

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/S of Poplar Road, 660' E		
of centerline of Lourdes Road	*	DEPUTY ZONING COMMISSIONER
15 th Election District		
5 th Councilmanic District	*	OF BALTIMORE COUNTY
(2114 Poplar Road)		
	*	CASE NO. 00-071-A
Henry E. Hutton, IV & Dawn M. Pisarski		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Henry E. Hutton, IV and Dawn M. Pisarski, owners of the property at 2114 Poplar Road. The subject property is located in the Cedar Beach area of Baltimore County. The administrative variance request is from Section 1A04.3.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a sideyard setback of 30 ft. in lieu of the required 50 ft. in an R.C.5 zone. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioners' 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 request 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 administrative variance 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, 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.

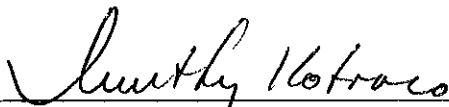
ORDER RECEIVED FOR FILING
 Date 9/23/99
 By P. Jameson

This property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). As of the date of this Order, DEPRM had not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations having been met, and for the reasons set forth above, the requested administrative variance should be granted.

THEREFORE, IT IS ORDERED this 23rd day of September, 1999, by this Deputy Zoning Commissioner, that the Petitioners' request for Administrative Variance from Section 1A04.3.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a sideyard setback of 30 ft. in lieu of the required 50 ft. in an R.C.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 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.
- 2) Compliance with any recommendations made by DEPRM to minimize any effect the proposed development might have on the Bay and its tributaries.
- 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:raj

ORDER RECEIVED FOR FILING
Date 9/23/99
By R. J. Jenson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 23, 1999

Mr. Henry E. Hutton, IV
Ms. Dawn M. Pisarski
2114 Poplar Road
Essex, Maryland 21221

Re: Petition for Administrative Variance
Case No. 00-071-A
Property: 2114 Poplar Road

Dear Mr. Hutton & Ms. Pisarski:

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 County Board of Appeals. 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 dark ink, appearing to read "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



CBCA
FLOODPLAIN

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2114 Poplar Road
which is presently zoned R.C.-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)

*1A04.3.B.2 to permit a
side yard setback of .30 ft. in lieu of the required 50 ft.*

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):

Mr. Henry E. Hytton IV
Name - Type or Print

Henry E. Hytton IV
Signature

Ms. Dawa M. Pisarski
Name - Type or Print

Dawa M. Pisarski
Signature

2114 Poplar Road (410) 687-9843
Address Telephone No.

Essex MD 21221
City State Zip Code

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. 00-71-A

Reviewed By BK Date 8/17/99

Estimated Posting Date 8/29/99

RE 9/15/98

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 2114 Poplar Road
Address
Essex, MD 21221
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):

- Practical Difficulties
 1. Locations of the existing dwelling, concrete patios and walks, and mature tree.
 2. Maximize distances from the Road and Water (Sue Creek).
 3. Must reside in existing dwelling while constructing need addition.
- Hardships
 1. Literal interpretation of the zoning requirements would deny ample family living space and land use currently afforded to other members of the community.
 2. Must reside in existing dwelling while constructing needed dwelling addition.
 3. Inadequate living space for additional family members.

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.

Henry E. Hutton IV
Signature

Henry E. Hutton IV
Name - Type or Print

Dawn M. Pisarski
Signature

Dawn M. Pisarski
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of August, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Henry E. Hutton IV and Dawn M. Pisarski
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

8/6/95
Date

Gael L. Hefner
Notary Public

My Commission Expires 1/1/02

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City State Zip Code

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Henry E. Hutton IV
Signature
Henry E. Hutton IV
Name - Type or Print

Dawn M. Pisarski
Signature
Dawn M. Pisarski
Name - Type or Print

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AS WITNESS my hand and Notarial Seal

8/6/98
Date

Gae Uteffort
Notary Public
My Commission Expires 1/1/02



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2114 Poplar Road
which is presently zoned R.C.-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)

1A04.3.B.2 to permit a
side yard setback of 30 ft. in lieu of the required 50 ft.

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.

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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:

Legal Owner(s):

Name - Type or Print

Mr. Henry E. Hutton III
Name - Type or Print

Signature

Henry E. Hutton III
Signature

Address Telephone No.

Ms. Dawn M. Pisarski
Name - Type or Print

City State Zip Code

Dawn M. Pisarski
Signature

Attorney For Petitioner:

2114 Poplar Road (410) 687-9843
Address Telephone No.

Name - Type or Print

Essex MD 21221
City State Zip Code

Signature

Representative to be Contacted:

Company

Name

Address Telephone No.

Address Telephone No.

City State Zip Code

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. 00-71-A

Reviewed By BH Date 8/17/99

Estimated Posting Date 8/22/99

ZONING DESCRIPTION FOR 2114 Poplar Road

Beginning at a point on the North side of Poplar Road which is 20' feet wide at a distance of approximately +- 660 feet east of the nearest improved intersecting street Lourdes Road.

Parcel One being all of lots L and M, as shown on the Amended Section of Cedar Beach, recorded among Land Records of Baltimore County in Plat Book C.W.B.Jr. #12 Folio 4 and part of Lot No. 80 as laid down on the Plat of Cedar Beach recorded among the Land Records of Baltimore County in Plat Book W.P.C. #7, folio 186.

Parcel Two being part of Lot No 81, as laid down on Plat of Cedar Beach and recorded among Land Records of Baltimore County in Plat Book W.P.C #7 folio 186, and all of lot N as laid down on the Amended Section of Cedar Beach, recorded among the Land Records of Baltimore County in Plat Book C.W.B. Jr. #21, folio 4.

Parcels One and Two containing 24,244 square feet also known as 2114 Poplar Road are located in the 15th Elections District of the 5th Councilmanic District.

00-071-A

#71

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANC.
MISCELLANEOUS RECEIPT

No. 069845

DATE 8/17/99 ACCOUNT R001-6150
AMOUNT \$ 50.00

RECEIVED FROM: Henry Hutton
FOR: rule 010 Zoning Variance

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 71

PAID RECEIPT

PROCESS	ACTUAL	TIME
8/18/1999	8/17/1999	14:48:24
REG MS05	CASHIER NOTE MES	DRUMER
Dept	5	528 ZONING VERIFICATION
Receipt #	117819	SLN
CR NO.	069845	

Receipt Tot 50.00
50.00 OK .00 03
Baltimore County, Maryland

00-071-A

CASHIER'S VALIDATION

A-150-00

CERTIFICATE OF POSTING

RE: CASE #00-071-A
PETITIONER/DEVELOPER:
[Henry Hutton]
DATE OF Closing
[Sept. 13, 1999]

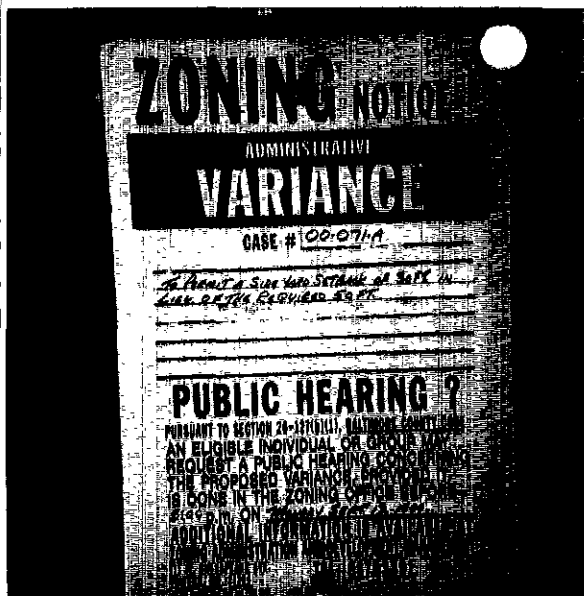
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

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
2114 Poplar Road Baltimore, Maryland 21221_____

The sign(s) were posted on _____ 8-27-99 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle
(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410)-687-8405 _____
(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 71 -A Address 2114 Poplar Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/17/99 Posting Date: 8/29/99 Closing Date: 9/13/99

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 (typically within 7 to 10 days of the closing date) 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 00- 71 -A Address 2114 Poplar Rd.

Petitioner's Name Henry Blanton Telephone 410-687-9843 H
410-962-4331 wk

Posting Date: 8/29/99 Closing Date: 9/13/99

Wording for Sign: To Permit a side yard setback of 30 ft. in lieu of
the required 50 ft.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-71-A
Petitioner: Henry E. Hutten II
Address or Location: 2114 Poplar Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Henry E. Hutten II
Address: 2114 Poplar Road
B Essex, MD 21221
Telephone Number: H(410)687-9843 W(410)962-4331

Revised 2/20/98 - SCJ

9/13AV

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

Date: September 20, 1999

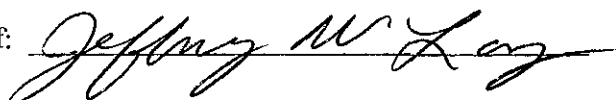
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 068, 071 and 083

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 9.13.99

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

RE: Baltimore County
Item No. 071 BR

Dear Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1c Kenneth A. McDonald Jr.
Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

INDEX for PHOTOGRAGHS of EXISTING CONDITIONS

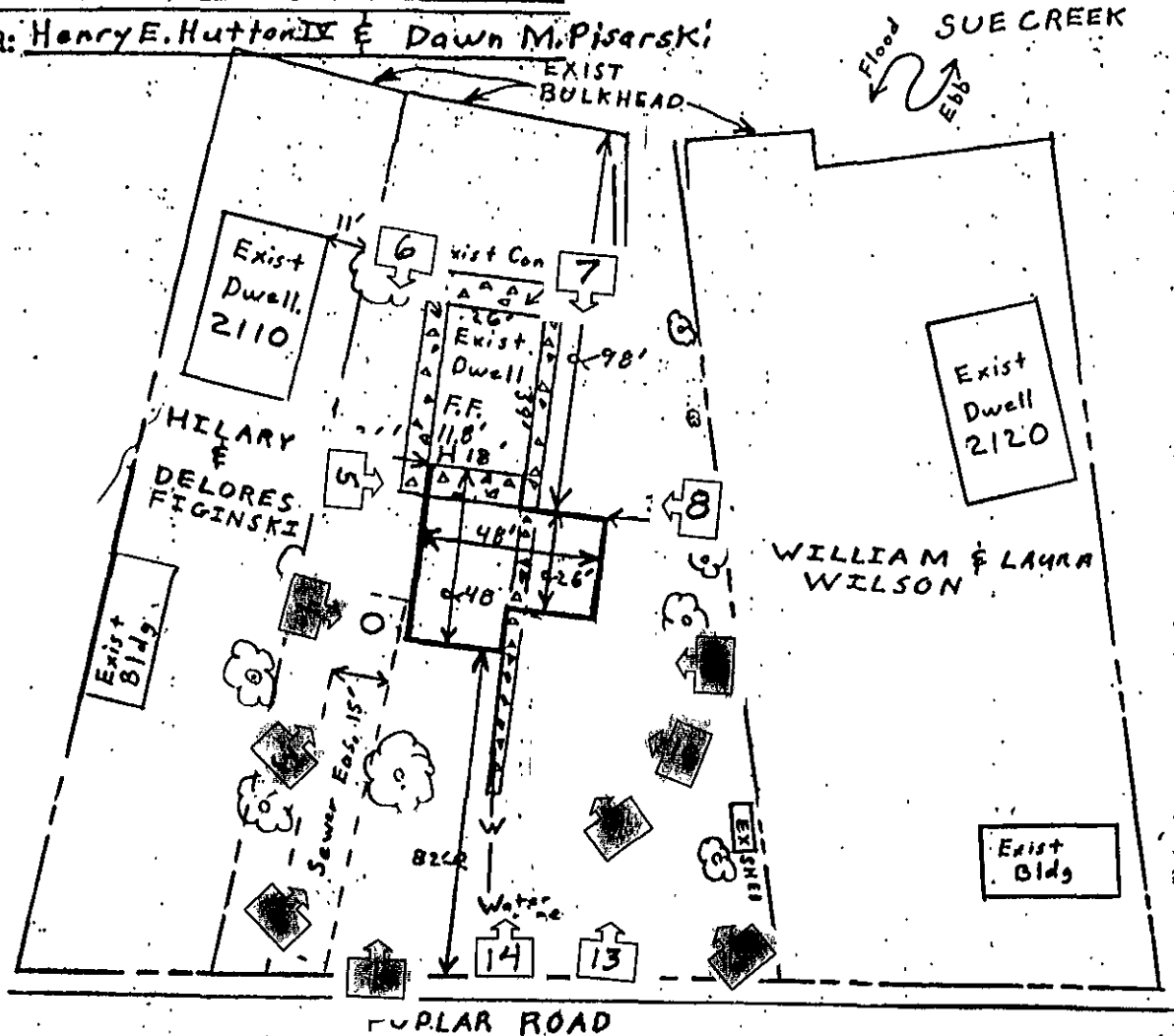
to accompany Petition for Zoning ☒ Variance

PROPERTY ADDRESS: 2114 POPLAR ROAD

Subdivision name: CEDAR BEACH

plat book # 7221, folio # 4186, lot # L, M, N, 80, 81

OWNER: Henry E. Hutton IV & Dawn M. Pisarski



North T 2212
date: 8/6/1999
prepared by: HEH

HARRY A	MURIEL E.	SAMPLE	22/6
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FRANCIS & MADELINE
KREAMER
2222 SILVER LA.

Scale of Drawing: 1" = 50'

Photo Location, Direction, and Sequence

#71

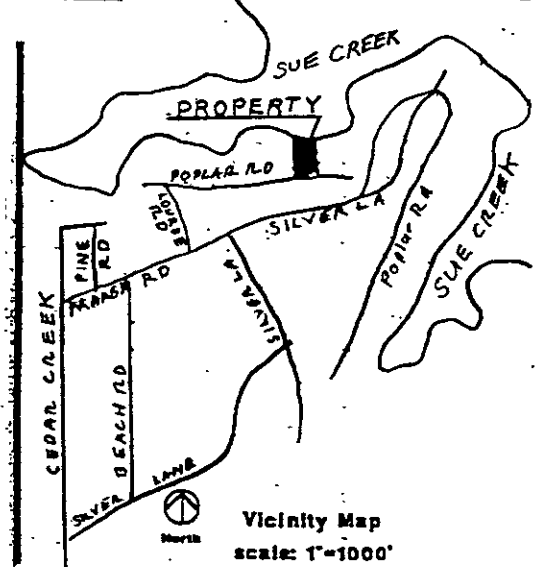
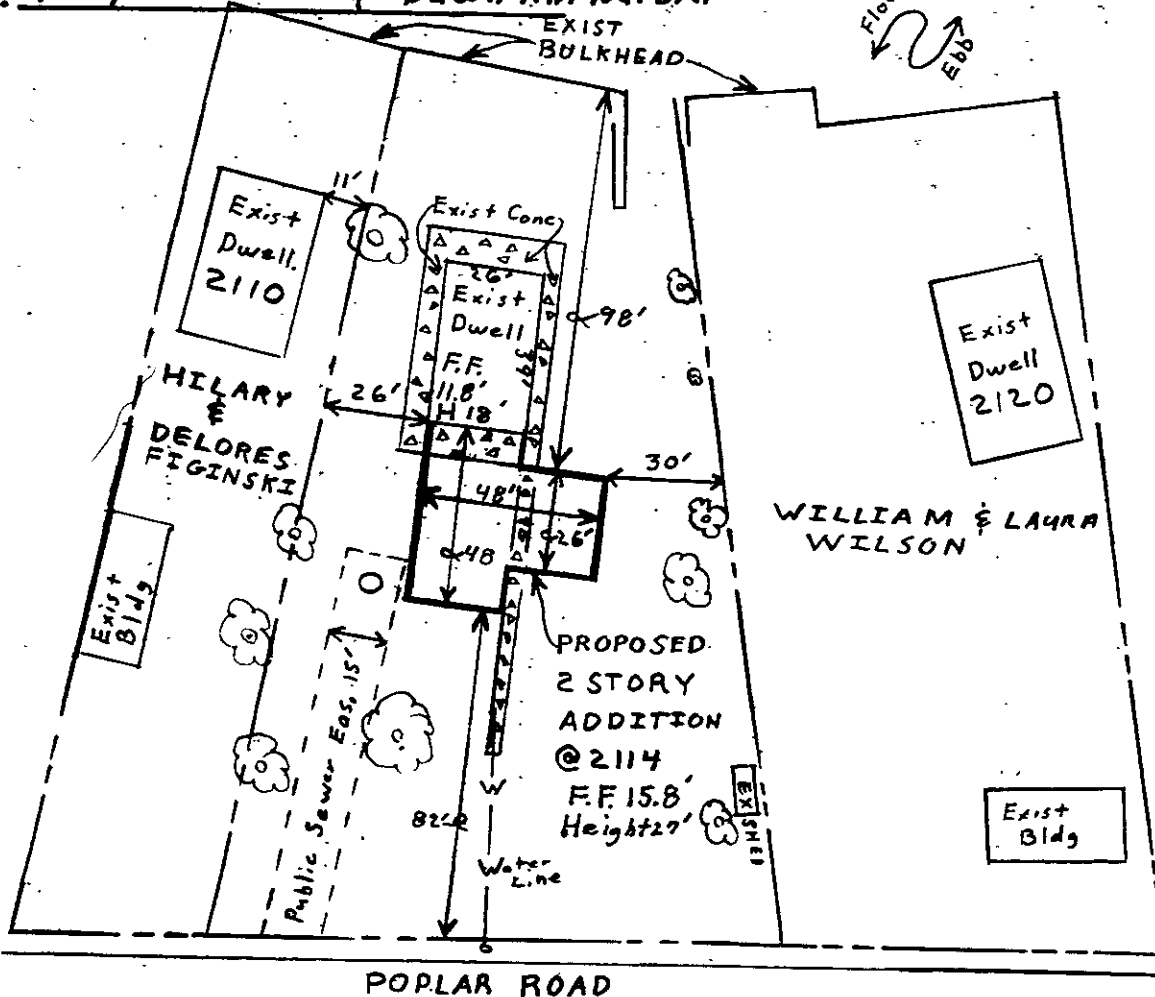
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2114 POPLAR ROAD

Subdivision name: CEDAR BEACH

plat book # 7221, folio # 4/186, lot # L, M, N, 80, 81

OWNER: Henry E. Hutton IV & Dawn M. Piserski



LOCATION INFORMATION

Election District: 15th

Councilmanic District: 5th

1"=200' scale map #: SEJ-2

Zoning: RC 5

Lot size: .556 acreage 24,244 square feet

SEWER: ☒ public ☐ private

WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☒ YES ☐ NO

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: BR ITEM #: 71 CASE #: 00-71-A



North 2272

date: 3/22/1999

prepared by: HEH

HARRY A. 2274 MURIEL E. 2276 SAMPLE

Scale of Drawing: 1" = 50

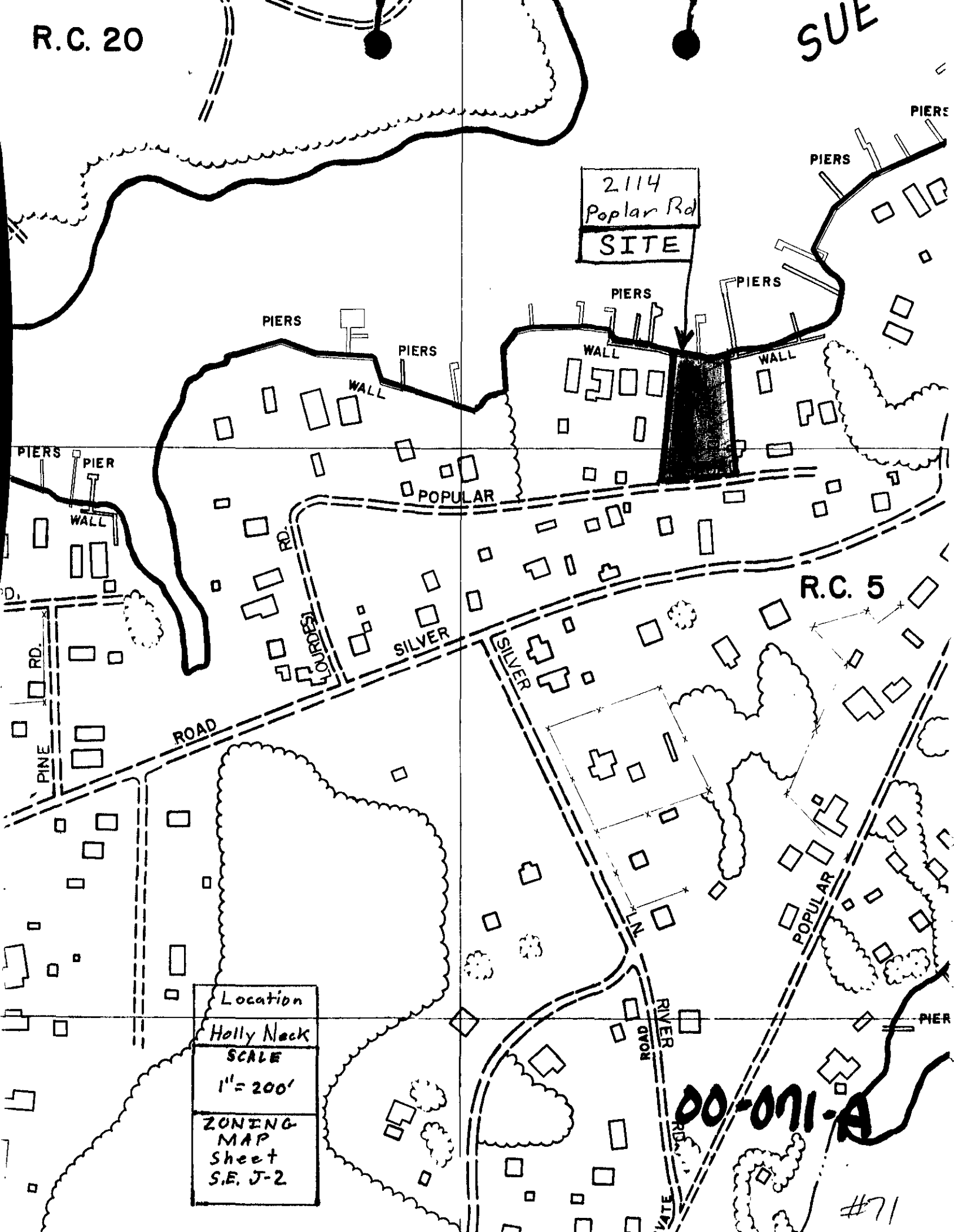
FRANCIS & MADELINE KREAMER

2222 SILVER LA.

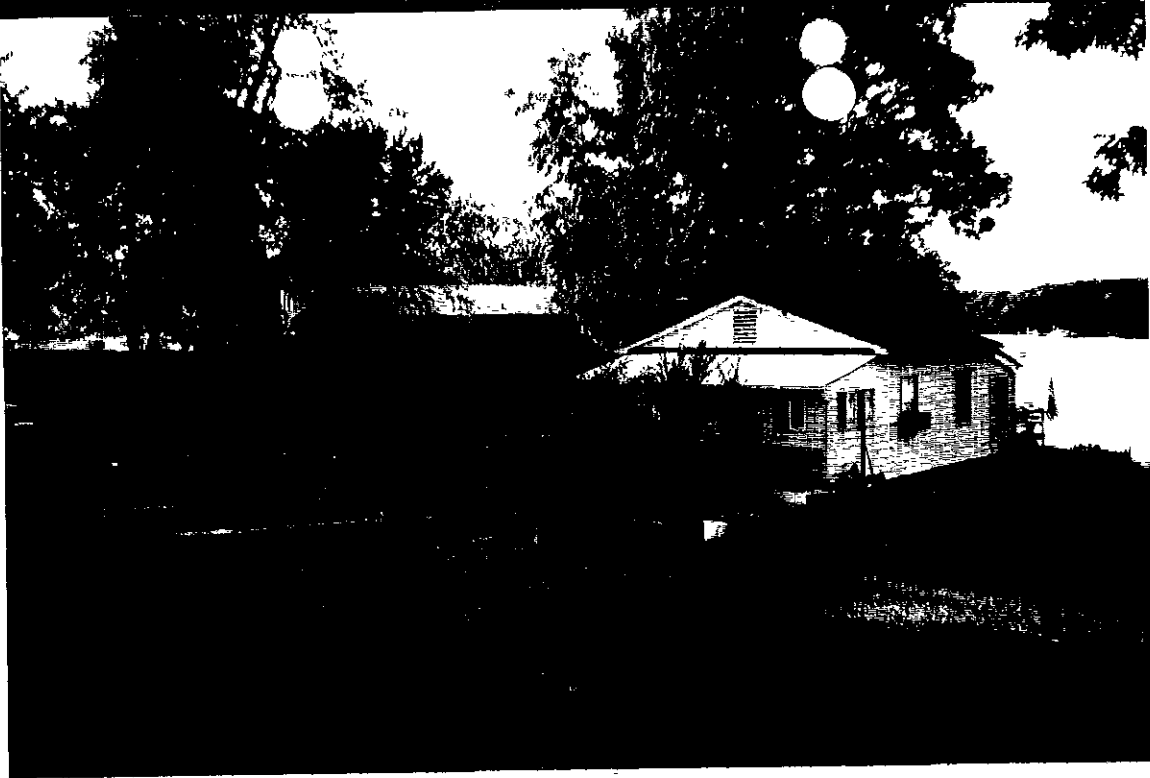
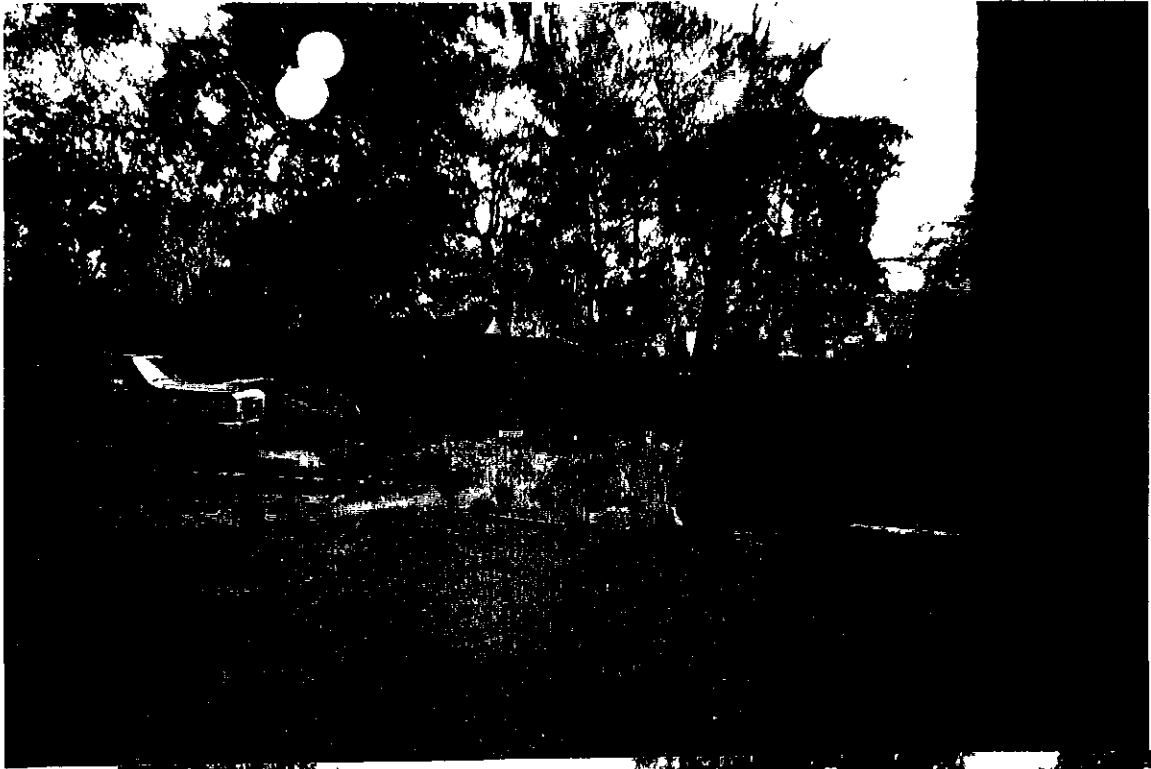
1 PET. EX. 1

R.C. 20

SUE



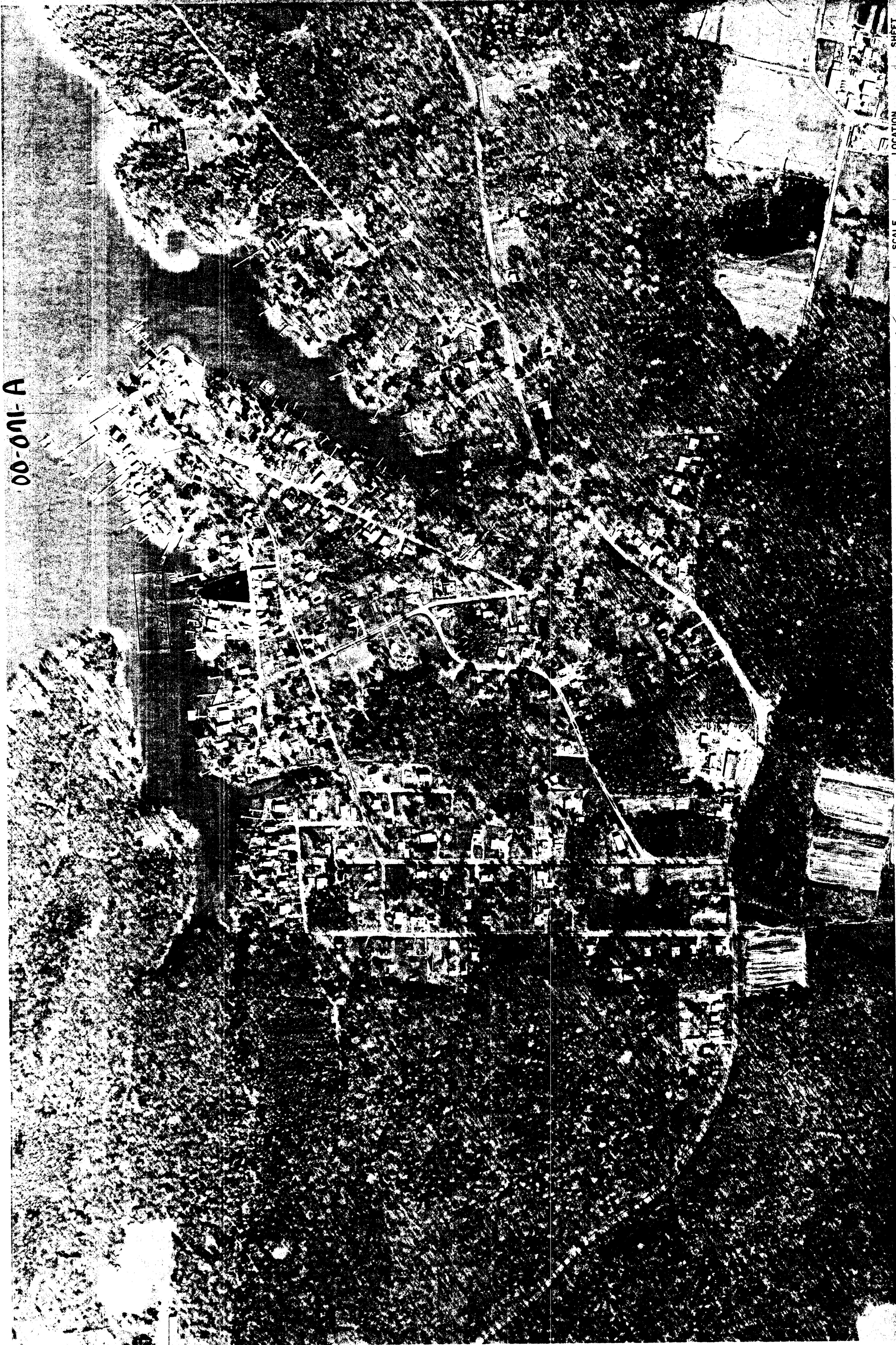








00-001-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±	LOCATION HOLLY NECK <u>S. 11th Rd. to R. 9</u>	SHEET 11
DATE OF PHOTOGRAPHY JANUARY 1966		

00-071-A

CREEK

SUE

2114 Poplar Rd
SITE

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE 1" = 200'	LOCATION HOLLY NECK	SHEET SE 2-J
BY	DATE			
		DATE OF PHOTOGRAPHY DEC. 1954	Site: 2114 Poplar Rd	
Topography Compiled By Photogrammetric Methods ABRAMS AERIAL SURVEY CORP LANSING MICH.				