

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. Immler III and Margaret Immler
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2011-0084-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. Immler III and Margaret Immler for property located at 1203 Maple Leaf Court. The variance request is from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a 12 feet window to lot line side setback in lieu of the required 15 feet and to amend the latest Final Development Plan for Hunters Run, Section 5, Lot 112 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Under Case No. 2008-0599-A, Petitioners were granted variance relief 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 only. Petitioners now desire to install two windows on a wall that is less than 15 feet from the property line between two dwellings. The two recently constructed additions eliminated French doors which allowed natural light into the area that used to be the family room. The former family room is being converted into a den, but it is now a very dark area of the home. Petitioners state that the community

ORDER RECEIVED FOR FILING

Date 9.22.10

By VB

association approved the windows and the most affected property owner at 1201 Maple Leaf Court does not object to the variance.

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 having filed a Petition for Administrative Variance and the subject property having been posted on September 5, 2010 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 22nd day of September, 2010 that a variance from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a 12 feet window to lot line side setback in lieu of the required 15 feet and to amend the latest Final Development Plan for Hunters Run, Section 5, Lot 112 only is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING

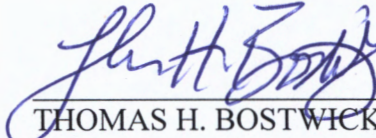
Date 9.22.10

2

By PS

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

Date 9.22.10

By RB



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 22, 2010

LUTHER H. IMMLER III AND MARGARET IMMLER
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".

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) 1B02.3B. (BCZR), 504

TO PERMIT A 12-FOOT WINDOW TO LOT LINE SIDE SETBACK IN LIEU OF THE REQUIRED 15-FOOT AND TO AMEND THE LATEST F.D.P. FOR "HUNTERS RUN", SECTION I, LOT 112 ONLY.

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 _____
Date 9-22-10
Address _____ Telephone No. _____
By RS
City _____ State _____ Zip Code _____

Legal Owner(s):

Luther H. Immler III
Name - Type or Print _____
Signature [Signature]
Name - Type or Print _____
Signature [Signature]
Address 1203 Maple Leaf Ct. Telephone No. 410-584-7743
City Codonsville State MD Zip Code 21030

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. 2011-0084-A

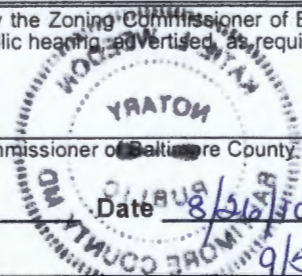
REV 10/25/01

Reviewed By D.T.

Estimated Posting Date

Date 8/26/10

9/5/10



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 Leaf Ct.
Address
Cockeysville MA. 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 windows I want to install are in a wall that is less than 15' from the property line between two (2) houses. The recently installed addition eliminated french doors which allowed natural light into the area that used to be the family room. The old family room is being converted into a den but is now a very dark area of the house with no natural light. The community association has approved the windows (see attached) & the neighbor has no objections.

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

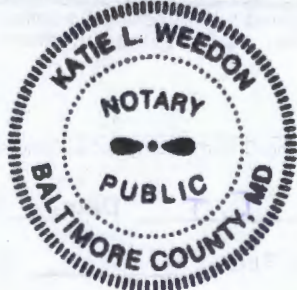
Margaret J. Immeler
Signature
Margaret J. Immeler
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of August, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Katie Weedon
Notary Public
My Commission Expires 12/8/12

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

No. **59570**

Date: **8/26/10**

PAID RECEIPT

BUSINESS RETURN TIME
9/25/2010 8/26/2010 10:15:20

RECEIPT # 470281 8/26/2010

5 1201 SERIAL VERIFICATION

034570

Receipt for \$115.00

1.00 PM 1201.00 00

15.00 00

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		VI50					115.

Total: **115.00**

Rec From: **LUTHER IMMLER**

For: **2011-0084-A**

1203 MAPLE LEAF CT.

**CASHIER'S
VALIDATION**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

Zoning Description for 1203 MAPLE LEAF COURT

Beginning at a point on the south side of Maple Leaf Court
having a 50-foot right-of-way and 118-feet east of the
centerline of Silvermaple Court having a 50-foot right-of-way.

Being Lot #112 in the Subdivision known as "Hunters Run",

Section V as recorded in Baltimore County Plat Book

#61, Folio #22 containing 7,492 square feet. Also known as 1203

Maple Leaf Court and located in the 8th Election District and 3rd

Councilmanic District.

minutes order

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.

Lot # 127
2100012325

1204

2200009744
Lot # 123

1202

2200009745 Lot # 125

2100012322 Lot # 124

Pt. Bk./Folio # 063093

Lot # 126

Pt. Bk. 63, Folio 120033
2200009746

042C2

MAPLE LEAF CT

2100012312
Lot # 114

1207

Pt. Bk./Folio # 061022

3 CD

SITE

1205

2100012311 Lot # 113

8 ED

NW 19-B

20080599

DR 3.5
042B2

2100012309 Lot # 111

Lot # 112

2100012310

PDM # 080360

HUNTERS RUN (SECTION 5) (PDM File/Project #)

2400002941

Pt. Bk. 61, Folio 22

Lot # 107

1202

1114

Lot # 110

Pt. Bk. 59, Folio 108
2100009598

1116

2100009597 Lot # 109

Pt. Bk./Folio HUNTERS RUN (SECTION 4) (PDM File/Project #)

2100009596 Lot # 108

2100009604

WALNUTWOOD RD

2011-0084-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ²⁰¹¹~~2010~~ 0084 -A Address 1203 MAPLE LEAF CT.
Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/26/10 Posting Date: 9/5/10 Closing Date: 9/20/10

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, usually within 10 days of the closing date if all County agencies' comments are received, 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 ²⁰¹¹~~2010~~ 0084 -A Address 1203 MAPLE LEAF CT.
Petitioner's Name IMMLER Telephone 410-584-7793
Posting Date: 9/5/10 Closing Date: 9/20/10
Wording for Sign: To Permit A 12-FOOT WINDOW TO LOT LINE SIDE SETBACK
IN LIEU OF THE REQUIRED 15-FEET AND TO AMEND THE LATEST
F.D.P. FOR "HUNTERS RUN", SECTION II, LOT 112 ONLY.

Revised 8/20/09

Certificate of Posting

RE: Case NO. 2011-0084-A

Petitioner/Developer _____

Immler

Date of Hearing/Closing 9/20/10

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

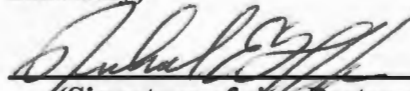
Attention:

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

1203 Maple Leaf Ct.

The sign(s) were posted on 9/5/10
(Month, Day, Year)

Sincerely,

 9/5/10
(Signature of sign Poster and date)

Richard E. Hoffman 9/5
(Printed Name)

See Attached
Photograph

904 Dellwood Drive
(Address)

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

410-879-3122
(Telephone Number)

Certificate of Posting
Photograph Attachment

Re: 2011-0084-A

Petitioner/Developer: _____

Immler

Date of Hearing/Closing: 9/20/10



1203 Maple Leaf Ct.

Posting Date: 9/5/10

[Signature] 9/5/10
(Signature and date of sign poster)



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

September 20, 2010

Luther & Margaret Immler
1203 Maple Leaf Ct.
Cockeysville, MD 21030

Dear: Luther & Margaret Immler

RE: Case Number 2011-0084-A, 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 August 26, 2010. 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

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

September 9, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: **September 6, 2010**

Item No.:

Administrative Variance: 2011-0084A, 0086A-0087A

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 20, 2010

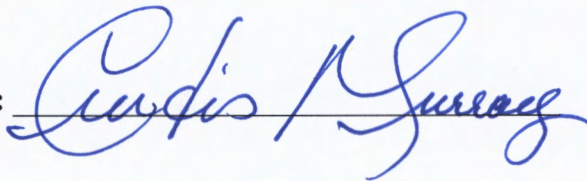
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-084- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



RECEIVED

SEP 21 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 10, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For September 20, 2010
Item Nos. 2011- 084, 086, 087
and 088

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC-No Comments\ZAC-09202010 -NO COMMENTS.doc



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 8, 2010

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

RE: Baltimore County
Item No. 2011-0084-A
1203 MAPLE LEAF CT.
JUNGLER PROPERTY
ADMIN. 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. 2011-0084-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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

AV 9/20/10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 25 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 25, 2010
SUBJECT: Zoning Item # 11-084-A
Address 1203 Maple Leaf Court
(Immler Property)

Zoning Advisory Committee Meeting of September 6, 2010.

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL Date: 10/12/10

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 10, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For September 20, 2010
Item Nos. 2011- 084, 086, 087
and 088

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

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-09202010 -NO COMMENTS.doc





PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

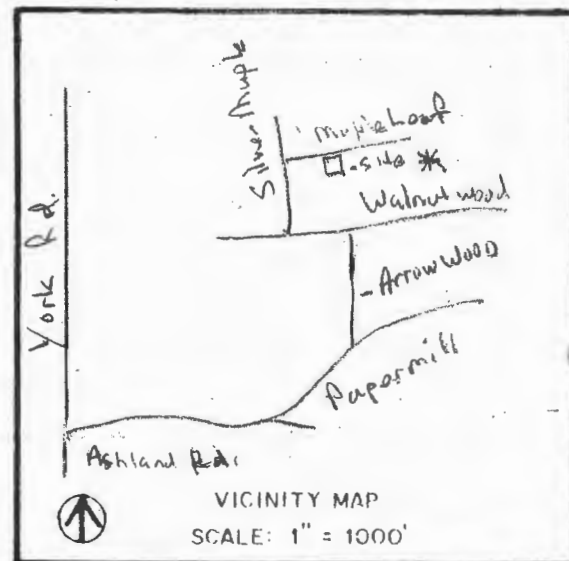
PROPERTY ADDRESS 1203 Maple Leaf Ct

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

SUBDIVISION NAME HUNTERS RUN

PLAT BOOK # 61 FOLIO # 22 LOT # 112 SECTION # IV

OWNER Lothar + Margaret Timmler



LOCATION INFORMATION

ELECTION DISTRICT 8

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # 04202

ZONING DR 3.5

LOT SIZE .172 ACREAGE 7500 SQUARE FEET

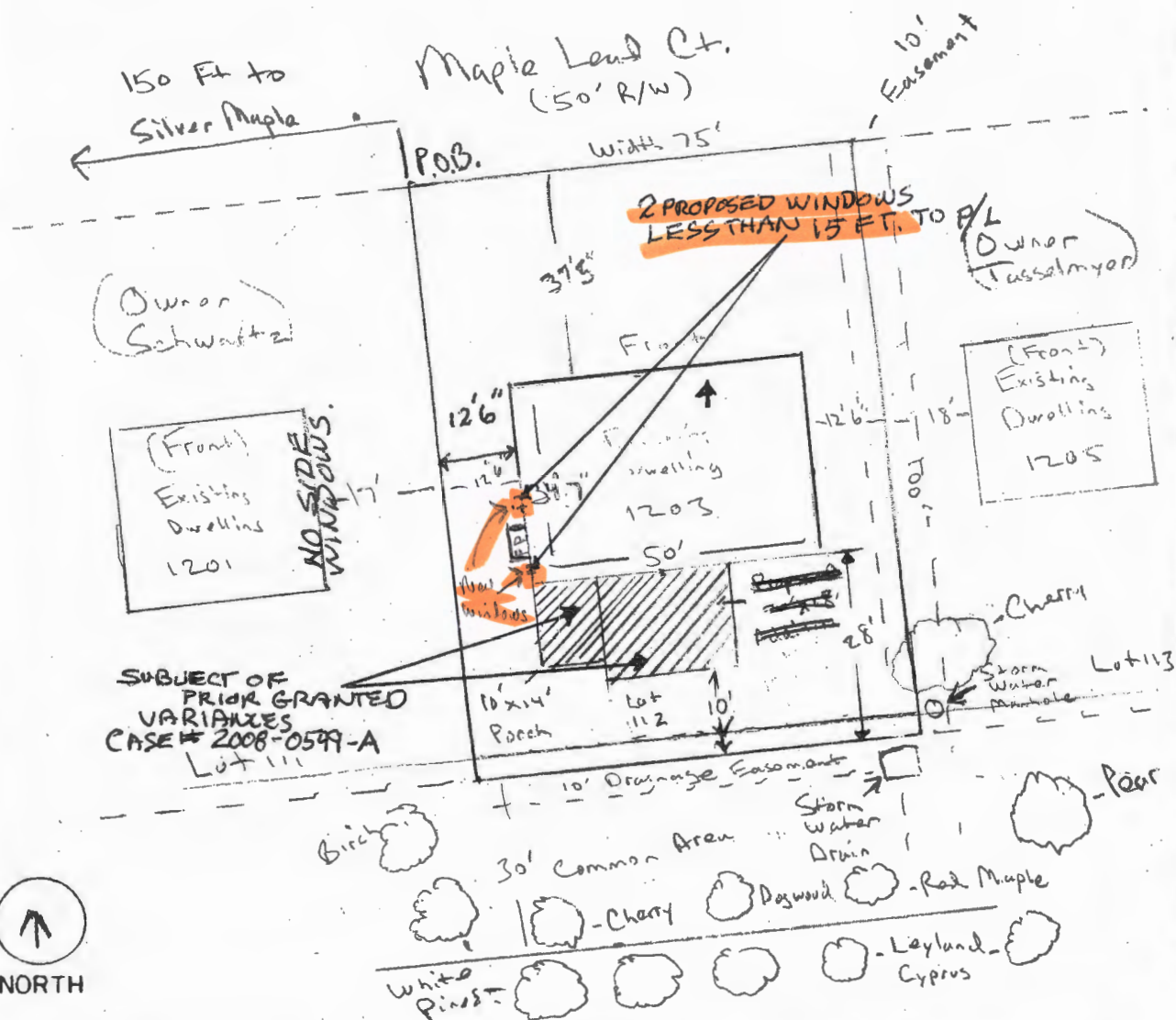
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING 2008-0599-A

ZONING OFFICE USE ONLY

REVIEWED BY D.T. ITEM # 0084 CASE # 2011-0084-A



PREPARED BY L H I

SCALE OF DRAWING: 1" = 30'