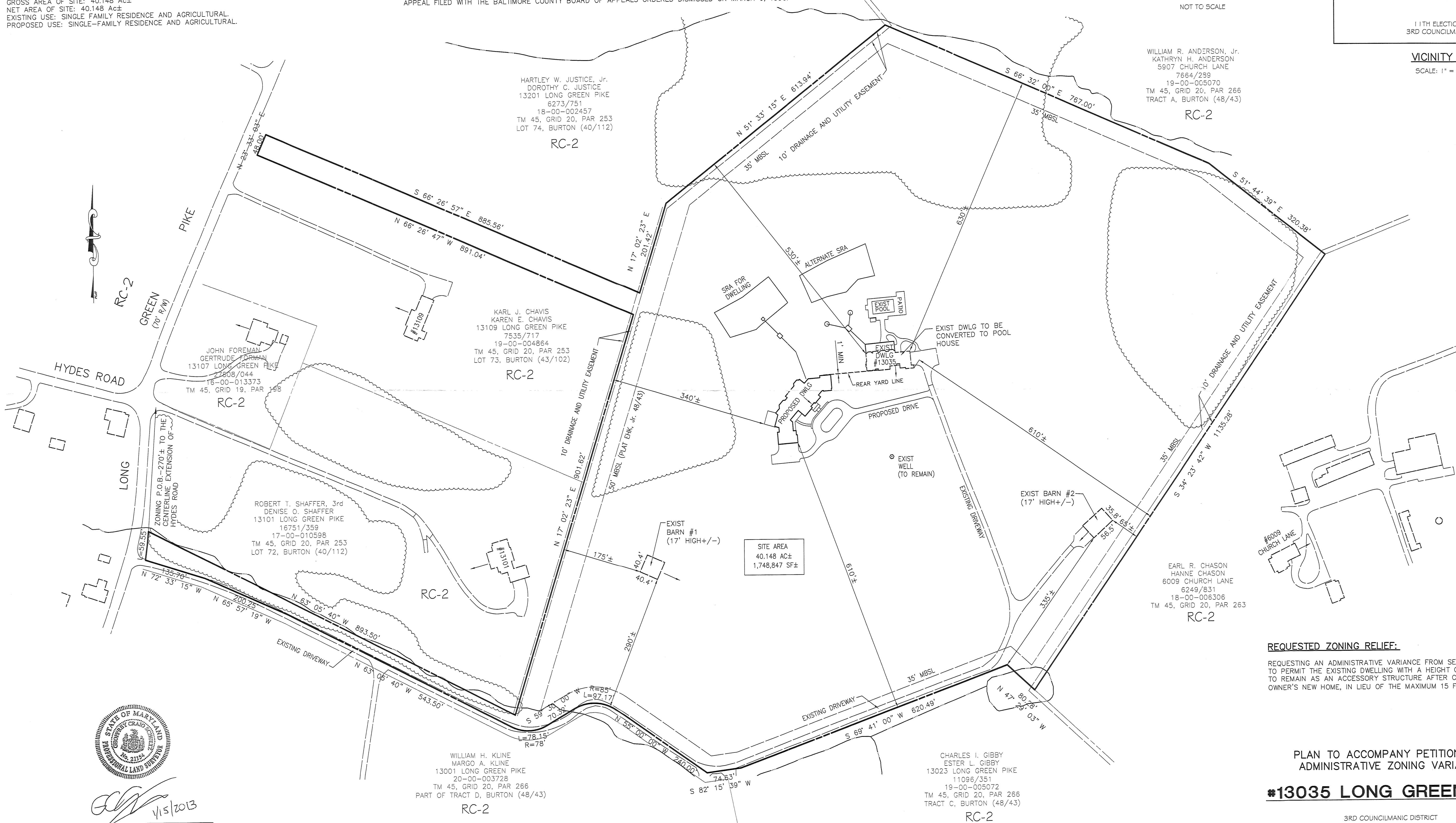
RC-2



11TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

VICINITY MAP

SCALE: 1" = 1,000'



REQUESTED ZONING RELIEF:

REQUESTING AN ADMINISTRATIVE VARIANCE FROM SECTION 400.3 TO PERMIT THE EXISTING DWELLING WITH A HEIGHT OF 24 FEET TO REMAIN AS AN ACCESSORY STRUCTURE AFTER COMPLETION OF OWNER'S NEW HOME, IN LIEU OF THE MAXIMUM 15 FEET ALLOWED.

PLAN TO ACCOMPANY PETITION FOR
ADMINISTRATIVE ZONING VARIANCE

#13035 LONG GREEN PIKE

3RD COUNCILMANIC DISTRICT

11TH ELECTION DISTRICT

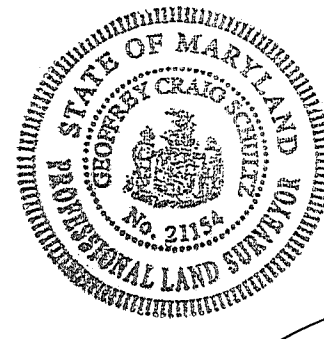
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 100'

DATE: JANUARY 4, 2013

2013-0169-A

PROJECT No.: 12-120



1/15/2013

Polaris
LAND CONSULTANTS

10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
PHONE: (410) 252-4444
FAX: (410) 252-4493
WWW.POLARISLC.COM

OWNER INFO

RICHARD HUFFMAN
DAWN M. HUFFMAN
13035 LONG GREEN PIKE
HYDES, MD 21082

DEED REFERENCE: 30276/426
TAX ACCT.# 19-00-005071
TAX MAP 45, GRID 20, PARCEL 266