IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Riverview Road, 300 ft. E
centerline of Wildwood beach Road
15th Election District
6th Councilmanic District

(2024 Riverview Road)

Patricia Lee Southworth Kluttz

Petitioner

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 05-036-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter was originally before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Patricia Lee Southworth Kluttz. Thereafter, a formal demand for hearing was made by several adjacent property owners, and the matter was set in for a hearing. The variance request is for property located at 2024 Riverview Road in the eastern area of Baltimore County. The variance request is from Sections 1A04.3.B.2 and 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with side yard setbacks of 20 ft. on both sides and rear yard setbacks of 36.5 ft. in lieu of the required 50 ft., respectively and to permit a height of 40 ft. in lieu of the required 35 ft. 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 property was posted with Notice of Hearing on October 2, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in the "Jeffersonian" newspaper on September 14, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

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"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated August 10, 2004 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof

Interested Persons

Appearing at the hearing on behalf of the variance request were Stephen Hill, Architect and Patricia Southworth Kluttz Petitioner. Anthony Tomberino, Emily Granese, Sharon and Kim Robinson appeared in opposition to the requested variance. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 1.13 acres, more or less. and is zoned RC-5. As shown on Petitioner's Exhibit No. 1, the Petitioner proposes to erect a large modern home on three lots that front on Back

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River. The new home is located to some extent on the footprint of a previously condemned and now demolished residence located on the boundary of lots 37 and 38. Mr. Hill and nearby property owners proffered that these lots were laid out in the 1930's much before the RC 5 zoning was applied in 1979 and the residence previously demolished built soon thereafter. As 60 +/- ft. wide lots, none can meet the 50 ft. property line setbacks of the RC zoning regulations. However, combining three lots allows a home to be built on the lots but not a practical waterfront home commensurate with the setting and neighborhood. The new home is larger than the previously demolished home, although Mr. Hill insisted that no drawings for the new home existed as yet. In fact, the new home may well be smaller than the building envelope shown. Nevertheless, the Petitioner requests a 20 ft. setback instead of 50 ft. setback. In addition, the existing garage violates the 75 ft. setback requirement from the center of the road.

Since the new home must meet the flood elevation requirement, the roof peak will likely exceed the 35 ft. limit. However, there are no residences on the other side of Riverview Road that could find this height objectionable.

The protestants did not oppose the new home or the requested variances. They were concerned that the property to the east, lots 35 and 36 and the existing pier thereon, might be returning to a marina status. The Petitioner owns these lots as well and explained that she rents space on these lots and the pier to the State Department of Natural Resources which uses them to store boats for the State's continuing work on Hart Miller Island. Access to the pier is obtained by a private road on lot 36.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These are small lots laid out many years before the

RC regulations were imposed upon them and, therefore, from a zoning standpoint are unique. In addition, I find strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. While the Petitioner owns adjacent lot 36, she can not meet the regulations by adjusting the lot line with lot 37 because the access road to the pier lies along the boundary between the two. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of granting these variance since this home replaces a prior home previously destroyed. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. The neighbors did not oppose the new home but were concerned about a possibility that the marina would be rekindled.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 26 day of October, 2004, that a variance from Sections 1A04.3.B.2 and 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with side yard setbacks of 20 ft. on both sides and rear yard setbacks of 36.5 ft. in lieu of the required 50 ft., respectively and to permit a height of 40 ft. in lieu of the required 35 ft., be and is hereby GRANTED, subject, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be

required to return, and be responsible for returning, said property to its original condition

- 2. Compliance with the ZAC comments made by DEPRM dated August 10, 2004, a copy of which is attached hereto and made a part hereof.
- 3. The Petitioner must submit elevation drawings of the new home to the Office of Planning for their review and approval prior to construction.
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

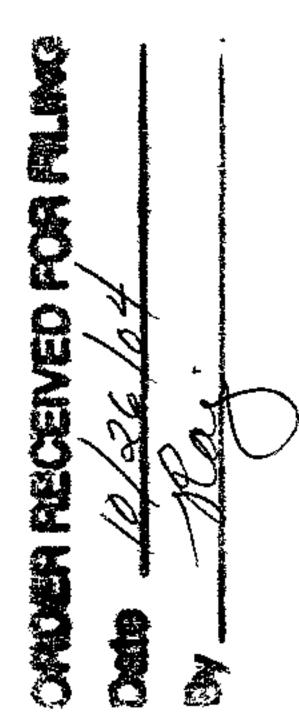
JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

John V. Mushry

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 William J. Wiseman III , Zoning Commissioner

October 26, 2004

Ms. Patricia Southworth Kluttz 2024 Riverview Road Baltimore, Maryland 21221

Re: Petition for Administrative Variance

Case No. 05-036-A

Property: 2024 Riverview Road

Dear Ms. Kluttz:

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 15%

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Stephen Hill, 1921 York Road, #2, Timonium, MD 210903 Anthony Tomberino, 2120 Riverview Road, Baltimore, MD 21221 Emily Granese, 2110 Riverview Road, Baltimore, MD 21221 Sharon & Kim Robinson, 2114 Riverview Road, Baltimore, MD 21221



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 the property located at 2024 KIVERVIEW ROKO which is presently zoned RC-5

Estimated Posting Date _________________

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This Petition shall be filed with the Department of Permit owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	s and Development Management. The undersigned, legal is described in the description and plat attached hereto and n(s) 1AO4-3.8.2 BCZR; 1AO4.3.A BCZR
To permit an additions with a	side yard selbacks of 20'
on both sides and rear yard s.	ellocates of 365' in lieu of
the required 50', respectively. In the of the required 35'.	And to permit a height of 40'
of the zoning regulations of Baltimore County, to the zoning law of this petition form.	w of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the zero, or we, agree to pay expenses of above Variance, advertising, post regulations and restrictions of Baltimore County adopted pursuant to	ing, etc. and further agree to and are to be bounded by the zoning
	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:	<u>Legal Owner(s):</u>
	Patricialee Southworth Kluttz
Name - Type or Print	Name - Type or Print
Signature	Signature / Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature & Riverview Rd.
Attorney For Petitioner:	Palto, Mil 2021 410-591-453 3
	Address A Wilson Point Rd. Telephone No.
ame Type or Print	City State Zip Code
Bignature	Representative to be Contacted:
	STEPHEN HILL
empany	1921 YORK RP. #2 410-561-9161
Address Telephone No.	Address Telephone No
> 18 R	TIMONIUM MD 21093
State Zip Code	City State Zip Code
Public Hearing having been formally demanded and/or found to be replied to be replied to the subject matter of this	equired, it is ordered by the Zoning Commissioner of Baltimore County, s petition be set for a public hearing, advertised, as required by the zoning
regulations of Baltimore County and that the property be reposted.	
	Zonina Commissionas of Dallimars County
	Zoning Commissioner of Baltimore County
CASE NO. 05 -036 -A Review	ewed By <u>JF</u> Date 7-19-04

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	1613 A W	ilson Point	Pd.	
2024 KIVERVIEW For	Address to .	N	L	2220
Balto, Nd. 21221	ity	State		Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship of the control of the contr			se the request for an	Administrative
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See off	ached	sheet ex	hibit A	
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That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide add	nal demand is ditional informat	filed, Affiant(s) will b	e required to pay a	reposting and
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Signature	1 1	Signature		······ <u>·</u>
Patricia Lee Southworth	Lluttz			
Name - Type or Print		Name - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTIMO	RE, to wit:			
I HEREBY CERTIFY, this	ulv	. 2004. befo	ore me, a Notary Pul	olic of the State
of Maryland, in and for the County aforesaid, perso	onally appeared	1 - 1		
PATRICIA Lee Sa	ithworth	Kluttz		
the Affiant(s) herein, personally known or satisfact	only identified to	o me as such Amant(s	5) .	
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2 PO COUNTY	My Com	mission Expires	8-16-06	<u> </u>

REV 10/25/01

MY COMM. EXPS. AUGUST 16, 2006

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 16/3 A Wilson Point Pd	
2024 Kiverview Rd. Address	2020
Falto., 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 Variance at the above address (indicate hardship or practical difficulty):	n Administrative
SEE AWACHED EXHIBIT A	
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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a advertising fee and may be required to provide additional information.	reposting and
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Patricia Lee Southworth Kluttz Name Type or Print	
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STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: 1 HEREBY CERTIFY, this 5th day of 5th d	blic of the State
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 6th day of 50th day aforesaid, personally appeared Intercial Lee Scuthouth Kluth the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and realizations are also as a such Affiant for the country aforesaid, personally identified to me as such Affiant(s).	blic of the State

My Commission Expires

REV 10/25/01

MY COMM. EXPS. **AUGUST 16, 2006**







REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>2024</u> RIVERVIEW RDAO which is presently zoned <u>RC-5</u>

This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	is described in the description and plat attached hereto and
To permit an additions with a	side yard selbacks of 201
on both sides and rear yard	setback of 36.51 in lieu of
the required 50', respectively in lieu of the required 35'. of the zoning regulations of Baltimore County, to the zoning law of this petition form.	v. And to permit a height of 40
Property is to be posted and advertised as prescribed by the zo i, or we, agree to pay expenses of above Variance, advertising, posting regulations and restrictions of Baltimore County adopted pursuant to the country adopt	ng. etc. and further agree to and are to be bounded by the zoning
	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): Dahring Lea Couttours to Mustan
Name - Type or Print	Name-Type or Print Jan Huworth Kluttz Vatricia her Jan Huworth Kent
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code Attorney For Petitioner:	Signature Rivervi-lw Pd. Pailto, Nd. 21221 410-391455
	Address A Wilson Bint R. Telephone No
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company	Name 1921 YORK RD#2 400-561-9161
Address Telephone No.	Address Telephone No
City State Zip Code	TIMONIUM MO 21093 City State Zip Gode
A Public Hearing having been formally demanded and/or found to be rethis day of, that the subject matter of this regulations of Baltimore County and that the property be reposted.	quired, it is ordered by the Zoning Commissioner of Baltimore County, petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. O5-036-A Review	wed By Date

July 17, 2004

Kluttz Residence 2024 Riverview Road Wildwood Beach Baltimore, MD 21221

Affidavit Summary, Exhibit A Current Zoning – RC-5

We request building set back changes to allow a residential addition, similar to the original residence footprint, which was condemned and torn down. The current RC-5 zoning is too restrictive for this size property, causing a hardship to rebuild the property. The owner would like to rebuild the main house, which would extend over the required 50' property line set back & 75' street set back. The entire residential neighborhood is currently zoned RC-5.

The original "Wildwood Beach" residence & meeting room was located on the existing three lots # 37, 38 & 39. The residence was located approximately 24'-0" from the property line at lot # 36. The house was razed in 1998, leaving the meeting room which had been renovated in 1990 into a dwelling. The original house was boarded-up. The previous owners did not have the financial ability to raze the building and was purchased by the current owner in 1996.

The existing freestanding Garage, which has had minor improvements, will remain freestanding with an optional roof connection. From the attached photographs, you can see that the existing garage / shop building has recently been re-sided, painted & re-roofed. This Design Style will be carried through to the new residence and renovation.

ZONING DESCRITPION 2420 RIVERVIEW ROAD 2024

Beginning at a point on the south side of Riverview Road which is 20 feet wide at the distance of 300 feet east of the centerline of Wildwood Beach Road which is 20 feet wide. Being lots # 37, 38, & 39 in the subdivision of Wildwood Beach as recorded in Baltimore County Plat Book #9, Folio 30, containing 1.13 acres. Also known as 2024 Riverview Road and located in the 15th Election District, 6th Councilmanic District.





FORMAL DEMAND FOR HEARING

CASE NUMBER: 05-036-A
Address: 2024 Riverview (2)
Petitioner(s): Fatricia Lee Southworth Klutz
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
I/We Name Type or Print
Legal Owner OR Resident of
2/20 Riverview Del
Address () () () () ()
City State Zip Code
Telephone Number
which is located approximately.
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ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.
1 du 1 / 1 / 1 / 1 / 1 / 1 / 1 / 1 / 1 / 1
Signature Date

Date

Signature Revised 9/18/98 - wcr/scj

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The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows: Case: #05-036-A

2024 Riverview Road

S/side of Riverview Road at the distance of 300 ft. east of centerline of Wildwood Beach Road

15th Election District — 6th Councilmanic District
Legal Owner(s): Patricia Lee Southworth Kiuttz

Administrative Variance: to permit an addition with a side yard setback of 20 feet on both sides and rear yard setbacks of 36.5 feet in lieu of the required 50 feet respectively, and to permit a height of 40 feet in lieu of the required 35 feet.

Hearing: Wednesday, September 29, 2004 at 2:06 p.m. in Room 407. County Courts Building, 401 Bosley Ave-

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (419) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 9/668 Sept. 14 21269

CERTIFICATE OF PUBLICATION

$\frac{9/16}{2004}$
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on $(1)^{1/4}$, $(20)^{1/4}$.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkings

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date October 4, 2004

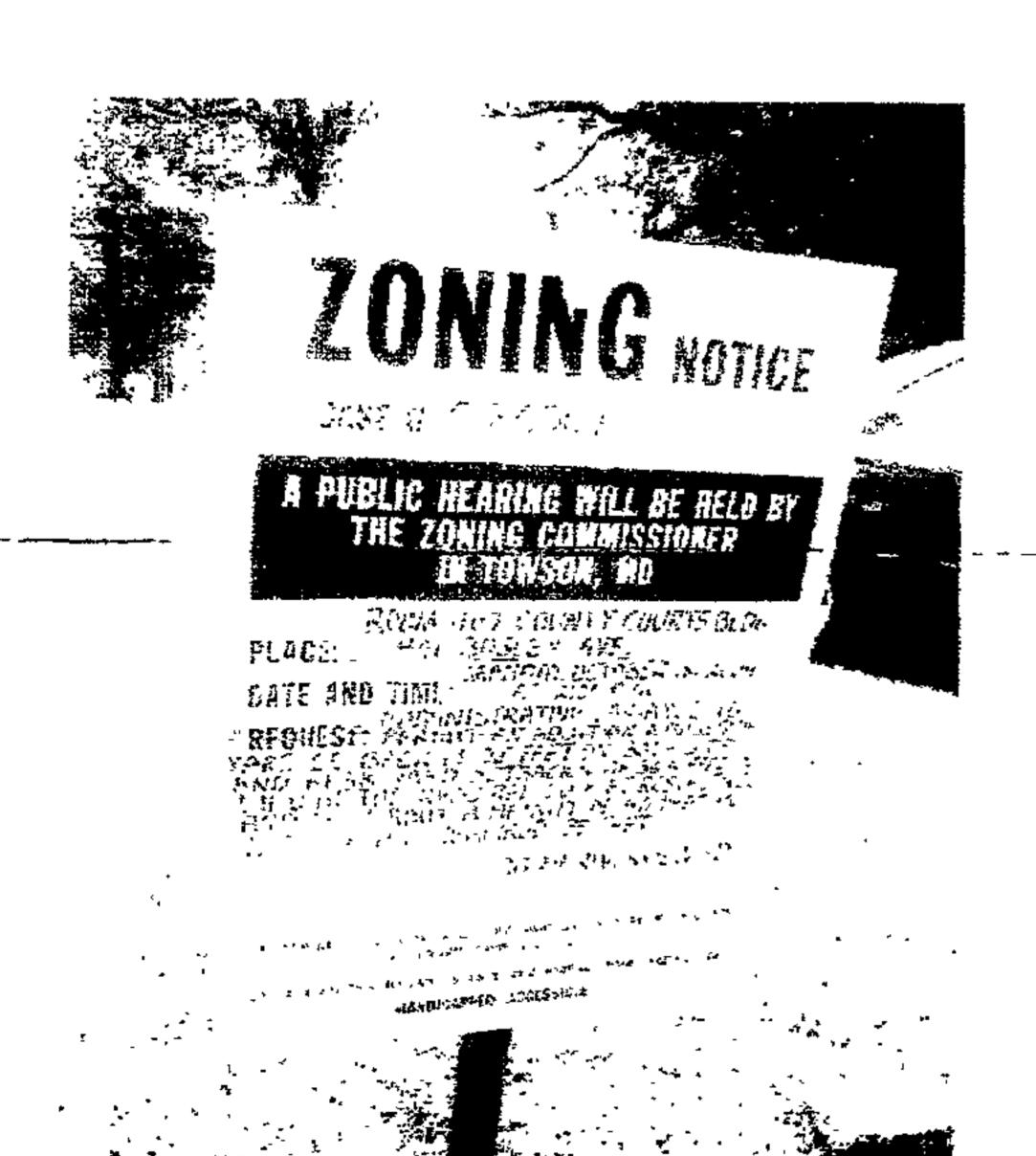
RE: Case Number OS - 036-A

Petitioner/Developer STEPHEN HILL/PATRICIA KLUTZ/ETAL

Date of Hearing/Closing October 18, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2024 RIVERVIEW RD

The sign(s) were posted on



Linda O'Keefe (Printed Name of Sign Poster)

-- 523 Penny Lane-(Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date August 1, 2004
RE: Case Number 05 - 036-A

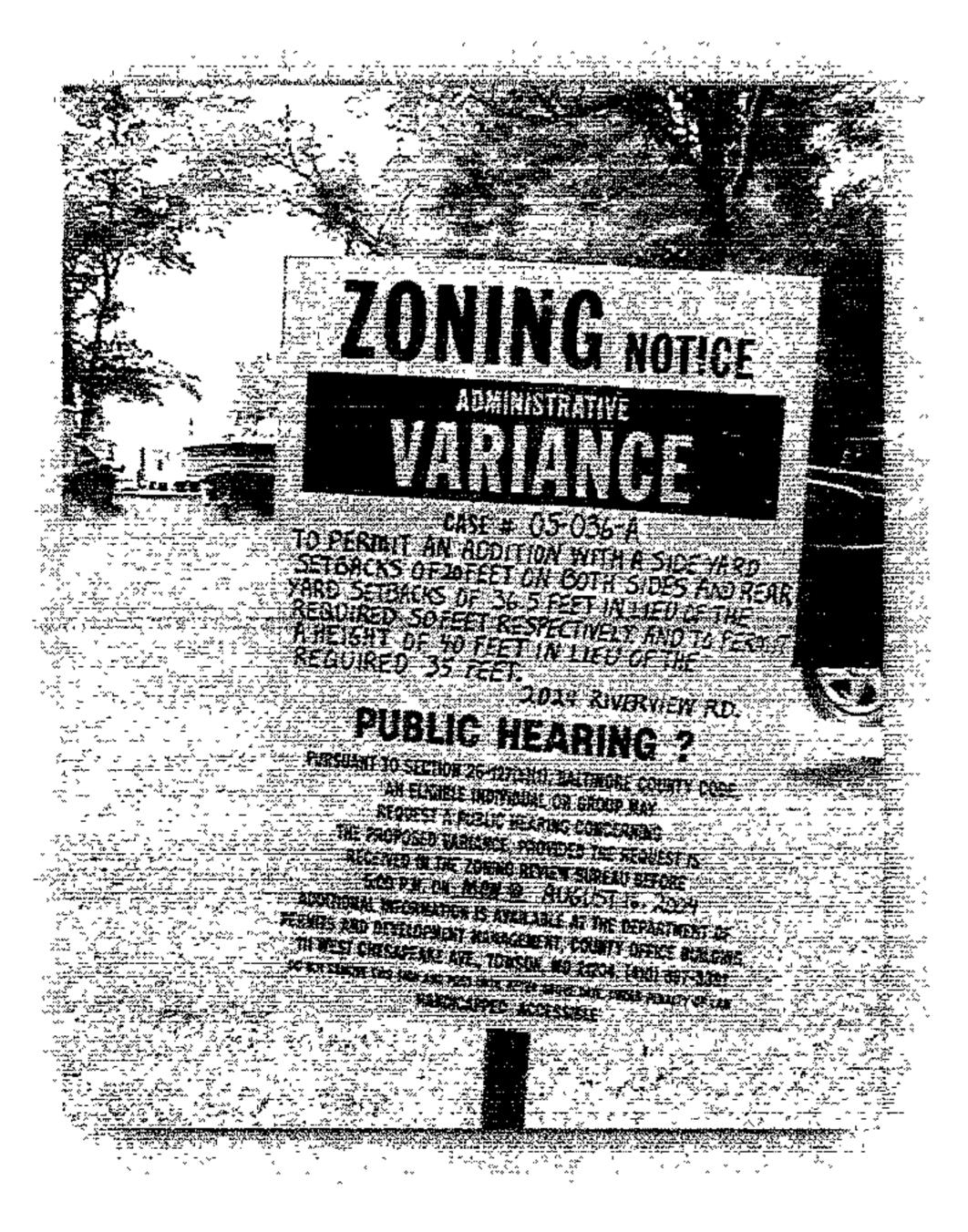
Petitioner/Developer PATRICIA LEE SOUTHWORTH KLUTZ

Date of Hearing/Closing AUGUST 16, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2024 RIVERVIEW ROAD

The sign(s) were posted on

July 28, 2004



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T Smith, Jr, County Executive Timothy M Kotroco, Director

August 16, 2004

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-036-A

2024 Riverview Road

S/side of Riverview Road at the distance of 300 ft. east of centerline of Wildwood Beach Road 15th Election District – 6th Councilmanic District

Legal Owners: Patricia Lee Southworth Kluttz

Administrative Variance to permit an addition with a side yard setback of 20 feet on both sides and rear yard setbacks of 36.5 feet in lieu of the required 50 feet respectively, and to permit a height of 40 feet in lieu of the required 35 feet.

Hearing: Wednesday, September 29, 2004 at 2:00 pm in Room 407, County Courts Building, 401 Bosley Avenue

To i Bosiey Avertue

Timothy Kotroco Director

TK:klm

C: Patricia Kluttz, 2024 Riverview Road, Baltimore 21221 Patricia Kluttz, 1613 A-Wilson Point Road, Baltimore 21220 Stephen Hill, 1921 York Road, Ste. 2, Timonium 21093 Anthony Tamberino, 2120 Riverview Road, Baltimore 21221

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 14, 2004.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

August 16, 2004

Patricia Lee Southworth Kluttz 2024 Riverview Road Baltimore, MD 21221

Dear Ms. Kluttz:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-036-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand and is requiring a public hearing concerning the above-proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

U. Callibal)

Supervisor Zoning Review

WCR:klm

C: Stephen Hill, 1921 York Road, #2, Timonium 21093 Anthony Tamberino, 2120 Riverview Road, Baltimore 21221



TUCCON September 14, 2004 January Leffers

Tuesday, September 14, 2004 Issue - Jeffersonian

Please forward billing to:

Patricia Lee Southworth Kluttz P.O. Box 18045 Baltimore, MD 21220

410-391-4553

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-036-A

2024 Riverview Road

S/side of Riverview Road at the distance of 300 ft. east of centerline of Wildwood Beach Road 15th Election District – 6th Councilmanic District

Legal Owners: Patricia Lee Southworth Kluttz

Administrative Variance to permit an addition with a side yard setback of 20 feet on both sides and rear yard setbacks of 36.5 feet in lieu of the required 50 feet respectively, and to permit a height of 40 feet in lieu of the required 35 feet.

Hearing: Wednesday, September 29, 2004 at 2:00 pm in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 036	-A Address	2024 Riverview Rd.												
Contact Person: J. Feri	VAMO O Please Print Your Name	Phone Number: 410-887-3391												
Filing Date: 7-19-04	_ Posting Date:	8-1-04 Closing Date: 8-16-												
Any contact made with this off through the contact person (plan	ice regarding the statu ner) using the case num	s of the administrative variance should be ber.												
reposting must be done of its again responsible for a	nly by one of the sign poll associated costs. The	the sign posters on the approved list (on the sponsible for all printing/posting costs. Any esters on the approved list and the petitioner e zoning notice sign must be visible on the e. It should remain there through the closing												
2. <u>DEADLINE</u> : The closing of a formal request for a public hearing	Julic nearing. Please i	an occupant or owner within 1,000 feet to file understand that even if there is no formal aplete on the closing date.												
order that the matter be (typically within 7 to 10 day)	(a) grant the requested set in for a public head to some the closing date) a	reviewed by the zoning or deputy zoning relief; (b) deny the requested relief; or (c) aring. You will receive written notification as to whether the petition has been granted, be mailed to you by First Class mail.												
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 Lin	ne)												
Petitioner: This Part of the Form	n is for the Sign Poster	r Only												
USE THE A	DMINISTRATIVE VARIA	NCE SIGN FORMAT												
Case Number 05- 036 -A	Address 2024	1 Riverviow Ad.												
Petitioner's Name Patricia Le	e Southworth Ki	10++2 Telephone <u>H10-391-455</u> 3												
—		sing Date: $S-16-04$												
Vording for Sign: <u>To Permit</u> a	n additions with	ha side yard selbacks of												
20 on both sides and	rear yard se	Hacks of 36.5' in 1100 of												
the required 50' re	spectively. An	d to permit a height of												
40' in lieu of the re	guired 35.													
		WCR - Revised 6/25/04												

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: 05-036-A Petitioner: Patricia L. Southworth Kluttz
Address or Location: 2024 Riverview Rd. Balto. Add. 2122
PLEASE FORWARD ADVERTISING BILL TO:
Name: tatricia L. Southworth Kluttz
Address:
Telephone Number: 410 - 391 - 4553

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr, County Executive Timothy M Kotroco, Director

September 22, 2004

Patricia Lee Southworth Kluttz 1613A Wilson Point Road Baltimore, Maryland 21220

Dear Ms. Southworth-Kluttz:

RE: Case Number: 05-036-A, 2024 Riverview Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 19, 2004.

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, U. Callinal S.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Stephen Hill 1921 York Road # 2 Timonium 21093

Omala

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

TO:

Tim Kotroco

AUG 1 1 2004

FROM:

John D. Oltman, Jr JPO

DATE:

August 10, 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Item

05- 036

Address

2024 Riverview Road (Kluttz Property)

Zoning Advisory Committee Meeting of August 2, 2004.

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

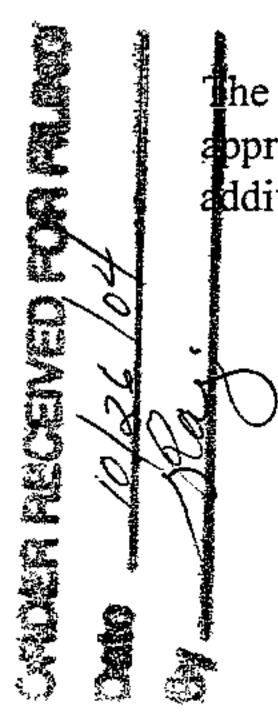
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

— X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

The existing well and septic system must be evaluated prior to building permit and approval. A variance request must be submitted to Ground Water Management if the addition is less than 30 feet to the well.



Formal Demand
Nearing 216 PM

I A R Y L A N D 329

DATE: August 19, 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-030 and 5-036

Administrative Variance

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.

Prepared By:

Division Chief:

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 26, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor 2005/25F

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 9, 2004

Item Nos. 036, 037, 038, 039, 040, 041,

044, 045, 046, 047, 048, and 051

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

RWB:CEN:jrb

cc: File

Department of Public Works

Bureau of Engineering and Construction 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3788





James T. Smith, Jr., County Executive Edward C. Adams, Jr., Director

June 10, 2004

Ms. Patricia L. Southworth Kluttz 1613A Wilson Point Road Baltimore, MD 21220-5425

Reference:

2024 Riverview Road

Grinder Pump Location

Dear Ms. Southworth Kluttz:

Please contact me (410-887-3799) at your earliest convenience relative to the location of the grinder pump for your property at 2024 Riverview Road.

We anticipate beginning construction later this summer and need to finalize the location of your pump.

Very truly yours,

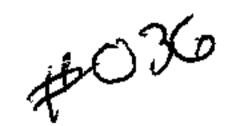
Toruld L. Wuest

DONALD G. WUEST

Project Manager

Sewer Design Section

DGW:bjk





TO: 08-16-04 Dept. of Permits & Decelopment Management

We, the undersigned nesidents of Riverview Road, have questions concerning the property Known as 2024 Riverview Road, case #2024, and the variances which are listed.

Keeping in mind that this is a sizeable property, why has the owner requested side and rear setbacks? Why the need of a 40' high structure? Will this building be used as residental

thank you and we would appropriate hearing from you in the near future.

Emily Granese 2110 Ruierwien Rd

Sharon Robinson 2114 Riverview Rd. 2114 Riverview Rd. KimRohi 2130 Ruerrico Rd. Helen Bryant Pathur Brys 2204 River view Rd 2120 Rivervice Rd. Cha Lembeur

CASE NAME 2027 JULY DAVINGUEDO CASE NUMBER 05-036-A DATE 94-04,01,5/00

PETITIONER'S SIGN-IN SHEET

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STATE, ZIP	ナスス	26072											
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ADDRESS	3	Z							l w _	1		,LI	
NAME	Patricial Southworth Aluth:	西してに											

CASE NAME 2024 Eurices R.A. CASE NUMBER 05-036-A
DATE 9/29/10/1/8/64

CITIZEN'S SIGN-IN SHEET

E- MAIL				
CITY, STATE, ZIP LA MO SID	Here am an			
ADDRESS Aldo Kryvery en 14/1/2	21/4 Covernanta			
MHON ME LEMBERNO 3 5 mb Marces 3	Sharon Publivson Kim Robinson			

CASE NUMBER 05-036-4

PETITIONER'S SIGN-IN SHEET

E- MAIL	STADERNOGIS. NET											
CITY, STATE, ZIP	TIMENIUM MD 21093	1										
ADD	1921 7287	2024										
NAME	_ 1	Latrice Southworthat Lity										

CASE NAME PO 24 RUNNIEU MA CASE NUMBER 05-036-A DATE 9/29/04

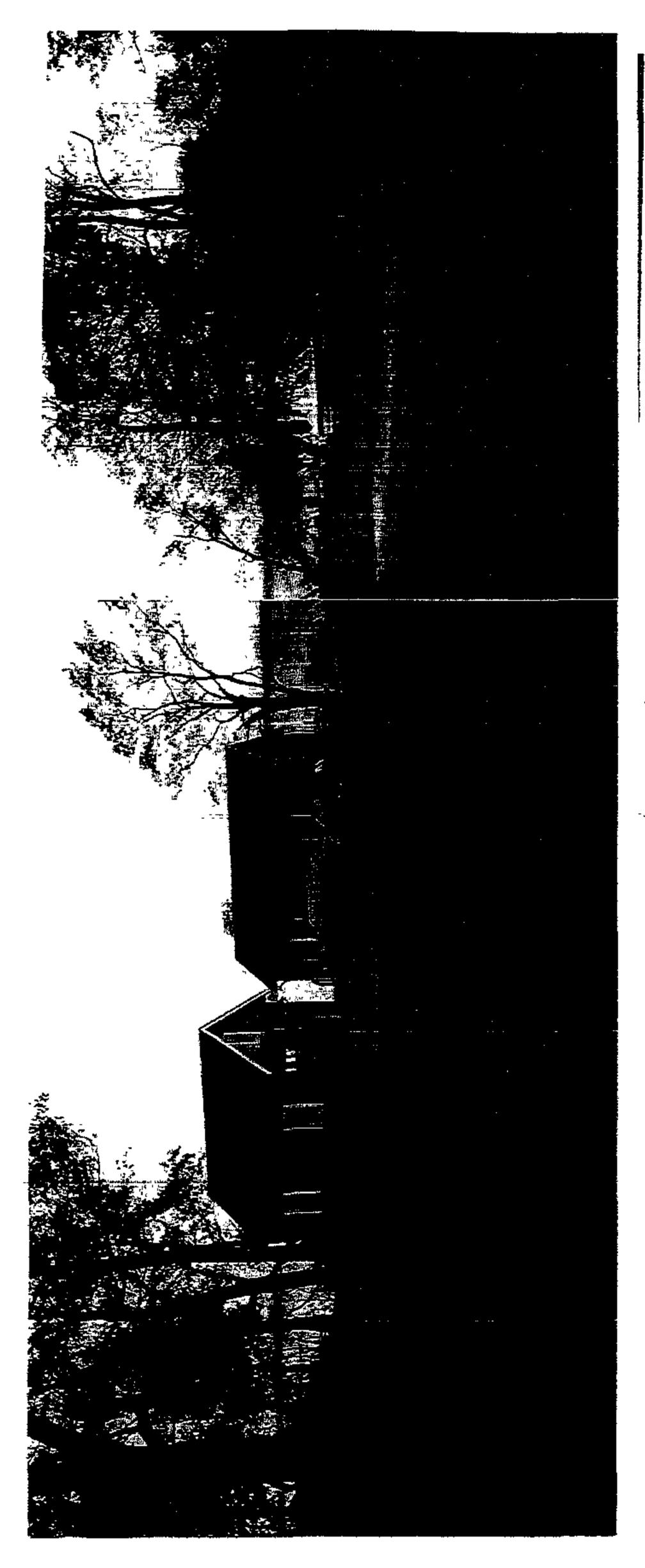
CITIZEN'S SIGN-IN SHEET

E-MAIL			
BATTING 21221			
2130 Runium Rd			
Les landers			



Road Looking East

Kluttz Residence 2024 Riverview Road



Property Viewed From Driveway Improved Garage / Shop Building

House & Garage Before Improvements

> Kluttz Residence 2024 Riverview Road

#2





Demolition of Old Dwelling

Existing Property Prior to 1988

#3

Kluttz Residence 2024 Riverview Road J. JOSEPH CURRAN, JR. ATTORNEY GENERAL

DONNA HILL STATON
CARMEN M. SHEPARD
DEPUTY ATTORNEYS GENERAL



STATE OF MARYLAND

OFFICE OF THE ATTORNEY GENERAL

MARYLAND ENVIRONMENTAL SERVICE 2011 COMMERCE PARK DRIVE ANNAPOLIS, MARYLAND 21401-2911 (410) 974-7224

October 11, 2002

Ms. Patricia Lee Southworth Kluttz P.O. Box 18045 Baltimore, Maryland 21220

Re:

2020 Riverview Road

Lease of Property

Dear Ms. Kluttz:

I have been in contact with officials of the Maryland Port Administration, and they agree we should attempt to negotiate an extension of the Maryland Environmental Service's lease at 2020 Riverview Road. A proposal is set forth below. This proposal includes a first year rental rate and escalator based on the average of the two appraisals we recently received.

Description of Property Leased: Unchanged from current Lease.

Term: July 1, 2002 through June 30, 2011.

First Year's rental: The second of the secon

Escalator: September 2

Special Provisions: (a) After June 30, 2011 the Tenant may renew the Lease on an annual basis upon 60 day's notice to the Landlord. The annual rental for each renewal period shall be equal to the base rent of the lease year immediately prior to the renewal term, multiplied by the escalator.

- (b) The Lease will be updated to incorporate mandatory terms and conditions not previously required.
- (c) All other terms and conditions will remain the same.

034 Pet at 3

SEAN COLEMAN

ASSISTANT ATTORNEY GENERAL


PRINCIPAL COUNSEL

CRYSTAL R. CHISSELL

ASSISTANT ATTORNEY GENERAL

Called OK OK OK

FAX (410) 974-7267



La Cu#/