IN RE:

PETITION FOR ADMIN. VARIANCE

W/S Park Drive, 414' S of

Magruder Avenue (111 Park Drive)

1st Election District
1st Councilmanic District

Charles W. Kautz, et ux Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 97-581-A

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* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Charles W. and Mary A. Kautz. The Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 17 feet in lieu of the maximum permitted 15 feet for a proposed 22' x 25' shed. The subject property and improvements thereon are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the

ORDER RECEIVENTOR FILING
Date
By

DAIDER HECKEIVED FOR FILING

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 B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this $27^{\prime\prime}$ day of July, 1997 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 17 feet in lieu of the maximum permitted 15 feet for a proposed 22' x 25' shed, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

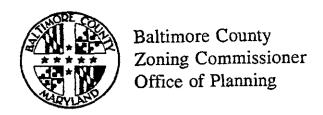
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause the proposed accessory structure to be converted to a second dwelling unit and/or apartments. The proposed shed shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

July 24, 1997

Mr. & Mrs. Charles W. Kautz 111 Park Drive Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Park Drive, 414' S of Magruder Avenue
(111 Park Drive)
1st Election District - 1st Councilmanic District
Charles W. Kautz, et ux - Petitioners
Case No. 97-581-A

Dear Mr. & Mrs. Kautz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours, lunthy llotroco

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: People's Counsel

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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

This Petition shall be filed with the Office of Zoning Administration & 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) 400, 3, BCZR TO BERMY A SHED WITH A HEIGHT OF 17 FT IN LIEUOF THE REQUERED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) I- would BE IMPOSSIBLE TO PUT A DRAWING BOARD AND CHAIR ON 200 FLOOR OF GARAGE HT PROJECTLY ALCORED 15' EXTERIOR HEIGHT. ALSO I WOULD HAVE TO CRAWL AROUND STURAGE AREA.

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.

Contract Purchaser/Lessee Legal Owner(s)				(/We do solemnly declare and affirm, under the penalties of perjury that I/we legal owner(s) of the property which is the subject of this Petition	e are the
Signature Signature Mit et Multium State Address City State Zipcode Attorney for Petitioner (Type or Print Name) (Type or Print Name)	Contract Purchaser/Lessee			Legal Owner(s)	
Address Address City State Zipcode Signature 111 PARK DR 410-747-74	(Type or Print Name)			(Type or Pringulame)	_
City State Zipcode Signature CT QUI All Signature (11) PARIC DR 410-747-74	Signature			Mar Auge KAUTZ	
Attorney for Petitioner 111 PARK DR 410-747-74	Address			Man alivatail	
111 PARKUR 410-747-74	City	State	Zipcode	Signature	
(Type or Print Name) Address Print Name)	-				2478
CATTONSVILLE MD. 2 (228) City State Zipcode	(Type or Print Name)			CATONSVILLE MD. 2122	
Signature Name, Address and phone number of representative to be contacted	Signature		-	Name, Address and phone number of representative to be contacted A Piev C	
Address Phone No. Name	Address	Phone No.		Name	_
City State Zipcode Address Phone No	City	State	Zipcode	Address Phone No	

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this that the subject matter of this petition be set for a public hearing, advertised, as required by the Lanting Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Taning Commissioner of Baltimore County

OM DATE 6-24-9

G DATE: 7-6-97

Printed with Soybean Ink on Recycled Paper

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.

Zoning Description For 111 Park Dr.

Beginning at a point on the West side of Park Dr. which is 70' wide at the distance of 414' South of the centerline of Magruder Avenue which is 25' wide. Being lot # 6
Block n/a, Section # E in the sub-division of Summit
Park as recorded in Balto. County Plat Book # 8,
Folio # 75 containing 11760 square feet. Also known as 111 Park Dr. and located in the 1st Election District, 1st Councilmanic District.

58/

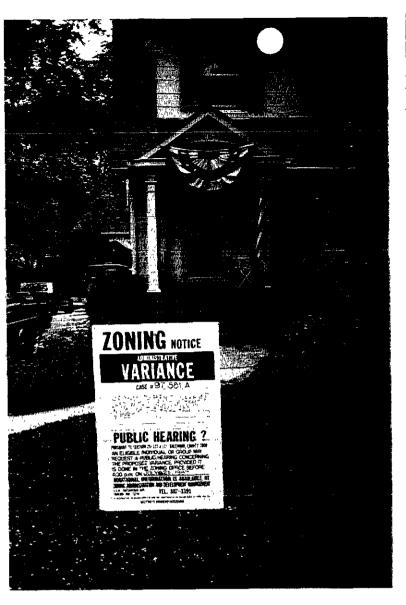
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 038175	PAID RESERVED THE
DATE 6-24-97. ACCOUNT F	40 000	6/24/1997 6/24/1997 10:19:53 REG WS02 CASHIER JRIC JWR DRAWER 2 HISCELLANUS CASH RECEIPT RECRIPT # 001738 0FLN CR WO. 038175
RECEIVED C. KAUTZ FROM: (CIC) Ad. UAR.	-111 Pazk DR.	\$40.00 CASH Baltimore County, Waryland
FOR:		
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTON	wer JCM	CASHIER'S VALIDATION

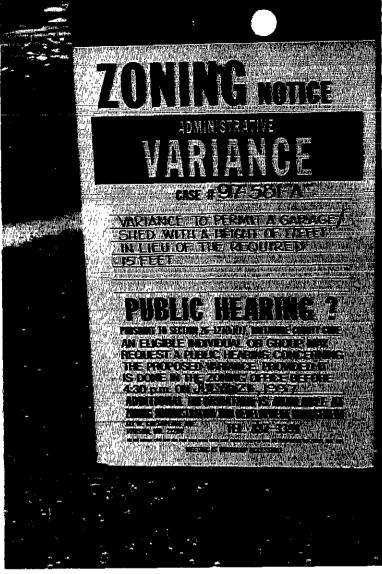
جائعا ومأدور والهجيد والدراقة والطائعة مطاهة الكفائكة لياران والكوافية الديدية والمتقاهصات الإساء ودوراطه ومدو

CERTIFICATE POSTING

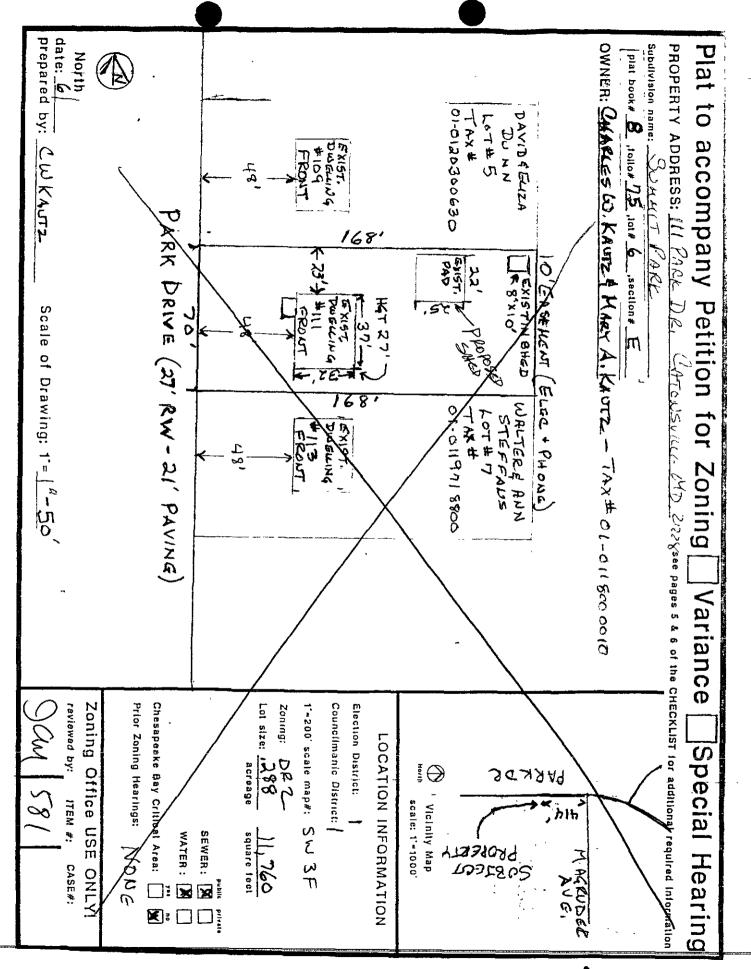
cert.doc

RE: 6	Case No.: 97-581-A				
I	Petitioner/Developer: 47				
$C_{\underline{\cdot}}$	WILLIAM KAUTZ				
I	Date of Hearing/Closing: 7-71-97				
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	-				
Attention: Ms. Gwendolyn Stephens					
Ladies and Gentlemen:					
This letter is to certify under the penalties of perjury th	at the necessary sign(s) required by law				
were posted conspicuously on the property located at					
III PARK DRIVE,	BALTON MD. Z1728				
<u> </u>					
The sign(s) were posted on <u>JULY</u> \$11995					
(Month	, Day, Year)				
Si	ncerely,				
	(Signature of Sign Poster and Date) 7ARLAND E. MOORE (Printed Name) 7225 RYERSONI CINCLE				
Î	Address) BACTIMONE, MD. 2122)				
	(City, State, Zip Code)				
	(10) 242-4263				
9/96	(Telephone Number)				









581

Exhibit A

*PLANNERS FILL IN THE POSTING AND CLOSING DATES.

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than ____*7-6-9 /

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 97-581-A

VARIANCE TO PERMIT A GARAGE/Sheo WITH A HEIGHT OF 17ft. IN Lieu of The REQUIZED 15ft.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>. AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

* 7-2/-97

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

File Copy

July 17,1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-581-A

111 Park Drive

W/S Park Drive, 414'+/- S of c/l Magruder Avenue

1st Election District - 1st Councilmanic

Legal Owner(s): Charles William Kautz and Mary Alice Kautz

Post by Date:07/06/97

Closing Date:07/21/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She 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) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's 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.

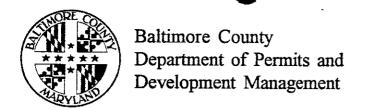
THE **PROCESS** PLEASE UNDERSTAND THAT ON CLOSING DATE, THE COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. CRDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jables-Director

cc: John and Denise Hoffman



Printed with Soybean Ink on Recycled Paper



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 23, 1997

Mr. and Mrs. Charles Kautz 111 Park Drive Catonsville, MD 21228

RE: Item No.: 581

Case No.: 97-581-A

Petitioner: Charles Kautz, et ux

Dear Mr. and Mrs. Kautz:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 24, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re Attachment(s)

Baltimore County Government Fire Department



17:

700 East Joppa Road Suite 901 Towson, MD 21286-5500 (410) 887-4500

July 10, 1997

Annils Tabion Direttor

Johns Gaministresion que Jevalopsent handbesent
Balcione County Office Surficing

Tovern, MD 21204
M. IL STOP-1105

TE: Trupshty Owner, SEE BELOW

Legarian: DISTRIBUTION HEETING OF July 14, 1997

Ilan Lie SEE BELOW

luning Agendes

Garol are in

Pursuant to your request, the referenced property has been surfaced to the comments of a specifically are sensitively that of a property of a commentation of the comments of the street plant for the company.

C. The Tune Marchal a 1.7 are had no conventor av thire time. The PETTREMOLE TO THE FOLLOWING FTEN CHMSTOR:

500. (581) 581, 580, 584, 585, 508, 588, and 589

REVIEWER: LT. POSERT P. PAUERWALD
Fire Marchal Dilice. PHONE SST-4881, MS-1102F
do: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 11, 1997

Department of Permits & Development

Management

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for July 21, 1997

Item Nos. 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, & 589

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits and Development Management

DATE: July 8, 1997

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 579, 581, 582, 583, 584, 586, 588, and 589

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: The Word

AFK/JL

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

POM

DATE:

7110197

FROM:

R. Bruce Seeley R85/90

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date:

11/7/4/199

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

579

581

582

584

586

537

5-8-8

5-39

RBS:sp

BRUCE2/DEPRM/TXTSBP



David L. Winstead Secretary Parker F. Williams Administrator

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

RE: Baltimore County 7.14.97

Item No.

58

JCM

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

Engineering Access Permits

Division

LG

C.W. Kautz 111 Park Dr. Balto., Md. 21228-5153

zoning commissioner County Office bldg. Towson, Md.

We the undersigned neighbors of 111 Park Dr. have have reviewed the plans for the proposed garage that Mr. Kautz wishes to build on the above-mentioned property. We have no objections to the height being increased by two (2) feet over the fifteen feet allowed by the present zoning laws, to a height of seventeen (17) feet.

Name: J. Patril Shine Name: Tweth on Club Address: 110 PARK Drive

Phone#: (410) 788 - 5286

581

C.W. Kautz 111 Park Dr. Balto., Md. 21228-5153

zoning commissioner County Office bldg. Towson, Md.

We the undersigned neighbors of 111 Park Dr. have have reviewed the plans for the proposed garage that Mr. Kautz wishes to build on the above-mentioned property. We have no objections to the height being increased by two (2) feet over the fifteen feet allowed by the present zoning laws, to a height of seventeen (17) feet.

Name: Starta of Staffins
Name: Ann Staffens
Address: 113 Park D.
Phone#: 410-788-8778

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C.W. Kautz

111 Park Dr.

Balto., Md.

21228-5153

Zoning Commissioner County Office Bldg. Towson, Md.

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Name: DAUE & ELiza DUNN
Name:
Address: 109 PAVE DNV

Phone: 410-747-0314

C.W. Kautz

111 Park Dr.

Balto., Md.

21228-5153

Zoning Commissioner County Office Bldg. Towson, Md.

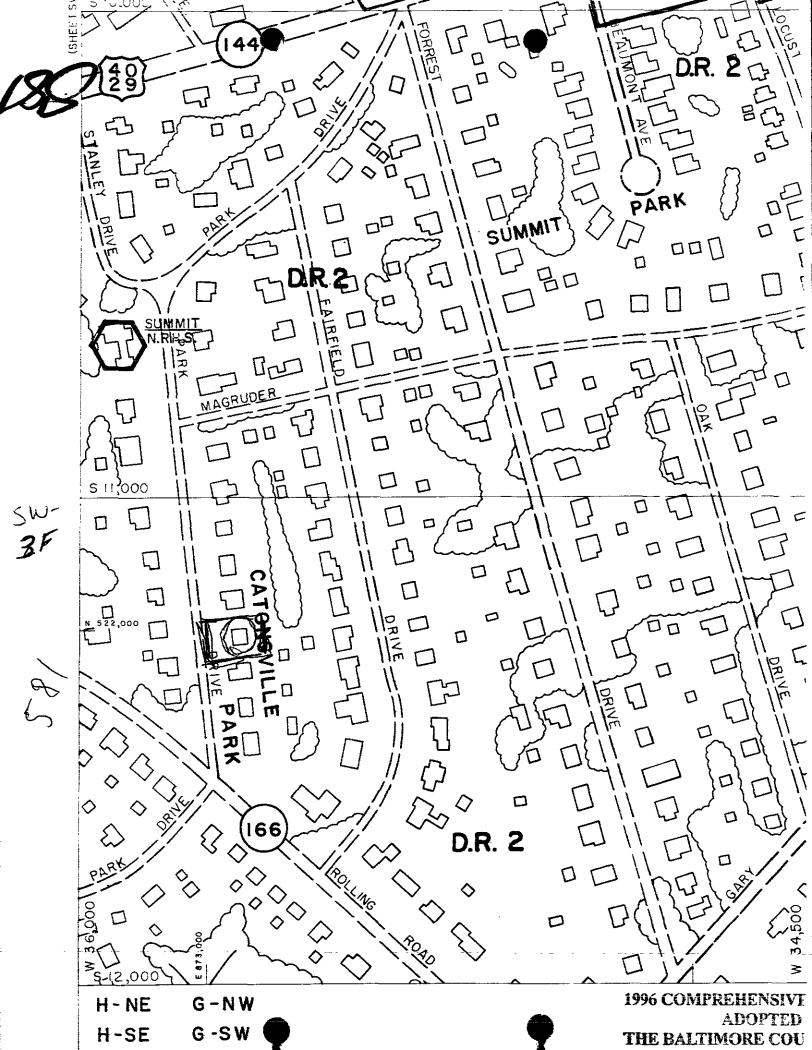
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Name: lizabut V Taylo

Name:

Address: 110 Fairfield DR

Phone: 4107442911



photograph Case 97-581-A

