

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NE of Sacred Heart Lane, 130 feet S		
of c/l Northway Road	*	DEPUTY ZONING
4 th Election District		
2 nd Councilmanic District	*	COMMISSIONER
(309 Sacred Heart Lane)		
	*	FOR BALTIMORE COUNTY
Eric R. Hemler		
<i>Petitioner</i>	*	Case No. 2008-0547-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Eric R. Hemler for property located at 309 Sacred Heart Lane. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition on side of existing dwelling with a side setback of 5 feet in lieu of the required 10 feet. Petitioner wishes to construct a room addition measuring 23 feet x 15 feet in size and a garage addition measuring 17.5 feet x 30 feet in size. The garage addition is the subject of the variance request. Petitioner does not have a garage and desires to have a secure area for parking vehicles and storage of personal items. Petitioner submitted a letter from the neighbors residing at 307 Sacred Heart Lane which indicates that they do not object to the proposed garage addition. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 30, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING
 6-30-08
 [Signature]

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, 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 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 30th day of June, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition on side of existing dwelling with a side setback of 5 feet in lieu of the required 10 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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.

THB:pz


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

SEARCH REQUESTED FOR FILED
JUN 30 2008
6-30-08




BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 30, 2008

ERIC R. HEMLER
309 SACRED HEART LANE
REISTERSTOWN MD 21136

Re: Petition for Administrative Variance
Case No. 2008-0547-A
Property: 309 Sacred Heart Lane

Dear Mr. Hemler:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 309 SACRED HEART LN
which is presently zoned DR 3.5

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) BC2R | B02.3C.1

TO PERMIT A PROPOSED ADDITION ON SIDE AND REAR OF EXISTING DWELLING WITH A SIDE SETBACK OF 5 FEET IN LIEU OF THE REQUIRED 10 FEET.

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

ERIC R. HEMLER 410-
Name - Type or Print
Eric R. Hemler 292-5648
Signature
cell #

Name - Type or Print

Signature

309 SACRED HEART LN 410-526-1309
Address Telephone No.

REISTERSTOWN MD 21136
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. 2008-0547-A

REV 10/25/01

Reviewed By A-Tai Date 05/23/08

Estimated Posting Date 06/01/08 - 06/16/08

6-30-08

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 309 SACRED HEART LN
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):

I am interested in adding this garage to my house because I would like to park my car inside for extra protection from bird mess and the ability to work on the car and many other tasks that may come along. Storage of various items including garden tools and other small items in the garage is another reason to have this garage. I am making this addition to enhance the enjoyment and comfort of my house.

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.

Eric R Hemler

Signature

Signature

ERIC R. HEMLER

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of MAY, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

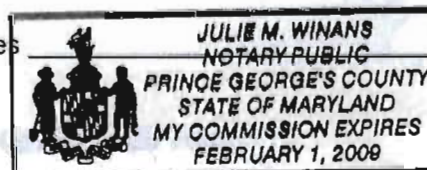
ERIC R. HEMLER

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Julie M. Winans
Notary Public

My Commission Expires



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.

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City State Zip Code

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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 and advertising fee and may be required to provide additional information.

Eric R. Hemler
Signature
ERIC R. HEMLER
Name - Type or Print

Signature

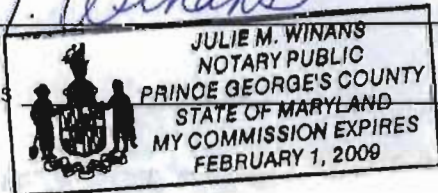
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of MAY, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ERIC R. HEMLER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Julie M. Winans
Notary Public
My Commission Expires




Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 309 SACRED HEART LANE
which is presently zoned DR 3.5

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) BCZR 1 B02.3C.1

TO PERMIT A PROPOSED ADDITION ON SIDE AND REAR OF
EXISTING DWELLING WITH A SIDE SETBACK OF 5 FEET
IN LIEU OF THE REQUIRED 10 FEET.

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.
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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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

ERIC R. HEMLER

Name - Type or Print

Signature

Name - Type or Print

Signature

309 SACRED HEART LN

410-526-1309

Address

Telephone No.

REISTERSTOWN

MD

21136

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. 2008-0547-A

REV 10/25/01

Reviewed By A. Tswi Date 05/23/08

Estimated Posting Date 06/01/08 - 06/16/08

6-30-08

pm

ZONING DESCRIPTION

Zoning description for 309 Sacred Heart Lane

Beginning at a point on the North – East side of Sacred Heart lane which is 60 feet wide at the distance of 130 feet South of the centerline of the nearest improved intersecting street Northway Road which is 50 feet wide. Being lot # 4, Block B, Section # -- in the subdivision of Chartley as recorded in Baltimore County Plat Book # 30, Folio # 88, containing 10126 square feet. Also known as 309 Sacred Heart Lane and located in the 4th Election District, 3rd Councilmanic District.

2008-0547-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **15351**

Date:

05/23/08

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6130				65-

Total:

\$65-

Rec
From:

ERIC HEMLER

For:

307 SACRED HEART LANE

2008-0547-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

BUSINESS ACTUAL TIME IBM
 5/23/2008 5/23/2008 15:17:00 2
 REG-1502 MAIL JEW JEE
 >>RECEIPT # 579822 5/23/2008 UFLN
 Dept. 5 528 ZONING VERIFICATION
 CR NO. 015351
 Recpt Tot \$65.00
 \$1.00 CR \$70.00 CA
 \$5.00 CB
 Baltimore County, Maryland

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 06/02/08

Case Number: 2008-0547-A

Petitioner / Developer: HEMLER

Date of Hearing (Closing): JUNE 16, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
309 SACRED HEART LANE

The sign(s) were posted on: 05/30/08



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ²⁰⁰⁸ ~~08~~- 0547 -A Address 309 SACRED HEART LANE

Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 05/23/2008 Posting Date: 06/01/08 Closing Date: 06/16/08

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 ²⁰⁰⁸ ~~08~~- 0547 -A Address 309 SACRED HEART LANE
Petitioner's Name HEMLER Telephone 410-526-1309

Posting Date: _____ Closing Date: _____

Wording for Sign: To Permit A PROPOSED ADDITION ON SIDE AND REAR OF
EXISTING DWELLING WITH A SIDE SETBACK OF 5 FEET
IN LIEU OF THE REQUIRED 10 FEET.

WCR - Revised 6/25/04



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

June 18, 2008

Eric R. Hemler
309 Sacred Heart Ln
Reisterstown, MD 21136

Dear: Eric R. Hemler

RE: Case Number 2008-0547-A; Address: 309 Sacred Heart Ln

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 23, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 9, 2008

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

SUBJECT: 309 Sacred Heart Lane

INFORMATION:

Item Number: 8-547

Petitioner: Eric Helmer

Zoning: DR 3.5

Requested Action: Administrative Variance

RECEIVED
JUN 10 2008

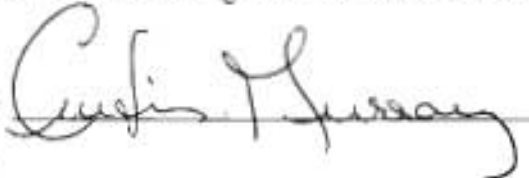
BY:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request for variance of side yard setbacks to construct a garage. A similar garage was recently built in the immediate neighborhood.

For further information concerning the matters stated here in, please contact Diana Iltter at 410-887-3480.

Reviewed by:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 3, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 9, 2008
Item No. 08-0547

The footings for the new garage addition may not be placed within the 5' drainage and utility easement; therefore, the minimum allowable setback should be six feet.

DAK:CEN:lrk
cc: File
ZAC-ITEM NO 08-0547-06032008



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 06/20/2008

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

RE: Baltimore County
Item No 2008-0547-A
809 SACRED HEART LN.
HEMLER PROPERTY
ADMIN. VAR.

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2008-0547-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



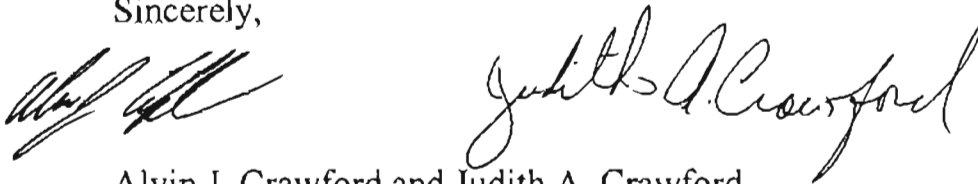
307 Sacred Heart Lane
Reisterstown, MD 21136

May 18, 2008

To whom it may concern:

We, the owners of 307 Sacred Heart Lane, have no objection to a variance being granted for the purpose of constructing a garage on the property located at 309 Sacred Heart Lane.

Sincerely,

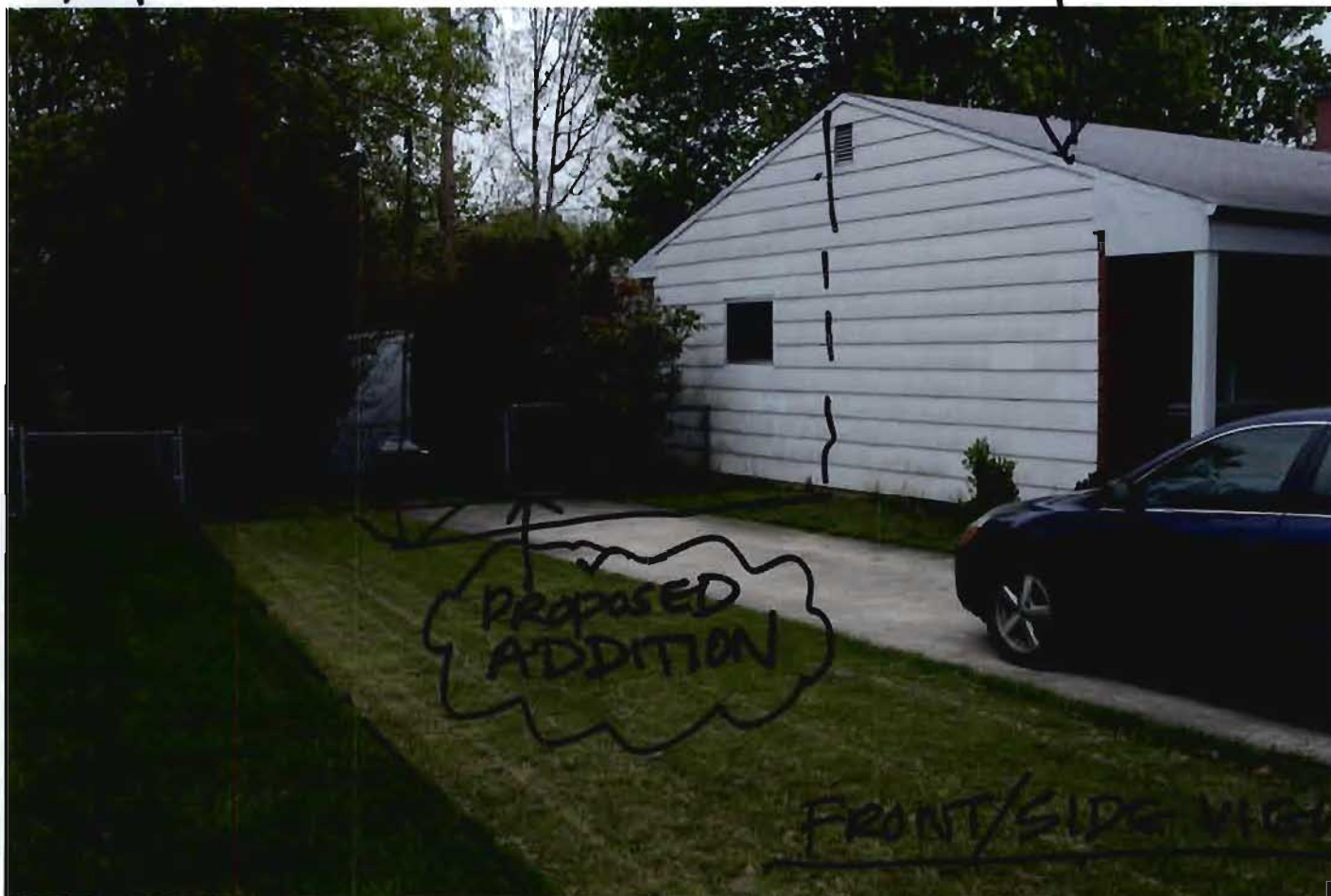
The block contains two handwritten signatures. The signature on the left is for Alvin J. Crawford, and the signature on the right is for Judith A. Crawford. Both are written in cursive ink.

Alvin J. Crawford and Judith A. Crawford

2008-0547-A

#307

#309





PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

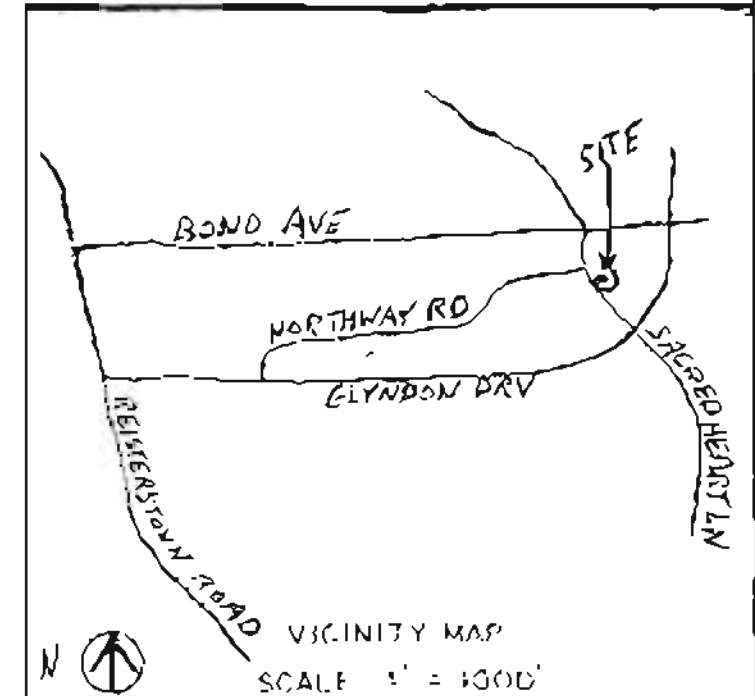
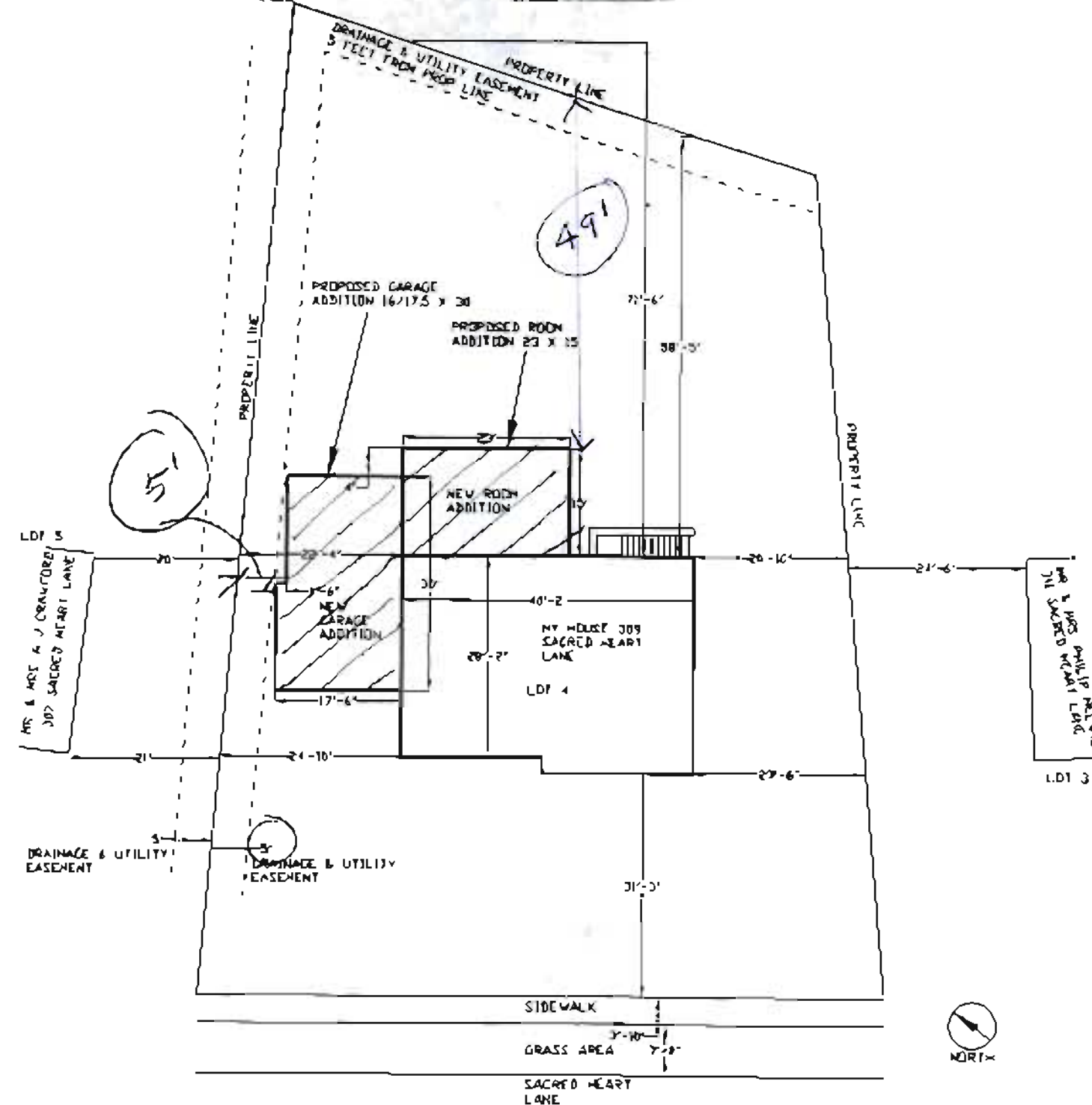
PROPERTY ADDRESS 307 SACRED HEART LN

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

SUBDIVISION NAME CHARTLEY

PLAT BOOK # 30 FOLIO # 88 LOT # 4 SECTION # --

OWNER ERIC R. HEMLER



LOCATION INFORMATION

ELECTION DISTRICT 4TH

COUNCILMANIC DISTRICT 3RD

1"=200' SCALE MAP # 048C2

ZONING DR3.5

LOT SIZE 23 ACRES 10126 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/ BUILDING	☐	☒
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PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY A. Tsui ITEM # 0547 CASE # 2008-0547-A

PREPARED BY ERIC HEMLER

SCALE OF DRAWING: 1" = 20 FEET