

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**

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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

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:

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.

____SIGNED____
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz