

PETITION FOR ZONING VARIANCE 84-286-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 Variance from Section 1A04.3B.3 to permit side yard setbacks of 43.5' and 46' in lieu of the required 50'.

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

- (1) House is being built to accommodate a family of six as well as an added living quarters on the ground floor for an elderly in-law.
- (2) House is being situated parallel to the pen-handle access road in order to take full advantage of a southern exposure. This exposure with the glass rear wall design will be energy efficient and a cost savings for heating.
- (3) The way the property falls in the back, it is necessary to position the house parallel to the access road to permit an out of ground basement.

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.

I/We do 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 Petition.

Contract Purchaser: _____
(Type or Print Name)

Legal Owner(s): _____
(Type or Print Name)

Signature: _____
(Type or Print Name)

Address: _____
City and State _____

Attorney for Petitioner: _____
(Type or Print Name)

Address: _____
City and State _____

Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of February, 1984, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of April, 1984, at 10:15 o'clock A.M.

Carl J. Jablon
Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING VARIANCE 84-286-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 Variance from Section _____

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

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Contract Purchaser: _____
(Type or Print Name)

Legal Owner(s): _____
(Type or Print Name)

Signature: _____
(Type or Print Name)

Address: _____
City and State _____

Attorney for Petitioner: _____
(Type or Print Name)

Address: _____
City and State _____

Attorney's Telephone No.: _____

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Contract Purchaser: _____
(Type or Print Name)

Legal Owner(s): _____
(Type or Print Name)

Signature: _____
(Type or Print Name)

Address: _____
City and State _____

Attorney for Petitioner: _____
(Type or Print Name)

Address: _____
City and State _____

Attorney's Telephone No.: _____

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Carl J. Jablon
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE

PETITION AND SITE PLAN
EVALUATION COMMENTS

(Seal of Baltimore County)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: April 11, 1984
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Joseph P. Mutschler
84-286-A

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

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/f

Mr. & Mrs. Joseph P. Mutschler,
308 Cherry Chapel Road
Reisterstown, Maryland 21136

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 28th day of February, 1984.

Arnold Jablon
Arnold Jablon
Zoning Commissioner

Petitioner: Joseph P. Mutschler, et ux
Attorney: _____
Received by: _____
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Joseph P. Mutschler
308 Cherry Chapel Road
Reisterstown, Maryland 21136

Case No. 84-286-A (Item No. 223)
Petitioner - Joseph P. Mutschler, et ux
Variance Petition

Dear Mr. & Mrs. Mutschler:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. 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 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.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

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

NBC:bse
Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

April 4, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #223 (1983-1984)
Property Owner: Joseph P. Mutschler, et ux
S/S of parhandle access road 132' E. of the
court of Timber Run Court
Address: 180/180 X 286.24/361.24
District: 4th

Dear Mr. Jablon:

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.

General:

Baltimore County highway and utility improvements are not directly involved and are as secured by Public Works Agreement 48302, executed in conjunction with the development of "Sagamore Forest", of which this property is a part.

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.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent crowding any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, has 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 223 (1983-1984).

Very truly yours,

Robert A. Merton
ROBERT A. MERTON, P.E., Chief
Bureau of Public Services

RAM:EM:FWR:ss

W-SW Key Sheet
NW 16 I Topo

63 & 64 NW 33 Pos. Sheets
49 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit _____

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit _____

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit _____

March 22, 1984

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 223, Zoning Advisory Committee Meeting of Feb 28, 1984

Property Owner: Joseph P. Mutschler, et ux

Location: 515 E. Pauline Rd., Timber Run CT. District 4

Water Supply: public Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

MICROFILMED

MICROFILMED

MICROFILMED

Zoning Item # 223 Zoning Advisory Committee Meeting of Feb 28, 1984

- () Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been must be) conducted. The results are valid until Feb 16, 1986. Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others: This site is to be served by public water and a private sewage disposal system. The proposed change in house design and/or location will not interfere with the approved sewage disposal area.

Jan J. Schmitt, Director
BUREAU OF ENVIRONMENTAL SERVICES

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GORDON
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of Feb 28, 1984
Item # 223
Property Owner: Joseph P. Mutschler, et ux
Location: 515 E. Pauline Rd., Timber Run CT.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____. Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____. The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments: _____

MICROFILMED

Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

March 9, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 221, 222, 223, and 224. ZAC Meeting of February 28, 1984
Property Owner: _____
Location: _____
Existing Zoning: _____
Proposed Zoning: _____

Address: _____
District: _____

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 221, 222, 223, and 224.

Michael S. Flannigan
Traffic Engineering Associate II

MICROFILMED

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALEWSKI JR.
DIRECTOR

March 7, 1984

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 223 Zoning Advisory Committee Meeting are as follows:

Property Owner: Joseph P. Mutschler, et ux
Location: 515 E. Pauline Rd., Timber Run CT. District 4
Existing Zoning: R.C. 5
Proposed Zoning: Variance to permit a side yard setback of 43'5" and 46' in lieu of the required 50'.

Address: 180/180 x 286.24/361.24
District: 4th.

The items checked below are applicable:

- () All structures shall conform to the Baltimore County Building Code 1981/Council Bill 140-81, and other applicable codes.
- () A building/ or other structure required before beginning construction.
- () Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- () Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- () An exterior wall erected within 6'0" for Commercial uses or 1'0" for One & Two Family use group, of an adjacent lot line shall be of one hour fire resistant construction. No openings permitted within 1'0" of lot line. A fire wall is required if construction is on the lot line, see Table 401, Line 2, Section 1407 and Table 1407, also Section 501.2.
- () Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
Section/s _____
- () A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- () Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- () Comments _____

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burnham, Chief
Plans Review

PAUL H. REINCKE
CHIEF

March 5, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comm. d. l. Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Joseph P. Mutschler, et ux

Location: S/S of panhandle access road 132' E. of the court of
Timber Run Court.

Item No.: 223 Zoning Agenda: Meeting of 2/28/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "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.

* (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: [Signature] 7-5-84
Planning Group
Special Inspection Division

Noted and
Approved: [Signature]

Fire Prevention Bureau

* Panhandle road shall have a minimum width of 16 feet and support 50,000 lb. /sq fire apparatus.

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: February 23, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: February 28, 1984

RE: Item No: 221, 222, 223, & 224.

Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,

[Signature]
Mr. Nick Petrovich, Assistant
Department of Planning

MHP/1h

RE: PETITION FOR VARIANCES
R/S Timber Run Ct., 760'
E of Timber Grove Rd.
(1: Timber Run Ct.)
4th District

: BEFORE THE ZONING COMMISSIONER

: OF BALTIMORE COUNTY

JOSEPH P. MUTSCHLER,
et ux, Petitioners

: Case No. 84-286-A

: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
Phyllis Cole Friedman
Enyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 10th day of April, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Joseph P. Mutschler, 308 Cherry Chapel Road, Reisterstown, MD 21136, Petitioners.

[Signature]
Peter Max Zimmerman

PETITION FOR VARIANCES

4th Election District

ZONING: Petition for Variances

LOCATION: East side Timber Run Court, 760 ft. East of Timber Grove Road (11 Timber Run Court)

DATE & TIME: Monday, April 30, 1984 at 10:15 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit side yard setbacks of 43.5 ft. and 46 ft. in lieu of the required 50 ft.

Being the property of Joseph P. Mutschler, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ZONING DESCRIPTION

Beginning on the south side of the panhandle access road 40 feet wide, at the distance of 132 feet east of the court of Timber Run Court. Being Lot 8, Section 3 of Sagamore Forest II, Book No. 50 Folio 85. Also known as 11 Timber Run Ct. in the 4th. Election District.

IN RE: PETITION ZONING VARIANCES
E/S of Timber Run Court, 760'
E of Timber Grove Court
(11 Timber Run Court) - 4th
Election District

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Joseph P. Mutschler, et ux,

Case No. 84-286-A

Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side yard setbacks of 43.5 feet and 46 feet instead of the required 50 feet, as shown on Petitioners' Exhibit 1.

The Petitioner, Joseph P. Mutschler, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.5, consists of 1.5 acres. The Petitioners propose to construct a very unique home thereon. It will be 82 feet long and the rear wall will be of a glass design. This will provide energy efficiency with resultant cost savings for heating. Access will be by panhandle from Timber Run Court, and the house will front the panhandle. The Petitioner's father-in-law will live with them and have a wing with its own entrance, thereby creating a family of six. Thus, a large home is required.

The house cannot be relocated without seriously impacting its size and purpose. The proposed location was selected in order to take advantage of the southern exposure, and any relocation would negate that purpose. As proposed, the basement wall in the rear would be above ground and the garage would be constructed on level ground. If the location were changed, tremendous excavation would be required in order for the garage and basement wall to be below ground. Because the property slopes to the rear, any change in the location of the house would cause serious construction problems.

The Petitioners seek relief from Section 1404.3.B.3, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 205 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on the Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of May, 1984, that the Petition for Variances to permit side yard setbacks of 43.5 feet and 46 feet instead of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioners may apply for their building permit 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 applicable 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.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE

BY

ORDER RECEIVED FOR FILING

DATE

BY

ORDER RECEIVED FOR FILING

DATE

BY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

April 30, 1984

Mr. & Mrs. Joseph P. Mutschler
308 Cherry Chapel Road
Reisterstown, Maryland 21136

Re: Petition for Variances
E/S Timber Run Court, 760' E of Timber
Grove Rd. (11 Timber Run Court)
Case No. 84-286-A

Dear Mr. & Mrs. Mutschler:

This is to advise you that \$47.30 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Since,ely,

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

No. 130258

DATE 4-30-84 ACCOUNT R-01-615-000

AMOUNT \$47.30

RECEIVED FROM Joseph P. Mutschler

FOR advertising & posting Case # 84-286-A

6 018*****473010 8304A

VALIDATION OR SIGNATURE OF CASHIER

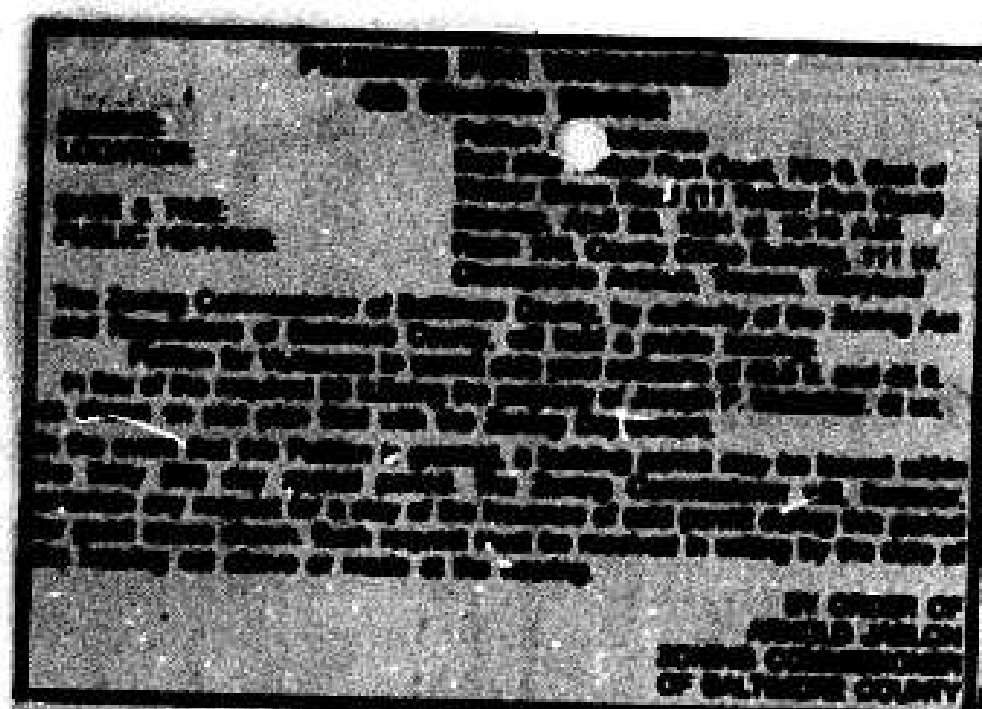
CERTIFICATE OF PUBLICATION

TOWSON, MD., April 12, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on one time before the 30th day of April, 1984, the last publication appearing on the 12th day of April, 1984.

THE JEFFERSONIAN
L. Lank
Manager

Cost of Advertisement, \$ 18.00



NEWSPAPERS OF MARYLAND, INC.

Minister, Md., April 12, 84

that the annexed Petition for Variance was published in THE JEFFERSONIAN, a weekly newspaper published in Westminster, Carroll County, Maryland, on one time before the 30th day of April, 1984, the last publication appearing on the 12th day of April, 1984.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Per Linda May

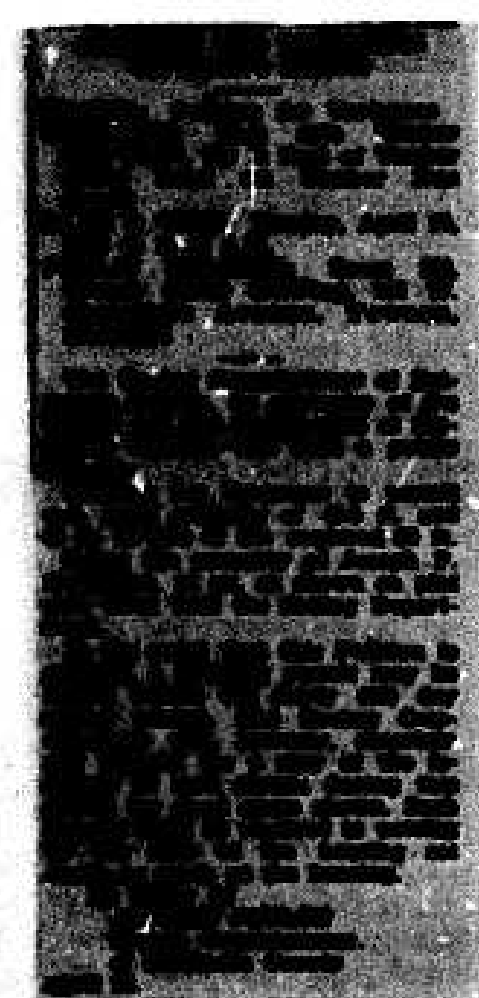
DUPLICATE CERTIFICATE OF PUBLICATION

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THE JEFFERSONIAN
L. Lank
Manager

Cost of Advertisement, \$ 18.00



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 4th Date of Posting 4-12-84

Posted for Variance

Petitioner Joseph P. Mutschler et ux

Location of property E/S Timber Run Ct. 760' E of Timber Grove Rd.

Location of Sign On road of Timber Run Court

Remarks

Posted by A.D. Carter Date of return 4-20-84

Number of Signs 1

April 9, 1984

Mr. & Mrs. Joseph P. Mutschler
308 Cherry Chapel Road
Reisterstown, Maryland 21136

NOTICE OF HEARING

Re: Petition for Variances
E/S Timber Run Ct., 760' E of Timber Grove
Road (11 Timber Run Court)
Joseph P. Mutschler, et ux - Petitioners
Case No. 84-286-A

TIME: 10:15 A.M.

DATE: Monday, April 30, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

cc: Mrs. Arlene
6315 Gunpowder Road
Baltimore, Maryland 21209

Zoning Commissioner
of Baltimore County

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

No. 128843

DATE 2-12-84 ACCOUNT R-01-615-000

AMOUNT 35.00

RECEIVED FROM Filing fee for Case 222 H. Sullivan

(del)

6 018*****350010 8214A

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION ZONING VARIANCES
E/S of Timber Run Court, 760'
E of Timber Grove Court
(11 Timber Run Court) - 4th
Election District

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Joseph P. Mutschler, et ux, Petitioners

Case No. 84-286-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side yard setbacks of 43.5 feet and 46 feet instead of the required 50 feet, as shown on Petitioners' Exhibit 1.

The Petitioner, Joseph P. Mutschler, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.5, consists of 1.3 acres. The Petitioners propose to construct a very unique home thereon. It will be 82 feet long and the rear wall will be of a glass design. This will provide energy efficiency with resultant cost savings for heating. Access will be by panhandle from Timber Run Court, and the house will front the panhandle. The Petitioner's father-in-law will live with them and have a wing with its own entrance, thereby creating a family of six. Thus, a large home is required.

The house cannot be relocated without seriously impacting its size and purpose. The proposed location was selected in order to take advantage of the southern exposure, and any relocation would negate that purpose. As proposed, the basement wall in the rear would be above ground and the garage would be constructed on level ground. If the location were changed, tremendous excavation would be required in order for the garage and basement wall to be below ground. Because the property slopes to the rear, any change in the location of the house would cause serious construction problems.

84-286-A Mutschler 10:25 4/10/84

Re Joseph P. Mutschler
Petitioners

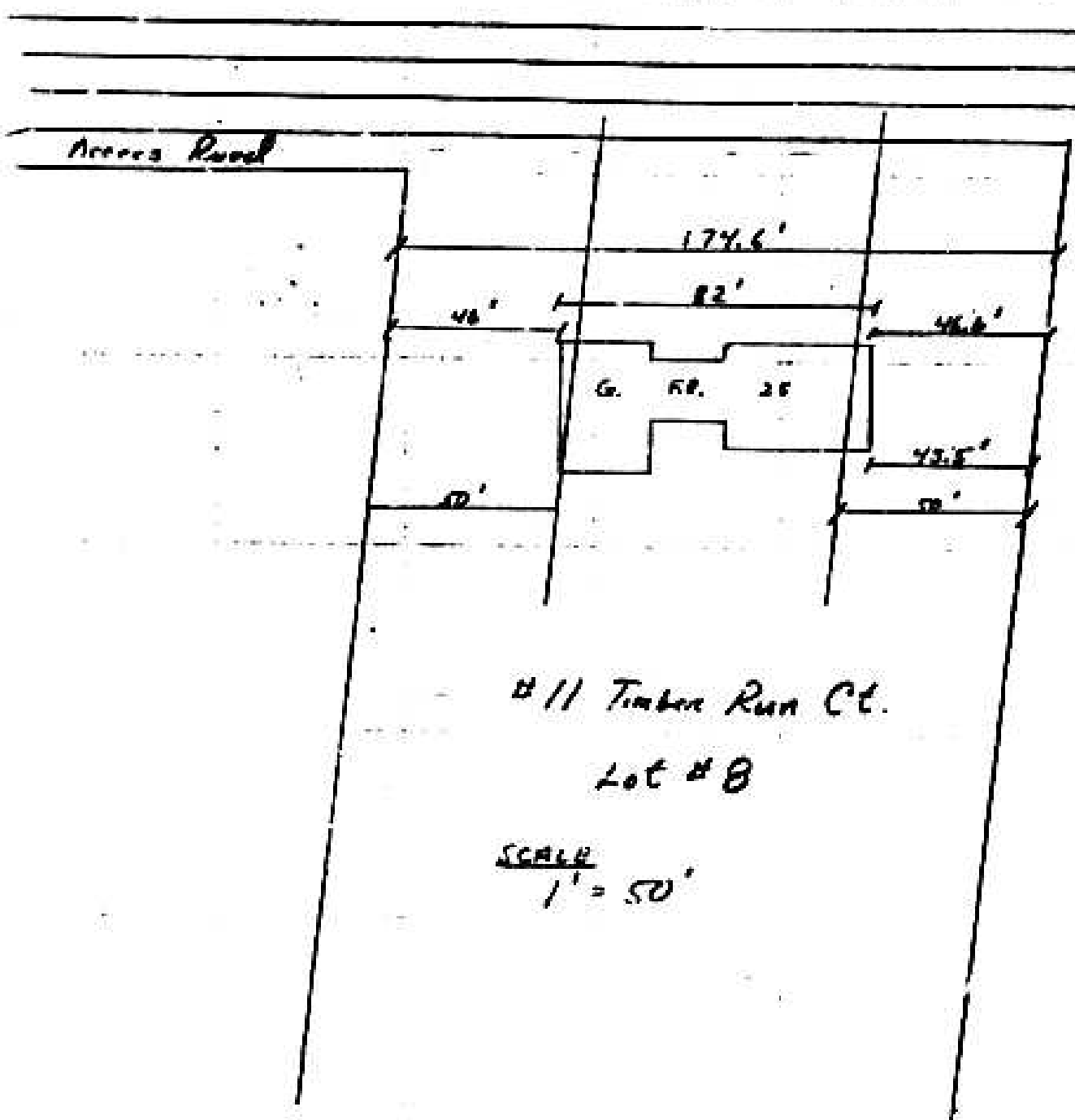
Mutschler - house shown designed for 82' long w/ rear glass
for southern exposure - good R.C.5 -
possible if Timber Run Ct. to rear - 166' in
front, 150' in rear - 276' x 361' in rear - want
lot - want to have variances in order to
build to need - need big house for
family 6 + for father-in-law who will
have separate entrance - if re-located,
would the southern exposure matter - as
proposed, basement in rear would be above
ground + garage on level ground - if re-
located, garage would have to be dug out
+ basement below ground - rear slope to
rear - need 10' setback + require 43.5
+ 46' - 1.3 acres -

variance granted -

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of May, 1984, that the Petition for Variances to permit side yard setbacks of 43.5 feet and 46 feet instead of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building permit 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 applicable 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.

Zoning Commissioner of
Baltimore County



Mr. Joseph P. Mutschler
308 Cherry Chapel Road
Reisterstown, Maryland 21136

IN RE: Petition for Variance
S/S of Timber Run Court, 760'
S of Timber Run Court, 760'
S of Timber Run Court, 760'
S of Timber Run Court, 760'
S of Timber Run Court, 760'
S of Timber Run Court, 760'
S of Timber Run Court, 760'
S of Timber Run Court, 760'

Dear Mr. & Mrs. Mutschler:

I have this date passed my order in the above-referenced matter in accordance with the attached.

Respectfully,
Charles E. Burrows
Charles E. Burrows
Zoning Commissioner

cc: Mr. & Mrs. Mutschler

Attachments:

cc: People's Counsel

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Joseph P. Mutschler
308 Cherry Chapel Road
Reisterstown, Maryland 21136

RE: Case No. 24-286- (Item No. 223)
Petitioner: Joseph P. Mutschler, et ux
Variance Petition

Dear Mr. & Mrs. Mutschler:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. 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.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

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

NBC:hsb

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
404 5010

March 7, 1984

110 JALLEN RD.
DIRECTIONS
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 223 Zoning Advisory Committee Meeting are as follows:

Property Owner: Joseph P. Mutschler, et ux
Location: S/S of panhandle access road 132' E. of the court of Timber Run
Existing Zoning: R-1
Proposed Zoning: Variance to permit a side yard setback of 13' and 16' in lieu of the required 50'.

Acres: 180/180 x 286.24/361.24
District: 4th

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code (1981/1982) Bill 1-80 and other applicable codes and other applicable codes.
- A building/ other miscellaneous structure shall be required before beginning construction.
- Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- An exterior wall erected within 6' for Commercial use or 1' for the A-20 family use group of an adjacent lot line shall be of one hour fire resistive construction. No opening permitted within 10' of lot line. A fire wall is required if construction is on the lot line. See Table 501, Section 1007 and Table 502, also Section 501.1.
- Requested variance appears to conflict with the Baltimore County Building Code, Section 501.
- A charge of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed changes. Drawings may require a professional seal.
- Before this office can comment on the above structure, please have the owner, this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 501.

1. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. To obtain additional information, please contact the office of Planning and Zoning at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burrows
Charles E. Burrows, Chief
Plan Review

CEB:hs

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL P.E.
DIRECTOR

April 4, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #223 (1983-1984)

Property Owner: Joseph P. Mutschler, et ux
S/S of panhandle access road 132' E. of the court of Timber Run Court
Acres: 180/180 X 286.24/361.24
District: 4th

Dear Mr. Jablon:

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.

General:

Baltimore County highway and utility improvements are not directly involved and are as secured by Public Works Agreement 48302, executed in conjunction with the development of "Sagamore Forest", of which this property is a part.

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 nuisances 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.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 223 (1983-1984).

Very truly yours,

Robert A. Morton
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EM:FW:ss

W-G Key Sheet
NW 16 I Topo

63 & 64 NW 33 Pos. Sheets
49 Tax Map

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 223, Zoning Advisory Committee Meeting of Feb 28, 1984

Property Owner: Joseph P. Mutschler, et ux
Location: S/S of panhandle access road 132' E. of the court of Timber Run Court District 4
Water Supply: public Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- Prior to new installation of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 404-3775, to obtain requirements for such installation before work begins.
- A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- A permit to construct from the Division of Air Pollution Control is required for any chandelier operation which has a total cooking surface area of five (5) square feet or more.
- Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, spas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Environmental Hygiene Section, Division of Environmental Support Services.
- Prior to approval for a nursery school, center or playgroup must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- If laboratory work and all changes are performed at this location, the method providing for the elimination of waste will need to be in accordance with Water Resources Administration requirements.

00 20 1082 (1)

Zoning Item # 223 Zoning Advisory Committee Meeting of Feb 28, 1984
Page 2

- Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 404-3765, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 404-3765.
- Soil percolation tests (have been done) completed. The results are valid until Feb 16, 1985. Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until [blank] is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- Other: This site is to be used by public water and a private sewage disposal system. The proposed change in house design and/or location will not interfere with the approved sewage disposal area.

Plan Review Group
Division of Environmental Services

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
404 5010

March 7, 1984

Mr. William Hamann
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Joseph P. Mutschler, et ux

Location: S/S of panhandle access road 132' E. of the court of Timber Run Court.

Item No.: 223 Zoning Agenda: Meeting of 2/28/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "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 [blank] 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 [blank] 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 operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

6. Site plans are approved, as drawn.

7. The Fire Prevention Bureau has no comments, at this time.

Reviewed: [blank] 7-5-84 Noted and Approved: [blank]
Planning Group Fire Prevention Bureau

Panhandle road shall have a minimum width of 16 feet and support 50,000 lb. fire apparatus.

