

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 1B02.3.C.1 to permit lot widths of 50' in lieu of the required 55' for lots 122 thru 125 & 127 thru 130 and a lot width of 17' in lieu of the required 55' for lot 131, side yard setbacks of 9' in lieu of the required 10' for lot 127 & a side yard setback & a side street setback of 7' in lieu of the required 10' & 25' respectively for lot 131.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Owner wishes to sell 50' lots purchased in 1925. Houses were placed on two of the lots about 30 years ago and setback variances are requested to conform to current regulations. Most of the houses in the subdivision are constructed on 50' lots and the request would be in character with the neighborhood.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of August, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of September, 1986, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

Sept. 9,

1986

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Zoning Hrgs. - P.O. # 80204 - Req. \$194935 - 100 lines @ \$40.00.

was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 5th day of September 1986; that is to say, the same was inserted in the issues of Sept. 4, 1986

Kimbel Publication, Inc.
per Publisher.

By K.E. Dele

Mr. Joseph B. Rutkowski
Mrs. Josephine D. Rutkowski
8137 Murray Point Road
Dundalk, Maryland 21222

August 11, 1986

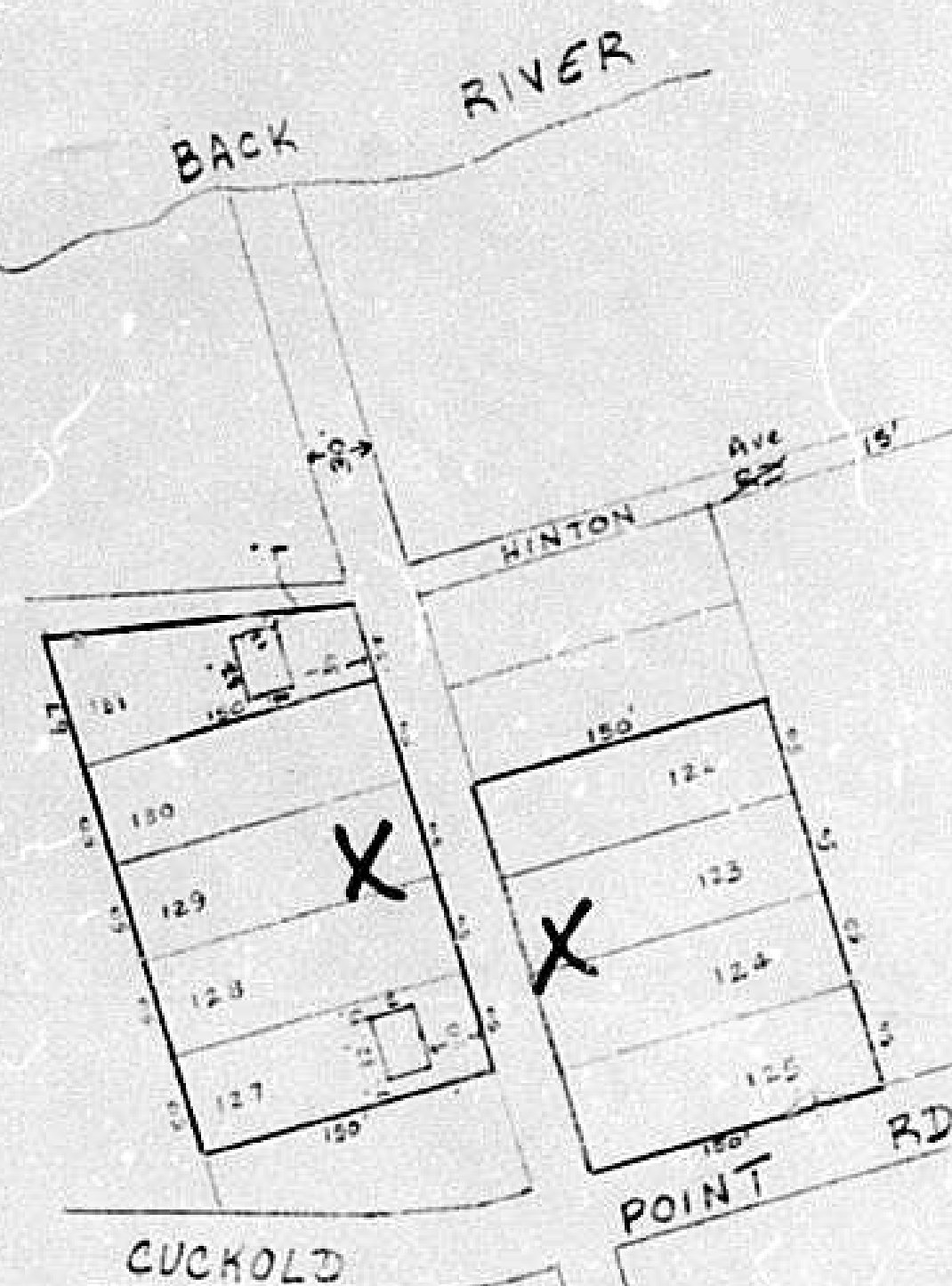
NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
Lots 122, 123, 124 & 125 - NE/cor. of 8th St. and Cuckold Point Rd.; Lots 127, 128, 129, 130 & 131 - SW/cor. of 8th St. and Hinton Ave.
15th Election District
Joseph B. Rutkowski, et ux - Petitioners
Case No. 87-125-A

TIME: 11:00 a.m.
DATE: Tuesday, September 23, 1986
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 020007
DATE 7/10/86 ACCOUNT 01 615
AMOUNT \$ 35.00
RECEIVED FROM JOSEPH B. RUTKOWSKI
FOR FILING FEE FOR VARIANCE 17th Hg 25
VALIDATION OR SIGNATURE OF CASHIER



SITE LIES WITHIN THE
CHESAPEAKE BAY CRITICAL AREA.

PLAT TO ACCOMPANY PETITION FOR VARIANCE

PUBLIC WATER AND SEWER EXIST

PLAT DE SWAN POINT 7/162 AND 163

DR 5.5
15TH DISTRICT
1"=100'

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 4, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 4, 1986.

THE JEFFERSONIAN,

Publisher

Cost of Advertising

30.25

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th
Posted for: Variance
Petitioner: Joseph B. Rutkowski, et ux
Location of property: NE/cor. of 8th St. and Cuckold Point Rd.
Location of Signs: Both signs placed at NE/cor. of 8th St. and Cuckold Point Rd.
Remarks: Cuckold Point Rd.
Posted by: M. H. H. H.
Number of Signs: 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th
Posted for: Appeal
Petitioner: Joseph B. Rutkowski, et ux
Location of property: Lots 122, 123, 124 & 125 - NE/cor. of 8th St. and Cuckold Point Rd.
Location of Signs: Both signs placed at NE/cor. of 8th St. and Cuckold Point Rd.
Remarks: Cuckold Point Rd.
Posted by: M. H. H. H.
Number of Signs: 2

ZONING DESCRIPTION

Beginning at a point on the northeast corner of 8th Street, (30' wide) and Cuckold Point Road (40' wide) and known as Lots 122, 123, 124 and 125 as shown on the plat of "Swan Point", which is recorded in the Land Records of Baltimore County in Plat Book WPC No. 7, Folio 162 and 163.

Beginning at a point on the southwest corner of 8th Street, (30' wide) and Hinton Avenue (15' wide) and being lots 127, 128, 129, 130 and 131, as shown on the plat of "Swan Point", which is recorded in the Land Records of Baltimore County in Plat Book WPC No. 7, Folio 162 and 163.

PETITION FOR ZONING VARIANCES

15th Election District

Case No. 87-125-A

LOCATION:

Lots 122, 123, 124 and 125 - Northeast Corner of 8th Street and Cuckold Point Road; Lots 127, 128, 129, 130 and 131 - Southwest Corner of 8th Street and Hinton Avenue

DATE AND TIME: Tuesday, September 23, 1986, at 11:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances to permit lot widths of 50 feet in lieu of the required 55 feet for Lots 122 through 125 and 127 through 130, a lot width of 37 feet in lieu of the required 55 feet for Lot 131, side yard setbacks of 9 feet in lieu of the required 10 feet for Lot 127, and a side yard setback and a side street setback of 7 feet in lieu of the required 10 feet and 25 feet respectively for Lot 131

Being the property of Joseph B. Rutkowski, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
Lots 122, 123, 124 & 125 - NE
Corner 8th St. & Cuckold Point : OF BALTIMORE COUNTY
Rd.; Lots 127, 128, 129, 130 &
131 - SW Corner 8th St. & Hinton :
Ave., 15th District :
JOSEPH B. RUTKOWSKI, et ux, : Case No. 87-125-A
Petitioners : : : : :

ENTRY OF APPEARANCE

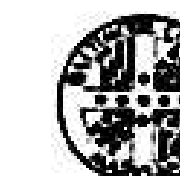
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 18th day of August, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Joseph B. Rutkowski, 8137 Murray Point Rd., Dundalk, MD 21222, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

September 18, 1986

Mr. Joseph B. Rutkowski
Mrs. Josephine D. Rutkowski
8137 Murray Point Road
Dundalk, Maryland 21222

RE: PETITION FOR ZONING VARIANCES
Lots 122, 123, 124 & 125 - NE/cor. of 8th St. and
Cuckold Point Rd.; Lots 127, 128, 129, 130 & 131 -
SW/cor. of 8th St. and Hinton Ave.
15th Election District
Joseph B. Rutkowski, et ux - Petitioners
Case No. 87-125-A

Dear Mr. and Mrs. Rutkowski:

This is to advise you that \$100.25 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

025533

DATE 9/23/86 ACCOUNT P-01-615-000
SIGNS & POSTS
RETURNED AMOUNT \$ 100.25
RECEIVED FROM Mr. Joseph B. Rutkowski, 8137 Murray Point Rd.,
Dundalk, Md. 21222
ADVERTISING & POSTING COSTS RE CASE #87-125-A
FOR \$ 0057*****10025:0 4238F
VALIDATION OR SIGNATURE OF CARRIER

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
Lots 122, 123, 124 & 125 - : OF BALTIMORE COUNTY
NE Corner 8th St. &
Cuckold Pt. Rd.; Lots 127, :
128, 129, 130 & 131 - :
SW Corner 8th St. & Hinton :
Ave., 15th District :
JOSEPH B. RUTKOWSKI, et ux, : Case No. 87-125-A
Petitioners : : : : :

RECEIVED
OCT 27 1986
ZONING OFFICE

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner under date of September 29, 1986, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 27th day of October, 1986, a copy of the foregoing Notice of Appeal was mailed to Mr. and Mrs. Joseph B. Rutkowski, 8137 Murray Point Rd., Baltimore, MD 21222; and Mr. Michael Northrop, Md. State Dept. of Planning, 301 W. Preston St., Baltimore, MD 21201.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

October 31, 1986

Mr. Joseph B. Rutkowski
Mrs. Josephine D. Rutkowski
8137 Murray Point Road
Dundalk, Maryland 21222

RE: PETITION FOR ZONING VARIANCES
Lots 122, 123, 124 & 125 - NE/cor. of 8th St. and
Cuckold Point Rd.; Lots 127, 128, 129, 130 & 131 -
SW/cor. of 8th St. and Hinton Ave.
15th Election District
Joseph B. Rutkowski, et ux - Petitioners
Case No. 87-125-A

Dear Mr. and Mrs. Rutkowski:

Please be advised that on October 27, 1986, an appeal was filed by the People's Counsel for Baltimore County from the decision rendered by the Deputy Zoning Commissioner in the above-captioned case.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Al:med

cc: People's Counsel for Baltimore County
Room 223 Courthouse
Towson, Maryland 21204

IN RE: PETITION FOR ZONING VARIANCE : BEFORE THE
Lots 122, 123, 124 & 125 - : DEPUTY ZONING COMMISSIONER
NE/cor. of 8th Street and : OF BALTIMORE COUNTY
Cuckold Point Road; Lots 127, :
128, 129, 130 & 131 - SW/cor. :
of 8th Street and Hinton Ave. :
15th Election District : Case No. 87-125-A
Joseph B. Rutkowski, et ux :
Petitioners : : : : :

The Petitioners herein request zoning variances to permit lot widths of 50' in lieu of the required 55' for Lots 122 thru 125 and 127 thru 130 and a lot width of 37' in lieu of the required 55' for Lot 131; side yard setbacks of 9' in lieu of the required 10' for Lot 127 and a side yard setback and a side street setback of 7' in lieu of the required 10' and 25' respectively for Lot 131.

Testimony by the Petitioners indicates that the dwellings on Lots 127 and 131 have been in existence for many years. Ninety per cent of the developed lots in the area are on 50' lots. There were no Protestants.

Pursuant to the advertisement, posting of property, and public hearing on the petition; it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners; Baltimore County having reviewed the application involving property located in the Maryland Chesapeake Bay Critical Areas and having ascertained that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat; it is determined that the requested variances will not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 27th day of September 1986, that the herein request for zoning variances to permit lot widths of 50' for Lots 122 thru 125 and 127 thru 130 and

a lot width of 37' for Lot 131; side yard setbacks of 9' for Lot 127 and a side yard setback and a side street setback of 7' for Lot 131, in accordance with the plan submitted, be approved and as such, the Petition for Zoning Variance is hereby GRANTED from and after the date of this Order, subject, however, to the following restrictions:

- 1) At least 1 major deciduous tree or 2 conifers, or 4 minor deciduous trees must be planted and maintained for each lot.
- 2) Infiltration of runoff from developed areas of the lots should be maximized by spreading over lawn or other pervious surfaces.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
C-22
2/10/86
By John J. [Signature]

ORDER RECEIVED FOR FILING
C-22
2/10/86
By John J. [Signature]



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

February 6, 1987

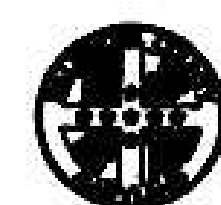
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 87-125-A JOSEPH B. RUTKOWSKI, ET UX
LOTS 122, 123, 124 & 125, NE/cor. of 8th St.
AND CUCKOLD POINT RD.; LOTS 127, 128, 129,
130 & 131, SW/cor. of 8th St. AND HINTON AVE.
15th ELECTION DISTRICT
VARIANCE - LOT WIDTHS & SETBACKS
9/29/86 - D.Z.C. GRANTED VARIANCES W/RESTRICTIONS

ASSIGNED FOR: THURSDAY, APRIL 23, 1987 at 10:00 a.m.
cc: Phyllis Cole Friedman, Esquire Appellant/People's Counsel
Peter Max Zimmerman, Esquire Deputy People's Counsel
Mr. & Mrs. Joseph B. Rutkowski Appellees/Petitioners
Mr. & Mrs. Richard Fields
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

Kathi C. Weidenhammer
Administrative Secretary



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

April 23, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 87-125-A JOSEPH B. RUTKOWSKI, ET UX
Lots 122, 123, 124 & 125, NE/cor. of 8th St.
and Cuckold Point Rd.; Lots 127, 128, 129,
130 and 131, SW/cor. of 8th St. and
Hinton Ave.
15th District
Variance - Lot widths and setbacks
9/29/86 - DZC Granted variances w/restrictions

ASSIGNED FOR: THURSDAY, JUNE 4, 1987, at 1:00 p.m.
cc: Phyllis C. Friedman People's Counsel for Baltimore County
Mr. & Mrs. Joseph B. Rutkowski Appellees/Petitioners
Mr. & Mrs. Richard Fields
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James E. Dyer
Margaret E. duBois

June Holmen, Secretary

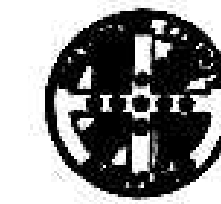
*Remains due to Pet.
last of appeal by Pet.
We do the denied.*

2/06/87 - Following notified of hearing set for Thursday, April 23, 1987 at 10 am

Phyllis C. Friedman, Esq.
Peter M. Zimmerman, Esq.
Mr. & Mrs. Joseph Rutkowski
Mr. & Mrs. Richard Fields
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

4/23/87 - Case continued per MTH. Certified letter sent - postponement to another date; Petitioner has 30 days to respond, confirming intent to pursue petition; if no response within 30 days, to be dismissed due to lack of appearance. (Non-appearance; did not receive notice; illness)

4/23/87 - Certified letter sent per above; above notified of hearing set for Thursday, June 4, 1987 at 1:00 p.m. (pending response from petitioner to certified letter within thirty days from receipt of same).
(certified return receipt card signed by Pet. on 4/24/87)



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

April 23, 1987

Mr. and Mrs. Joseph B. Rutkowski
8137 Murray Point Road
Dundalk, Maryland 21222

Dear Mr. and Mrs. Rutkowski:

Case No. 87-125-A, your petition requesting variances with some setbacks, was called to order on April 23, 1987, at 10:15 a.m. as scheduled. It was noted on the record that neither you nor an attorney representing you was present in the hearing room.

It was reported by People's Counsel that upon contact with you, your claim that notice had not been received was noted and that you were unable for health reasons to attend today's hearing. In consideration of these factors, the Board has granted a continuance in this case and will reschedule it for hearing on Thursday, June 4, 1987, at 1:00 p.m. Upon receipt of this letter, the Board will grant you 30 days to reply in writing of your intent to pursue this petition on the scheduled date. If we receive no response from you indicating this within 30 days of the date of this letter, the Board will dismiss the hearing for lack of appearance.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH:jh

IN THE MATTER OF : BEFORE
THE APPLICATION OF : COUNTY BOARD OF APPEALS
JOSEPH B. RUTKOWSKI, ET UX :
FOR ZONING VARIANCES ON : OF
PROPERTY LOCATED ON SW/COR :
OF 8TH STREET AND HINTON AVE., : BALTIMORE COUNTY
LOTS 127, 128, 129, 130 & 131; :
AND PROPERTY LOCATED ON NE/COR :
OF 8TH STREET AND CUCKOLD PT. : CASE NO. 87-125-A
RD., LOTS 122, 123, 124 & 125 :
15th ELECTION DISTRICT :

OPINION

This case comes before this Board on appeal by the People's Counsel for Baltimore County from a decision of the Deputy Zoning Commissioner granting certain variances with restrictions.

This case was originally set for hearing on April 23, 1987 on which day the property owner and Petitioner for the variances, Mr. Joseph Rutkowski, did not show. The Board was made aware of Mr. Rutkowski's claim that he had not received notice of this day's hearing, and the Board granted a continuance and rescheduled the case for June 4, 1987. A certified letter dated April 23, 1987 was sent to Mr. & Mrs. Rutkowski with a return receipt requested notifying him of the June 4 date. Receipt of that letter is part of this case file.

On June 4, at 1:00 p.m., Petitioner, Mr. Rutkowski, was not present. At 1:35 p.m., due to lack of appearance, the case was dismissed and the Deputy Zoning Commissioner's decision will be reversed and the requested variances are thereby denied.

ORDER

It is therefore this 4th day of June, 1987 by the County Board of Appeals of Baltimore County ORDERED that the variances requested in Case No. 87-125-A be and the same are DENIED.

Case No. 87-125-A
Joseph B. Rutkowski, et ux

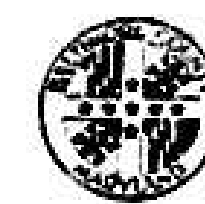
Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lawrence E. Schmidt
Lawrence E. Schmidt

Leah B. Spurrer
Leah B. Spurrer



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

June 4, 1987

Mr. & Mrs. Joseph B. Rutkowski
8137 Murray Point Road
Dundalk, MD 21222

RE: Case No. 87-125-A
Joseph B. Rutkowski, et ux

Dear Mr. & Mrs. Rutkowski:

Enclosed is a copy of the final Opinion and Order passed today by the County Board of Appeals in the above-referenced matter.

Sincerely,

Kathi C. Weidenhammer
Kathi C. Weidenhammer
Administrative Secretary

Encl.

cc: Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Mr. & Mrs. Richard Fields
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

RE: PETITION FOR ZONING VARIANCES
Lots 122, 123, 124 & 125 - NE/cor. of 8th St. and
Cuckold Point Rd.; Lots 127, 128, 129, 130 & 131 -
SW/cor. of 8th St. and Hinton Ave.
15th Election District
Joseph B. Rutkowski, et ux - Petitioners
Case No. 87-125-A
APPEAL FILED: October 27, 1986
APPEALED BY: People's Counsel for Baltimore County
Variances - Setbacks granted w/restrictions.

1. Petition
2. Description of Property
3. Certificate of Posting
4. Certificates of Publication
5. Zoning Advisory Committee Comments
6. Comments from the Director of Planning
7. Entry of Appearance
8. Order of Deputy Zoning Commissioner
9. Plat of Property
10. Notice of Appeal filed 10/27/86 by People's Counsel for Baltimore County
11. Letter notifying of filing of appeal, dated 10/31/86

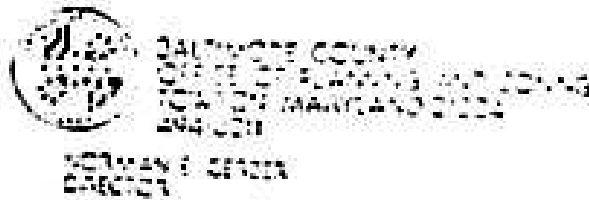
Phyllis Cole Friedman, Esquire Appellant
People's Counsel for Baltimore
County
Peter Max Zimmerman, Esquire
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
(494-2188)

Mr. Joseph B. Rutkowski Appellees/Petitioners
Mrs. Josephine D. Rutkowski
8137 Murray Point Road
Dundalk, Maryland 21222
(288-5176)

Norman E. Gerber Request Notification
James Hoswell " "
Arnold Jablon " "
Jean M. H. Jung " "
James E. Dyer " "
Margaret E. du Bois, Appeals Clerk, Zoning Office " "

Richard & Colleen Fields Request notification.
2812 8th Street
Baltimore, MD 21219

SSSS



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

August 21, 1986
(CRITICAL AREA)

Re: Zoning Advisory Meeting of July 29, 1986
Item # 25
Petitioner: Joseph B. Rutkowski, et al
Location: NE/C 8th St. & Cuckold
Point & SW/C 8th St. & Hinton Ave.

Dear Mr. Jablon:

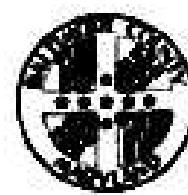
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () County Review Group Meeting is required.
- () County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () If the property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-28 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () The site is not consistent with Baltimore County Land Use Manual.
- () The property is located in a deficient service area as defined by §111-173-29. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a high level intersection as defined by §111-173-29, and its location change the existing traffic pattern. The Traffic Services Unit (Technical) comments: _____.

THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE COMPREHENSIVE PLANNING DIVISION.

cc: James (H-541)

Enclosure 4, 1 copy
City of Current Planning and Development



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 21, 22, 25, 26, 27, 28, 29, 30, and 31.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

9/23
87-125-A

August 11, 1986

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1981
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:

SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tides, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

April 1985



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

August 13, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Joseph B. Rutkowski, et ux (CRITICAL AREA).

Location: NE/C 8th Street and Cuckold Point and SW/C 8th Street and Hinton Avenue

Item No.: 25

Zoning Agenda: Meeting 7/29/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 150 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Colleen M. Fields*
Planning Group
Special Inspection Division

Noted and
Approved:

John F. O'Neill
Fire Prevention Bureau

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: September 18, 1986

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 87-121-A, 87-122-A, 87-124-A and 87-125-A

Please consider the Chesapeake Bay Critical Area comments (Gerber to Jablon dated 9/18/86) to represent the position of this office for these petitions.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:lm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
TO: Office of Planning and Zoning
Date: September 17, 1986

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

Chesapeake Bay Critical Area Findings -
SUBJECT: J. B. Rutkowski (87-125-A)

The petition of J. B. Rutkowski will be consistent with the requirements of the Chesapeake Bay Critical Area program if, as a minimum, 1 major deciduous tree or 2 conifers or 4 minor deciduous trees are planted and maintained per lot. Infiltration of runoff from developed areas / the lots should be maximized by spreading over lawn or other pervious surfaces.

Norman E. Gerber
Norman E. Gerber, AICP

NEG:PJS:dq

cc: M. H. Yeager, Jr.
D. Bossle, et ux
Stanley Crites
Uri Avin, OPZ
Tim Dugan, OPZ

Andrea VanArsdale, OPZ
Jim Howell, OPZ
People's Counsel, OPZ
Tom Vidmar, Bureau of Eng.

Richard & Colleen Fields
2812 8th Street
Baltimore, MD 21219
(301) 477-1232

December 1, 1986

Board of Appeals
Room 200
Courthouse
Towson, MD 21204

Re: Case #87-125-A
Joseph Rutkowski

Dear Sir:

Please note that I wish to be advised of any action concerning the above referenced case.

If you can not reach me at the above telephone number, call (301) 268-4321 between 8 and 4.

Thank you for your consideration.

Sincerely,

Colleen M. Fields
Colleen M. Fields

CMF

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 2, 1986

COUNTY OFFICE BLDG.
111 N. Chesapeake Ave.
Towson, Maryland 21204

cc:

Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Joseph B. Rutkowski
3137 Murray Point Road
Dundalk, Maryland 21222

RE: Item No. 25 - Case No. 87-125-A
Petitioner: Joseph B. Rutkowski, et ux
Petition for Variance

Dear Mr. Rutkowski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

RECEIVED
SEP 19 1986
ZONING OFFICE

RECEIVED
SEP 18 1986
ZONING OFFICE

CPS-008

RECEIVED
COUNTY BOARD OF APPEALS
SEP DEC - 5 A 11 35



**BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610**

August 14, 1986

**TED ZALESKI, JR.
DIRECTOR**

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

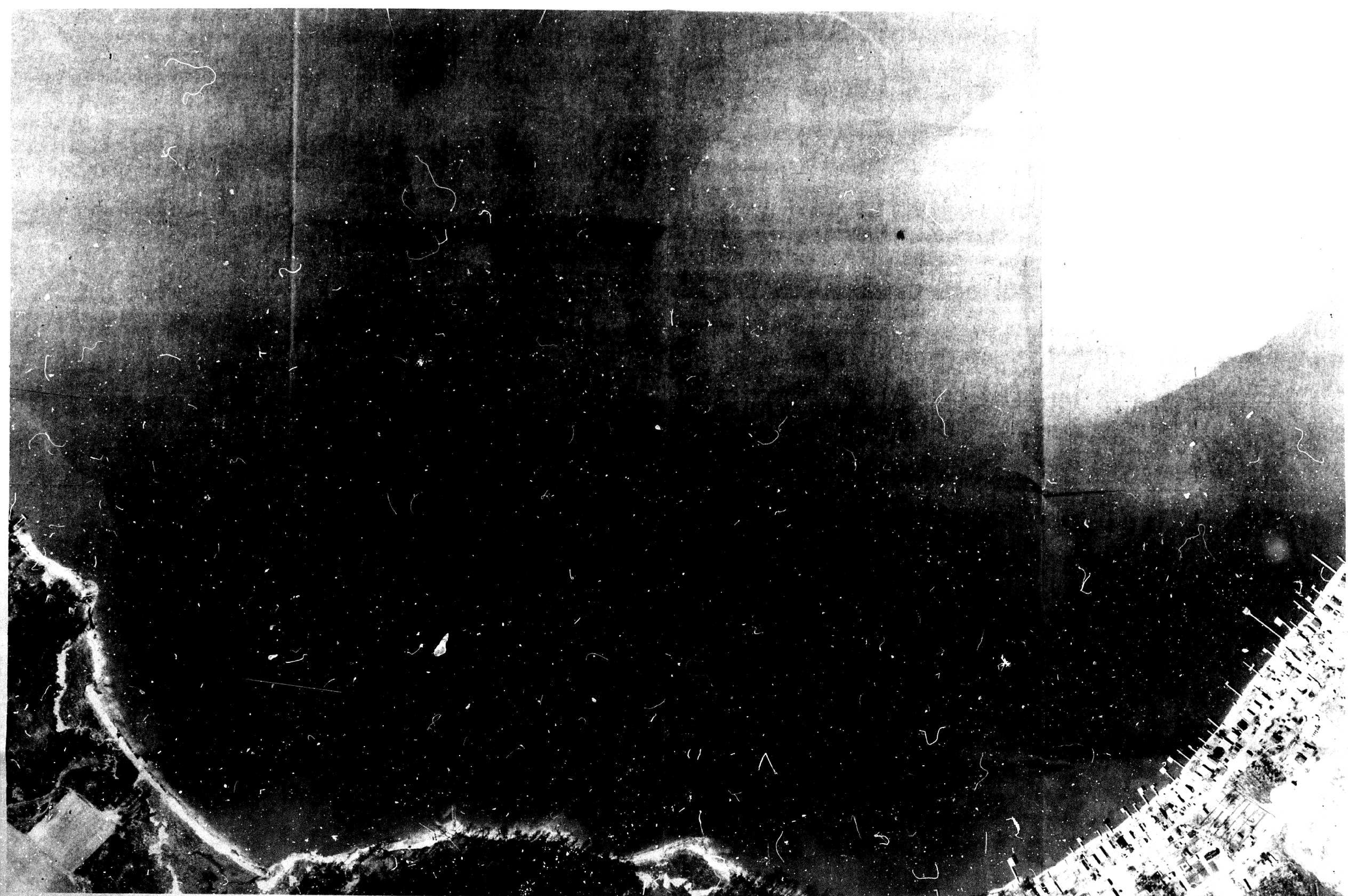
Comments on Item # 25 Zoning Advisory Committee Meeting are as follows:

Property Owner: Joseph B. Rutkowski, et ux (CRITICAL AREA)
Location: NE/C 8th. Street and Cuckold Point and SW/C 8th. Street & Hinton Ave.
Districts: 15th.

APPLICABLE ITEMS ARE CIRCLED:

- A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.S.B.I. #117-1 - 1980) and other applicable Codes and Standards.
- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. B-4 Use Groups require a one hour wall 1' closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407 Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Use _____. See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.3 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments: Elevations of the lot and the proposed dwellings are not indicated. All floors including basements in any shall be 1'-0" higher than the 100 year flood tide as established by the Department of Public Works.
- K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 A, the County Office Building at 11, Chesapeake Avenue, Towson, Maryland 21204.

Charles P. Dunbar
By: C. E. Burdick, Chief
Building Plans Review



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

CUCKOLD POINT

S.E.
6-J

PC
#1