IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Dairy Road, 1600' W
centerline of Hillcrest Avenue
6th Election District
3rd Councilmanic District
(731 Dairy Road)

JoAnn & J. Michael Kutrik, Jr. Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-068-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, JoAnn and J. Michael Kutrik, Jr. The variance request is for property located at 731 Dairy Road in the Parkton area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (swimming 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 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

The Sold of the So

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 17 day of September, 2003, that a variance from Section 400.1 of the B.C.Z.R., to permit an accessory structure (swimming 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:

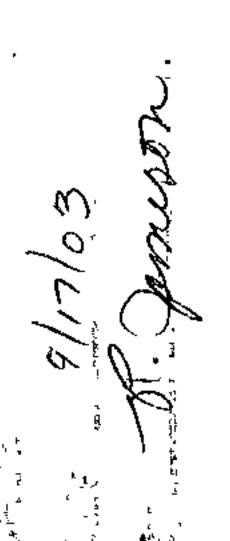
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 13, 2003

Mr. & Mrs. & J. Michael Kutrik, Jr. 731 Dairy Road Parkton, Maryland 21120

Re: Petition for Administrative Variance

Case No. 04-068-A

Property: 731 Dairy Road

Dear Mr. & Mrs. Kutrik:

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,

John V. Murphy

Deputy Zoning Commissioner

John V. Murphy

JVM:raj Enclosure



Visit the County's Website at www.baltimorecountyonline.info



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	for th	e property l	ocated at <u>7</u>	DI DAIR	X VD'	2112
			which is pr	esently zon	red	<u> </u>
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City	State	Zip Code	Signature			
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			Zonina	Commissioner of	Baltimore Coun	tv
	-068-A					-,

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 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		1RY R	<u> </u>	<u> </u>
	Address PARKTON City		tate	2112 C Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts p or practical diffic	upon which I/we ulty):	base the request f	or an Administrativ
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is to additional informati	filed, Affiant(s) wi ion.	ill be required to p	ay a reposting and
Signature State Kutrik, JR. Name - Type or Print	(Signature Name - Type or Print	R. KUTRIK	trik
Name - Type or Print		lame - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:			
I HEREBY CERTIFY, this $\frac{U}{U}$ day of $\frac{Au}{Au}$ of Maryland, in and for the County aforesaid, per				y Public of the State
the Affiant(s) herein, personally known or satisfa	ANN R. Identified to	∰νις/ me as such Affia	nt(s).	
AS WITNESS my hand and Notarial Seal				
	Notary P	Acsept Ma	1 anto	
•	My Comr	mission Expires 🏗	the ast Ochibu	, 6 2003

Affidavit in Support of Administrative Variance

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competent to testify thereto in the event that a p	public hearing is so	cheduled in the future with re	gard thereto.
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	PARKTON	MD	21120
That based upon nemeral knowledge. He felle	City	State	Zip Code
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 The location would be too clean causing excessive leaf debris an balance of the water and would remark. 	id shade. It	would be difficult to	of property o maintain PH
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STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:		
I HEREBY CERTIFY, this day of	rspnally appeared	, <u>2007</u> , before me	e, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa		o me as such Affiant(s).	
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Petition for Administrative Variance

for the property located at 731 DAIRY RD.

to the Zoning Commissioner of Baltimore County

which is presently zoned ____

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made a part hereof, hereby petition for a	_	400	2.1 TO	Permit	an accessory
_			in Ti	ne Side	yard in lieu
of the required re	ar yard.				
of the zoning regulations of Baltimore Co of this petition form.	unty, to the zon	ing law of Baltin	nore County	y, for the reasons	s indicated on the back
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Contract Purchaser/Lessee:		<u>Legal</u>	Owner(s)	<u>:</u>	
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Attorney For Petitioner:		Address		IRY RD.	410-343-0864 Telephone No
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			Zoning Com	missioner of Battimo	re County
CASE NO. 04-068-A	· 	Reviewed By _	Bu	Date	8/12/03
REV 10/25/01		Estimated Pos	ting Date _		8/24/03

ZONING DESCRIPTION

Zoning Description For 731 Dairy Road

Beginning at a point on the South side of Dairy Road which is 60 feet wide at the distance of 1,600 feet west of the centerline of the nearest improved intersecting street Hillcrest Avenue which is 60 feet wide. Being Lot # 1 in the subdivision of Dairy Manor Farms as recorded in Baltimore County Plat Book # 40, Folio 51, containing 3.980 acres. Also known as 731 Dairy Road and located in the 6th Election District, 3rd Councilmanic District.

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BALTIMORE COUNTY, MARYLAND

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CASHIER'S VALIDATION

Certificate Of Posting

RE: Case NO.: 04-068-A

Petitioner/Developer: MICHAEC
- JOANNE LUTLICK

Date of Hearing/Closing: 9/8/03 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: Ladies and Gentlemen: This letter is to certfiy under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property DAIRY ROAD 731 at This sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) (Printed Name) 5016 CASTLESTONE DR (Address) 21237 (City, State, ZipCode) 410-933-9470 (Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT ANAGEMENT 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 tue upon receipt and should be remitted directly to the newspaper

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

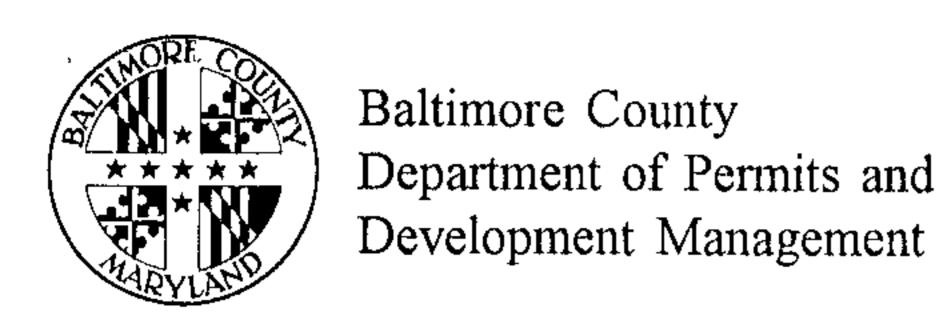
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ddress or Location: x 731 Dairy Ro
LEASE FORWARD ADVERTISING BILL TO
ame . J. Michael Kutrik, JR
A Parkton, MD 21120
^ Parkton, MD Z1120
iephone Number: x 410 343 0864

Revised 2/20/98 - SCJ

ZONING REVIEW

ADMINISTRATIVE VERIANCE INFORMATION SHEET AND DATES

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

September 8, 2003

J. Michael Kutrik JoAnn Kutrik 731 Dairy Road Parkton, MD 21120

Dear Mr. and Mrs. Kutrik:

RE: Case Number: 04-068-A, 731 Dairy Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 12, 2003.

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.

Supervisor, Zoning Review

u. Callibal)

WCR:klm

Enclosures

People's Counsel



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

August 20, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: August 18, 2003

Item No.: 4-63A 4-64A 4-65A 4-66A 4-67A

4-68A

Dear Ms. Hart:

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.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 25, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 25, 2003

Item Nos. 063, 064, 065, 066, 067,

and 068

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

DATE: August 22, 2003

RECEIVED

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

ZONNG COMMSSIONER

Zoning Advisory Petition(s): Case 04-068 – Administrative Variance **SUBJECT:**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

AFK/LL:MAC



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

BPR

MARYLING DEPAREMENT OF TRANSPORTATION

Date: 8.19.03

Baltimore County

Item No. 268

RE:

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

Dear. Ms. Hart:

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,

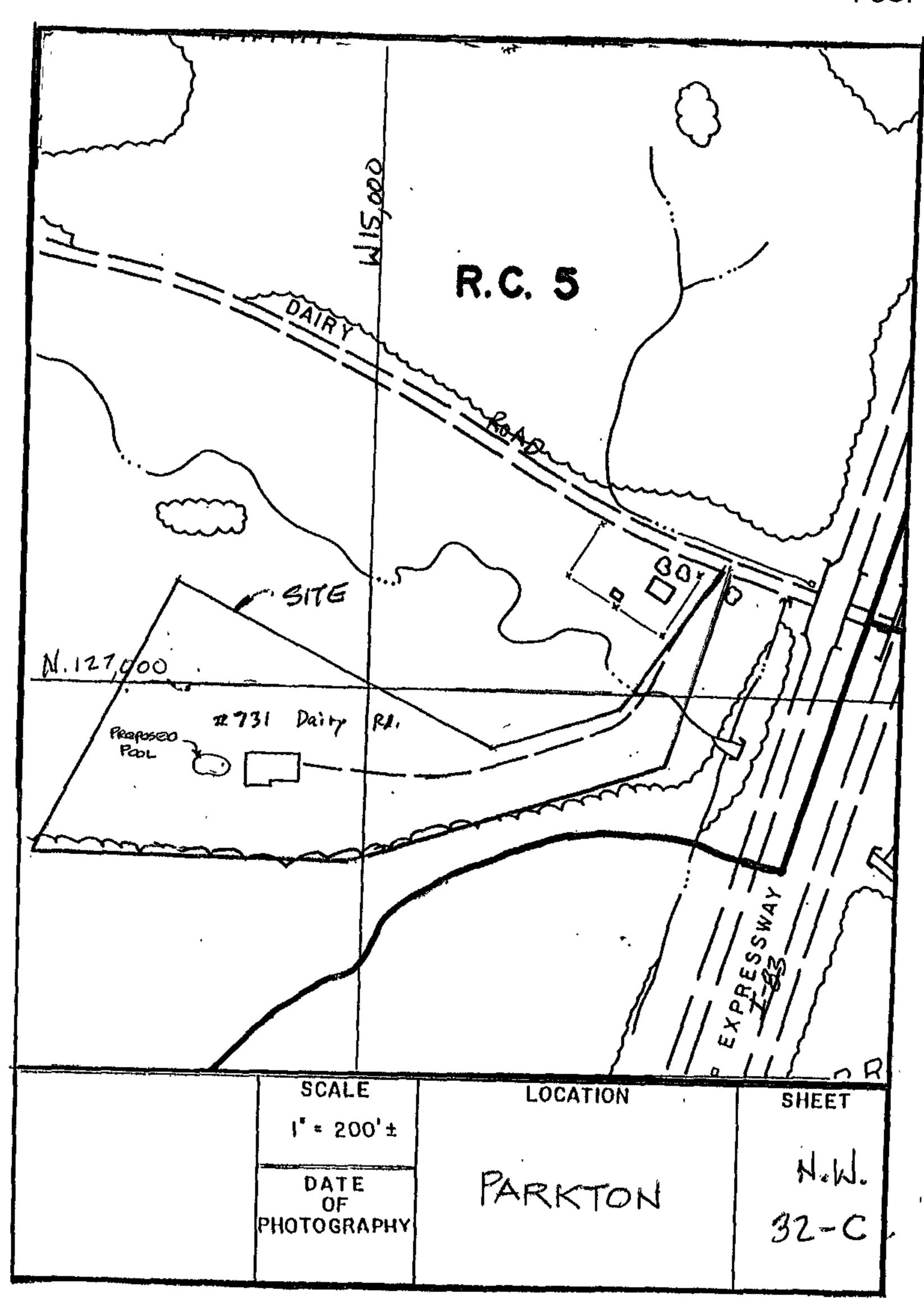
Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

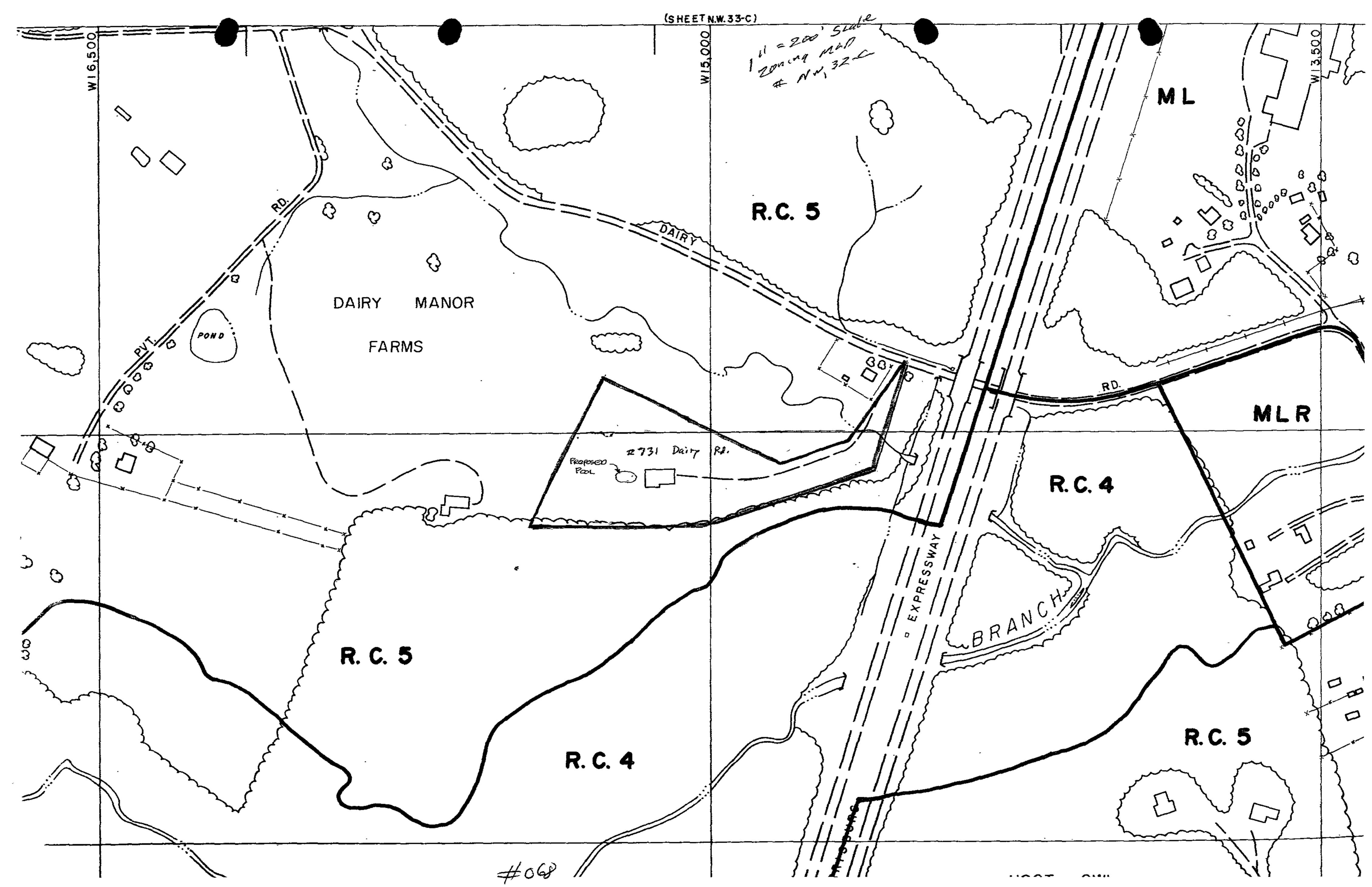
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Zoning Map

1 COPY







#3



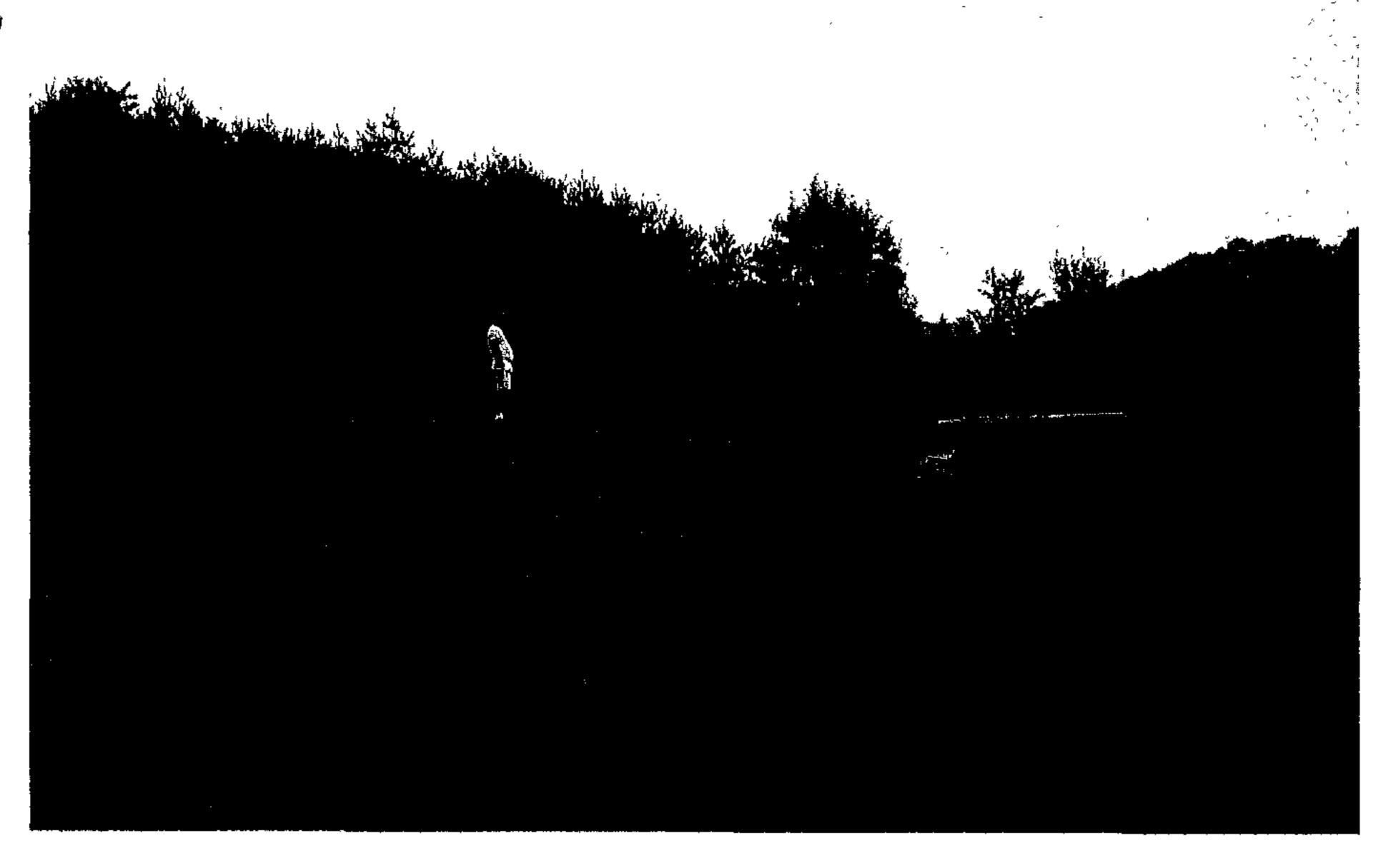
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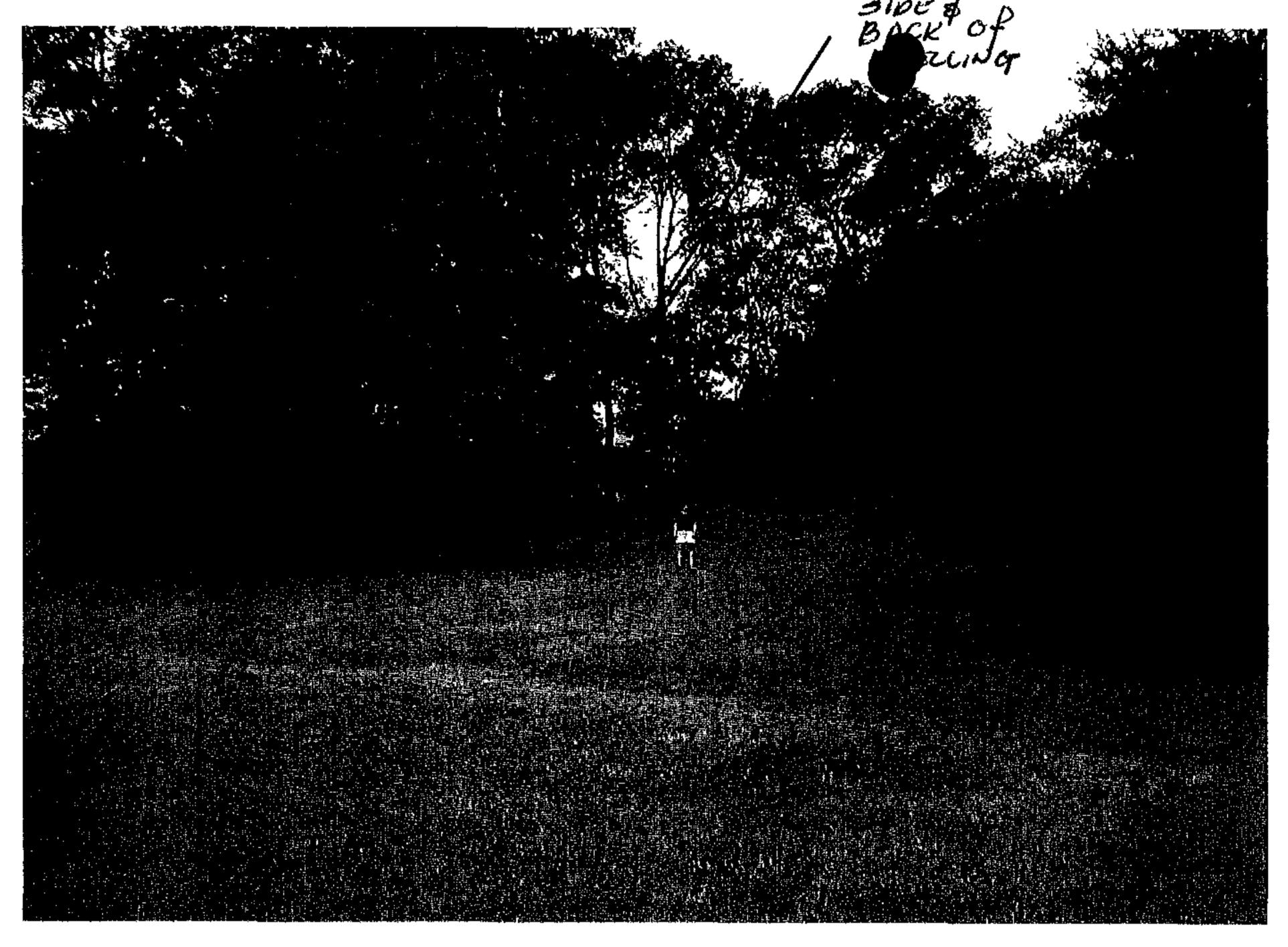


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NEAREST DWGLCING





