

**PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we/James H. & Rose M. Hilgartner, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1404.253.2.2a para 1.1. a. Front setback of 54 feet from center line of road to front of house in lieu of required 75 feet in a R.C.S. Zone.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County for the following reasons: (Indicate hardship or practical difficulty)

Because of the location of the well and septic systems as indicated on the attached plat, the only way and way to enlarge the house is to enlarge the existing porch. The reason for enlarging the house is because of three young daughters, and only two bedrooms in one end of the house and a converted family room to a bedroom in the other end of the house. The dwelling is located on a lead and sandy lot that is only maintained by the owner, the right of way, and the houses are wisely separated with varied set backs.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser: James H. Hilgartner  
 James H. Hilgartner, Legal Owner  
 Rose M. Hilgartner, Legal Owner  
 Address: 715 Maplehurst Lane  
 Monkton, Md. 21111

Plaintiff's Attorney: \_\_\_\_\_  
 Address: \_\_\_\_\_

BY ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ 15th \_\_\_\_\_ day

of July, 1977, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ 9th day of \_\_\_\_\_, 1977, at \_\_\_\_\_ o'clock \_\_\_\_\_ A. M.



(over)

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: Zoning Commissioner, Date: August 22, 1977  
 FROM: Director of Planning

SUBJECT: Petition #78-61-A. Petition for Variance for a Front Yard  
 South side of Maplehurst Lane 460 feet East of Hereford Road  
 Petitioner - James H. Hilgartner and Rose M. Hilgartner

7th District

HEARING: Friday, September 9, 1977 (9:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

Leslie H. Gray  
 Director of Planning

LHG:JGH:hw

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
 5/5 of Maplehurst Lane 460' E of : OF BALTIMORE COUNTY  
 Hereford Road, 7th District :  
 JAMES H. HILGARTNER, et ux, : Case No. 78-61-A  
 Petitioners

**ORDER TO ENTER APPEARANCE**

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Koussy, Jr.  
 Charles E. Koussy, Jr.  
 Deputy People's Counsel

John W. Hession, III  
 John W. Hession, III  
 People's Counsel  
 County Office Building  
 Towson, Maryland 21204-494-2188

I HEREBY CERTIFY that on this 16th day of August, 1977, a copy of the foregoing Order was mailed to Mr. & Mrs. James H. Hilgartner, 715 Maplehurst Lane, Monkton, Maryland 21111, Petitioners.

John W. Hession, III  
 John W. Hession, III



Mr. & Mrs. James H. Hilgartner  
 715 Maplehurst Lane  
 Monkton, Maryland 21111

RE: Petition for Variance  
 S/S of Maplehurst Lane, 460' E  
 of Hereford Road - 7th Election  
 District  
 James H. Hilgartner, et ux -  
 Petitioners  
 NO. 78-61-A (Item No. 12)

Dear Mr. & Mrs. Hilgartner:

I have this date passed my Order in the above referenced matter. A copy of said Order is attached.

Very truly yours,

S. ERIC DI NENNA  
 Zoning Commissioner

SED/srl

Attachments

cc: John W. Hession, III, Esquire  
 People's Counsel

Description of James and Rose Hilgartner's property located on 715 Maplehurst Lane, being for the same on the southern east side of Maplehurst Lane, at the distance of 460 feet measured easterly on the southern east side of Maplehurst Lane from the center of Hereford Road, and from thence and thence on southern east side of Maplehurst Lane South 63 degrees 31 minutes 30 seconds East 100.45 feet thence James H. Hilgartner Lane and thence the following 9 corners and distances: From and from pin in the ground South 10 degrees 26 minutes 30 seconds West 328.40 feet to a point in the field line, thence along third course and bearing, bearing North 04 degrees 48 minutes West 189.40 feet to a steel pipe a corner 3.00 feet North 6 degrees 28 minutes 30 seconds East 300.40 feet to a steel pipe and hence along a line South 87 degrees 36 minutes 30 seconds East 132.00 feet to the place of the beginning. Containing 1.0 acre, more or less.

Being the same land which by a Deed dated May 1, 1965, recorded among the land records of Baltimore County in Liber 618 No. 1310 Folio 476, was granted and conveyed by Thomas G. Hession and his wife, the wife, to Arthur F. Hession and Margaret M. Hession, his wife.

**BALTIMORE COUNTY**

**ZONING PLANS**

**ADVISORY COMMITTEE**



**PETITION AND SITE PLAN**

**EVALUATION COMMENTS**

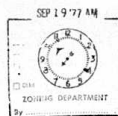
Mr. James H. Hilgartner  
 Mrs. Rose M. Hilgartner  
 715 Maplehurst Lane  
 Monkton, BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
 Maryland 21111

County Office Building  
 111 W. Chesapeake Ave.  
 Towson, Maryland 21204

Your Petition has been received and accepted for filing this 15th day of September, 1977.

S. Eric Di Nenna  
 S. ERIC DI NENNA  
 Zoning Commissioner

Petitioner James and Rose Hilgartner  
 Petitioner's Attorney \_\_\_\_\_ Reviewed by Nicholas E. Concedelli  
 Nicholas E. Concedelli  
 Chairman, Zoning Plans  
 Advisory Committee



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.  
111 E. CONNORS AVE.  
TOWSON, MARYLAND 21284  
Nicholas B.  
Commodari  
Chairman

August 25, 1977

Mr. James H. Hilgartner  
Mrs. Rose M. Hilgartner  
715 Haplehurst Lane  
Monkton, Maryland 21111

RE: Variance Petition  
Item Number 12  
Petitioner - James Hilgartner  
Rose M. Hilgartner

Dear Mr. & Mrs. Hilgartner:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

Located on the south side of Haplehurst Lane approximately 460 feet east of Hereford Road in the 7th Election District, this site is currently improved with a 1-1/2 story detached dwelling. Property to the north and west of this site consists of a farm and cemetery, respectively, while two detached dwellings exist to the east of Haplehurst Lane.

This Variance is necessitated by your proposal to enclose the existing open porch to the front of the dwelling, thereby creating a setback of 54 feet to the centerline in lieu of the required 75 feet.

Mr. James H. Hilgartner  
Mrs. Rose M. Hilgartner  
Page 2  
Item Number - 12  
August 25, 1977

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:rf

Baltimore county  
department of public works  
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.  
DIRECTOR

July 29, 1977

Mr. S. Eric DiNenna  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #12 (1977-1978)  
Property Owner: James H. & Rose M. Hilgartner  
8/5 Haplehurst Lane 460' E. Hereford Rd.  
Existing Zoning: R.C. 5  
Proposed Zoning: Variance to permit a front setback of 54' to the center of the road in lieu of the required 75'.  
Acres: 1.0 District: 7th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Haplehurst Lane, an existing public road, is proposed to be improved in the future on a 50-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes will be required in connection with any grading or building permit application.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Item #12 (1977-1978)  
Property Owner: James H. & Rose M. Hilgartner  
Page 2  
July 29, 1977

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is utilizing private onsite facilities. This property is located beyond the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line. The Baltimore County Comprehensive Water and Sewerage Plan, adopted January 1976, indicates "No Planned Service" in the area.

Very truly yours,

*Ellsworth N. Diver, P.E.*  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EM:PNR:SS

HS-SE Key Sheet  
105 & 106 28 7 & 8 Por. Sheets  
HW 27 B Tops  
22 Tax Map

cc: J. Somers

Baltimore county  
office of planning and zoning  
TOWSON, MARYLAND 21204  
(301) 494-2121

August 11, 1977

Mr. Eric S. DiNenna, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #12, Zoning Advisory Committee Meeting, July 12, 1977, are as follows:

Property Owner: James H and Rose M. Hilgartner  
Location: S/5 Haplehurst Lane 460' E. Hereford Road  
Existing Zoning: RC-5  
Proposed Zoning: Variance to permit a front setback of 54' to the center of the road in lieu of the required 75'.  
Acres: 1.0  
District: 7th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

*John L. Wimbley*  
John L. Wimbley  
Planner III  
Project and Development Planning

Baltimore county  
department of traffic engineering  
TOWSON, MARYLAND 21204  
(301) 494-2000

STEPHENE COLLINS  
DIRECTOR

August 10, 1977

Mr. Eric S. DiNenna  
Zoning Commissioner  
1st Floor, County Office Building  
Towson, Maryland 21204

Re: Item 12 - ZAC - July 12, 1977  
Property Owner: James H. & Rose M. Hilgartner  
Location: S/5 Haplehurst Ln. 460' E Hereford Rd.  
Existing Zoning: R.C. 5  
Proposed Zoning: Variance to permit a front setback of 54' to the center of the road in lieu of the required 75'.  
Acres: 1.0  
District: 7th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance to the front setback.

Sincerely,

*Michael S. Plantman*  
Michael S. Plantman  
Associate Traffic Engineer

MSF/jlf

Baltimore county  
department of health  
TOWSON, MARYLAND 21204

DONALD J. HOOP, M.D., M.P.H.  
DEPUTY STATE AND COUNTY HEALTH OFFICER

July 26, 1977

Mr. S. Eric DiNenna, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #12, Zoning Advisory Committee Meeting, July 12, 1977, are as follows:

Property Owner: James H. & Rose M. Hilgartner  
Location: S/5 Haplehurst Ln. 460' E Hereford Rd.  
Existing Zoning: R.C. 5  
Proposed Zoning: Variance to permit a front setback of 54' to the center of the road in lieu of the required 75'.  
Acres: 1.0  
District: 7th

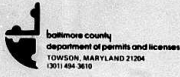
Since variance is to enclose an existing porch, a health hazard is not anticipated.

Very truly yours,

*Thomas H. Devlin*  
Thomas H. Devlin, Director  
BUREAU OF ENVIRONMENTAL SERVICES

THB/KS/rhc





JOHN D. SEVITT  
DIRECTOR  
July 12, 1977

Mr. S. Eric DiNenna, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. DiNenna:  
Comments on Item # 12 Zoning Advisory Committee Meeting, July 12, 1977  
are as follows:

Property Owner: James H & Rose M. Hilgartner  
Location: S/S Maplehurst Lane 460' E. Herford Road  
Existing Zoning: R.C. 5  
Proposed Zoning: Variance to permit a front setback of 54' to the center of the road in lieu of the required 75'.

Acres: 1.0  
District: 7th

The items checked below are applicable:

- A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.
- B. A building permit shall be required before construction can begin.
- C. Three sets of construction drawings will be required to file an application for a building permit.
- D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- F. No comment.
- G. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_.

Very truly yours,  
*Charles E. Burman*  
Charles E. Burman  
Planning Review Chief  
CDB:rsj

### BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 8, 1977

Mr. S. Eric DiNenna  
Zoning Commissioner  
Baltimore County Office Building  
Towson, Maryland 21204

RE: Item No: 12  
Property Owner: James H. & Rose M. Hilgartner  
Location: S/S Maplehurst La. 460' E. Herford Rd.  
Present Zoning: R.C. 5  
Proposed Zoning: Variance to permit a front setback of 54' to the center of the road in lieu of the required 75'.

Z.A.C. Meeting of: July 12, 1977

District: 8th  
No. Acres:

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,  
*W. Nick Petrovich*  
W. Nick Petrovich,  
Field Representative

JOSEPH N. MCCORMAN, PRESIDENT  
T. STARBUCK WILLIAMS, JR., VICE-PRESIDENT  
ROBERT W. ROSENBERG  
THOMAS H. BOYER  
MRS. KATHARINE F. CHURCH  
ROBERT W. HARTLEY  
ROBERT Y. DUNEL, SUPERINTENDENT  
ALVIN LORECK  
MRS. WILSON M. SMITH, JR.  
RICHARD W. TRACY, D.V.M.

ORDER RECEIVED FOR FILING

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners...

the above Variance should be had; and it further appearing that by reason of the fact that the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit a front yard setback of 54' feet from the center line of the road in lieu of the required 75 feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of September, 1977, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Zoning Commissioner of Baltimore County Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners...

the above Variance should NOT BE GRANTED.  
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of September, 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



TOWSON, MD. 21204 August 19 19 77

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - James H. Hilgartner S/S Maplehurst Lane was inserted in the following:

- Catonsville Times
- Dundalk Times
- Essex Times
- Suburban Times East
- Towson Times
- Arbutus Times
- Community Times
- Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 15th day of August, 1977, that is to say, the same was inserted in the issues of August 18, 1977

STROMBERG PUBLICATIONS, INC.  
BY: *Esther Bunge*

### CERTIFICATE OF PUBLICATION

TOWSON, MD. AUGUST 18 1977

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week for one time ~~successive~~ before the 15th day of September, 1977, the first publication appearing on the 15th day of August, 1977.

THE JEFFERSONIAN  
*L. Frank Strick*  
Manager

Cost of Advertisement \$ \_\_\_\_\_

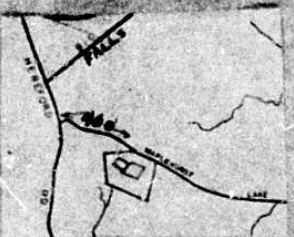
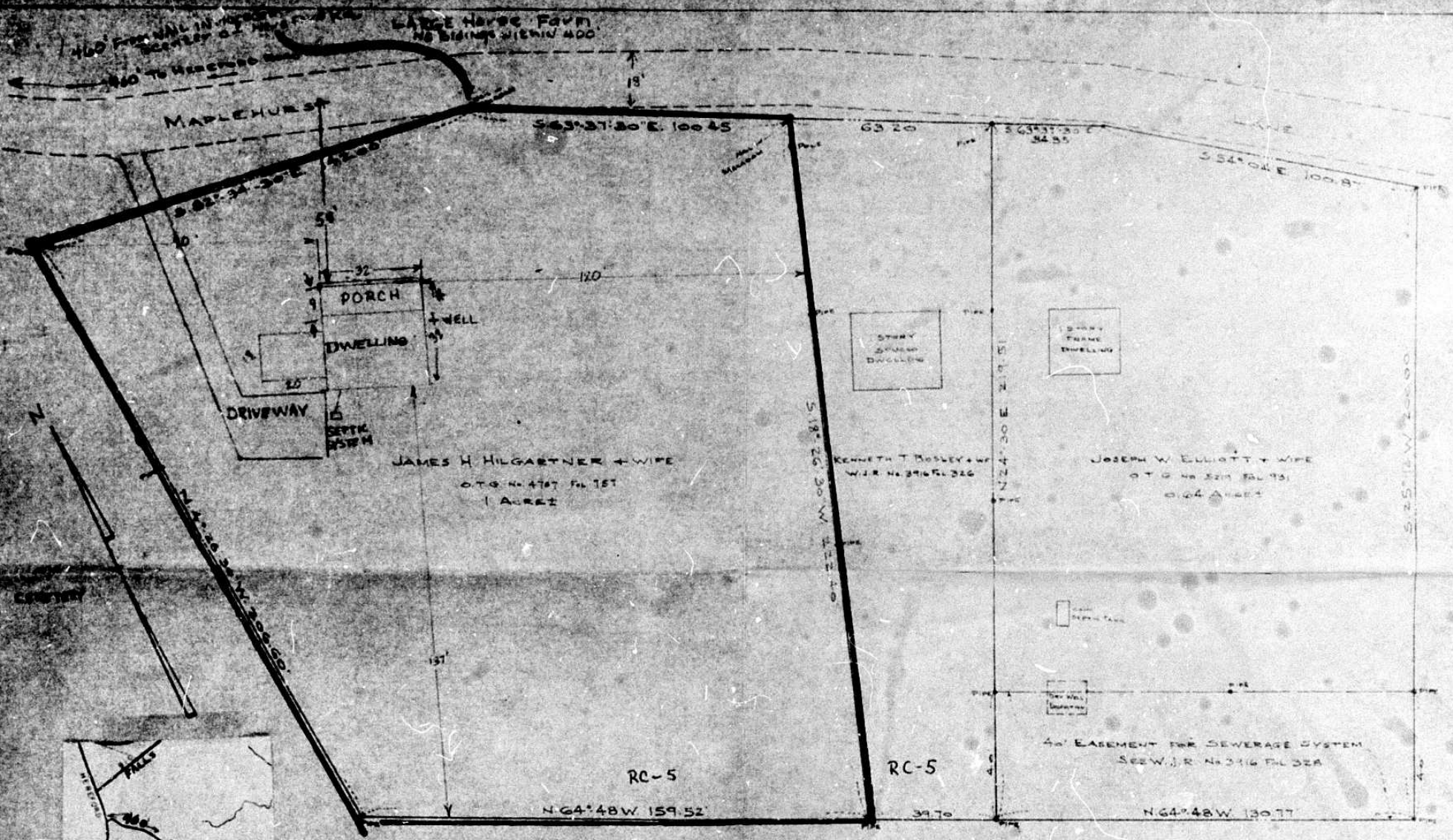
### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 7th  
Date of Posting: 8-18-77  
Posted for: Advertising and posting of property  
Petitioner: James H. Hilgartner  
Location of property: S/S Maplehurst Lane, 460' E. of Herford Rd.  
Location of Sign: 1 sign erected opposite E. of Herford Rd. on Maplehurst Lane on West yard of Mrs. Hilgartner  
Remarks: None  
Posted by: Paul H. Hines Date of return: 8-23-77

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 57277  
DATE: Sept. 30, 1977 ACCOUNT: 01-662  
AMOUNT: \$57.75  
RECEIVED: James Hilgartner, Maplehurst Lane, Monkton, Md. 21111  
FROM: Advertising and posting of property  
FOR: #70-01-A  
VALIDATION OR SIGNATURE OF CASHIER: *[Signature]*

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 51877  
DATE: August 10, 1977 ACCOUNT: 01-662  
AMOUNT: \$25.00  
RECEIVED: John F. Hines, Jr., 1101 Piney Hill Rd., Monkton, Md. 21111  
FROM: Petition for Variance for James Hilgartner  
FOR: #70-01-A  
VALIDATION OR SIGNATURE OF CASHIER: *[Signature]*



\* EXISTING PORCH to be enclosed (1932)  
 18' WIDE County maintained Tar & Chip Road  
 NO Right of way

PLAT OF PROPERTY  
 LOCATED IN  
 7<sup>TH</sup> DISTRICT BALTIMORE CO. MD.



MAP 3E  
 NW 27-2  
 SECTION 7  
 T. 17-N  
 R. 27-W

SCALE 1" = 20' Nov 17 1931  
 DALLENBERG BROTHERS  
 SURVEYORS & CIVIL ENGINEERS  
 109 WASHINGTON AVE BALTIMORE MD.