IN RE: PETITION FOR ADMIN. VARIANCE NE/S Kirkland Road, 90' +/centerline of Burnham Road
15<sup>th</sup> Election District
7<sup>th</sup> Councilmanic District

7" Councilmanic Distric (1700 Kirkland Road)

Mary S. and Charles K. Mack Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 01-389-A

\* \* \* \* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Mary S. and Charles K. Mack, legal owners of that property known as 1700 Kirkland Road in the Dundalk area of Baltimore County. The Petitioners herein seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a street side setback of 8 ft. in lieu of the required 25 ft. for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for 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

HALL FOR THING

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 day of April, 2001, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a street side setback of 8 ft. in lieu of the required 25 ft. for an addition, 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 the Zoning Advisory Committee (ZAC) recommendations submitted by the Office of Planning dated April 12, 2001, a copy of which is attached to this Order.
- 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. KOTROCŎ

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

< ∃TMK:raj

拟 4/23

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** April 12, 2001

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

1700 Kirkland Road

INFORMATION:

**Item Number:** 

01-389

Petitioner:

Mary Mack

Zoning:

DR 5.5

Requested Action:

Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning supports the requested variance providing the building materials and elevation for the proposed addition is consistent with the existing structure. The proposed addition should also be in compliance with the safety regulation regarding the line of sight from the intersection.

Prepared by:

Section Chief:

AFK:MAC:



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

Fax: 410-887-3468

April 26, 2001

Mr. & Mrs. Charles K. Mack 1700 Kirkland Road Dundalk, Maryland 21222

Re: Petition for Administrative Variance

Case No. 01-389-A

Property: 1700 Kirkland Road

Dear Mr. & Mrs. Mack:

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

Musty 16 traco

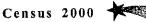
TMK:raj Enclosure

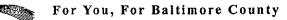
c: HJ&R Contractors, Inc. P. O. Box 15453

Baltimore, Maryland 21220



inted with Soybean Ink on Recycled Paper







Census 2000





REV 9/15/98

# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

MRYLAND		
	for the property	located at 1700 KIRKLAND RD.
***		which is presently zoned
made a part hereof, hereby petition f	for a Variance from Section	10112, S, C, 1; 13C 2K, 70
PERMITA STREET SIDE	SITBOUR CF	EFT FAZIEL OF THE
REGULGO 25 PT FER	An ADDITION	EPT FAZIEL CF THE
of the zoning regulations of Baltimore of this petition form.	e County, to the zoning la	w of Baltimore County, for the reasons indicated on the ba
Property is to be posted and advertis i, or we, agree to pay expenses of above regulations and restrictions of Baltimore	A Variance advorticing nee	dina ala Indiante. Il ilia ilia ilia ilia
		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 or Print
Signature		Signature 1 1 100
Address	Telephone No	Name - Type or Print
City State	Zip Code	V. charler K. Mack Signature
<u> Attorney For Petitioner:</u>		1700 Kirkland Rd 410-388- Address Telephone N
lame - Type or Print		Dundalk, MD. 21226 City State Zip Cod
ignature		Representative to be Contacted:
Company		HU + R Contractors, Inc.
क्रिक्ट इस् इस्टिंग के स्टिंग के	Telephone No.	P.O. Box 15453 410-391-6 Address 11. Telephone No.
State	Zip Code	City State Zip Code
Public Hearing having been formally den is: day of gulalions of Baltimore County and that the pr	nanded and/or found to be re _ that the subject matter of this operty be reposted.	equired, it is ordered by the Zoning Commissioner of Baltimore Count spetition be set for a public hearing, advertised, as required by the zoning
	·	
		Zoning Commissioner of Baltimore County

Estimated Posting Date

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as

competent to testify thereto in the event that a pul	/ithin the personal knowledge of the Affiant(s) and that Affiant(s) is/are blic hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	1700 Kirkland Rd.
,	Address Dundalk, MD. 21222
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	City State Zip Code ring are the facts upon which I/we base the request for an Administrative or practical difficulty):
Due to side set	back regulation of 15' not addition set back would
able to construct	addition set back would
be 8.' Need a	addition to move laundry
facility to 1st	floor for senior citizens.
•	
That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide ad	mal demand is filed, Affiant(s) will be required to pay a reposting and iditional information.
Charles K mach	Mary S. mack
Signature Charles K. Mack	Signature Mary 5 Mark
Name - Type or Print	Name - Type or Privit
STATE OF MARYLAND, COUNTY OF BALTIMO	· · · · · · · · · · · · · · · · · · ·
of Maryland, in and for the County aforesaid, person	Dr 200 /, before me, a Notary Public of the State conally appeared
Charles K Mack	+ mary 5 mack
the Affiant(s) herein, personally known or satisfaction law that the matters and facts hereinabove set for	ctorily identified to me as such Affiant(s), and made oath in due form of th are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	
2-27-01	Elen Handa
Date	Notary Public
	My Commission Expires EILEEN L. KANELY NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires March 2, 2004

REV 09/15/98

# 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.

competent to testify thereto in the event that a p	within the persona ublic hearing is sch	i knowledge of the A eduled in the future w	Affiant(s) and that with regard thereto.	Affiant(s) is/are
That the Affiant(s) does/do presently reside at	_1700	Kirkland T	Rd.	
1	Address	k. ma	<b>)</b> .	21222
	City	State	<del></del>	Zip Code
That based upon personal knowledge, the follovariance at the above address (indicate hardshi	wing are the facts of p or practical difficu	upon which I/we base alty):	the request for a	n Administrative
Due to side se	t back	regulation	S 101	1
able to construct	add L'a	regulation		
	1 i		ack wou	-ld
be 8: Need a	ddition to	o move	laundry	
facility to 1st	floor -	n for senior	Citizens	<b>,</b>
Tucitudes 1-	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			•
That the Affiant(s) acknowledge(s) that if a fo	rmal demand is file	ed, Affiant(s) will be	required to pay a	reposting and
advertising fee and may be required to provide a	idditional informatio	n,	,	
Charles K mack		man . 8	manh	
Signature	Si	gnature J.	Mach	
Charles K. Mack		Mary 5	Mack	
Name - Type or Print	Na	ame - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTIN  I HEREBY CERTIFY, this Way of	IORE, to wit:	2001.		
of Maryland, in and for the County aforesaid, per	sonally appeared	OCO , before	e me, a Notary Pul	blic of the State
Charles B	Wack	A 180	ary S	Mack
the Affiant(s) herein, personally known or satisf law that the matters and facts hereinabove set for	actorily identified to orth are true and co	o me as such Affiant( rrect to the best of his	s), and made oath s/her/their knowled	in due form of ge and belief.
AS WITNESS my hand and Notarial Seal				
As Wirkess my hand and Notarial Sear	0	. o	-1/a	٨
<u>J - 2 7 - 0 1</u> Date	ل ح	lus J	Xan	lij
Date	Notary Pu		EILEEN L. KANELY	YLAND
	iviy Comm	ission Expires <u>NOTARY</u>	FUDLIC STATE OF 1804	

My Commission Expires March 2, 2004



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

10 d	20 ming commissioner of Baltimore County
fo	r the property located at 1700 KirkLAND RD .
	which is presently zoned DR5.5
made a part hereof, hereby petition for a Varia	tment of Permits and Development Management. The undersigned, legal County and which is described in the description and plat attached hereto and ance from Section(s) IBDZ.3.C.I.BCZR, TO SETBRIK OF OFF. IN LIEU OF H. LORD AN ADDITION.
of the zoning regulations of Baltimore County, of this petition form.	to the zoning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as pre , or we, agree to pay expenses of above Variance egulations and restrictions of Baltimore County ad	escribed by the zoning regulations. , advertising, posting, etc. and further agree to and are to be bounded by the zoning lopted 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:	Legal Owner(s):
ame - Type or Print	Name-Type or Print Viharle / Mach
ignature	Signature
ddress Te	Name - Type or Print
ity State	Zip Code Signature / Signature
ttorney For Petitioner:	Address I I Roll Rd. 410-388-147
ame - Type or Print	City Dundalk, MD. 21222 State Zip Code
gnature	Representative to be Contacted:
ompany	HU+R Contractors, Inc.
ddress Tele	ephone No. Address Telephone No.
ty State	Zip Code City State Zip Code
Public Hearing having been formally demanded and s day of that the s gulations of Baltimore County and that the property be re	d/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, subject matter of this petition be set for a public hearing, advertised, as required by the zoning eposted.
CASE NO. 01-389 A	Zoning Commissioner of Baltimore County  Reviewed By  Date  28.01

Estimated Posting Date \_

#### **ZONING DESCRIPTION**

#### Zoning description for 1700 Kirkland Road

Beginning at a point north east side of Kirkland Road which is 50' wide at the distance of 90' north west of the centerline of the nearest improved intersecting street Burnham Road which is 50' wide. Being lot # 17 block D, section d in the subdivision of Edge Point as recorded in Baltimore County Plat Book # 18, folio #18, containing 6,555 square feet. Also known as 1700 Kirkland Road and located in the 15<sup>th</sup> election district, 7<sup>TH</sup> councilmanic district.

389

BALTIMORE COUNTY, MAP OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT			No.	93091	LAY Havel		TIME
$\mathcal{L} = \mathcal{L}$	:	201-6	150.		V273 REG WAS SALCT IPT	Cachier aste ne 8 206270	S ORANER UTI
RECEIVED C. MACK.	AMOUNT \$	17	5 5 KIRK	1000 P	Server of	528 ZONING VERT 3021 Recet Tot 0.00 CK Limore County, N	50.00 .00 LY
FOR:	<u> </u>	4	,			CINCID WOMEN	on Amore
		,					
DISTRIBUTION	i			\			

- ---

# CERTIFICATE OF POSTING

	RE: Case No.: 0/-389-H
	Petitioner/Developer: C. MACK
	•
	Date of Hearing/Closing: 4/23/07
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:	
	f perjury that the necessary sign(s) required by law located at 1700 Kirkland RA
The sign(s) were posted on	APRIL 8, 2001
	(Month, Day, Year)
<b>均</b> 康元,	Sincerely,
ZONING NOTICE	SS GAMB 4/8/01 (Signature of Sign Poster and Date)
ADMINISTRAÇIYE VARIANCE	(oignature of oign Poster and Date)
A VARIANCE OF PRINT A SIGNATURE TO THE RESIDENCE OF THE PRINT OF OF THE PR	(Printed Name)
PUBLIC HEARING ?	(Address)
	(City, State, Zip Code)
<b>斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯斯</b>	(Telephone Number)

# 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.

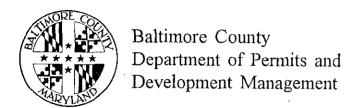
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 389
Petitioner: Charles + Mary Mack
Address or Location: 1700 Kirkland Rd. Dundalk, Mo. 21226
PLEASE FORWARD ADVERTISING BILL TO:
Name: HJ + B Contractors, Inc.
Address: P. O Box 15453
Balto, MD. 21220
Telephone Number: 410-391-10811

Revised 2/20/98 - SCJ

## ADMINISTRATIVE VARIANCE INFORMATION SIEET AND DATES

Case I	Number 01-	3.89	-A	Address	1700	KIRKLAND	P
	ct Person: _	\ \	911 BARR	_		Phone Number: 41	10 997 2204
		Planner,	Please Print Your N	ame	<del></del>	Frione Number, 41	10-007-3391
Filing	Date: <u></u> 3 ·	28-01	_ Post	ing Date: _	4.8	Closing Date:	4.23
Any co throug	ontact made h the contac	with this off t person (plan	ice regarding ner) using th	g the status e case numb	of the adr per.	ministrative variance	should be
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.	a tormal red	quest for a p	ublic hearing	. Please u	inderstand i	or owner within 1,00 that even if there i e closing date.	0 feet to file s no formal
	commissione order that the (typically with	er. He may: he matter be hin 7 to 10 da	a) grant the set in for a avs of the clo	requested public hea sing date) a	relief; (b) d ring. You s to whethe	y the zoning or de leny the requested will receive written r the petition has be you by First Class i	relief; or (c) notification en granted
	changed giv	ie to a neigh er), notificatio ing notice of t	bor's formal in will be for he hearing d	request or warded to ate, time and	by order o you. The d location.	that must go to a pure fithe zoning or deposition on the proper As when the sign watered sign must be for	puty zoning ty must be as originally
			(Detac	ch Along Dotted Lir	e)		
Petitio	ner: This P	art of the Fo	rm is for the	Sign Poste	r Only		
•		USE THE	ADMINISTRA	TIVE VARIA	NCE SIGN	FORMAT	
Case N	Number 01-	389 -A	. Addre	ess 1700	· Kirk	LANS Fo	
		C. MA				elephone (4/0)3	P9-1470
Postin	g Date:	4.8.	۵ I			4.23.0	
Vordir	ng for Sign:	_ /-\ \ <b>a</b> .⊘	NUE A			SETBACK	
	N LIEU	of T	he k	) - EC LILKO	251	Ct. Fin An	/
D'OL	ITON .						
1	and !	, 1	<u> </u>	····			



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

April 23, 2001

Mary S & Charles K Mack 1700 Kirkland Road Baltimore MD 21222

Dear Mr. & Mrs. Mack:

RE: Case Number: 01-389A, 1700 Kirkland Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 28, 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 Richard, Jr.

W. Carl Richards, Jr. ・ Cりて Supervisor, Zoning Review

WCR: gdz

Enclosures

c: H J & R Contractors Inc, P O Box 15453, Baltimore 21220 People's Counsel

4/22

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** April 12, 2001

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1700 Kirkland Road

**INFORMATION:** 

Item Number:

01-389

Petitioner:

Mary Mack

Zoning:

DR 5.5

Requested Action:

Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning supports the requested variance providing the building materials and elevation for the proposed addition is consistent with the existing structure. The proposed addition should also be in compliance with the safety regulation regarding the line of sight from the intersection.

Prepared by:

Section Chief:



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

April 12, 2001

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 APRIL 9, 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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS IN REGARD TO THE FOLLOWING ITEM #'S.

380, 381, 382, 384, 386, 387, 389, 390, 391, 392, 393, 394,

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

cc: File



### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 4.9 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. 385

JCM

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,

1. J. Gredh

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

Plat to accompany Petition for Zoning X Variance	Special Hearing
PROPERTY ADDRESS. 7700 NAME DE 1	ECKLIST for additional required information
Subdivision name: EDGE POINT  [plat book# 18 ,tolio# 18 ,tol# 17 ,section# D	
The state of the s	C.
OWNER: CHARLES & MARY MACK  ST'	Victnity Map  scate: 1'-1000
NEIL  EPSTEIN  EXISTING  DIMEL  AO. 1702  Lot 18  PORT  CAUCHY  CAUCHY	LOCATION INFORMATION  Election District. /5  Councilmanic District: 7  1'-200 scale map#.5E 4H  Zoning: D.R. 5.5  Lot size: O.IS 6,555  acreage square fael  SEWER:
KIRKLAND RD (50'R/W 36' PAVING) BUTWHAM RD	Chesapeake Bay Critical Area: [ ] [2] Prior Zoning Hearings: NONE
North  date: 3-27-0/ prepared by: Scale of Drawing: 1'= 50'	Zoning Office USE ONLY!  reviewed by: ITEM #: CASE#:  \$\int 389\$

