

IN RE: PETITION FOR ADMIN. VARIANCE
NE/S Mt. Vista Road, 600' S
of Brooknoll Road
11th Election District
3rd Councilmanic District
(6530 Mt. Vista Road)

Marcia and Walter A. Kuklane
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-190-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, Marcia and Walter A. Kuklane. The variance request is for property located at 6530 Mt. Vista Road 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 (pool) to 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.

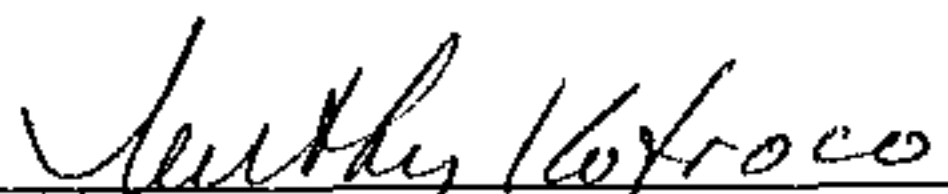
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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.

11/15/02
J.R. [Signature]

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 15th day of November, 2002, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (pool) to 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:

1. The Petitioners may apply for their 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

11/15/02
R. J. JAMESON



Baltimore County
Zoning Commissioner

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

November 15, 2002

Mr. & Mrs. Walter A. Kuklane
6530 Mt. Vista Road
Kingsville, Maryland 21087

Re: Petition for Administrative Variance
Case No. 03-190-A
Property: 6530 Mt. Vista Road

Dear Mr. & Mrs. Kuklane:

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,

A handwritten signature in cursive script, reading "Timothy M. 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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6530 Mt Vista Rd.
which is presently zoned RC-2

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) 400.1 - To Permit A Detached Accessory Structure (Pool) - To Be Built in the Side Yard in lieu of the Rear Yard.

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):

Walter A. Kuklane
Name - Type or Print

Marcia Kuklane
Signature
Name - Type or Print

6530 Mt Vista Road 410-592-8274
Address Telephone No.
Lingville MD 2087
City State Zip Code

Representative to be Contacted:

SEE ABOVE
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, 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. 03-190 A

REV 10/25/01

Reviewed By STA Date 10-18-02

Estimated Posting Date 10-28-02

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

4530 Mt Voke Road
Address
Lengsville MD 21087
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):

Slope and grade of land would require ^{70 feet}
of ^{5 foot} retaining wall. Also well is located
in rear of house, There will be much regrading of
property + distance must be maintained from well + line.

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.

Walter Kuklane
Signature

WALTER KUKLANE
Name - Type or Print

Marcia Kuklane
Signature

Marcia Kuklane
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of October, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Brianne A. Krapp Walter & Marcia Kuklane
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Brianne A. Krapp
Notary Public

My Commission Expires 8/1/16

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

Address

City

State

Zip Code

6530 MT Vista Road
Kingville MD 21087

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):

Slope and grade of Land would require 70 FEET
of retaining WALL. Also well is located
in rear of house & DISTANCE MUST BE MAINTAINED
FROM WELL LINE.
AND THICK REGULATION OF PROPERTY

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

Name - Type or Print

Walter Kuklane
WALTER KUKLANE

Signature

Name - Type or Print

Marcia Kuklane
Marcia Kuklane

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of October 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Walter + Marcia Kuklane
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

8/1/16



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6530 Mt Vista Rd.
which is presently zoned RC-2

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)

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):

Walter A Kuklane
Name - Type or Print

Marcia Kuklane
Signature
Name - Type or Print

6530 Mt Vista Road 410-592-3274
Address Telephone No.
Kingsville MD 21087
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 03-190-F1 day of February, 2007, 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. 03-190-F1

Reviewed By 5007 Date 10-18-07

Estimated Posting Date 10-28-07

ZONING DESCRIPTION FOR 6530 Mt Vista Road, Kingsville MD 2087
(address)

Beginning at a point on the NORTH EAST side of
(north, south, east or west)

Flount Vista Rd. which is 50 FT.
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 1000 feet South of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Brookroll
(name of street)

which is 50 FT wide. *Being Lot # 4
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of Dalton Property
(name of subdivision)

as recorded in Baltimore County Plat Book # 54, Folio # 141.

containing 3.39 acres. Also known as 6530 Mt Vista Road
(square feet or acres) (property address)

and located in the 11 Election District, 3 Councilmanic District.

03-190 A

63 190 H

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 18907

DATE 11-1-68 ACCOUNT RECEIPTS

AMOUNT \$ 50

RECEIVED FROM: ALLIANCE

FOR: Police VA 50
total 450

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID TO ORDER OF
BALTIMORE COUNTY
TREASURER
BY
CASHIER
DATE
11-1-68
AMOUNT
\$ 50
TOTAL
\$ 450

CERTIFICATE OF POSTING

RE: Case No.: 03-190-A

Petitioner/Developer: _____

KUKLANE

Date of Hearing/Closing: 11/12/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: MS. BECKY HART

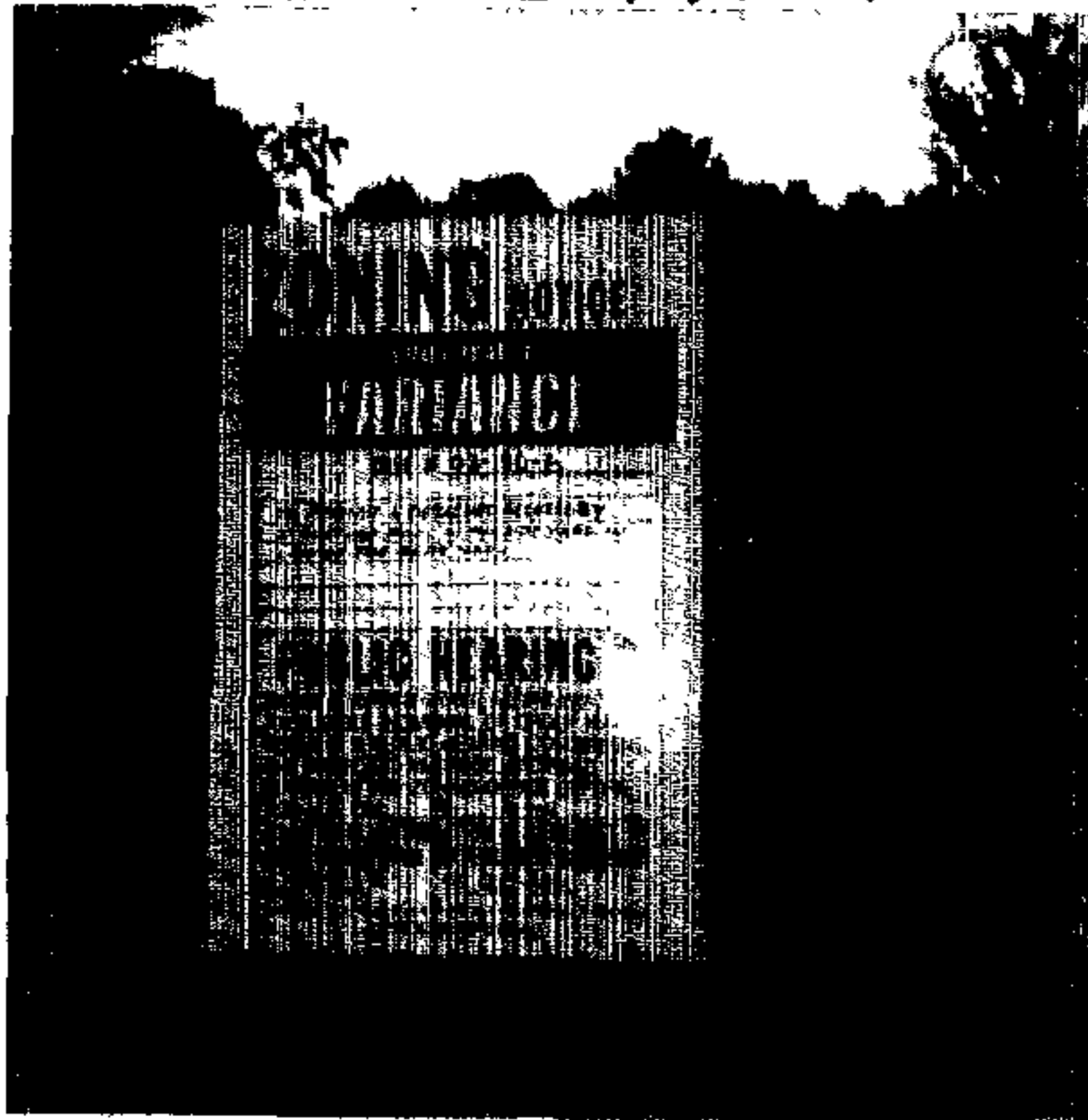
Ladies and Gentlemen:

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 _____

6530 MT. VISTA RD.

The sign(s) were posted on 10/28/02
(Month, Day, Year)

CASE # 03-190-A



Sincerely,

Richard E. Hoffman 10/28/02
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

6530 MT. VISTA ROAD
POSTED 10/28/02
Richard E. Hoffman 10/28/02

**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: 03-190-A
Petitioner: Walt + Marcia Kuklane
Address or Location: 6530 MT. Vista RD Kingsville, MD 21087

PLEASE FORWARD ADVERTISING BILL TO:

Name: Walt + Marcia Kuklane
Address: 6530 MT. Vista RD Kingsville, MD 21087
Telephone Number: 410-593-3274

Revised 2/20/98 - SCJ

03-190 A¹⁶

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 190 -A Address 6530 Mt. Vista Rd.
Contact Person: Sarah K Alexander Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 10-18-07 Posting Date: 10-28-07 Closing Date: 11-12-07

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 03- 190 -A Address 6530 Mt. Vista Rd.
Petitioner's Name KUKUANE Telephone 410-592-3274
Posting Date: 10-28-07 Closing Date: 11-12-07
Wording for Sign. To Permit A DETACHED ACCESSORY STRUCTURE
POOL in the SIDE YARD IN LIEU OF THE
REAR YARD.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 12, 2002

Walter A. Kuklane
Marcia Kuklane
6530 Mt. Vista Road
Kingsville, MD 21087

Dear Mr. and Mrs. Kuklane:

RE: Case Number: 03-190-A, 6530 Mt. Vista Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 18, 2002.

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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel

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





Baltimore County
Fire Department

Department of Permits and
Development Management (PDM)

County Office Building, Room 111

Mail Stop #1105

111 West Chesapeake Avenue

Towson, Maryland 21204

Office of the Fire Marshal

700 East Joppa Road

Towson, Maryland 21286-5500

410-887-4880
October 29, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: 182-187, 190, 192

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 21, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 4, 2002
Item Nos. 182, 183, 184, 187, 188,
(190), 191, and 192

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

RWB:CEN:jrb

cc: File

AV
11/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 6, 2002

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

SUBJECT: 6530 Mt. Visa Road

INFORMATION:

Item Number: 03-190

Petitioner: Walter A. Kuklane

Zoning: RC 2

Requested Action: Variance

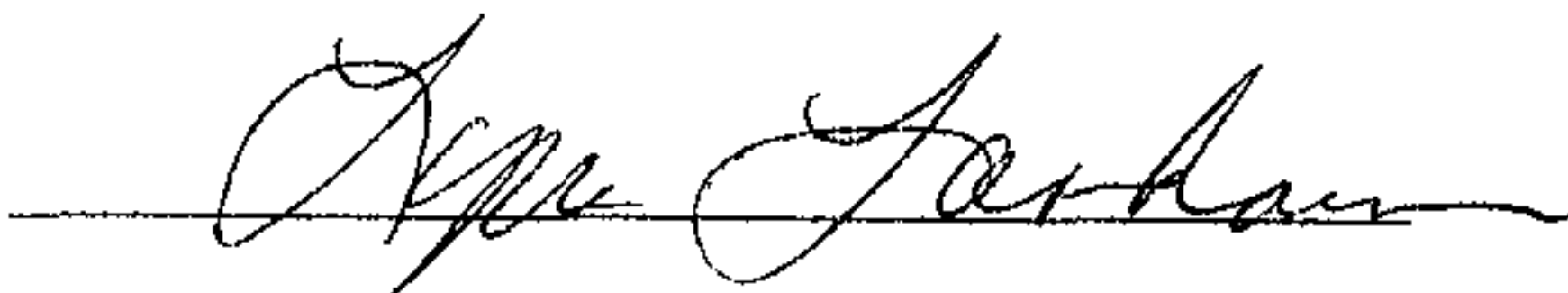
SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit an accessory structure in the side yard in lieu of the required rear yard.

Prepared by:



Section Chief:



AFK/LL:MAC:

David M
11/18/02



Maryland Department of Planning

Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary

Mary Abrams
Deputy Secretary

October 29, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, November 4, 2002
Re: case numbers 03-182-A, 03-183-A, 03-184-A, 03-185-SPH, 03-186-A, 03-187-SPHA, 03-188-SPHXA, 03-190-A, 03-191-XA, 03-192-SPH

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 10/29/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

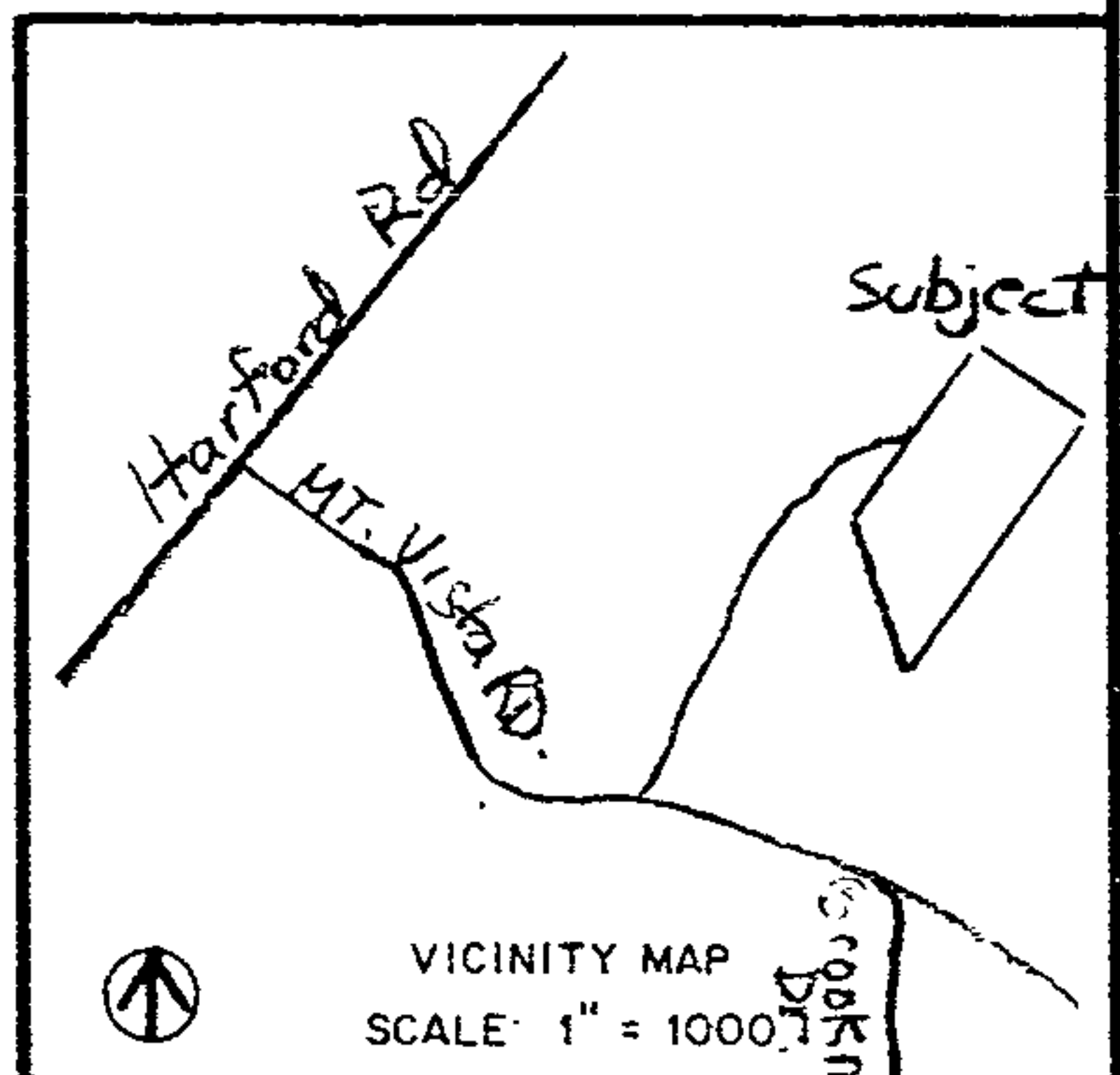
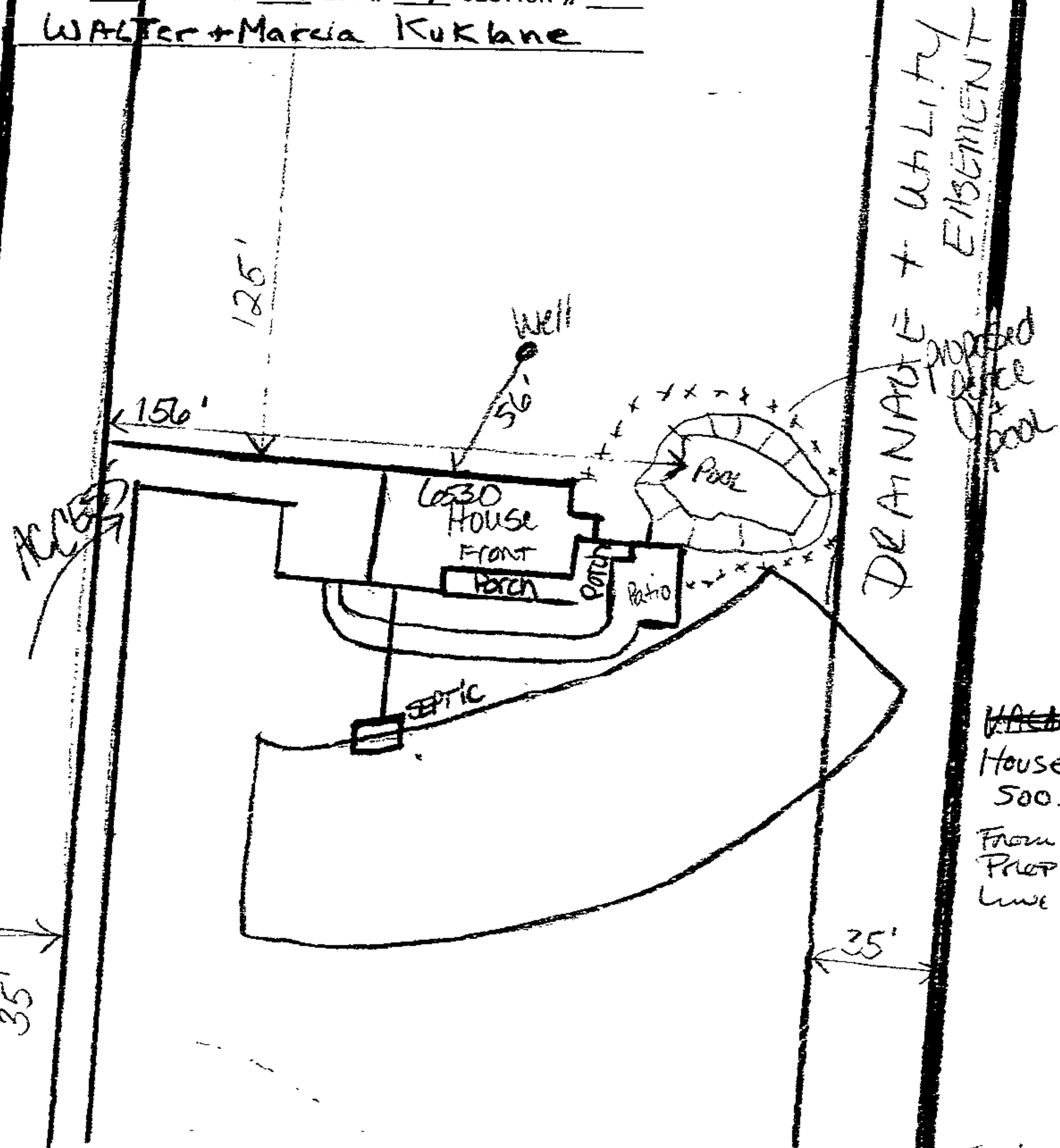
PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 6530 MT. VISTA RD
 SUBDIVISION NAME Dalton property
 PLAT BOOK # 54 FOLIO # 141 LOT # 4 SECTION #
 OWNER WALTER + Marcia Kuklane

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

House 500+ Ft
 From Prior Line

Existing Dwelling
 6526
 Front



LOCATION INFORMATION

ELECTION DISTRICT 11
 COUNCILMANIC DISTRICT 3
 1" = 200' SCALE MAP # NE15H+1
 ZONING RC 2
 LOT SIZE 3.39 ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

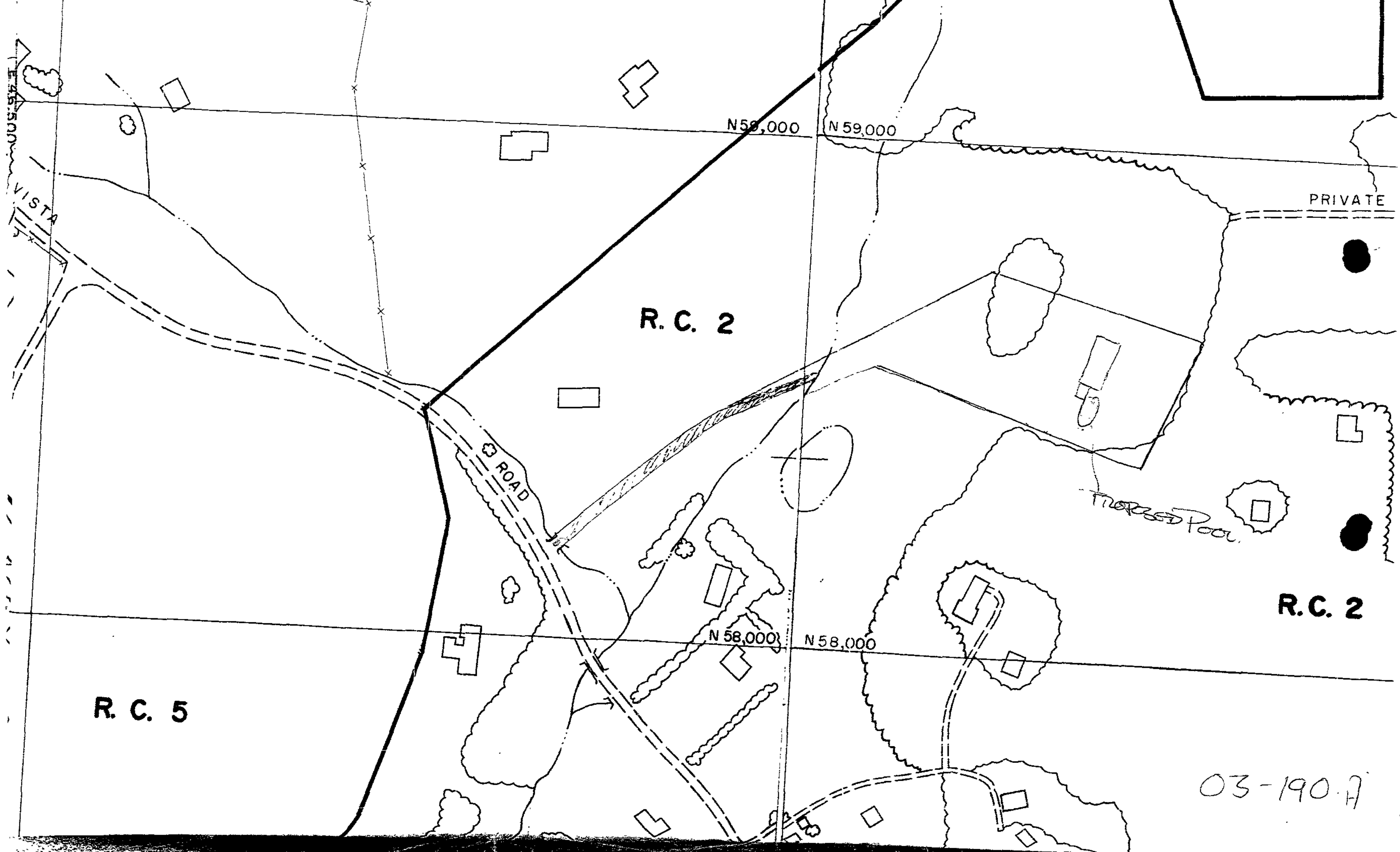
	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING		☒

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

PREPARED BY WAK

SCALE OF DRAWING: 1" = 50'

Det. Ex. #1



R.C. 2

R.C. 2

R.C. 5

ROAD

N 58,000

N 59,000

N 58,000

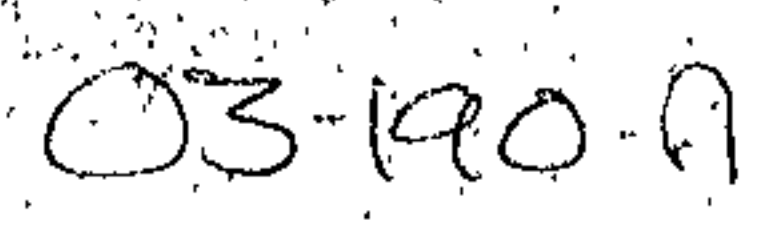
N 58,000

PRIVATE

Therap Pond

03-190-A

VISTA



6/1/79
1000

COPYRIGHT MAP DIVISION - 1967
MD. DEPT. OF TRANSPORTATION



00.22

AIR PHOTO, INC.
COPYRIGHTS RESV. 1998
(425) 774-2360
38WMS-28
WHITE MARSH, MD

Mt. Vista bk in wood to right

