

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Charles E. Hammerbacher, Jr.,
I, or we, CHARLES E. HAMMERBACHER, JR. legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 2. A. 0. 1. 4. 0. 2. 10. 207M1. A. 1408 yard setback of 10 feet in lieu of the required 50 feet:

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

Due to an anticipated growth in family size, we wish to expand the existing living space by converting the present attached garage into two (2) rooms, adding a connecting roofline and erecting a new garage.

Property to be posted and advertised as prescribed by Zoning Regulations. For us, 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: Charles E. Hammerbacher, Jr.
Address: 6 SELLER COURT, BALTIMORE, MD. 21136
Telephone: 333-7136
Petitioner's Attorney: John W. Hession, III

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of September, 1978, 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 27th day of November, 1978, at 10:30 o'clock A. M.

S. Eric DiNenna
Zoning Commissioner of Baltimore County.
(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: S. Eric DiNenna, Zoning Commissioner, November 22, 1978
From: Leilie H. Groat, Director of Planning, Item 766
Subject: Petition 779-122-A, Petition for Variance for side yard setback

Petition for Variance for side yard setback
West side of Seller Court, 398 feet North of Nicodemus Road
Petitioner: Charles E. and Patricia Hammerbacher, Jr.

4th District

HEARING: Monday, November 27, 1978 (10:30 A.M.)

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

Leilie H. Groat
Director of Planning

LHG:GHW

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
W/S of Seller Court, 398' : OF BALTIMORE COUNTY
N of Nicodemus Rd., 4th District :
CHARLES E. HAMMERBACHER, JR., : Case No. 79-122-A
et ux, Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to this 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.

Peter Max Zimmerman : John W. Hession, III
Peter Max Zimmerman : People's Counsel
Deputy People's Counsel : County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 3rd day of November, 1978, a copy of the foregoing Order was mailed to Mr. and Mrs. Charles E. Hammerbacher, Jr., 6 Seller Court, Reisterstown, Maryland 21136, Petitioners.

John W. Hession, III

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
001-46303
S. ERIC DINENNA
ZONING COMMISSIONER
George J. Martinak
Deputy Zoning Commissioner

November 25, 1978

Mr. & Mrs. Charles E. Hammerbacher, Jr.
6 Seller Court
Reisterstown, Maryland 21136

RE: Petition for Variance
W/S of Seller Court, 398' N
of Nicodemus Road - 4th
Election District
Charles E. Hammerbacher, Jr.,
et ux - Petitioners
NO. 79-122-A (Item No. 66)

Dear Mr. & Mrs. Hammerbacher:

I have this date passed my Order in the above referenced matter, in accordance with the attached.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

SED:sr

Attachment

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 13, 1978

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

Chairman
Nicholas B. Commodari

Members:
Bureau of Engineering
Department of Traffic Engineering
State Academies Commission
Bureau of Fair Practices
Health Department
Project Planning
Building Department
Board of Education
County Administration
Industrial Development

Mr. & Mrs. Charles E. Hammerbacher
6 Seller Court
Reisterstown, Maryland 21136

RE: Item No. 66
Petitioner - Hammerbacher
Variance Petition

Dear Mr. & Mrs. Hammerbacher:

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 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 suitability of the requested zoning.

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 due near future.

Very truly yours,

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

NYC/d

BALTIMORE COUNTY

ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. & Mrs. Charles E. Hammerbacher
6 Seller Court
Reisterstown, Maryland 21136

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing
this 26th day of September, 1978.

S. Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner: Hammerbacher
Petitioner's Attorney: Nicholas B. Commodari

Reviewed by: Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

Pursuant to the advertisement, posting of property, and public hearing on the 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 Petitioner(s),

the Variance(s) should be had; and it further appearing that by reason of the granting of the Variance(s) requested not adversely affecting the health, safety, and general welfare of the community, the Variance(s) should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of November, 1978, that the herein Petition for the aforementioned Variance(s) should be and the same is/are 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 Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of November, 1978, that the aforementioned Variance(s) be and the same is/are hereby DENIED.

Zoning Commissioner of Baltimore County



JOHN S. DINEEN
DIRECTOR

October 5, 1978

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

Dear Mr. Dineen:

Comments on Item # 66 Zoning Advisory Committee Meeting, September 26, 1978 are as follows:

Property Owner: Charles E. & Patricia Hammerbacher
Location: W/S Seller Court - 398 N Nicodemus Road
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a side setback of 10' in lieu of the required 50'.

Acres: 2.72
District: 4th

The items checked below are applicable:

- X A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, and other applicable codes.
- X B. A building permit shall be required before construction can begin.
- X C. Additional requirements shall be required.
- X D. Building shall be upgraded to new use - requires alteration permit.
- X E. Three sets of construction drawings will be required to file an application for a building permit.
- F. 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.
- G. Used frame walls are not permitted within 10' of a property line.
- H. Existing Building Footprints if distance is between 10' and 50' of property line.
- I. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
- J. No Comment.
- K. Comment:

Very truly yours,
Charles E. Dineen
Zoning Review Chief

(CB:PL)



THOMAS M. MURPHY, P.E.
DIRECTOR

December 1, 1978

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

Re: Item #66 (10/26/1978)

Property Owner: Charles E. & Patricia Hammerbacher
Location: W/S Seller Ct. 398 N Nicodemus Rd.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a side setback of 10' in lieu of the required 50'.
Acres: 2.72 District: 4th

Dear Mr. Dineen:

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

General:

Baltimore County highway and utility improvements are not directly involved and/or as required by Public Works Agreement No. 4760, executed in connection with the development of "Marina San Woods", of which this property comprises lot 3, Block "B" of plat No. 1, Marina San Woods, recorded B.R.C., Jr. No. Public 25.

Development of this property through striping, 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 striping of top soil.

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

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #66 (10/26/1978).

Very truly yours,

Thomas M. Murphy, P.E.
Chief, Bureau of Engineering

THM/PLP/PLS

cc: B. Dineen



JOHN S. DINEEN
DIRECTOR

November 20, 1978

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

Dear Mr. Dineen:

Comments on Item #66, Zoning Advisory Committee Meeting, September 26, 1978, are as follows:

Property Owner: Charles E. & Patricia Hammerbacher
Location: W/S Seller Court 398 N Nicodemus Road
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a side setback of 10' in lieu of the required 50'.
Acres: 2.72
District: 4th

This office has reviewed the subject petition and offer 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 S. Dineen
Director
Current Planning and Development



STEPHEN S. COLLINS
DIRECTOR

October 20, 1978

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

Item No. 66 - B.C. - Meeting of September 26, 1978
Property Owner: Charles E. & Patricia Hammerbacher
Location: W/S Seller Ct. 398 N Nicodemus Rd.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a side setback of 10' in lieu of the required 50'.

Acres: 2.72
District: 4th

Dear Mr. Dineen:

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

Very truly yours,

Michael S. Flanagan
Engineer Associate II

MSF/BA



Paul H. Heinicke
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Zoning Advisory Committee

Re: Property Owner: Charles E. & Patricia Hammerbacher
Location: W/S Seller Ct. 398 N Nicodemus Rd.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a side setback of 10' in lieu of the required 50'.

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (1) Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- (2) A second means of vehicle access is required for the site.
- (3) The vehicle dead end condition shown at _____ exceeds the maximum allowed by the Fire Department.
- (4) The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (5) The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard "Minimum Life Safety Code", 1-70 Edition prior to occupancy.
- (6) Site plans are approved as drawn.
- (7) The Fire Prevention Bureau has no comments at this time.

REVIEWED:

Planning Group
Special Inspection Division

Noted and Approved: George M. S. Flanagan
Fire Prevention Bureau



THOMAS M. MURPHY, P.E.
DIRECTOR

November 1, 1978

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

Dear Mr. Dineen:

Comments on Item # 66, Zoning Advisory Committee Meeting, September 26, 1978, are as follows:

Property Owner: Charles E. & Patricia Hammerbacher
Location: W/S Seller Ct. 398 N Nicodemus Rd.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a side setback of 10' in lieu of the required 50'.
Acres: 2.72
District: 4th

The later well and sewage disposal system appear to be operating properly. Therefore, no health hazards are anticipated.

Very truly yours,

Thomas M. Murphy, P.E.
BUREAU OF ENVIRONMENTAL SERVICES

THM/PLP/PLS

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: September 26, 1978

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

Z.A.C. Meeting of: September 26, 1978

RE: Item No. 66
Property Owner: Charles E. & Patricia Hammerbacher
Location: W/S Seller Ct. 398 N Nicodemus Rd.
Present Zoning: R.C. 4
Proposed Zoning: Variance to permit side setback of 10' in lieu of the required 50'.

District: 4th
No. Acres: 2.72

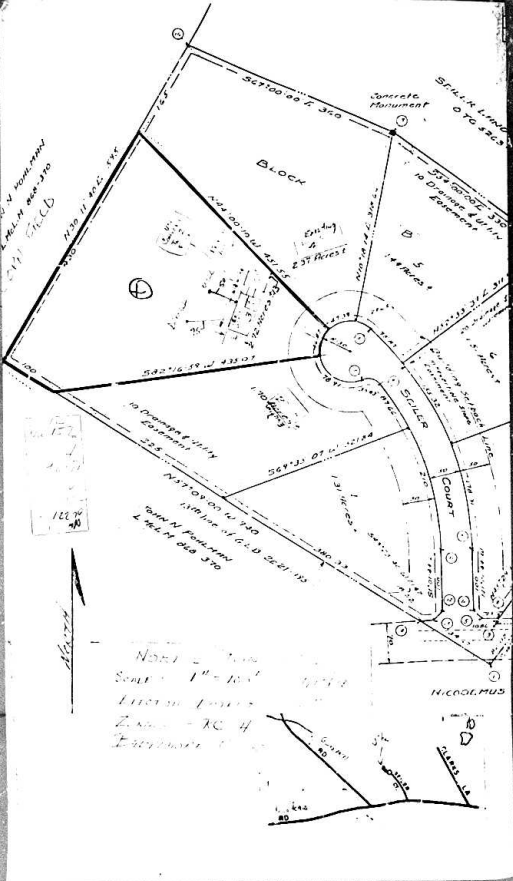
Dear Mr. Dineen:

Re: Bearing on student population.

Very truly yours,

Michael S. Flanagan
Field Representative

MSF/BA



OFFICE OF
THE TIMES
NEWSPAPERS

TOWSON, MD 21204 November 9 1978

THIS IS TO CERTIFY, that the annexed advertisement of
Petition of Lawrence Charles Hornsbecher, Jr.
was inserted in the following

☐ Catonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Arbutus Times
☐ Essex Times ☒ Community Times
☐ Suburban Times East ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland,
once a week for one successive weeks before the
22nd day of November, 1978, that is to say, the same
was inserted in the issues of November 9, 1978.

STROMBERG PUBLICATIONS, INC.
BY Lothar Strome

CERTIFICATE OF PUBLICATION

TOWSON, MD..... November 9..... 1978

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
one time successive weeks before the 22nd
day of November..... 1978, the one publication
appearing on the 9th day of November
1978.

THE JEFFERSONIAN
Lothar Strome Manager

Cost of Advertisement: \$.....

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>JS</u>			Revised: <u>Ans</u>							
Previous case: <u>JS</u>			Change in outline or description: <u>Yes</u>							
			Map: <u>Nov 1978</u>							

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 L. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 14 day of
September, 1978 Filing Fee \$ 25.00 Received ☒ check
☐ Cash
☐ Other

Eric Dinenna
S. Eric Dinenna,
Zoning Commissioner

Petitioner Chas. E. Hornsbecher, Jr. Submitted by Eric Dinenna

Petitioner's Attorney Reviewed by JS

* This is not to be interpreted as acceptance of the Petition for
assignment of a hearing date.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th Date of Posting Nov 11, 1978

Posted for Petition for Zoning

Petitioner CHAS. E. HORNSBECHER, JR., ET AL

Location of property w/5 of St. John St. 188' N of Aberdeen Rd

Location of Sign Front AC Sign

Remarks

Posted by William L. Ralston Date of return Nov 17, 1978

1-5000

BALTIMORE COUNTY MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 76159

DATE November 27, 1978 ACCOUNT 61-62

AMOUNT \$51.55

RECEIVED FROM Patric Ann Hornsbecher

FOR Cost of Advertising and Posting Case No. 79-122-A

51555

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 76111

DATE November 1, 1978 ACCOUNT 01-663

AMOUNT \$25.00

RECEIVED FROM Patricia Hornsbecher

FOR Filing Fee For Case No. 79-122-A

25000

VALIDATION OR SIGNATURE OF CASHIER