

**IN RE: PETITION FOR ADMIN. VARIANCE**

E side of Bathurst Road, 325 feet N of c/l  
of Kirk Hill Court  
1<sup>st</sup> Election District  
1<sup>st</sup> Councilmanic District  
**(427 Bathurst Road)**

Robert W. and Cynthia W. Lueckert  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0063-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, Robert W. and Cynthia W. Lueckert for property located at 427 Bathurst Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sunroom addition with rear setback of 26 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition measuring 22 feet x 17 feet in size to accommodate daughter and her two children who have recently moved in. None of the neighbors voiced any objection to the proposed addition.

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 Petitioners have filed a Petition for Administrative Variance and the subject property having been posted on September 14, 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

~~FILED~~  
10-2-08  
[Signature]

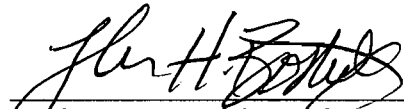
indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements 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 2nd day of October, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sunroom addition with rear setback of 26 feet in lieu of the required 30 feet 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.

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

ORDER RECEIVED FOR FILING  
10-2-08  
B



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

October 2, 2008

ROBERT W. AND CYNTHIA W. LUECKERT  
427 BATHURST ROAD  
BALTIMORE MD 21228

Re: Petition for Administrative Variance  
Case No. 2009-0063-A  
Property: 427 Bathurst Road

Dear Mr. and Mrs. Lueckert:

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 "Thomas H. Bostwick".

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure

c: Gregory Bell, 5254 Faraway Drive, Felton PA 17322



TAX ACCOUNT # 0103004149

# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 427 BATHURST Rd.  
which is presently zoned DRS. S

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) 1B02.3.C.1

To permit a sunroom addition with a rear setback of 26-feet in lieu of the required 30-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):

ROBERT W LUECKERT  
Name - Type or Print \_\_\_\_\_

Robert W Lueckert  
Signature \_\_\_\_\_

CYNTHIA A LUECKERT  
Name - Type or Print \_\_\_\_\_

Carol A Lueckert  
Signature \_\_\_\_\_

427 BATHURST Rd. 410-  
Address Telephone No. 744-5988

BALTO. MD 21228  
City State Zip Code

### Representative to be Contacted:

GREGORY BELL  
Name \_\_\_\_\_

5254 FARAWAY DR. 410-  
Address Telephone No. 982-7698

FELTON PA 17322  
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. 2009-0063-A Reviewed By [Signature] Date 9/2/08

REV 10/25/01 ~~NOT RECORDED FOR FILING~~ Estimated Posting Date 9/14/08

10208  
[Signature]

# 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

427 BATHURST Rd.  
Address  
BALTO. MD. 21228  
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):

DAUGHTER HAD TO MOVE BACK IN WITH  
TWO GRANDCHILDREN DUE TO FORECLOSED ON  
THEIR HOME

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.

Robert W Lueckert  
Signature

ROBERT W. LUECKERT  
Name - Type or Print

Cynthia A Lueckert  
Signature

CYNTHIA A LUECKERT  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of August, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Cynthia A. LUECKERT & Robert W. LUECKERT  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Manife Coop  
Notary Public

My Commission Expires 8/2012

# 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 427 BATHURST Rd.  
Address  
BALTO. MD. 21228  
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):

DAUGHTER HAD TO MOVE BACK IN WITH  
TWO GRANDCHILDREN DUE TO FORECLOSURE ON  
THEIR HOME

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.

Robert W. Lueckert  
Signature  
ROBERT W. LUECKERT  
Name - Type or Print

Cynthia A. Lueckert  
Signature  
CYNTHIA A LUECKERT  
Name / Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of August, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared  
CYNTHIA A. LUECKERT & ROBERT W. LUECKERT  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Christine Crupp  
Notary Public  
My Commission Expires 8/2012

Zoning description for 427 Bathurst Rd. beginning at a point on the east side of Bathurst Rd. which is 50 feet wide at the distance of 325 feet north of the centerline of the nearest improved intersecting street Kirk Hill Ct. which is 50 feet wide.

Being Lot #13, Block C, Section #1 in the subdivision of Westchester as recorded in Baltimore County Plat Book #32, Folio #60 containing 6500 sq. ft. Also known as 427 Bathurst Rd. and located in the 1<sup>st</sup> election district, and 1<sup>st</sup> councilman district.

2009-0063-A

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

**BALTIMORE COUNTY**

No. **26512**

Date: **9/2/08**

**PAID RECEIPT**

MARYLAND  
 Rev Sub

Source/ Rev/

TIMOTHY M. KOTROCO, Director

JAMES T. SMITH, JR. Executive

Fund Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct Department Permits and Development Management

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept	Obj	BS Acct	Department	Permits and Development Management	Amount
001	006			6150							65.00

Total: **65.00**

Rec From: **Gregory Bell**

For: **2009-0063-A**  
**427 Bithers Rd**  
**21228**

**DISTRIBUTION**

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

Receipt for  
 BALTIMORE COUNTY



# CERTIFICATE OF POSTING

RE: Case No.: 2009-0063-A

Petitioner/Developer: \_\_\_\_\_

Robert & Cynthia Lueckert

Date of Hearing/Closing: Sept29,08

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

ATTN: Kristen Matthews

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: \_\_\_\_\_

427 Bathurst Road

The sign(s) were posted on Sept 14, 2008  
(Month, Day, Year)

Sincerely,

Robert Black Sept 17, 08  
(Signature of Sign Poster) (Date)

SSG Robert Black

\_\_\_\_\_  
(Print Name)

1508 Leslie Road

\_\_\_\_\_  
(Address)

Dundalk, Maryland 21222

\_\_\_\_\_  
(City, State, Zip Code)

(410) 282-7940

\_\_\_\_\_  
(Telephone Number)

# ZONING NOTICE

## ADMINISTRATIVE VARIANCE

CASE # 2009-0063-A

TO PERMIT A SUNROOM ADDITION WITH A REAR  
SETBACK OF 26- FEET IN LIEU OF THE REQUIRED 30- FEET.

### PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY  
REQUEST A PUBLIC HEARING CONCERNING  
THE PROPOSED VARIANCE, PROVIDED IT  
IS DONE IN THE ZONING OFFICE BEFORE  
4:30 p.m. ON 9-29-08

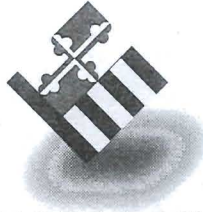
ADDITIONAL INFORMATION IS AVAILABLE AT  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.  
TOWSON, MD. 21204

TEL. 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. UNDER PENALTY OF LAW RETURN BOTH TO ZADM, RM. 104

MEETING IS HANDICAP ACCESSIBLE



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

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

September 29, 2008

Robert & Cynthia Lueckert  
427 Bathurst Rd.  
Baltimore, MD 21228

Dear: Robert & Cynthia Lueckert

RE: Case Number 2009-0063-A, Address: 427 Bathurst Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 2, 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  
Gregory Bell, 5254 Faraway Dr., Fellon, PA. 17322



**BALTIMORE COUNTY**  
M A R Y L A N D

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

September 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 8, 2008

Item Number: 0059,0060, 0063, 0062,0064

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

**DATE:** September 9, 2008

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For September 15, 2008  
Item Nos. 09-0058, 0059, 0060, 0061,  
0062, 0063, and 0064

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

DAK:CEN:lrk  
cc: File  
ZAC-09092008-NO COMMENTS

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** September 12, 2008

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

RECEIVED  
SEP 16 2008

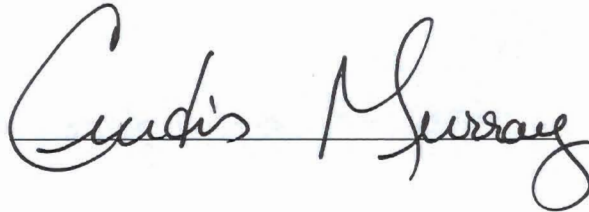
BY:.....

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 09-063- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:  
CM/LL





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: 9/12/2008

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

RE: Baltimore County  
Item No 2009-0063-A  
427 BATHURST ROAD  
LUECKERT 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. 2009-0063-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



PLAT TO ACCOMPANY PETITION FOR ZONING  VARIANCE  SPECIAL HEARING

PROPERTY ADDRESS 427 BATHURST Rd.

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

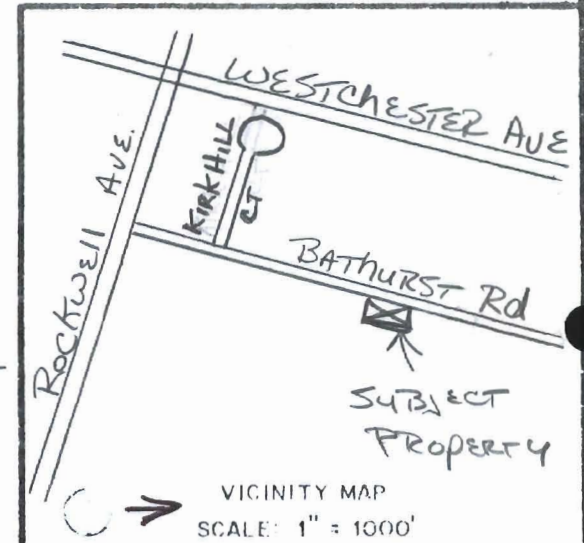
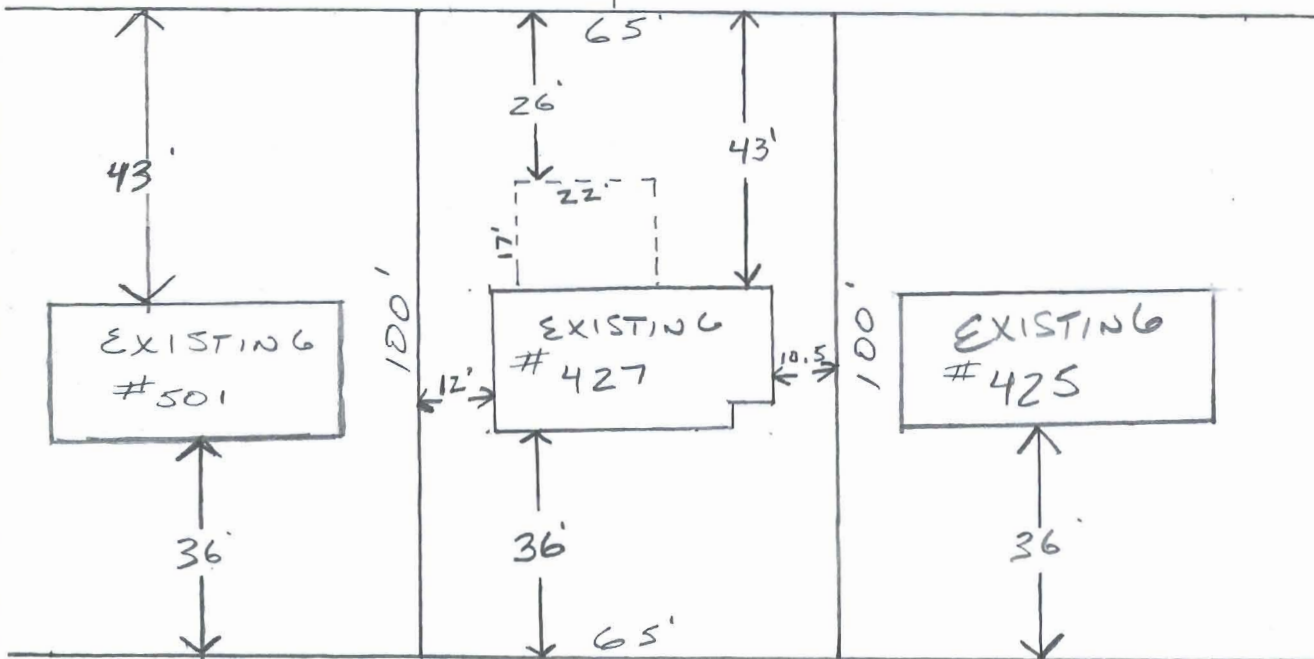
SUBDIVISION NAME WESTCHESTER

PLAT BOOK # 32 FOLIO # 60 LOT # 13 SECTION # 2

OWNER ROBERT & CYNTHIA LUECKERT

JAMES  
SPICER

CHARLES  
FRAZER



LOCATION INFORMATION

ELECTION DISTRICT 2  
 COUNCILMANIC DISTRICT 2  
 1"=200' SCALE MAP #10081-09483  
 ZONING DR 5.5

LOT SIZE .15 6500  
 ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WATER	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	<input type="checkbox"/>	<input checked="" type="checkbox"/>
100 YEAR FLOOD PLAIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HISTORIC PROPERTY/ BUILDING	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PRIOR ZONING HEARING		<input checked="" type="checkbox"/>



BATHURST Rd.

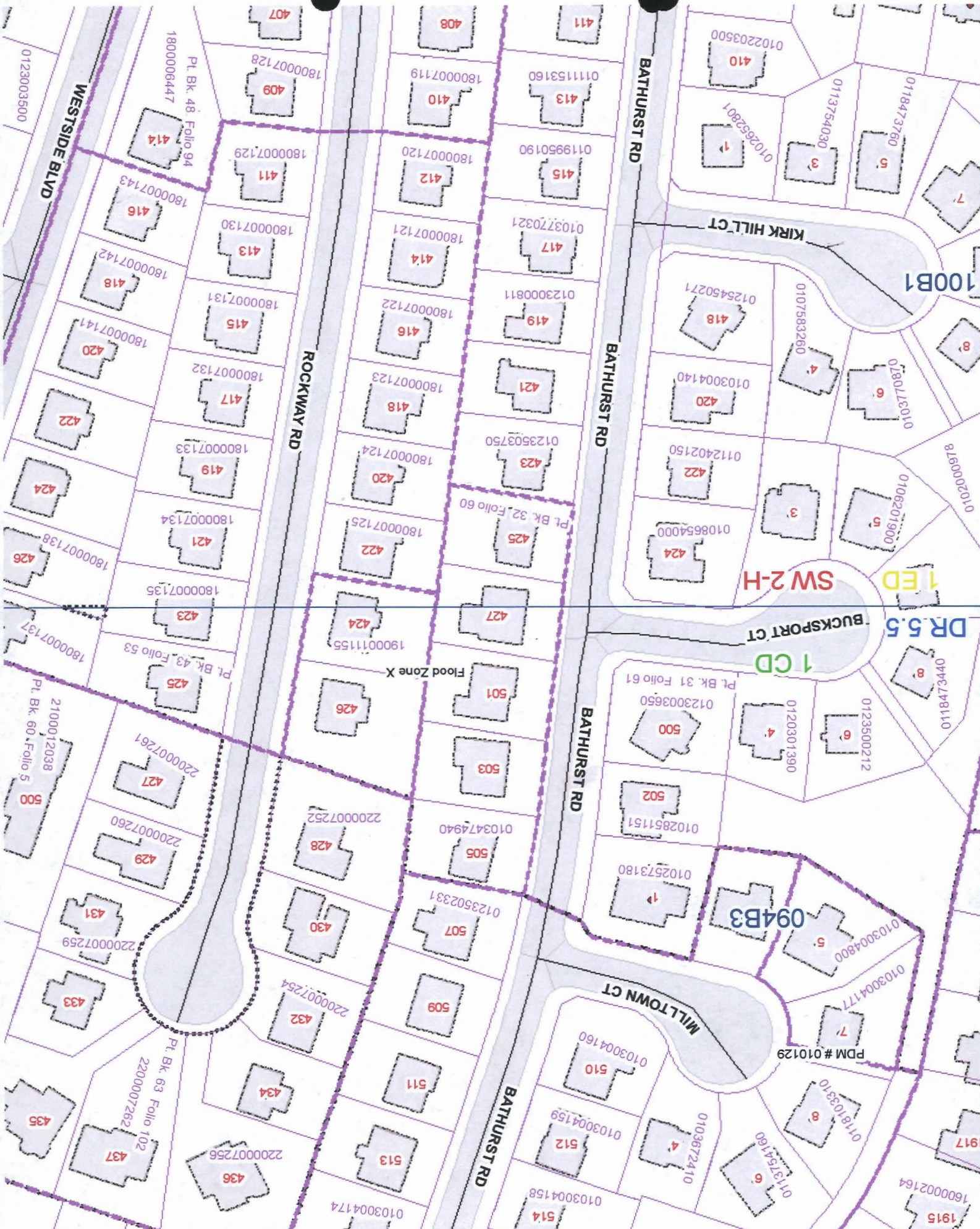
PREPARED BY CORREY BELL

SCALE OF DRAWING: 1" = 30'

ZONING OFFICE USE ONLY  
 REVIEWED BY ZW ITEM # 2009 CASE # 0063-A



2009-0063





2009-0063-A

Neighbors



2009-0063-A