IN RE: PETITION FOR ADMIN. VARIANCE
N/S Wildon Court, 750' W
centerline of Cedar Lane
11th Election District
5th Councilmanic District
(5 Wildon Court)

John and Janet Kusterer Petitioners * BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 01-352-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, John and Janet Kusterer. The variance request is for property located at 5 Wildon Court in the Kingsville area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (swimming pool) be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, 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 26-127 (b)(1) 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 3 day of April 2001, that a variance from Section 400.1 of the Baltimore County Zoning Regulations, to permit an accessory structure (swimming pool) be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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.

TIMOTHY M! KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

April 3, 2001

Mr. & Mrs. John Kusterer 5 Wildon Court Kingsville, Maryland 21087

Re: Petition for Administrative Variance

Case No. 01-352-A

Property: 5 Wildon Court

Dear Mr. & Mrs. Kusterer:

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,

Timothy M. Kotroco

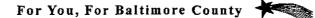
Deputy Zoning Commissioner

buthy lotroco

TMK:raj Enclosure













Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

we broper	Which is presently and PC
This Patting to the control of	which is presently zoned <u>RC5</u>
made a part hereof, hereby netition for a Variance from South	its and Development Management. The undersigned, legal ich is described in the description and plat attached hereto and ion(s)
Autorities (all)	located in the side yard in
structure (swimming pool) be	located in the side yard in
lieu of the required rear	yardı
of the zoning regulations of Baltimore County, to the zoning of this petition form.	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Variance, advertising, po regulations and restrictions of Baltimore County adopted pursuant to	
	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	Name - Type of Print
Signature	Signature Signature
Address Telephone No.	Name Type or Print
City State Zip Code	Signature Signature
Attorney For Petitioner:	
	Address Telephone No.
Name - Type or Print	KIWGS VILLE MD. 21087 City State Zip Code
Signature	Representative to be Contacted:
Company	TRANCIS STEFANSKI Name 2066 YORK ROAD 402525116 Address TIMBALANAMANAMANAMANAMANAMANAMANAMANAMANAMAN
Telephone No	2066 YORK ROAD 402525116
	TIMONIPHICE TO 21093
State Zip Code	City Zip Code
Public Hearing having been formally demanded and/or found to be in that the subject matter of the	required it is ordered by the Zoning Commission - 457 at
equiations of Baltimore County and that the property be reposted.	s petition be set for a public learning advantaged as required by the zoning
	the state of the s
	Zoning Commissioner of Baltimore County
CASE NO. $0/-352-A$ Review	ewed By BR Nate 3/7/0/

Estimated Posting Date 3/18/01

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 competent to testify thereto in the event that a p	within the person ublic hearing is so	al knowledge of	the Afflant(s) and that ure with regard thereto	t Affiant(s) is/are
That the Affiant(s) does/do presently reside at	5 W1.	LDON COU	IRT	
,	Address			74.87
	City	VILLE 1	ate	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship)	wing are the facts p or practical diffic	upon which I/we culty):	base the request for	an Administrative
THE TopogRapHy OF	THE RE	AR AREA	MAKES IN	STALLATIND
IMPRACTICAL.				
ROCK EXPOSED IN CER	TAID AREA	OF REAR	YARD SHOWS	5 A
NATURAL OBSTRUCTION			•	
BOTH THE SLOPE, ROCK	L AND BA	ek line i	EASEMENT)	MAKES
THE AREA BEHIND TH	le House	TOO SMALL	<u>.</u>	
·				
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is additional informat	filed, Affiant(s) wi	Il be required to pay	a reposting and
John Kuster		Quet.	Lustuer	
Signature		Signature /	- Kustere	
Name - Type or Print]	Name - Type or Print	- Kustere	<u>e</u>
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:			
I HEREBY CERTIFY, this 24 day of Fe of Maryland, in and for the County aforesaid, per	SRUARY rsonally appeared	200 /	before me, a Notary P	ublic of the State
JOHN + TANET	KUSTE	RER		
the Affiant(s) herein, personally known or satisf law that the hatters and facts bereinabove set for	actorily identified	to me as such At	fiant(s), and made oat of his/her/their knowle	th in due form of dge and belief.
AS WITNESS AND	i 12	/	1-11	
2/2/1/ Spires Jan. 1		ancis V.	St/L	5 -
Date	Notary P	Public	8	

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

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 TopogRaphy OF THE REAR AREA MAKES INSTALLATION IMPRACTICAL.
ROCK EXPOSED IN CERTAIN AREA OF REAR YARD SHOWS A
NATURAL OBSTRUCTION TO THE BUILDING OF THE POOL THERE.
BOTH THE SLOPE, ROCK AND BACK LINE EASEMENT MAKES
THE AREA BEHIND THE HOUSE TOO SMALL.
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.
Signature Signature Signature
TOHN KUSTERER Name - Type or Print Name - Type or Print Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
HEREBY CERTIFY, this 24 day of FEBRUARY 200/, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form or 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 Sear OFFICIAL SEAL MOTARY PUBLIC MARYLAND FRANCIS X. STEFANSKI CLAULES TO BALTIMORE COUNTY NATURAL PUBLIC PUBL
Date / Commission Expires Jan. 1, Notary Public My Commission Expires / 200 3
REU 09 15 98



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

MOYUM		Į.	•
		for the proper	ty located at 5 WILDON Ct KINGSVILLE
		ļ	which is presently zoned <u>RC5</u>
made a part horost horse		in the second second second	nits and Development Management. The undersigned, legalich is described in the description and plat attached hereto and tion(s)
structure (so	i mmin	g pool) be	located in the side yard in
lieu of the	requir	ed rear y	card.
		1	
of the zoning regulations of E of this petition form.	laitimore Cour	nty, to the zoning I	aw of Baltimore County, for the reasons indicated on the back
Property is to be posted and I, or we, agree to pay expenses regulations and restrictions of Br	advertised as of above Varial altimore County	prescribed by the nce, advertising, po adopted pursuant	zoning regulations. sting, etc. and further agree to and are to be bounded by the zoning 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/Less	ee:		Legal Owner(s):
Name - Type or Print			Name Type or Print + A TERER
Signature			Signature JANET KUSTERER
Address		Telephone No.	Name - Type of Print
City	State	Zip Code	Signature onet of evolution
Attorney For Petitioner:	•		Swil-DON Court 410592 8835 Address Telephone No.
Name - Type or Print			KIWGS VILLE MD. ZIOS7 City State Zip Code
Signature			Representative to be Contacted:
Company	·		FRANCIS STEFANSKI
Address	7	Telephone No.	Address Telephone No.
City	State	Zip Code	City Zip Code
Public Hearing having been form his day of	ally demanded	and/or found to be r	equired, it is ordered by the Joning Commissioner of Baltimore County,
egulations of Baltimore County and th	at the property be	e subject matter of this e reposted.	s petition be set for a public hearing, advertised, as required by the zoning
			Zoning Commissioner of Baltimore County
CASE NO. <u>01-35</u>	-a-A	Revie	wed By BR Date 3/7/01
2 2 0 9115198		Estim	nated Posting Date3 //8/6/

Zoning Description:

Zoning description for this property know as:

#5 Wildon Court, Kingsville, Md. 21087

Located in the 11th Election Dist. and 5th Councilman Dist. Of Balto. Co. Md.

Beginning at a point on The North side of Wildon Court,

Which has a 50' right of way,

And is approx. 750' west of Cedar Lane, being also of a 50' right of way.

Being know as Lot #3 of the "Wildon" sub-division.

Recorded in Baltimore Co. Plat book #33, Folio #150.

Contains 1.98 Acres (86,248.8 sq. ft.)

Also known as 5 Wildon Court

01-352-A

#352

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 93022	PATE DECEMBLE THE PAYMENT ACTION TIME 1/07/2001 3/07/2001 10:20:33
DATE 3/7/01 ACCOUNT	RODI-006-6150	1/07/5001 5/07/2001 10:20:33 PET 1932 CYCHIELE DOOL ON DEMER 2 >>#E/EIPT # 17/550 OFLE OPER OFLE OPER 5 520 700116 URB FOCATION
AMOUNT \$	50,00	OR Mil. OFFICE Proof Tot 50,00
FROM: Parks Park	& Spa.	50.00 CF .09 Cm Palilenre County, Maryland
FOR: Zowing Valique	<u>c</u>	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTO	MER. Ilon # 352	CASHIER'S VALIDATION

01-352-A

CENTIFICATE OF POSTING

RE Case No.

ADMIN , 01-352A

Petitioner/Developer CUSTELER

REGINA POOLS

Date of Hearing/Closing

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 that the necessary sign(s) required by law were posted conspicuously on the property located at #5 WILDON CT

The sign(s) were posted on

Sincerely

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



#5-WILDON CT:- COSTERER/REGINA

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

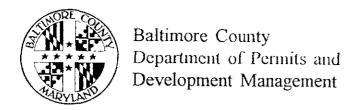
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: JOHN + JAWET KUSTERER
Address or Location: 5 Wilpow Count
PLEASE FORWARD ADVERTISING BILL TO: Name: FRANCIS STEFANSKI REGINA Pools & Spas
Address: 2066 YORK ROND TIMONIUM MB 21093
Telephone Number: 410 252 51/6

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 352 -A Address 5 Wilden Ct.
Contact Person: Bruko Rudartis Phone Number: 410-887-339
Planner, Please Print Your Name
Filing Date: 3/7/01 Posting Date: 3/18/01 Closing Date: 4/2/01
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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. An reposting must be done only by one of the sign posters on the approved list and the petitione 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 fil 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.
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 (conder 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 01- 352 -A Address 5 wildon ct.
Petitioner's Name John & Junet Kustever Telephone 410 - 592.3335
Posting Date: Closing Date: 4/2/01
Wording for Sign: To Permit au accessory structure (sw. mming pest) be
located in the side yard in lieu of the required rear yard.



Permits and Licenses County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3900

Fax: (410) 887-2824

April 2, 2001

Janet & John Kusterer 5 Wildon Court Kingsville MD 21087

Dear Mr. & Mrs. Kusterer:

RE: Case Number: 01-352-A, 5 Wildon Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 7, 2001.

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.

GPZ

Supervisor, Zoning Review

W. Carl Richards, Jr

WCR: gdz

Enclosures

c: Francis Stefanski, 2066 York Road, Timonium 21093 People's Counsel

Inle 4/2 AV

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: March 27, 2001

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

5 Wildon Court

INFORMATION:

Item Number:

01-352

Petitioner:

John Kusterer

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard.

Prepared by:

Section Chief:



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 19, 2001

Item No.: See Below

Dear Ms. Stephens:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

346, 347, 348, 349, 351, 352, 353, 354, 355, 356, and 01-322-SPHA

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 28, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 26, 2001

Item Nos. 346, 348, 350, 351, 352, 354,

355, and 356

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

RWB:HJO:jrb

cc: File



Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 3.15.01

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

RE: Baltimore County

Item No. 357

るス

Dear. Ms. Jackson:

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,

P. J. Doll

√ Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley MRBS

DATE:

March 28, 2001

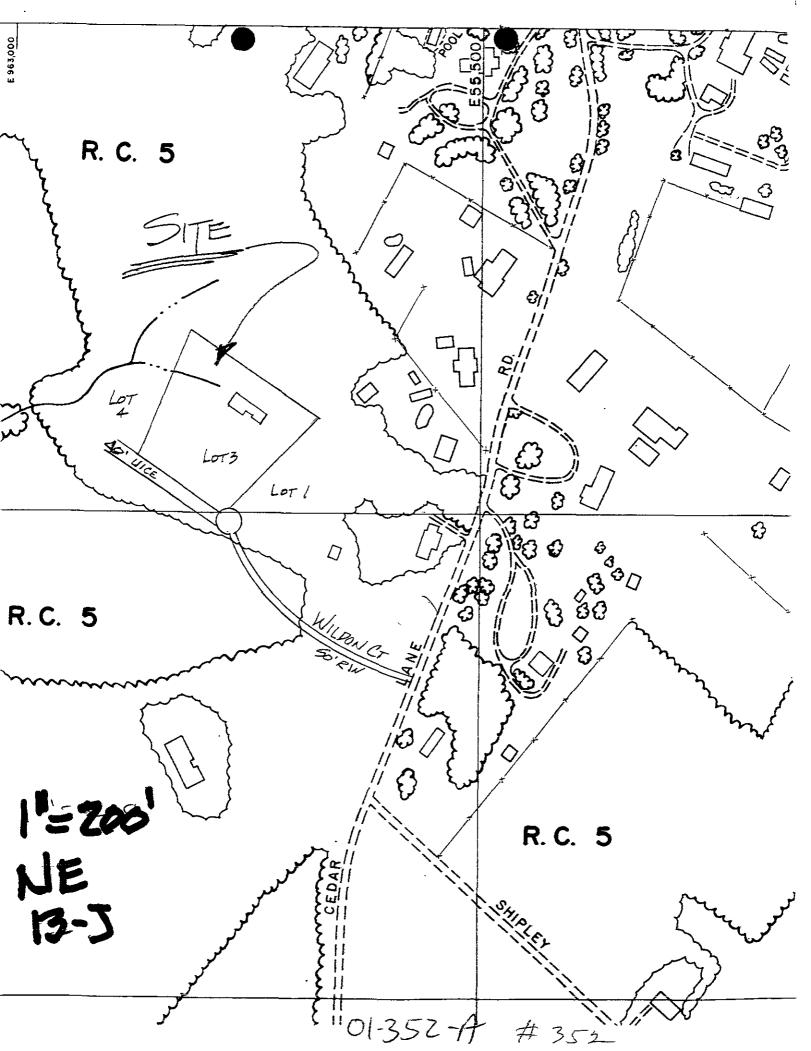
SUBJECT:

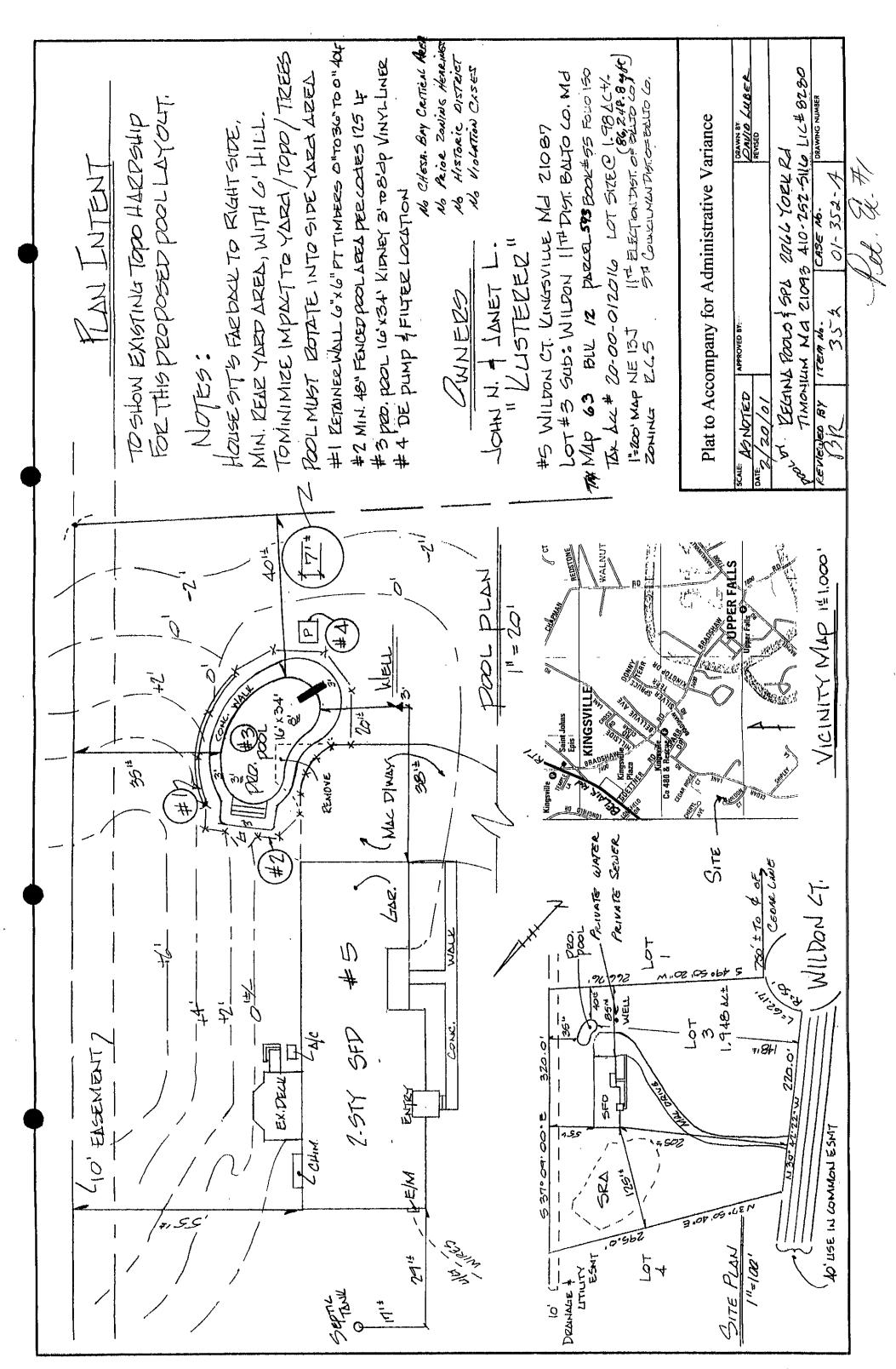
Zoning Petitions

Zoning Advisory Committee Meeting of March 19, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
346	13800 Princess Anne Way
348	1 Glencliffe Circle
351	3704 Valley Hill Drive
352	5 Wildon Court
354	324 Fox Lair Drive
355	7817 Ellenham Avenue
356	1919 Calais Court
322 Revised	8105 McDaniel Avenue





Photographs for Administrative Variance:

Location: #5 Wildon Court, Kingsvile, Md, 21087

Owners: Kusterer, John N. & Janet L.

Entry of site at Wildon Court.



Photo # 1
FRONT ENTRANCE



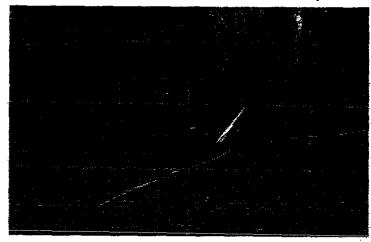
Left center to right rear.

6' hill and trees stay

Pro. Pool location



Pool's deep end 7' into side yard.



Pool 20' to existing Well.



Side

#355

