IN RE: PETITION FOR ADMIN. VARIANCE (6530 Mt. Vista Road)

11th Election District
3rd Council District

Walter A. and Marcia T. Kuklane

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0051-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Walter A. and Marcia T. Kuklane. Resolution 77-14 concerning the public disclosure of Walter Kuklane, an employee of the Baltimore County Department of Permits, Approvals and Inspections, was approved at the County Council meeting held on September 2, 2014. The Petitioners are requesting Variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (garage) with a height of 23 ft. in lieu of the maximum allowed 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 21, 2014, 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 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in ORDER RECEIVED FOR FILING

Date 10-10-14

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 Administrative Law Judge, 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.

Although the Department of Planning did not make any recommendations related to the proposed garage height and usage, I will impose conditions that the garage not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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, this <u>10th</u> day of October, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking Variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (garage) with a height of 23 ft. in lieu of the maximum allowed 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER	RECEIVED FOR FILING
Date	10-10-14
Bv	(Dr.)

- 2. The Petitioners or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.

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

JOHN E BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 10-10-14



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 10, 2014

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

RE: Petition for Administrative Variance

Case No. 2015-0051-A

Property: 6530 Mt. Vista Road

Dear Mr. and Mrs. Kuklane:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

ADMINISTRATIVE ZONING PETITION FOR ADMINISTR IVE VARIANCE – OR – ADMINISTRATIO SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Law of Baltimore County for the property located at: Address 6530 MV, U.S.ta RD which is presently zoned RC-2 Deed Reference 07361-,0323 10 Digit Tax Account # 200000 93.92 Property Owner(s) Printed Name(s) Walker and Maria Ruklane (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized. 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 1. X ADMINISTRATIVE VARIANCE from section(s) 400,3, BCZR, to permit a proposed accessing building (garage) with a height of 23 feet in lieu of the maximum allowed 15 feet of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, after or construct addition to building) of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), 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. Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s). Contract Purchaser/Lessee: Legal Owners: Name- Type or Print Signature Malling Address City State 110-913-3639 Zip Code Telephone # Email Address

Name-Type or Print

Name #1 Type or Print

Name #2 Type or Print

Name *2 Type or Print

Na

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this _____day of ______ 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.

Administrative Law Judge of Baltimore County

CASE NUMBER 2015-0051-A Filing Date 9,9,2014 Estimated Posting Date 9,21,2014 Reviewer JNP

ATTICAVIT IN SUPPORT OF ACMINISTRATIVE VARIANCE (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 6530 MT. Vista RD Kingsville MD 21887	7_
Print or Type Address of property State Zip C	ode
Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship he	
Need Storage space - accimilated meterials + Tuc	
no additions on main house: 5 people in house, We are one to get an addition on The house because of porchand pool as	ible
Bushment is finished so There is no Storage Stace available, h	le.
need an area to put the tractor, tiller, show blower, lawn mand gardening tools, We have 5 people in The house and work	
to Store cass) in a garage especially in The winter months, w	
needle location to stood my/son's/ jet-5/ki	
(If additional space for the petition request or the above statement is needed, label and attach it to this Followship of Affiant Signature of Affiant WALTER KUKLANE	orm)
Name- Print or Type Name- Print or Type	•
The following information is to be completed by a Notary Public of the State of Maryland	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
I HEREBY CERTIFY, this 25th day of August, 2014, before me a Notary of Marylan and for the County aforesaid, personally appeared	d, in
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) herein, personally known or satisfactorily identified to me as such Affiant(s)	ere)
AS WITNESS my hand and Notaries Seal Netary Public Netary Public	

REV. 10/12/11

ZONING DESCRIPTION FOR 6530 Mount Vista Rd. Kingsville, MD 21087

Beginning at a point on the North East side of Mount Vista Rd. which is 50 ft. wide at the distance of 740 ft. Northwest of the centerline of the nearest improved intersecting street

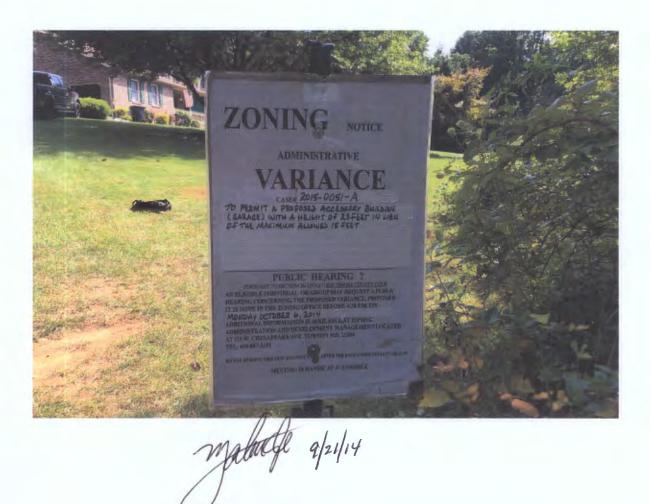
Brooknoll Drive which is 50 ft. wide. *Being Lot # 4 Block _____, Section # ____ in the subdivision of Dalton property as recorded in Baltimore County Plat Book # 54, Folio # 41 containing 3.39 acres. Also known as 6530 Mt. Vista Road and located in the 11th Election District, 3rd

Councilmanic District.

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CERTIFICATE OF POSTING

	CASE NO: 2015-0051-A	
	PETITIONER/DEVELOPER	
	WALTER KUKCANE	
	DATE OF HEARING/CLOSING:	
	DOTOBEL 6, 2014	
PERMITS AND L	UNTY DEPARTMENT OF DEVELOPMENT MANAGEMENT E BUILDING,ROOM 111 SAPEAKE AVENUE	
ATTENTION:	•	
LADIES AND GET	NTLEMEN:	
	TO CERITFY UNDER THE PENALTIES OF PERJUR N(S)REQUIRED BY LAW WERE POSTED CONSPIC	
	6530 MT. VISTA ROAD	
	SINCERELY, Mala 9/21/14	
	SIGNATURE OF SIGN POSTER AND DATE:	
	MARTIN OGLE (SIGN POSTER) 60 CHELMSFORD COURT BALTIMORE,MD 21220	
	(ADDRESS) PHONE NUMBER:443-629-3411	



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2015- 0051 -A Address 6530 Mt. Vista Road
Contact Person: Jeftrey Perlow Phone Number: 410-887-3391
Contact Person: Jeftrey Perlow Phone Number: 410-887-3391 Planner, Please Print Your Name Filing Date: 9/9/2014 Posting Date: 9/2/2014 Closing Date: 10/6/2014
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. <u>DEADLINE:</u> 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.
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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2015- 0051 -A Address 6530 Mt. Vista Road
Petitioner's Name Walter & Marzia Kuklane Telephone 410-913-3639
Posting Date: 9/21/2014 Closing Date: 10/6/2014
Wording for Sign: To permit a proposed accessory building (garage) with a height of 23 feet in lieu of the maximum allowed 15 feet.



KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

October 7, 2014

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

RE: Case Number: 2015-0051 A, Address: 6530 Mt. Vista Road

Dear Mr. & Ms. Kuklane:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 9, 2014. This letter is not an approval, but only a **NOTIFICATION**.

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. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

SAIA
State Highway
Administration 8

Maryland Department of Transportation

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 9/15/14

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

RE: Baltimore County

Administrativo Varione

Warter A. à Marcia Kuklane

6530 MY. VISYAROad.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2015-005/-A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief

Development Manager

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 17, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 22, 2014

Item No. 2015-0049, 0050, 0051 and 0052

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

DAK:CEN cc:file



County Council of Baltimore County

Court House Towson, Maryland 21204

> 410-887-3196 Fax: 410-887-5791

Tom Quirk FIRST DISTRICT

Vicki Almond SECOND DISTRICT

Todd Huff THIRD DISTRICT

Kenneth N. Oliver FOURTH DISTRICT

David Marks FIFTH DISTRICT

Cathy Bevins SIXTH DISTRICT

John Olszewski, Sr. SEVENTH DISTRICT

Thomas J. Peddicord, Jr. LEGISLATIVE COUNSEL SECRETARY September 3, 2014

Lawrence M. Stahl, Esquire Managing Administrative Law Judge The Jefferson Building 105 W. Chesapeake Avenue Towson, Maryland 21204 RECEIVED

SEP 0 5 2014

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Mr. Stahl:

Attached please find a copy of Resolution 77-14 concerning the public disclosure of Walter Kuklane, an employee of the Baltimore County Department of Permits, Approvals and Inspections. Mr. Kuklane has applied for a variance to raise the height of an existing detached garage at his residence at 6530 Mount Vista Road, Kingsville, Maryland 21087.

This Resolution was approved by the County Council at its September 2, 2014 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr. Legislative Counsel/Secretary

TJP:jlh Enclosure

cc: Walter Kuklane

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2014, Legislative Day No. 14

Resolution No. 77-14

Mr. Todd Huff, Councilman

By the County Council, September 2, 2014

A RESOLUTION concerning the public disclosure of Walter Kuklane, an employee of the Baltimore County Department of Permits, Approvals and Inspections.

WHEREAS, Walter Kuklane, an employee of the Baltimore County Department of Permits, Approvals and Inspections, has applied for a variance to raise the height of an existing detached garage at his residence at 6530 Mount Vista Road, Kingsville, Maryland 21087.

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the zoning request filed by Walter Kuklane does not contravene the public welfare.

READ AND PASSED this 2^{nd} day of SEPTEMBER, 2014.

BY ORDER

Thomas J. Peddicord, Jr.

Secretary

ITEM: RESOLUTION 77-14

MEMORANDUM

DATE:

November 12, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0051-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 10, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: VCase File

Office of Administrative Hearings

Por zoning

In 11/12A

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

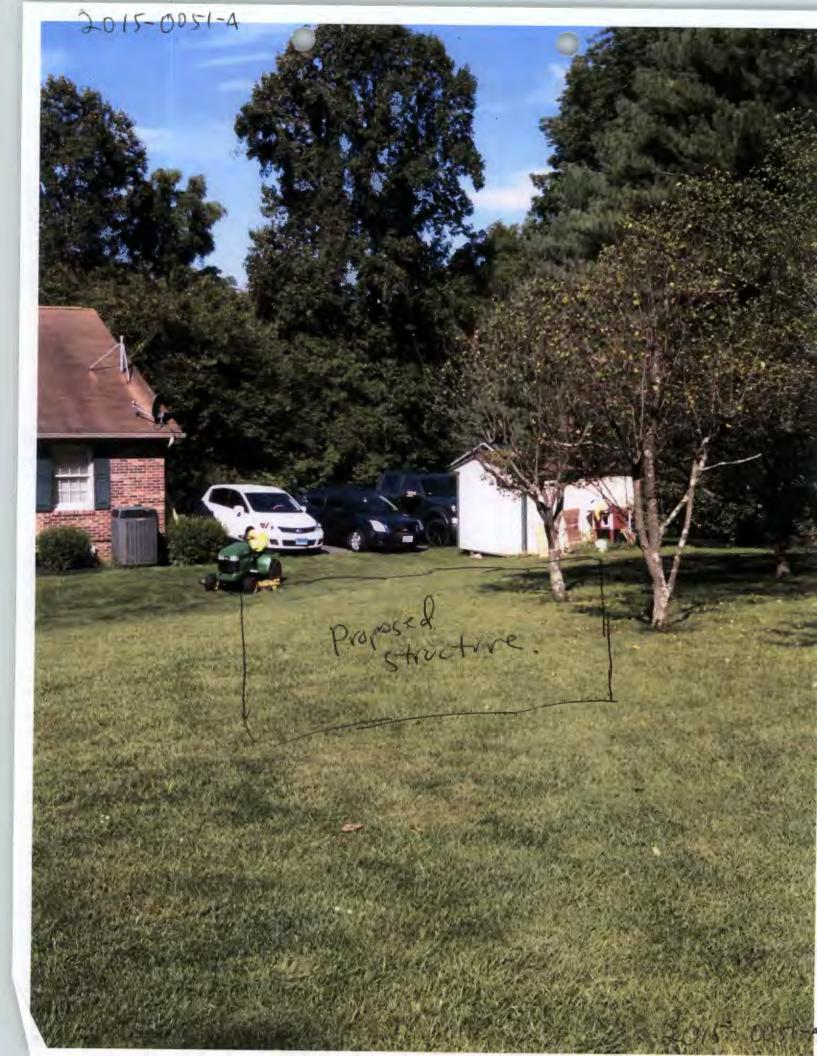
FINDINGS OF FACT AND CONCLUSIONS OF LAW

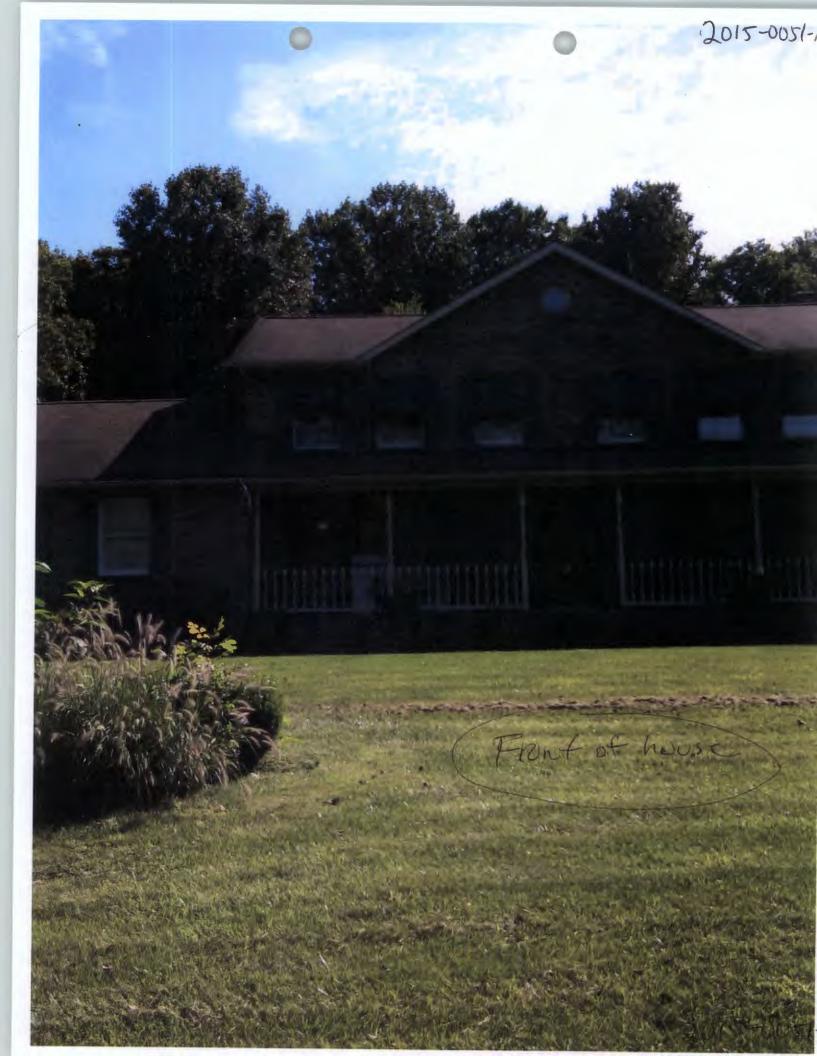
This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Marcia and Walter A. Kuklane. The variance request is for property located at 6530 Mt. Vista Road in the Kingsville area of Baltimore County. The Petitioners 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.

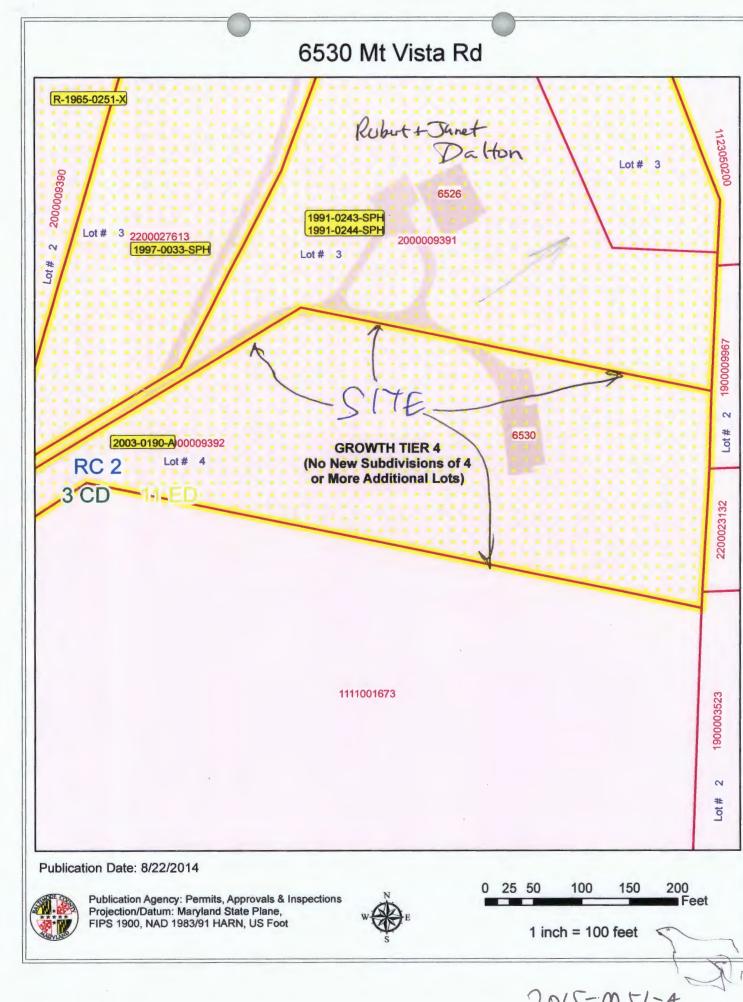
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2015-0051-A

Plat to accompany Petition for Zoning Variance	ce Special Hearing
Plat to accompany retrained to the see pages 5 % 6 of the	CHECKLIST for additional required information
PROPERTY ADDRESS:	
Subdivision name: Datton property plat book# 54, tollo# 1.4(,lot# 4, section#	
plat book#	
OWNER: Walter and Marcia Kuklane	
La Carlo	
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#650 (ou	LOCATION INFORMATION
550	Election District:
	Councilmanic District: 3
	1=200 scale map#: 054C2
	Zoning: RC2
	Lot size: 3.39
	acreage square feet
	SEWER:
	WATER:
	yos no
	Prior Zoning Hearings: 2003-0190-A
	Historic Property
BROOKNOLL DRIVE	Zoning Office USE ONLY!
North	reviewed by: ITEM #: CASE#:
date: 9/3/2014	INP 2015-0051-A
prepared by: Walter Kuklane Scale of Drawing: 1 = 100 2015-0051-A	