IN RE: PETITION FOR ADMINIS. VARIANCE

E/S Wagon Wheel Court, approx. 2000' SE

Of Glen Arm Road

(19 Wagon Wheel Court)

11<sup>th</sup> Election District

6<sup>th</sup> Council District

Thomas B. Neimiller, et ux Petitioners BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 01-469-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Thomas B. and Angela P. Neimiller. The Petitioners seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet in lieu of the required 50 feet for a proposed addition. The relief was requested pursuant to Section 26-127 of the Baltimore County Code, which allows consideration of a variance request by an owner-occupant of residential property without a public hearing. The property is posted giving public notice of the requested relief for a period of 15 days during which time any individual residing within 1000 feet of the property in question may demand that a hearing be held to determine the merits of the request. In this case, the adjacent property owner, John F. Kitz, requested a hearing on the matter, and thus, a hearing was held on July 5, 2001.

Appearing at that hearing in support of the request were Thomas and Angela Neimiller, property owners. Appearing as Protestants in the matter were John F. Kitz, Karen R. Kitz, and Frances Kitz, adjacent property owners, who were represented by Howard L. Alderman, Jr., Esquire. Also appearing in opposition were numerous residents from the surrounding community, all of who signed the Citizens Sign-In Sheet.

Mr. Neimiller testified and presented the site plan for this property. As shown on the site plan, the subject property is a roughly pie-shaped parcel, located on the east side of Wagon

ORDER RECHVED/FOR FILING Date 39 Wheel Court, not far from Glen Arm Road in Glen Arm. The property is located in the subdivision known as Summerfield Farms, which consists of substantially sized dwellings on large lots. The subject property contains a gross area of 5.1419 acres, zoned R.C.5, and is improved with a one-story, ranch-style single family dwelling, which features an attached garage and a basement. Numerous photographs depicting the property and its environs were submitted at the hearing by both sides.

Mr. Neimiller testified that he and his wife have resided on the property for the past six years. During that time, their family has grown and they now have four children, ages 3, 6, 9 and 12. Apparently the dwelling has only two bedrooms; thus, the Petitioners are in need of additional living space and request variance relief to permit the construction of a two-bedroom addition on the side of the dwelling where an enclosed porch presently exists. As shown on the site plan, the proposed addition will come within 20 feet of the side property line adjacent to the Kitz property. The property's R.C.5 zoning classification requires a minimum side setback of 50 feet; thus, the requested relief is necessary in order to proceed.

Mr. Neimiller indicated that the variance request is driven by concerns over safety and the need for more living space in the house. He also indicated that other houses in the neighborhood are situated closer to their side property lines than the prescribed 50-foot setback. He testified that the placement of the proposed addition on other portions of the property is not practical due to the layout of the existing dwelling and the topography of the land. He noted that the property slopes away to the rear of the dwelling, and that the opposite side of the house is already improved with the attached garage. He does not believe that construction on the front of the dwelling is appropriate. In view of the opposition by his immediate neighbors, he expressed a willingness to landscape the proposed addition to buffer its view from the Kitz property.

Mr. Kitz appeared and testified in opposition to the request. He is a long-time resident of the community, having lived in his house for 45 years. He believes that the construction of the proposed addition so close to his property line would adversely affect the value of his property and invade his privacy. In this regard, he indicated that he has a built-in swimming pool in the rear

yard and fears that construction of the addition will interfere with his family's use and enjoyment of the pool. As an alternative, Mr. Kitz noted that the existing garage could be converted to provide more living space, and an addition constructed along the front of the house on that side.

As noted above, a number of photographs were submitted at the hearing by both sides which show the subject property, the Kitz' property and the community at large. A Petition signed by a number of other neighbors in opposition to the request was also submitted. In addition, letters of opposition were received from other residents who oppose the Petition.

The grant of variance relief is permissible only when the Petitioner satisfies the requirements of Section 307 of the B.C.Z.R. Those requirements have been comprehensively addressed by the Court of Special Appeals of Maryland in Cromwell v. Ward, 102 Md. App. 691 (1995). In Cromwell, the Court opined that variances should not be granted for matters of convenience and that variances should not routinely be approved. In order to grant relief, the Petitioners must demonstrate that the subject property is unique, that strict adherence to the zoning regulations would cause a practical difficulty upon the property owner, and that relief can be granted without adversely impacting adjacent properties.

Although this is admittedly a close case, I do not believe that the Petitioners have met their burden. In my judgment, there are other options available, including that suggested by the adjacent property owner. The front of the property immediately adjacent to the house is level and appears a possible alternative. In addition, if requested, I would grant relief to enable the Petitioners to add an addition onto the footprint of the existing porch. As shown on the site plan, the existing porch comes within 45 feet of the side property line. Thus, a variance is still necessary. However, Mr. Kitz indicated that he would not object to a variance to permit construction in that area and the grant of a variance to accommodate such construction might be appropriate. Should the Petitioners wish to pursue that option, they may do so by filing a Motion for Reconsideration with the undersigned Zoning Commissioner within 30 days of the date of this Order. However, as the instant Petition is filed, I believe that the relief requested must be denied.

 Pursuant to the advertisement, posting of the property, and public hearing on this Petition held and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of July, 2001, that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

The Petitioners have thirty (30) days from the date of this Order to file an appeal of this decision to the County Board of Appeals, or, in the alternative, file a Motion for Reconsideration with this Zoning Commissioner.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

IN THE MATTER OF
THE APPLICATION OF
ANGELA & THOMAS NEIMILLER
-LEGAL OWNERS FOR A VARIANCE
ON PROPERTY LOCATED ON THE
E/S WAGON WHEEL COURT, APPROX.
2000' SE OF GLEN ARM ROAD
(19 WAGON WHEEL COURT)

11<sup>TH</sup> ELECTION DISTRICT 6<sup>TH</sup> COUNCILMANIC DISTRICT

- \* BEFORE THE
- \* COUNTY BOARD OF APPEALS
- \* OF
- \* BALTIMORE COUNTY
- \* CASE NO. 01-469-A

### ORDER OF DISMISSAL

This matter comes to the Board on appeal from a decision of the Zoning Commissioner dated July 23, 2001in which the requested variance relief was denied.

A hearing was scheduled to be held before this Board on Tuesday, May 14, 2002 at 10:00 a.m., for which proper notice was given. Howard L. Alderman, Jr., Esquire, Counsel for Protestants, Frances & John F. Kitz, Jr., appeared at the scheduled time of hearing; Angela and Thomas Neimiller, Appellants /Petitioners, did not appear, nor did anyone on their behalf.

The Board convened for hearing at 10:25 a.m. Mr. Alderman stated on the record that the property was sold at public auction on April 27, 2002 at 11:00 a.m. He further indicated that the appeal sign posted by the Board of Appeals was visible on the property.

Upon consideration of the statements made by Mr. Alderman and the failure of Petitioners, nor anyone on their behalf, to appear at the scheduled hearing time, the Board therefore dismisses the appeal filed by Petitioners in this matter with prejudice and will so order.

IT IS THEREFORE ORDERED this 3/st day of May, 2002 by the County Board of Appeals of Baltimore County that the appeal filed in Case No. 01-469-A be and

the same is hereby **DISMISSED** with prejudice for Failure to Appear. The decision of the Zoning Commissioner in which the subject Petition for Variance was denied therefore remains the final Order in this matter.

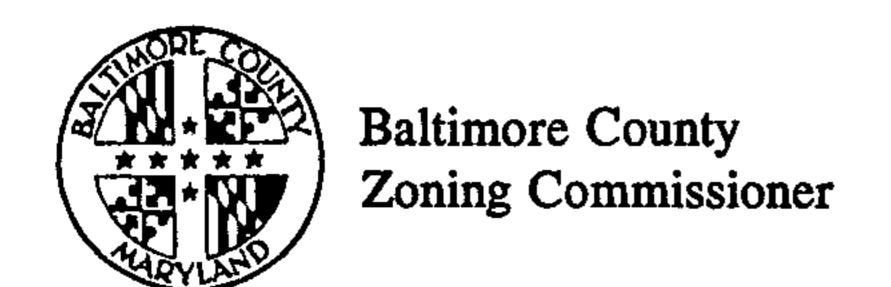
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*. If no such petition is filed within 30 days from the date of this Order, the subject file will be closed.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Charles L. Marks, Chairman

Margaret Worrall

Richard K. Irish



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

July 23, 2001

Mr. & Mrs. Thomas B. Neimiller 19 Wagon Wheel Court Glen Arm, Maryland 21057

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Wagon Wheel Court, approx. 2000' SE of Glen Arm Road
(19 Wagon Wheel Court)
11th Election District – 6th Councilmanic District
Thomas B. Neimiller, et ux - Petitioners
Case No. 01-469-A

Dear Mr. & Mrs. Neimiller:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. John F. Kitz

17 Wagon Wheel Court, Glen Arm, Md. 21057

Howard L. Alderman, Jr., Esquire

Levin & Gann, PA, 502/Washington Avenue, Suite 800, Towson, Md. 21204

People's Counsel; Case File



REV 9/15/98

# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

Estimated Posting Date \_\_\_\_

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addition with a 50 feet.	side	setback of	20 Feet in lie	in of the rec	guired
50 feet.	yara	1	,	•	
JO 1001.	•				•
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Attorney For Petitioner:		· -	19 11 10 Gom	Willet C+	11/25
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			Zoning Comn	nissioner of Baltimore Cou	unty
CASE NO. O/- 4	69-A	Dave	iewed By RDD	Date 5-	7-01

# Affida Vit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that 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 Affiant(s) does/do presently reside at

REV 09/15/98

Address GLEN BRM M.D. 21057	7
City	Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administ Variance at the above address (indicate hardship or practical difficulty):	rative
CURRENTLY THE EXISTING HOME ONLY 1495	
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(2) BEDROOMS. WITH A TOTAL OF SIX IN	
our Family, WE NEED @ Applitional	
BEDROOMS AND O BATH.	
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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting advertising feg. and may be required to provide additional information.	and
determined to provide additional intormation.	
Thomas Hake remiller Andrib Saturia Verni	llen
THOMAS BLAKE NEIMILLEN ANGELA PATRICIA NEIMI	11.
Name - Type or Print  Name - Type or Print	LEF
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	ì
HEREBY CERTIFY, this <u>26</u> day of <u>Chil</u> , <u>Jecl</u> , before me, a Notary Public of the of Maryland, in and for the County aforesaid, personally appeared	State
Thomas Blake Neimille '+ and Patrice Verneller	
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due fo aw that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and be	rm of
AND A S. IN THE	· <b>•</b> 1.
AS WITNESS my hand and Notanal Seal Collaboration of Articles and Association of Artic	
4/26/01 = 1 - Alas J. Lower S Lower	<del></del>
My Commission Expires 12/1/62	<del></del>

R. M. HERBERT & ASSOCIATES, INC.

Professional Land Surveyor 601 Fox Bow Drive, Bel Shin, Ald. 21014 Phone: 879 -8601

Description: 5.1419 acre parcel East side of Wagon Wheel Road, Eleventh Election District, Baltimore County,

Maryland.

Beginning for the same at a pipe heretofore set at the beginning point of the parcel of land firstly described in the deed from Summerfield, Incorporated, to William F. Buettner and Mary S. Buettner, his wife, dated February 19, 1953 and recorded in the Land Records of Baltimore County, in Liber 2250 page 357 etc., said beginning point being at the end of the 4th or 5 62\*30' W 535.25 foot line of the deed from Roland E. Land and Edna K. Land. his wife to Steve J. Narowanskie and Helen M. Narowanskie, his wife, dated October 16,1980 and recorded in the aforementioned Land Records in Liber 6219 page 251 etc., running thence from said beginning point and binding on the edge of a circle laid out at the end of Wagon Wheel Road, 1) by a curve to the right in a southwesterly direction, having a radius of 50.00 feet for a distance of 114,66 feet, subtended by the chord of S 13\*48'47" W 91.14 feet, thence 2) by a curve to the left in a southerly direction, having a radius of 50.00 feet for a distance of 36.13 feet, subtended by the chord 5 58°48'26" W 35.35 feet to a pipe heretofore set an the east side of said Wagon Wheel Road. 50 feet wide, said pipe being at the end of the first or N 38'06'30" E 110.49 foot line of the deed from Summerfield, Incorporated to John F. Kitz, Jr. and Francis Kitz, his wife dated December 29, 1952 and recorded in the aforementioned Land Records in Liber 2228 page 329 etc., running thence leaving the said Wagon Wheel Road and binding on the second line of the deed to Kitz and also on the third line of the aforementioned deed to Buettner. 3) S 68°00'00" E 636.78 to a pipe now set, passing over a hub and tack set 232.35 feet and 518. 38 feet from the beginning of said line, said point being 13th line of the deed from said Buettner to the State of Maryland, to the use of the Department of Forests and Parks dated January 23. 1967 and recorded in the aforementioned Land Records in Liber 4723 page 318 etc., said point also being on the westernmost right-ofway line of the Maryland and Pennsylvania Railroad, said point also being 52.82 foot from the beginning of the eighth or \$ 24°52' W 724.31 foot line of the second parcel of the aforementioned deed to Buettner, running thence reversely on said eighth line, seventh and part of the sixth line of said second parcel to Buettner and the fourth, fifth and part of the sixth line of the first parcel to said Buettner, 4) N 24°52'00" E 52.82 feet to a pipe now set, 5) northeasterly by a curve to the lets with a radius of 607.27 feet for a distance of 248.02 feet subtended by the chord N 13°10'01" E 246.30 feet, 6) N 01°28'00" E 122.55 feet to a pipe at the beginning of the first line of the deed from Mary S. Buettner, widow to Baltimore Gas and Electric Company dated March 20, 1975 and recorded in the aforementioned Land Records in Liber 5515 page 1753 etc., running thence binding reversely on the sixth and fifth Alines of the Baitimore Gas And Electric Company land, 747°11'00" W 209.02 feet to a pipe, 8) N 41°57'00" W 32.89 feet to a pipe set in the last or S 62°30'00" W 535.35 foot line of the first line of the first mentioned deed to William F. Buettner and Mary 5. Buettner, his wife, said point also being on the aforementioned fourth line of the deed to Narowanskie, running thence on said line 91 N 62°30'00" W 501.17 feet, to the place of beginning, passing over a hub and tack set at the distances of 140.20 feet and 243.35 feet from the beginning of said line. The improvements thereon being known as 19 Wagon Wheel Road, being also sometimes referred to as 19 Wagon Wheel Court. CONTAINING 5.1419 acres of land more or less.

11th Election District 6th Councilmanic District

I tem # 469



# FORMAL DEMAND FOR HEARING

CASE NUMBER: 01-469A
Address: 19 WAGOO WHEEL CT
Petitioner(s): MOSNEIMILLELL
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:   We   172
Name - Type or Print  (V) Legal Owner OR () Resident of
17 WAGON WHEEL CT Address SLENARM MD. 21057
City State Zip Code #10-668 1767
Telephone Number
which is located approximatelyfeet from the property, which is the subject of the above petition, do hereby formally demand that a public hearing be set in this matter. ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.
Signature 5-29-01 Date
Signature Date Revised 9/18/98 - wcr/scj

BALTIMORE COUNTY, MARYLAN 5617 PAID RECEIPT No. OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT **ACTUAL** TYYK II THE 8/22/2001 09:02:49 DATE 8-22-01 \_\_\_\_ROUI 006 6150 CASHLER SHALL SHALL DRANGER \* 210.00 5 529 ZONIAG VERTETCATTON 建物。 的玩得 Kecel fot 210.00 .00 CA 210.00 K FROM: PANGELA PNEI MILLER Bullimore County, Maryland FOR: APPEAL CASE # 01-469-A 19 WAGON WHEEL COURT DISTRIBUTION

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WHITE - CASHIER

PINK - AGENCY

**YELLOW - CUSTOMER** 

**CASHIER'S VALIDATION** 

BALTIMORE COUNTY, MARYLAND 93773 No. OFFICE OF BUDGET & FINANCE TIME MISCELLANEOUS RECEIPT 5/29/2001 15:22:52 WSCG CASHIER FHOM KXM DRAWER 5-29-01 \_ ACCOUNT\_001 006 6150 ->#EJEJFT 4 025818 OFLN 5 528 ZONING VERIFICATION AMOUNT \$ 40,00 CR 10. 093773 Recort Tot 40.00 CK JOHN F KITZ RECEIVED Baltimore County, Haryland FROM: \_\_\_ FOR: FORMAL DEMAND FOR HEARING 01-469-A 19 WAGON WHEEL COURT THOMAS NEIMILLER **DISTRIBUTION** WHITE - CASHIER YELLOW - CUSTOMER PINK - AGENCY

# ERTIFICATE OF PUBLICATION

X The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ North County News

☐ NE Booster/Reporter

Owings Mills Times

☐ Towson Times

J. WILLIAMS.

•	RE: Case No.: 01-467-A
	Petitioner/Developer:
	ANGERA & THOMAS NETHILLER
	- · · · · · · · · · · · · · · · · · · ·
	Date of Hearing/Closing: 7/5/01
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of	perjury that the necessary sign(s) required by law
were posted conspicuously on the property I	
19 WACOR	OWHER CT.
·	•
The sign(s) were posted on	6/20/01
The pignical more beared on	(Month, Day, Year)
CASE # 01-469-A	Sincerely,
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	(Signature of Sign Poster and Date)
	RICHARD E. HOFFMAN
ZONING HOTICE	(Printed Name)
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- Affictusé société	(410) 879-31ZZ
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19 WACON WHEER CT.	
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# BALTIMORE COUNTY DEFENT OF PERMITS AND DEVEL PMENT MANAGEMENT ZONING REVIEW

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 469 -A Address 19 Wagon Wheel CA	
Contact Person: Ravid Raval Phone Number: 410-887-339	9′
Filing Date: 5-7-0/ Posting Date: 5-20 Closing Date: 6-4	,
Any contact made with this office regarding the status of the administrative variance should through the contact person (planner) using the case number.	be
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. As reposting must be done only by one of the sign posters on the approved list and the petition 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.	ny iei
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to fi a formal request for a public hearing. Please understand that even if there is no form request for a public hearing, the process is not complete on the closing date.	le
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 (conder that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) 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.	c)
4. 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.	ng e
(Detach Along Dotted Line)	
Petitioner: This Part of the Form is for the Sign Poster Only	•
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT	,
Case Number 01- 469 -A Address 19 Wagon Wheel Ct	,
Petitioner's Name Thomas B. Neimiller Telephone 410.	
Vording for Sign: To Permit an addition with a side yard setback of 20 feet	ī L
voluing for Sign: To Permit an addition with a side yard setback of 20 feet	,
in lieu of the required 50 feet	, <del>-</del> ;
	<b>-</b> '

### APPEAL SIGN POSTING REQUEST

CASE NO. 01-469-A

### ANGELA & THOMAS NEIMILLER - Petitioners

E/s Wagon Wheel Court, 200' SE of Glen Arm Road (19 Wagon Wheel Court)

11<sup>th</sup> Election District Appealed: 8/22/01 Attachment – (Plat to accompany Petition -Petitioner's Exhibit No.1) CERTIFICATE OF POSTING TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204 Attention: Charlotte Radcliffe Appeals Clerk RE: Case No. 01-469-A Petitioner/Developer: NEIMILLER This is to certify that the necessary appeal sign(s) was posted conspicuously on property located at 19 WAGON WHEEL COURT The sign(s) was posted on  $\frac{9}{12/01}$ , 2001. (Signature of Sign Poster) GARY C. FREUND

(Printed Name)

### CERTIFICATE OF POSTING

		Date:	5/17/01	
		Date		
RE:	Case Number <u>0/- 469- 4</u>		<del></del>	
	Petitioner/Developer: /Homas Z	3. NEIMILLOR		v
	Date of Hearing/Closing:6/4	6,	<del></del>	
	This is to certify under the penalties	of perjury that the nec	essary sign(s) required by lav	<b>\</b>
were	posted conspicuously on the property			
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		Tow	50M. Mo 21286	
		(City,	State, Zip Code of Sign Poster)	_
			410- 823- 4470	
		(Tele	phone Number of Sign Poster)	-

Revised 3/1/01 - SCJ

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 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: 01-469-A  Petitioner: Thomas B Nemiller	
Address or Location: 19 Wagon Wheel Ct	ŀ
PLEASE FORWARD ADVERTISING BILL TO:  Name: THOMAS B. NEIMI LLER	;
Address: 19 WAG-on WHEEL CT	,
G-LEN ARM, M.D. 21057	
Telephone Number: 4/0 - 66/-5477	,



Baltimore County
Department of Permits and
Development Management

Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

June 6, 2001

### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-469-A
19 Wagon Wheel Court
E/S Wagon Wheel Court, 1600' E centerline Glen Arm Road
11<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District
Legal Owners: Angela P & Thomas B Neimiller

Administrative Variance to allow an addition with a side yard setback of 20 feet in lieu of the required 50 feet.

HEARING: Thursday, July 5, 2001 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jabion <sup>Gワセ</sup>

Director

C: Angela P & Thomas B Neimiller, 19 Wagon Wheel Court, Glen Arm 21057 John F Kitz, 17 Wagon Wheel Court, Glen Arm 21057

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 20, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 19, 2001 Issue - Jeffersonian

Please forward billing to:

Thomas B Neimiller 19 Wagon Wheel Court Glen Arm MD 21057

410 661-5477

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HEARING:

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401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GD Z ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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### County Board of Appeals of Baltimore County

iver

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

\*\*\* HEARING ROOM - Room 48 \*\*\*

Basement -Old Courthouse 400 Washington Avenue

### APPEAL HEARINGS SCHEDULED FOR THE WEEK OF MAY 13, 2002

**TUESDAY** 

5/14 9:30 am

Case No.: 01-220-A

/DELIBERATION

In the Matter of:

Mark E. Davison – Legal Owner 24 Treadwell Court

10:00 am

Case No.: 01-469-A

/HEARING

In the Matter of:

Angela & Thomas Neimiller – Legal Owners 19 Wagon Wheel Court

RE:

VAR - To permit side yard setback of 20' ilo req'd 50' for proposed addition

WEDNESDAY

5/15 10:00 am

Case No.: 01-431-A

/HEARING

In the Matter of:

Kimberly S. and Charles G. Richter, Jr. - Legal Owners

6215 Ebenezer Road

RE:

VAR - To permit side yard setbacks of 16' and 19.5' for addition to all four sides of existing

dwelling ilo req'd 25'

**THURSDAY** 

5/16

9:30 am

Case No.: CBA-02-110

DELIBERATION

In the Matter of:

Wal-Mart Real Estate, c/o Wal-Mart Stores 2399 North Point Blvd.

RE:

Code Inspections and Enforcement Violation

10:00 am

Case No.: CR-01-436

/HEARING

In the Matter of:

Highway Realty, Inc.; Eastrel, LLC;

David Pisanic; Patricia Franey; Marie and Donald Haga

9913, 9915, 9917, 9919, 9921 Reisterstown road

3rd Election; 3rd Councilmanic

Day #4 from 5/01/02

Printed with Soybean Ink

c: Executive Office Law Office Director /PDM

People's Counsel Planning Office Court Info. Desk

County Council Board Members Court Reporter



### County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

FAX: 410-887-3182

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

March 15, 2002

### **NOTICE OF ASSIGNMENT**

CASE #: 01-469-A

IN THE MATTER OF: Angela & Thomas Neimiller -Legal Owners /Petitioners

> 19 Wagon Wheel Court 11<sup>th</sup> E; 6<sup>th</sup> C

7/23/01 – Z.C.'s Order in which Petition for Administrative Variance was

DENIED.

### **ASSIGNED FOR:**

### TUESDAY, MAY 14, 2002 at 10:00 a.m.

**NOTICE:** 

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

> Kathleen C. Bianco Administrator

c:

Appellants /Petitioners

: Angela & Thomas Neimiller

Counsel for Protestants

**Protestants** 

: Howard L. Alderman, Jr., Esquire

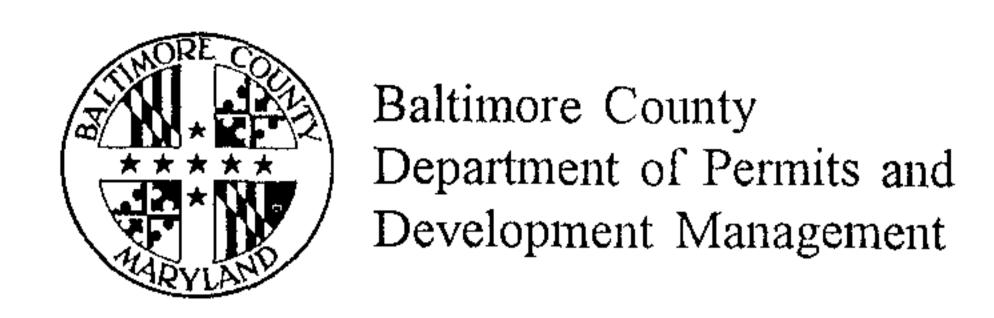
: Frances & John F. Kitz, Jr.

Skip Noon and George Considine Summerfield Farms Association George and Helen Wofford Steve Narowanskie Paul C. Ergler Stanley M. Pollack

Office of People's Counsel Lawrence E. Schmidt /Zoning Commissioner Pat Keller, Planning Director Arnold Jablon, Director /PDM



Printed with Soybean Ink on Recycled Paper



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 29, 2001

Angela P & Thomas B Neimiller 19 Wagon Wheel Court Glen Arm MD 21057

Dear Mr. & Mrs. Neimiller:

RE: Case Number: 01-469-A, 19 Wagon Wheel Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 26, 2001.

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,

W. Carl Richards, Jr. くうこ Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

Enclosures

c: People's Counsel

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 6, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

19 Wagon Wheel Court

**INFORMATION:** 

Item Number:

**1012169** 

Petitioner:

Thomas Blake Neimillen

Zoning:

RC 5

Requested Action:

Variance

### **SUMMARY OF RECOMMENDATIONS:**

It will be incumbent upon the petitioner to justify the proposed location of the addition.

Prepared by:

Section Chief:

AFK:MAC:



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

June 5, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 21, 2001

Item No.: See Below

Dear Ms. Stephens:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

461, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 477, 478, 479, 482, 483,

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 5, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For May 29, 2001

Item Nos. 461, 463, 464, 465, 466, 467, 469, 470, 472, 473, 474, 475, 478, 480,

483, and 006

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

RWB:HJO:jrb

cc: File



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 22, 2001

People's Counsel Peter M. Zimmermann 400 Washington Avenue Towson MD 21204

Dear Mr. Schmidt:

RE: Case No. 01-469-A, 19 Wagon Wheel Court

Please be advised that an appeal of the above-referenced case was filed in this office on August 22, 2001 by Thomas & Angela Neimiller. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Arnold Jablon GDZ Director

**Sin**cerely,

AJ: gdz

c: Howard L Alderman Jr, Levin & Gann, 502 Washington Avenue, Suite 800, Towson 21204
Frances & John F Kitz Jr, 17 Wagon Wheel Court, Glen Arm 21057
Skip Noon & George Considine, Summerfield Farms Ass., P O Box 402, Glen Arm 21057
George & Helen Wofford, 11202 Glen Arm Road, Glen Arm 21057
Steve Narowanskie 12 Wagon Wheel Court, Glen Arm 21057
Paul C Ergler, 11 Wagon Wheel Court, Glen Arm 21057
Stanley M Pollack, 4604 Copperwood Lane, Glen Arm 21057
People's Counsel

### BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

July 9, 2002

TO:

Arnold Jablon, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton

Board of Appeals

SUBJECT:

**CLOSED APPEAL CASE FILES** 

The following cases have been finalized and the Board of Appeals is closing the copy of the appeal case files and returning the file and exhibits (if applicable) attached herewith.

BOARD OF	PDM FILE NUMBER	<u>NAME</u>	<u>LOCATION</u>
APPEALS CASE NUMBER			
R-01-439	R-01-439	7-ELEVEN	BOWLEYS QUARTER
D 01 455	Cycle I		
R-01-455	R-01-455	MICHAEL JAMES	SWEET AIR ROAD
CR-02-154-A	<i>Cycle I</i> <i>CR-02-154-A</i>	LYNCH PETTY VDELIZDING	9010 DETOTED OTOMAI
CIC-02-134-13	CYCLE II, 2001/2002	BETTY KREUZBURG	8919 REISTERSTOWN ROAD
	ITEM #2		KOAD
CBA-02-110	CIVIL CITATION	WAL-MART REAL	2399 NORTH POINT
	01-1870	ESTATE	BLVD.
02-223	02-223	NANCY WEHR	1210 BERWICK ROAD
		NIERMANN	
02-236-SPHXA	02-236-SPHXA	1 <sup>ST</sup> PREFERENCE	9423 BELIAR ROAD
	02-230-31 11/1/1	MORTGAGE	9423 DELIAR ROAD
0.4. <b>00</b> = 0.00 = 7.1			
94-227-SPHA	94-227-SPHA	GEORGE SEARS	22 CLYDE AVENUE
94-228-SPHA	94-228-SPHA		
01-96-SPH	01-96-SPH	LORRAINE AND	2635 MEREDITH ROAD
		DANIEL NARANGO	•
CBA-92-204	WESBURY SECTION 8	WESTBURY SECTION	TARRAGON ROAD NW
ODI L-JZ-ZU-I	CRG DECISION	8	OF CARAWAY ROAD
		<b>Q</b>	
01-156-A	01-156-A	STEFANIA	401 ARMSTRONG ROA
		MALKOWSKI	
01-469-A	01-469-A	ANGELA AND	19 WAGON WHEEL
	<del></del>	THOMAS NEIMILLER	COURT

Attachment: SUBJECT FILE(S) ATTACHED

### Dudley and Elizabeth Brownell 11520 Glen Arm Road Glen Arm, MD 21057

JUL 3,

July 2, 2001

Lawrence E. Schmidt Zoning Commissioner for Baltimore County County Courts Building 401 Bosley Avenue Towson, MD 21204

Re. Case # 01-469-A 19 Wagon Wheel Court Glen Arm, MD

We are long time residents of Glen Arm, 54 and 31 years respectively and live near Wagon Wheel Court. We have long had an interest in preserving the rural character of our community and have more than once rejected offers from neighbors and developers for parts of our stream valley. This letter is sent to oppose the granting of the Administrative Variance allowing an addition with a side yard setback of 20 feet in lieu of the required 50 feet. If this kind of encroachment is allowed to persist it will hurt the rural character of our community and from our recent past experience should not be done to any neighbor. This opposition is being taken in order to preserve the rural nature of our community and to preserve the integrity of zoning laws of Baltimore County.

Respectfully Submitted,

Dudley Brownell

Elizabeth Brownell

May 29, 2001

Arnold E. Jablon, Director Permits, Development and Management 111 West Chesapeake Avenue, Room 111 Towson, Maryland 21204

RE:

**Hearing Request** 

Case Number:

01-469A

Homeowner Seeking Variance:

Neimiller, Thomas P. & Angela A.

Homeowner's Address:

19 Wagon Wheel Court

Homeowner Opposing Variance: Kitz, John F. Jr. & Frances

Glen Arm, Maryland 21057

Address:

17 Wagon Wheel Court

Glen Arm, Maryland 21057

Dear Mr. Jablon,

We, the undersigned homeowners, respectfully request a hearing on the above-noted request for variance. Please find attached a check in the amount of \$40.00, made out to "Baltimore County".

Please inform us as to the time, date and place of the hearing on this matter. If you have any further questions, please feel free to contact us at (410) 668-1767.

Very truly yours,

Frances Kitz

8-16-01

Dear Mr. Jablon,

My husband, Thomas Neimiller and myself, Angela Neimiller had our zoning hearing for case # 10-469-A in front of Commissioner Laurence Schmitt on July 5, 2001. Since we were denied, we are requesting an appeal. I have enclosed a check for \$210.00 for the appeal costs.

Thank You!

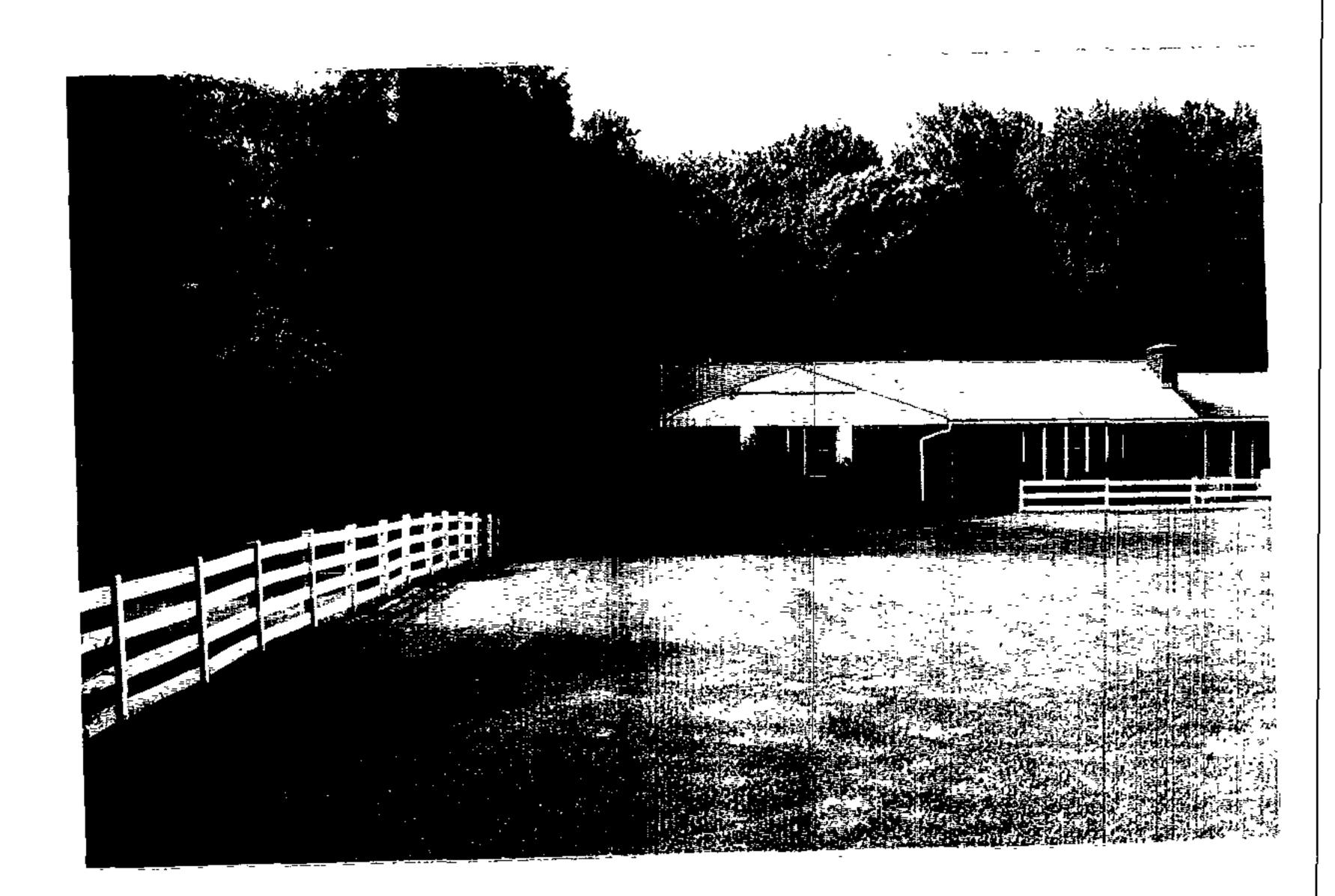
Angela Neimiller

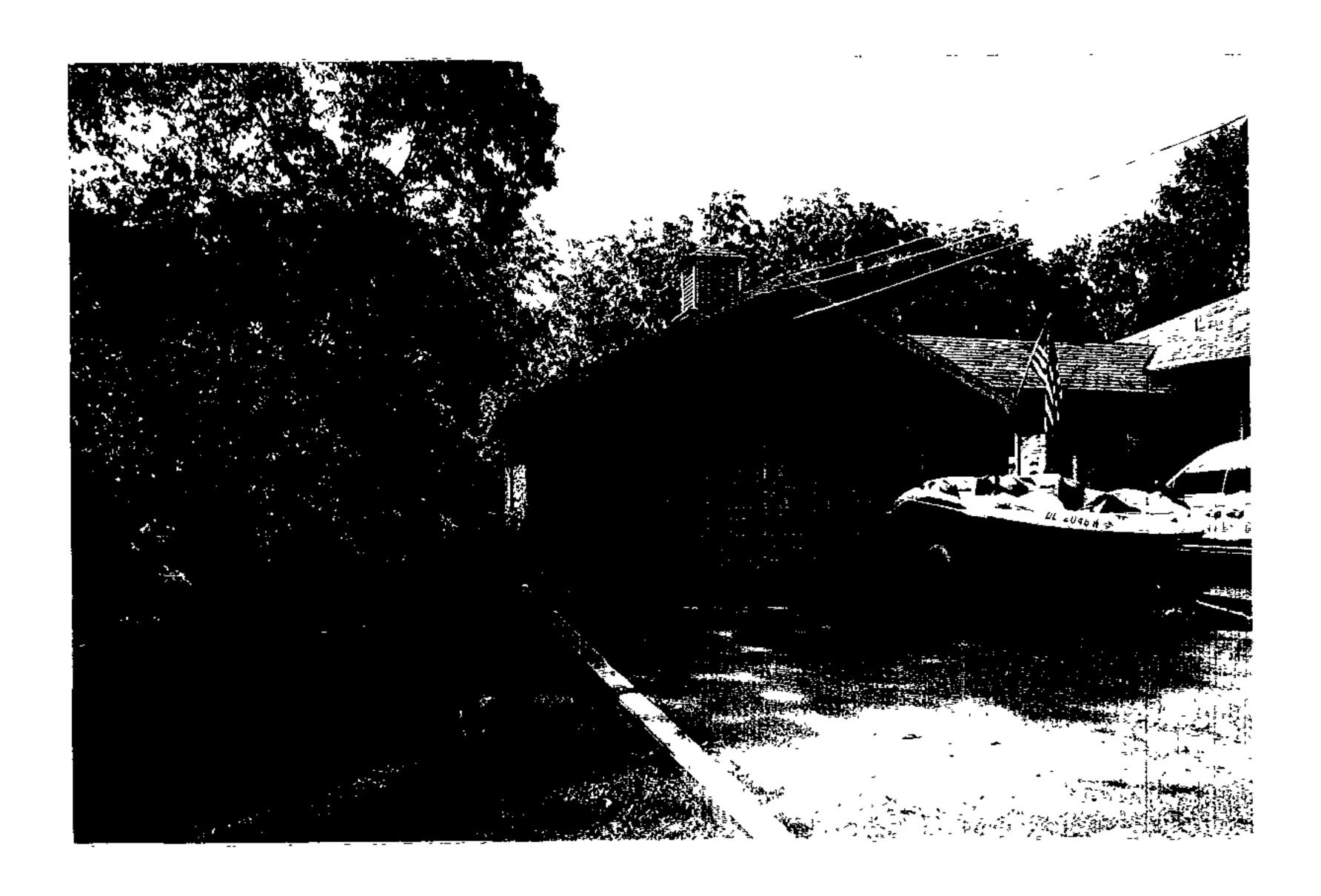
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conundrum 23 them just per statue slabs, sched the meet & disregard It was a pleasure such, you, 8 cm hours. Mat can i one say-En Harshall livas my meighbor. sest of hayspoints

Patition's DX. #A-#F 2A-2G Case # 01-469-A















01-469-A

PROTEXH

2 (7 Photo)

2A-Photo 2B-Photo 2C-Photo

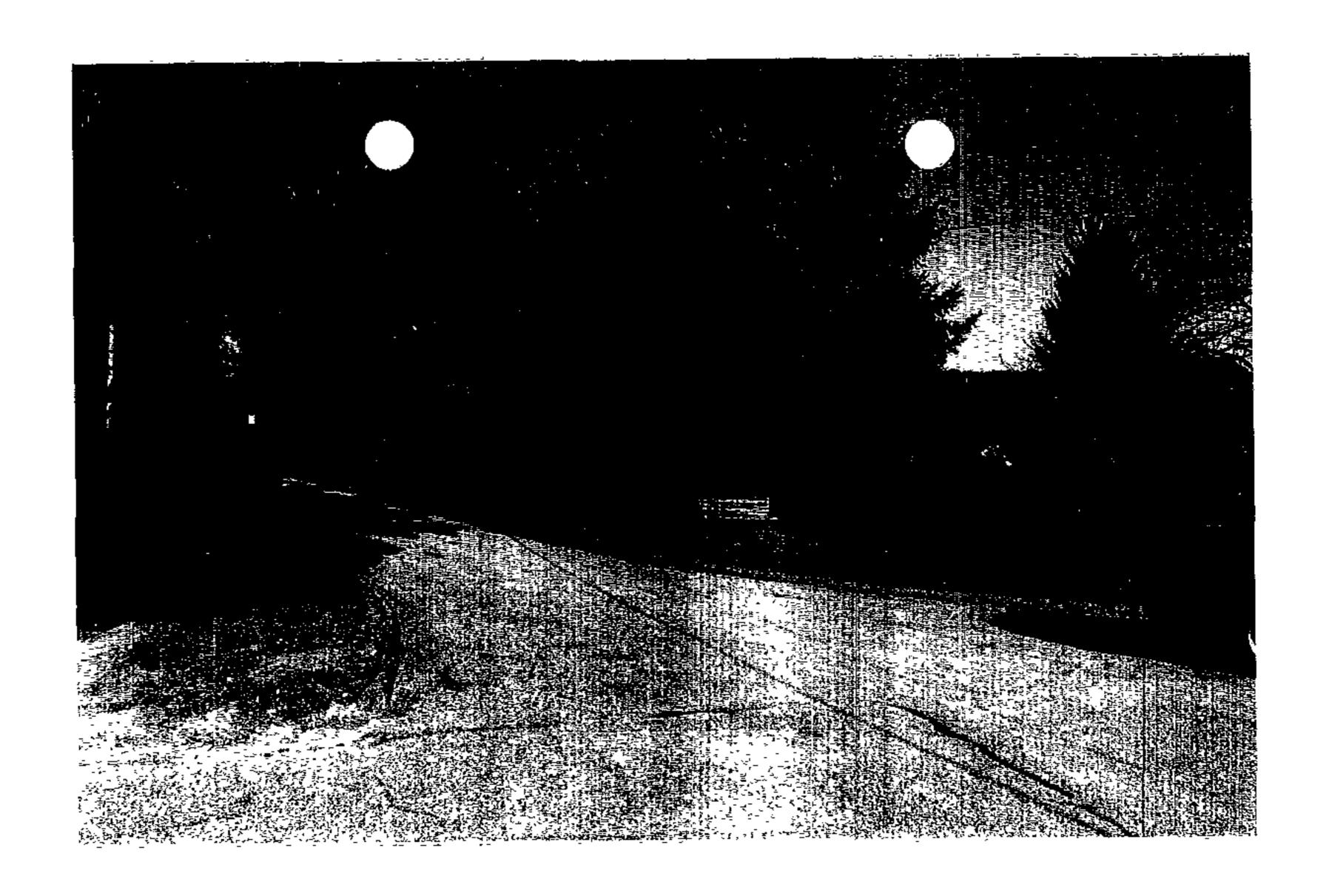


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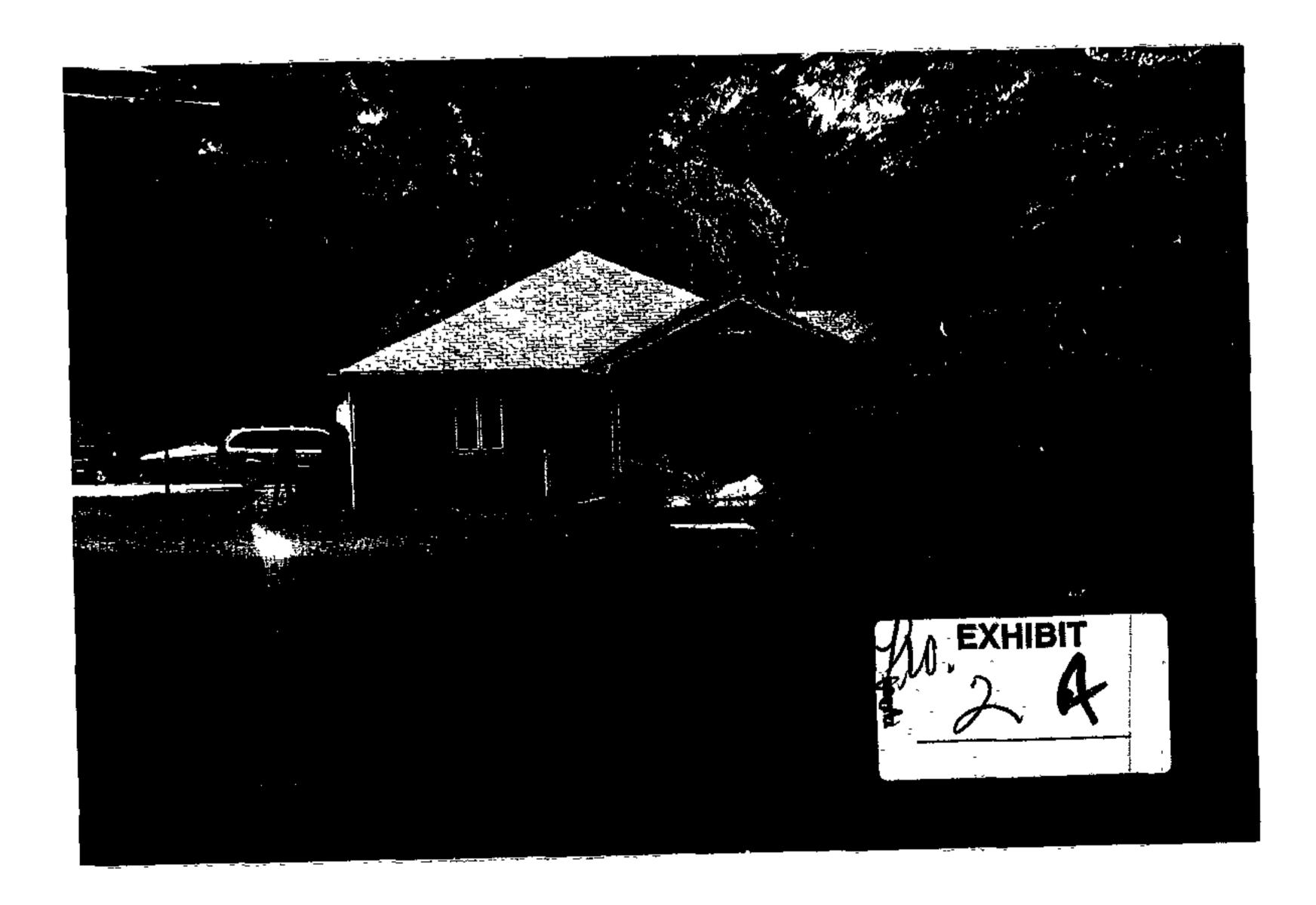
















We, the undersigned, friends and neighbors of both the Kitzs and the Neimullers, support the Kitz family in its opposition to the variance now sought by the Neimullers.

Signature:	Deverly Hom artach
Address:	10 WAGON WHEEL CT
Signature:	John & Leslie Robinson
Address:	11310 Glen ARM Rd
Signature:	Steve Marowanskie Holly narowanskie
Address:	12 Wagon Wheel Ct.
Signature:	Wely Sanders
Address:	7 Wagan Wheel Ct
Signature:	Zowaf Redgely
Address:	2 Wagon Wheel Ct.

WewM-aulahan Signature: 13 WAGON WHORZ COUNT Address: Signature: WAGON WHEEL COCRT Address: Signature: Address: Signature: Address: Signature: Address:

Signature:	Barbare Censfermacker
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Signature:	Joseph E. Colonna
Address:	IWAGON WHEEL ST OLEN ARM MD 21057
Signature:	Majon Med OT John McDeonse
Address:	Mærie Mellonne 9 wagon it her Ct.
Signature:	Mary S. Flickter
Address:	A Sugan Wheel Shewarm Mary Mar 2105-7
Signature:	Wagne Sleichter
Address:	Hen dem, Mel. 21057

11501 Glen Arm Road Glen Arm, Maryland 21057 July 1, 2001

Re: Wagon Wheel Court Case No. 01-469A-19

Mr. Lawrence E. Schmidt Zoning Commissioner of Baltimore County Towson, Maryland

Dear Mr. Schmidt:

I am a resident of the Glen Arm Community and have been so for more than 20 years. I am also an officer and Board member of the neighborhood association, Summerfield Farms Association, Inc. I have been the Treasurer since 1984.

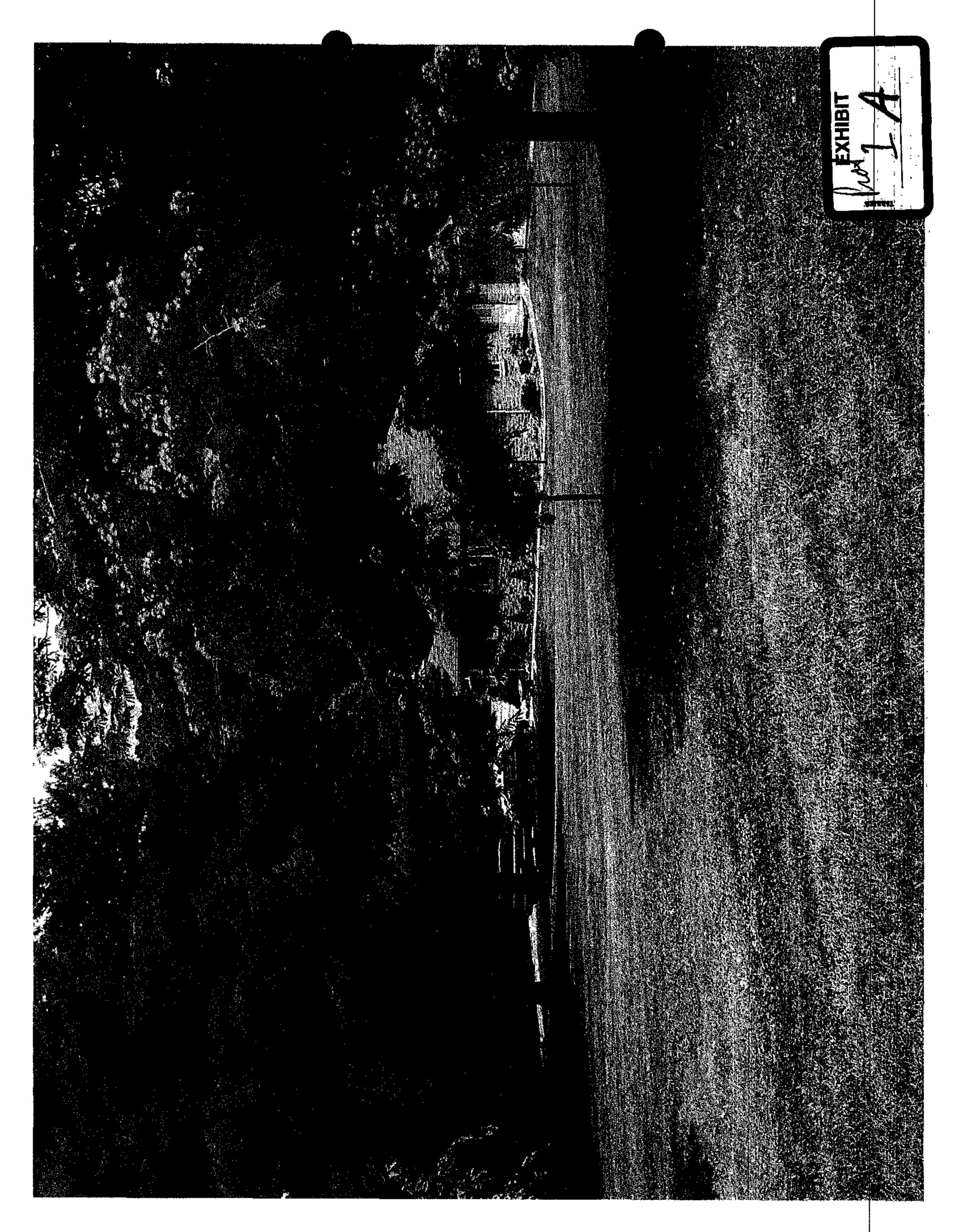
As a resident of the Glen Arm Community I am in support of Mr. and Mrs. John Kitz and their protest of the granting of a variance for the setbacks requested for the above case. I feel that by allowing the variance the addition would be entirely too close to the Kitz property line and would thus possibly decrease their property value and most definitely their quality of life. It would seem that if the Neimiller family has approximately 7 acres of land that an addition could be erected in almost any other direction and not infringe on anyone's property line.

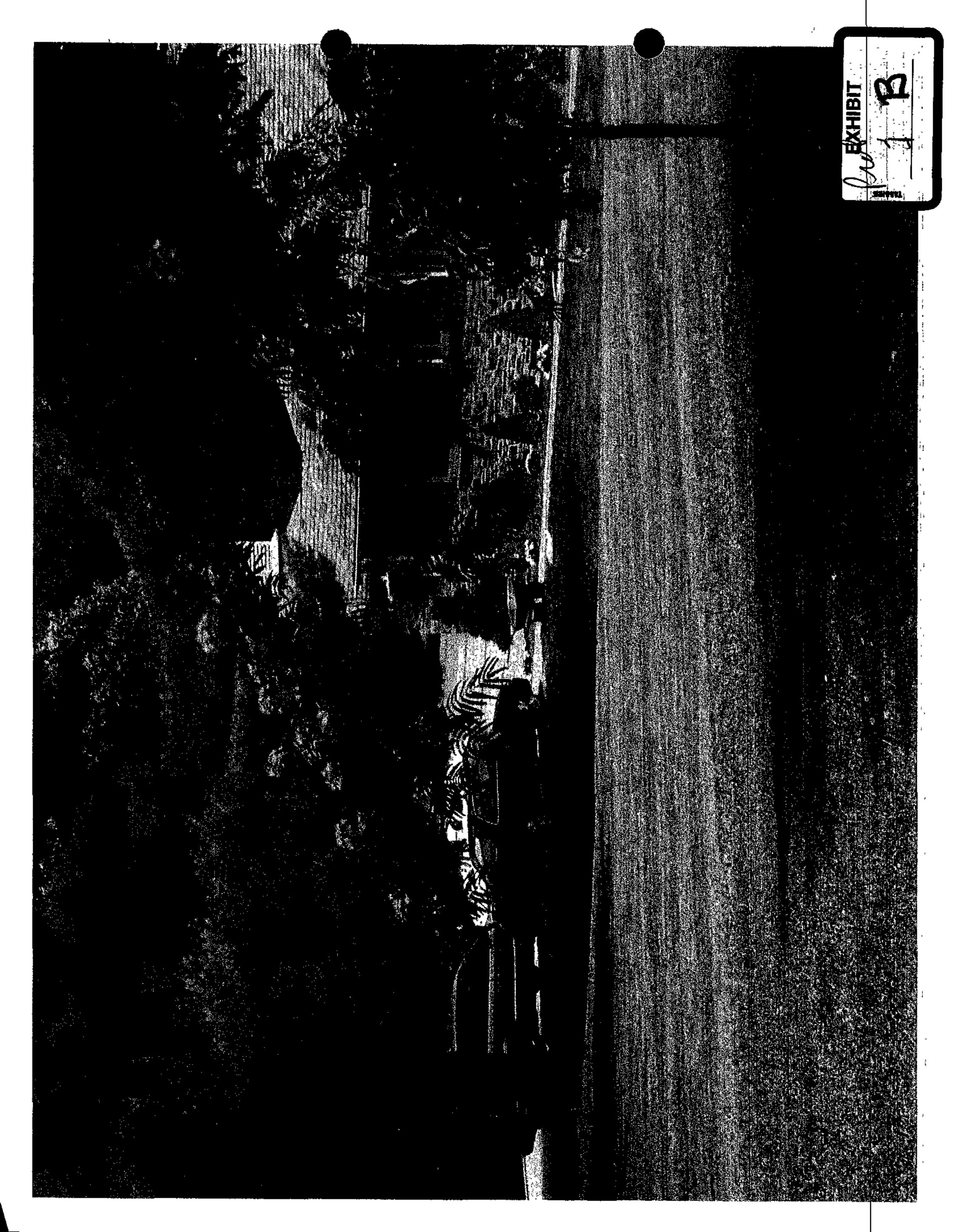
In the years that I have lived in Glen Arm the residents has fought long and hard to maintain the rural residential quality of our community as well as our property values. The community has fought to uphold the county laws, building codes, and zoning regulations so that our neighborhood can remain a good and fine place to live. I am hoping that you, Mr. Schmidt, will help us to uphold those zoning regulations at this time as well as in the future.

Sincerely,

Charlotte Veneracion

100





BOUNDARY SURVEY 19 Wagon Wheel Road, Baltimore County Maryland. 5.1419 Acre Parcel Eleventh District Baltimore County Maryland. PipeFo P.50.90; A . 114.6 STEVE J. WAROUSINE & WAR · HUBLIACK 157.7 STONE 47.51 Loop Deen 5.1410 Acces A. 246.02 River Pac STATE OF MARY CAND DEPARTMENT OF FORESTA PREMIS

STATE OF MARY CAND DEPARTMENT OF FORESTA 1124 52'00° C A. M. HERBERT & AUGOC., INC. CO1 FOR LYT DRIVE BEL AIR, 13 ... (AAT) 21014 Phone. 410-879-8601 Item#469 SCALE / "= 60" Dare 7.31.95

### PLEASE PRINT CLEARLY

### PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
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THOMAS B-NEINILLER Angela Neiniller	19 Wagon Wheel Ot
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## PLEASE <u>PRINT</u> LEGIBLY

# PROTESTANT'S SIGN-IN SHEET

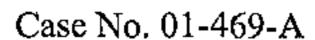
Name	Address	City, State	Zip Code
FRANCES KITZ	17 WAGON WHEEL CO	GLEN ARM, MD	21057
JOHN F. KITZ	17 " "	16 11 1	
Karen R.Kitz	11 11 /1	11 /1	
HOUNEDL AWERMAN JR	LEVIN & GANN PA 502 Washington Are Sures	FOU MO	21204
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PLEASE PRINT CLEARLY

#### S) SIGN-IN SHEET

NAME		ADDRESS	1
SKIA NOON		SUMMERFIELD FARMS AS	52
George CONSIDINE	3	P.O. BOX 402	
		GLEN ARM, MD 21057	,
George Wofford		11202 Alessan Rd	· ·
Ydelen Wofford		11202 Cleu arm Rd.	-, ;;
Steve Narowanskie		12 Wagon Whool Cf.	_
PAUL GERGLER		Glan Arm, MD 21057 11 WAGON WHERE CT 21	057
Stanley M. Pollack		4604 Copperavordha Glen Avm	
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In the Matter of: Angela & Thomas Neimiller -Legal Owners

VAR – To permit side yard setback of 20' ilo required 50' for proposed addition.

7/23/2001 –Z.C.'s Order in which Petition for Administrative Variance was DENIED.

3/15/2002 -Notice of Assignment sent to following; assigned for hearing on Tuesday, May 14, 2002 at 10 a.m.:

Angela & Thomas Neimiller
Howard L. Alderman, Jr., Esquire
Frances & John F. Kitz, Jr.
Skip Noon and George Considine
Summerfield Farms Association
George and Helen Wofford
Steve Narowanskie
Paul C. Ergler
Stanley M. Pollack
Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM

5/14/02 – Board convened for hearing (Marks, Worrall, Irish); Howard Alderman, Jr., Esquire, counsel for protestants, as well as protestants, appeared; Petitioner did not appear, nor did a representative on behalf of Petitioner. At 10:25 a.m., appeal was dismissed for failure to appear. Order to be issued.

`

Plat to accompany Petition for Zoning X Variance PROPERTY ADDRESS: 19 Wagon Wheel Road, Glen Arm, 21057 see pages 5 & 6 of the CHE Subdivision name: Summerfield Farms	Spec CKLIST for addition	al He	dring information
plat book #, folio #, lot #, section # OWNER: Thomas & Angela Niemiller		NIVE ON HAVE AND THE PARTY OF T	
	The application of the second	5	
STEVE & HELEN NAROWANSKIE 6219/261  WELSON TO SEE ARD SET BROWN  1 Page 10 Page 12 Pag	Vic North scale	inity Map : 1" = 1000	
N 01/23"00" E 172 55'	LOCATIC Election District:	NINFORM	ATION
A PAILROAD  TARD SET BACK  TARD SET BACK  TO	Councilmanic Dis		
EXISTING ONE STORY PIUS BASEMENT  PROPOSED DENOLIDION OF ONE STORY ENCLOSED PORCH  PROPOSED DENOLIDION OF ONE STORY ENCLOSED PORCH	1" = 200'  scale Zoning: RC -	map #: N 5	E — 13E
JOHN & FRANCIS KITZ, JR 2228/329	Lot size: 5	.1419 creage	* 223,981 square feet
	•	WATE	R: public private R: X
	Chesapeake Bay	Critical Area	g: no
	Prior Zoning Hed	arings: NONE	
	Zoning O		
date: April 24, 2001	reviewed by:		
prepared by: M. Miller Scale of Drawing: $1" = 50'$		107	01-469-A

