

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Maple Leaf Court, 150 feet E
of c/l of Silver Maple Court
8th Election District
3rd Councilmanic District
(1203 Maple Leaf Court)

Luther H. and Margaret J. Immler III
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2008-0599-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 owners of the subject property, Luther H. and Margaret J. Immler III for property located at 1203 Maple Leaf Court. The variance request is from Sections 1B02.3.A.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit an addition with a window to property line setback of 10 feet and 12.6 feet in lieu of the required 15 feet, and to amend the latest Final Development Plan for Section 5 of "Hunters Run" aka "Hunt Valley Station", Lot 112. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners desire to construct a porch measuring 10 feet x 14 feet in size and an addition measuring 22 feet x 18 feet onto the rear of the dwelling. The additional living space is necessary for the growing family. Beyond the rear property line is a 10 foot drainage easement and beyond that a 30 foot common area with a storm water drain. The common area contains many trees including birch, white pine, cherry, dogwood, red maple and pear.

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.

COPIES RECEIVED FOR FILING
8-4-08
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The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 28, 2008 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 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 Petitioners.

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 4th day of August, 2008 that a variance from Sections 1B02.3.A.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit an addition with a window to property line setback of 10 feet and 12.6 feet in lieu of the required 15 feet, and to amend the latest Final Development Plan for Section 5 of "Hunters Run" aka "Hunt Valley Station", Lot 112 is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 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.

STAMP RECEIVED FOR FILED

6406
m

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

COPIES RECEIVED FOR FILES
4.4.08
B7



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 4, 2008

LUTHER H. AND MARGARET J. IMMLER III
1203 MAPLE LEAF COURT
COCKEYSVILLE MD 21030

Re: Petition for Administrative Variance
Case No. 2008-0599-A
Property: 1203 Maple Leaf Court

Dear Mr. and Mrs. Immler:

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,

A handwritten signature in black ink, appearing to read "Th H Bostwick", written over the printed name.

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 1203 Maple Leaf Ct.
which is presently zoned OR-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) 1802.3A.1., 504 (BCZC) V.B.6.b. (CMOP)

TO PERMIT AN ADDITION WITH A WINDOW TO PROPERTY LINE SETBACK OF 10-Feet AND 12.6-Feet IN LIEU OF THE REQUIRED 15-Feet AND TO AMEND THE LATEST F.D.P. FOR SECTION V OF "HUNTERS RUN" AKA "HUNT VALLEY STATION", LOT 112.

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):

Luther H. Immler III

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

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. 2008-0599-A

REV 10/25/01

Reviewed By D. J. [Signature] Date 7/1/08

Estimated Posting Date 7/13/08

4-4-08

m

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

Address 1203 Maple Land Ct.
City Cockeysville State MD. Zip Code 21030

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):

The addition I would like to build will be less than 15' of my property line. This prohibits me from installing windows in one wall. I would like to point out that my property line does not adjoin a neighbors property line, but a community common area. The actual distance from the wall of my addition to my neighbors property line is approximately 40'. There are also a number of large trees that are between the two properties, mine and my neighbors (See Plat) It should also be noted that the community association has already approved this addition. Our family is growing & we need more room.

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.

Luther H. Immler III
Signature
Name - Type or Print

Margaret J. Immler
Signature
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of June, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Luther H. Immler III & Margaret J. Immler
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

L. M. Hallway/Pascual
Notary Public
My Commission Expires 10/10/2012



TAX ACCOUNT # 2100012310

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1203 Maple Leaf Ct
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) 1302.3A.1., 504(B)(2) V.B.6.b. (Cmap)

TO PERMIT AN ADDITION WITH A WINDOW TO PROPERTY LINE SETBACK
OF 10-FEET AND 12.6-FEET IN LIEU OF THE REQUIRED 15-FEET AND
TO AMEND THE LATEST F.D.P. FOR SECTION V OF "HUNTERS RUN" AKA
"HUNT VALLEY STATION", LOT 112.

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):

Luther H. Immeler III
Name - Type or Print

Signature

Margaret J. Immeler
Name - Type or Print

Signature

1203 Maple Leaf Ct. 443-223-0070 W
Address Telephone No.

Cockeysville MD, 21030
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. 2008-0599-A

Reviewed By CLD T Date 7/1/08

REV 10/25/01 4.4.08

Estimated Posting Date 7/13/08

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 1203 Maple Lane Ct
Address
Cockeysville MD. 21030
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):

The addition I would like to build will be less than 15' of my property line. This prohibits me from installing windows in one wall. I would like to point out that my property line does not adjoin a neighbors property line, but a community common area. The actual distance from the wall of my addition to my neighbors property line is about 40'. There are also a number of large trees that are between the two properties, (mine and my neighbors (See Plat)) It should also be noted that the community association has already approved this addition. Our family is growing & we need more room.

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.

Luther H. Immler III
Signature
Luther H. Immler III
Name - Type or Print

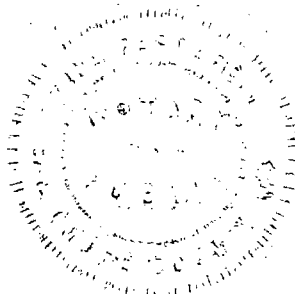
Margaret J. Immler
Signature
Margaret J. Immler
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of June, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Luther H. Immler III & Margaret J. Immler
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Ruth M. Galloway-Pascarelli
Notary Public
My Commission Expires 10/10/2012

ZONING DISCRIPTION 1203 Maple Leaf Ct., Cockeysville, MD 21030
(address)

Beginning at a point on the south side of Maple Leaf Ct. which is 50 feet wide at the distance of 150 feet east of the centerline of the nearest improved intersecting street Silver Maple Ct. which is 50 feet wide.*Being Lot # 112, Block G, Section # 5 in the subdivision of ^{AKA HUNTERS RUN} Hunt Valley Station as recorded in Baltimore County Plat Book #61, Folio #22, containing 7,500 sq. ft. or .172 acres. Also known as 1203 Maple Leaf Ct., Cockeysville, MD. 21030 and located in the 8th Election District, 3rd Councilmanic District.

2008-0599-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 17590

Date: _____

[illegible]

Rec

From:

LUTHER LINDLER

For:

2608-0599-A

1503 MAPLE LEAF ST

DETHMPSON

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

Certificate of Posting

RE: Case NO. 2008-0599-A

Petitioner/Developer _____

Immler

Date of Hearing/Closing 7/28/08

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

1203 Maple Leaf CT.

The sign(s) were posted on 7/13/08
(Month, Day, Year)

Sincerely,

 7/13/08
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 2008-0599-A

Petitioner/Developer: _____

Immler

Date of Hearing/Closing: 7/28/08



1203 Maple Leaf Ct.

Posting Date: 7/13/08

Richard E. Hoffman

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ²⁰08- 0599 -A Address 1203 MAPLE LEAF CT.

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

Filing Date: 7/1/08 Posting Date: 7/13/08 Closing Date: 7/28/08

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- 0599 -A Address 1203 MAPLE LEAF CT.

Petitioner's Name IMMLER Telephone 410-584-7793

Posting Date: 7/13/08 Closing Date: 7/28/08

Wording for Sign: To Permit AN ADDITION WITH A WINDOW TO PROPERTY LINE

SETBACK OF 10-FEET AND 12.6-FEET IN LIEU OF THE REQUIRED

15-FEET AND TO AMEND THE LATEST F.D.P. FOR SECTION V OF

"HUNTERS RUN", AKA "HUNT VALLEY STATION", LOT 112.

WCR - Revised 6/25/04

**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: 2008-0599-A

Petitioner: IMMLER

Address or Location: 1203 MAPLE LEAF CT.

PLEASE FORWARD ADVERTISING BILL TO:

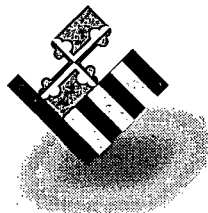
Name: LUTHER H. IMMLER III

Address: 1203 MAPLE LEAF CT.

COCKEYSVILLE, MD 21030

Telephone Number: 410-584-7793

Revised 7/11/05 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

Luther H. & Margaret J. Immlar III
1203 Maple Leaf Ct.
Cockeysville, MD 21030

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management
July 29, 2008

Dear: Luther H. & Margaret J. Immlar III

RE: Case Number 2008-0599-A, Address: 1203 Maple Leaf Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 1, 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,

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

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: July 24, 2008

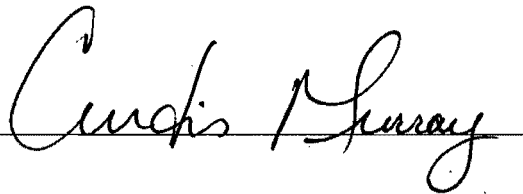
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-599- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL

A handwritten signature in cursive script, appearing to read "Curtis Murray", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 21, 2008
Item Nos. 08-0582, 0594, 0595, 0598,
0599, 0601, 0603, 0605, and 0606

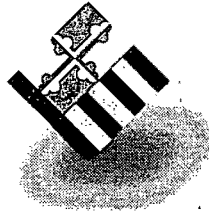
DATE: June 18, 2008

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

DAK:CEN:lrk

cc: File

ZAC-07182008-NO COMMENTS



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

July 14, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 14, 2008.

Item Number: 0582, 0594, 0595, 0596, 0597, 0598, ~~0599~~, 0601, 0602, 0605, 0607

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



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: JULY 14, 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 2008-0599-A
1203 MAPLE LEAF CT
IMMLER PROPERTY
ADMINISTRATIVE VARIANCE

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.

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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

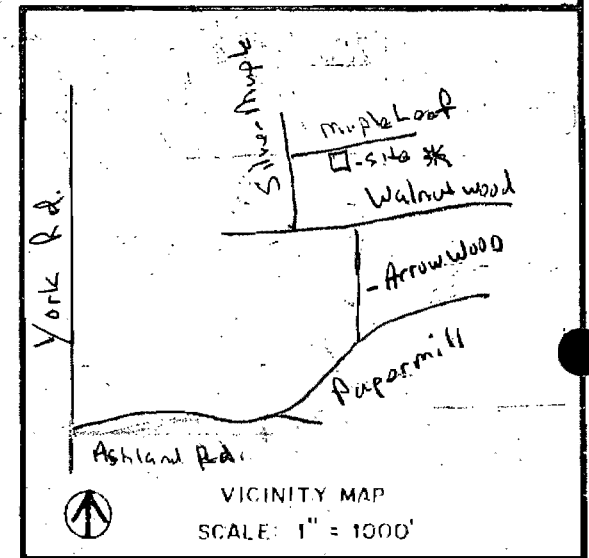
SDF/MB



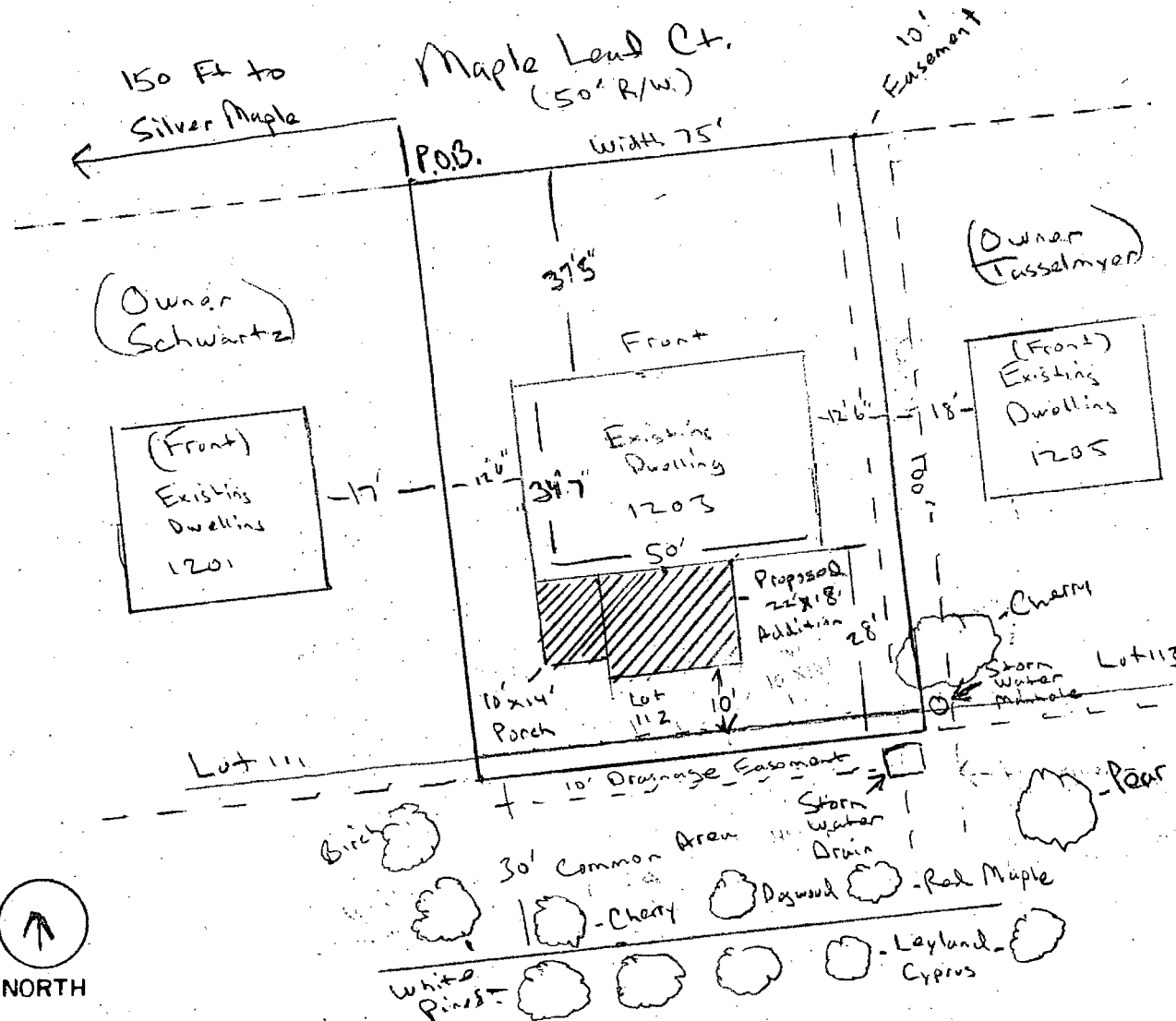
16

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

OWNER Luther & Margaret Immler



D.T. | 0599 | 2008-0599-A



PREPARED BY L H I

SCALE OF DRAWING: 1" = 30'









