

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
*
* CASE NO. 06-537-A

* CASE NO. 06-537-A

* * * * *

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, David and Laine Schimmer. The variance request is for property located at 12102 Lamottes Court in the Shipley Property subdivision of Statewood in the Reisterstown area of Baltimore County. The variance request is from Sections 301.1A and 1B02.3A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a 15 foot rear setback in lieu of the required 22.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state the proposed deck needs to be located closer than 22.5 feet to the property line due to the orientation of their house and the unusual shape of their lot. The proposed deck measures 20 feet x 20 feet.

In response to a request for more information regarding the proposed deck, the Petitioners provided the following additional information. They state that the proposed deck is typical in size and no longer than any other deck in the neighborhood. The unusual shape of their lot limits their ability to have a deck that would be of practical use. The size of the deck, 20 feet x 20, feet would then be large enough for a grill, chairs and a table. The deck would provide the Petitioners with an at-grade walkout from the house.

675-06

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 6, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

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6-15-06
[Signature]

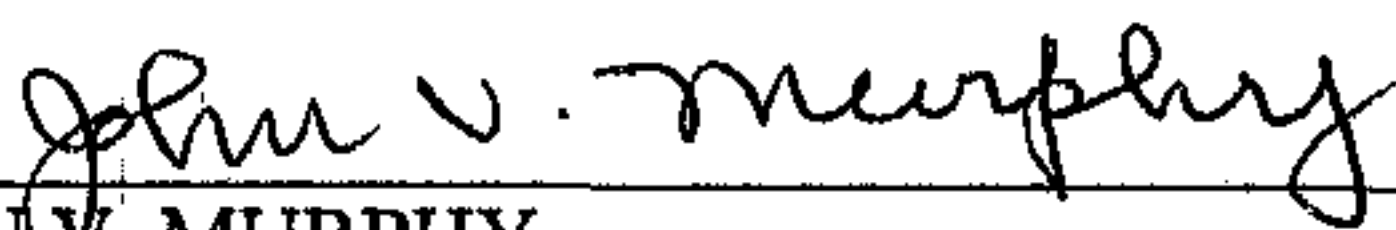
compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 16th day of June, 2006, that a variance from Sections 301.1A and 1B02.3A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a 15 foot rear setback in lieu of the required 22.5 feet.

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 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

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JUN 16 2006
6-15-06
Pz



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12102 Lamottes Ct.
which is presently zoned OR 5.5

This Petition shall be filed with the Department of Permits and Development Management. 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(s)

301.1A - Projections into Yard, 1302.3A.1 (BCZR) OR
This is a petition for an open deck to be located 15 ft from the
Property line in lieu of the required 22.5 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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/Lessee:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Legal Owner(s):

Lennie M Schimmel
Name - Type or Print
David M Schimmel
Signature
David Schimmel
Name - Type or Print
D. Schimmel
Signature
12102 Lamottes Ct 410-526-4948
Address Telephone No.
Reisterstown MD 21136
City State Zip Code

Attorney For Petitioner:

DINO C. LaFiandre
Name - Type or Print
Dino LaFiandre
Signature
WTP
Company
210 W. Pennsylvania Ave 410 832
Address Telephone No.
Towson MD 21117
City State Zip Code

Representative to be Contacted:

Name
Address Telephone No.
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-537-A Reviewed By D.T. Date 4/25/06

REV 9/15/98 Estimated Posting Date 5/7/06

12/15/06
mb

Affidavit 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 12102 Lamottes Ct.
Address
Reisterstown MD 21136
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. As can be observed by looking at the PLAT, we have an unusually shaped property. With the orientation of the house and the shape of the lot, the location of a deck is extremely limited. In order to build a usable deck, we need to build closer to the property line than the allowable 22 1/2 ft.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

David A. Schimmel
Signature
Name - Type or Print

Laure M Schimmel
Signature
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of April, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Laure Schimmel & David Schimmel
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

April 25, 2006 Laure Ann Strawn
Date Notary Public
My Commission Expires 8/1/07

61306
MD

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 12102 LAMOTTES CT.,
REISTERSTOWN, MARYLAND 21136

Beginning at a point on the West side of Lamottes Ct. which is 50 feet wide at the distance of 1,225 feet of the centerline of the nearest improved intersecting street Marshall Wood Rd. which is 50 feet wide. Being lot number 27 "Plot 2 of 2, Shipley Property", in the subdivision of Statewood as recorded in Baltimore County Plot Book #74, Folio 113, containing 10,021 square feet. Also known as 12102 Lamottes Ct., Reisterstown, Maryland, 21136 and located in the 4th election District, 2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 3352

DATE 4/25/80 ACCOUNT 0010006150
AMOUNT \$ 15.00

RECEIVED FROM DAVID SCHUMME

FOR: ITEM # 331 ON 531-A

10102 LABORERS OF D. THOMPSON

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS OFFICE
4/25/80 5:25 PM 1221-27
AND BELL WALKIN IRVING
RECEIPT & RECORD 4/25/80
DATE 5 534-THOMPSON VERIFICATION
BY MR. DUNN
REPT. TO 115.00
155.00 0
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-537-A

Petitioner/Developer: SCHIMMEL

Date of Hearing/Closing: 5-22-06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

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 located at:

12102 LAMOTTES CT

The sign(s) were posted on

5-6-06

(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

5-10-06
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

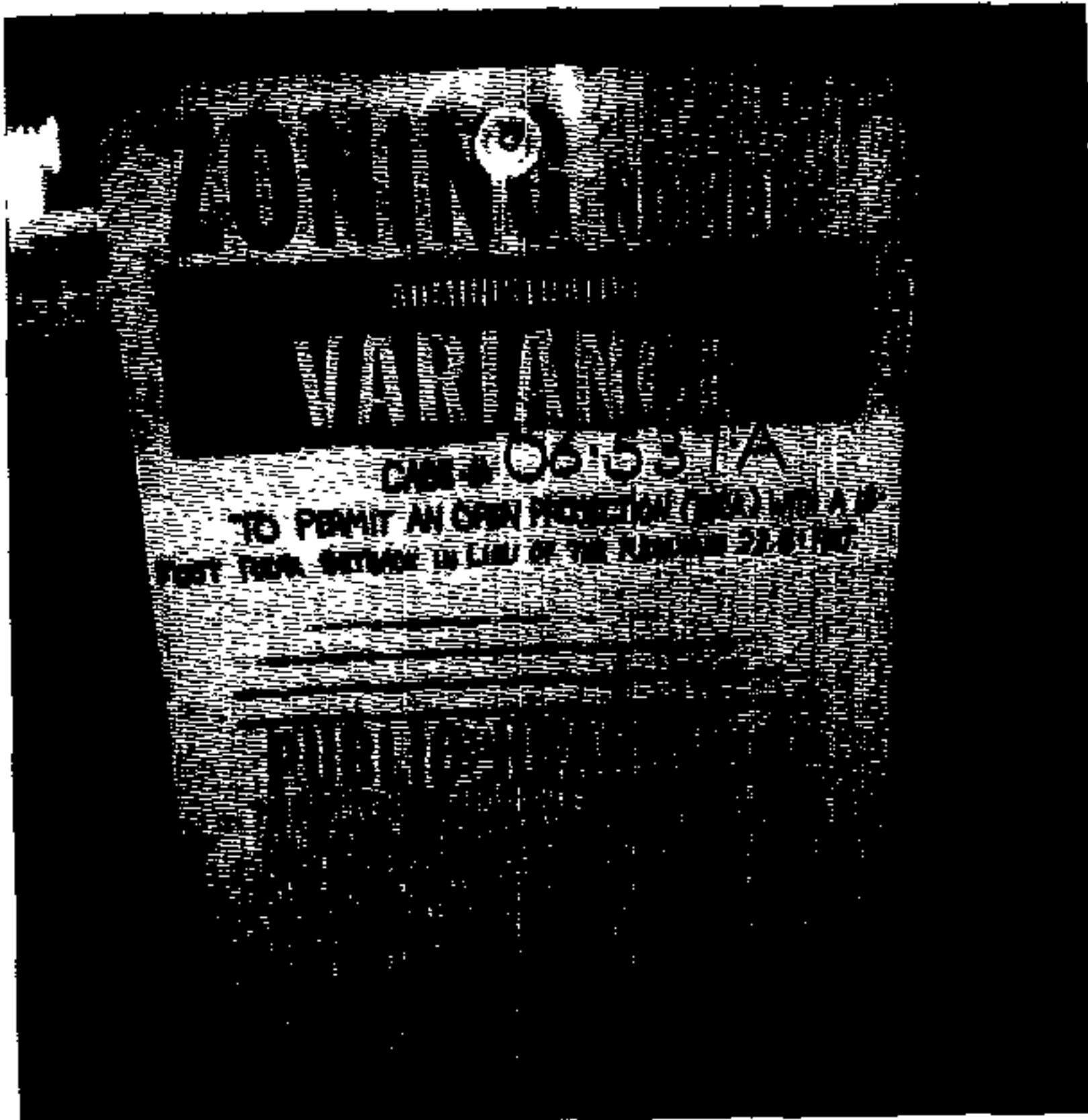
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 537 -A Address 12102 LAMOTTES CT.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/25/06 Posting Date: 5/7/06 Closing Date: 5/22/06

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (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.
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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 537 -A Address 12102 LAMOTTES CT.

Petitioner's Name SCHIMMEL Telephone 410-526-4948

Posting Date: 5/7/06 Closing Date: 5/22/06

Wording for Sign: To Permit AN OPEN PROTECTION (DECK) WITH A 15-FOOT
REAR SETBACK IN NEU OF THE REQUIRED 22.5-FEET.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 06-537-A

Petitioner: SCHIMMEL

Address or Location: 12102 LAMOTTES CT.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS DAVID SCHIMMEL

Address: 12102 LAMOTTES CT.

REISTERSTOWN, MD 21136

Telephone Number: 410-526-4948

**Department of Permits and
Development Management**

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

May 22, 2006

Laine Schimmer
David Schimmer
12102 Lamottes Court
Reisterstown, MD 21136

Dear Mr. and Mrs. Schimmer:

RE: Case Number: 06-537-A, 12102 Lamottes Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 25, 2006.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Dino C. LaFiandra 210 W. Pennsylvania Avenue Towson 21117



Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

May 8, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15, 2006

Item Numbers: 537 thru 557

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info





Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 5.5.06

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

RE: Baltimore County
Item No. 537 DT

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: June 7, 2006

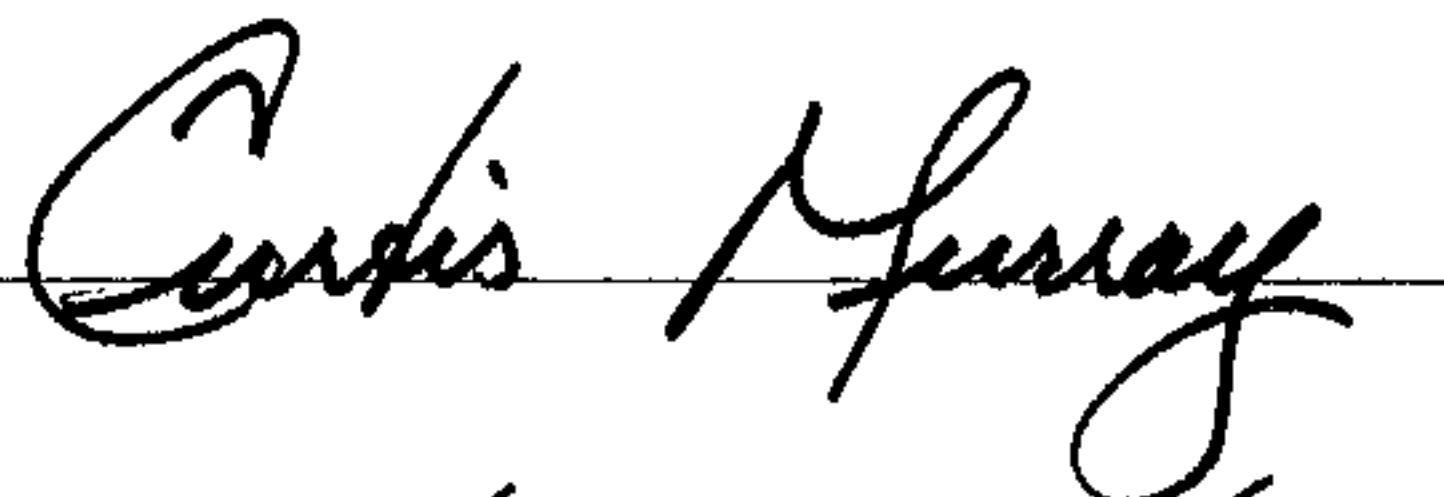
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-537- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RECEIVED

JUN 09 2006

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: May 12, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For May 15, 2006
Item Nos: 441, 537, 538, 539, 540,
542, 544, 547, 548, 549, 550, 551,
552, 553, 554, 555, 556, and 557

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-05102006.doc

FAX

To: Mr. John Murphy
From: David Schimmel
Re: Zoning Variance for 12102 Lamottes Ct.
Fax #:410-887-3468

Total Number of Pages (including this one): 2

Notes: Attached is our request for the zoning variance at our property, 12102 Lamottes Ct. Reisterstown, MD 21136. Thank you for your consideration.


David Schimmel

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JUN 15 2006

ZONING COMMISSIONER

David Schimmel
12102 Lamottes Ct.
Reisterstown, MD 21136

June 15th, 2006
To the Attention of: John Murphy
Petition Number: #06537

Dear Mr. Murphy,

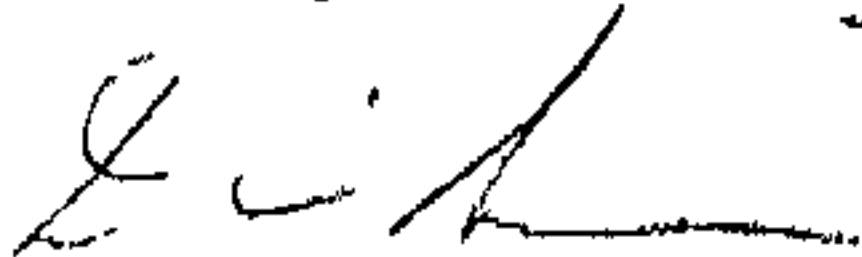
This letter is in reference to the zone variance for our deck to be built at 12102 Lamottes Court Reisterstown, Maryland 21136.

In the subdivision we reside, many houses have decks. We are seeking the approval of a deck that is typical in size and no longer then any other deck in the neighborhood. We are requesting a variance due to the unusual shape of our lot which limits our ability to have a deck that could be of practical use.

The variance, which would allow for a deck of approximately 20x20, would then be large enough for a grill, chairs and a table. This deck is not an additional room, nor an enclosed patio, but instead increases our usable outdoor space. Our walkout level is not at grade, so without a deck, we do not have an at-grade walkout.

We appreciate your understanding and your efforts in our behalf.

Sincerely,

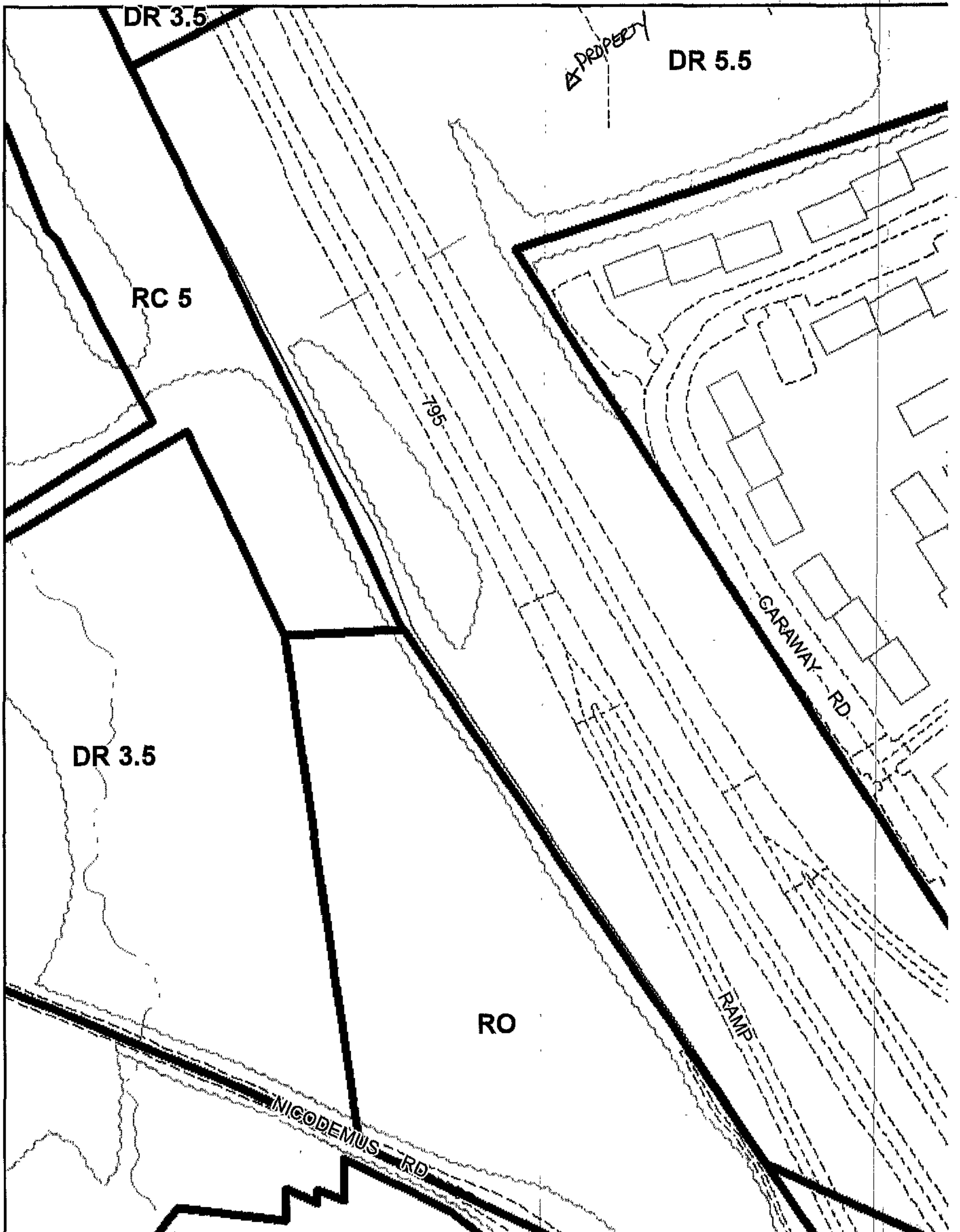


David and Laurie Schimmel

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JUN 15 2006

ZONING COMMISSIONER



05701



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

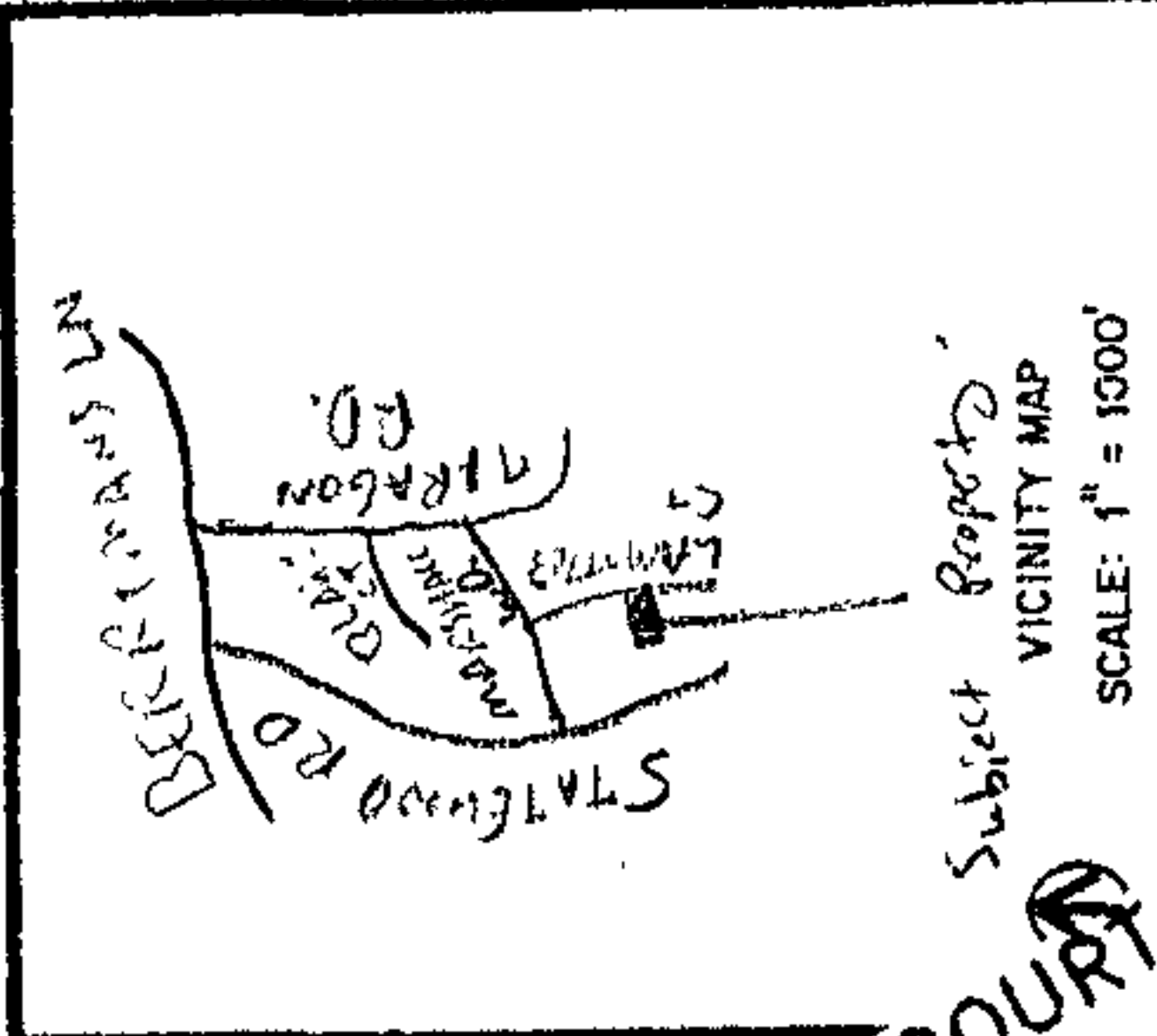
REGISTERED, MD 21136

PROPERTY ADDRESS 12102 LAMOTTES CT.

SUBDIVISION NAME SHIPLEY PROPERTY

PLAT BOOK # 74 FOLIO # 113 LOT # 27 SECTION # 1

OWNER



LOCATION INFORMATION

ELECTION DISTRICT - 4th
COUNCILMANIC DISTRICT - 2nd

1" = 200' SCALE MAP # 057C1

ZONING D.R.55 10.021

LOT SIZE 23 ACREAGE 10.021 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE ☐
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☐ NO ☒
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T. 537 06-537-A

LAMOTTES COURT
(50' WIDE)

EXISTING DWELLING
30'x40'

Lot 24

DRAINAGE AND UTILITY EASEMENT

#12102
2 STORY FRAME
DWELLING

PROPOSED DECK

ANTHONY HILLARD

EXISTING DWELLING

122 ft.

Lot 26

SCALE OF DRAWING: 1" = 30'

SCHIMMEL

SCHIMMEL



NORTH

PREPARED BY

DAVID









SIDE YARD NORTH SIDE

DECK WOUND NOT DE IN THIS UNOW

06-537-A



~~SECRET~~ ~~TOP SECRET~~ ~~SECRET~~

DECK WOULD ~~BE~~ BE IN THIS VIEW
AT APPROX LOCATION OF EXISTING
PATIO

06-537-A



Deck would BE IN THIS JEW
IN APPR LOCATION OF PATA

06-537-A



SIDE YARD ~~SOUTH~~ SIDE
DECK WOULD NOT BE IN FULL VIEW

06-537-A