

M E M O R A N D U M

DATE: May 11, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0233-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 10, 2018. 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: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(823 Kingston Road) *
9th Election District * OFFICE OF ADMINISTRATIVE
5th Council District *
Joseph W. Cutrone & Anna L. Duval * HEARINGS FOR
Petitioners *
* BALTIMORE COUNTY
*
* CASE NO. 2018-0233-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, Joseph W. Cutrone and Anna L. Duval (“Petitioners”). The Petitioners are requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to allow a side yard setback of 2 ft. in lieu of the required 10 ft. for a proposed side addition. 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 March 18, 2018, 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 (“BCC”). 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

ORDER RECEIVED FOR FILING

Date 4-10-18

By DW

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 BCZR. Furthermore, strict compliance with the BCZR 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 BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 10th day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B02.3.C.1 of the BCZR, to allow a side yard setback of 2 ft. in lieu of the required 10 ft. for a proposed side addition, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

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 4-10-18

By PW



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE 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 823 Kingston Road which is presently zoned DR-5.5

Deed Reference 32463/391 10 Digit Tax Account # 0902001190

Property Owner(s) Printed Name(s) Joseph W. Cutrone and Anna L. Duval

(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) 1B02.3.C.1 to allow a side yard setback of 2' in lieu of the required 10'. *for a proposed side addition*

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **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, alter 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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

Joseph W. Cutrone / Anna L. Duval

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

823 Kingston Road, Baltimore MD
Mailing Address City State

21212-1909 / 443.690.0207 annaduval@gmail.com
/ .net
Zip Code Telephone # Eail Address

Representative to be contacted:

Richardson Engineering, LLC Rick Richardson

Name – Type or Print

Signature

30 E. Padonia Road, Timonium MD
Mailing Address City State

21093 / 410-560-1502 / rick@richardsonengineering.net
Zip Code Telephone # Email Address

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 2018-0233-A Filing Date 3/7/18 Estimated Posting Date 3/18/18 Reviewer gh

Affidavit in Support of Administrative Variance
(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

REV. 10/12/11

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: 823 Kingston Road Baltimore MD 21212
Print or Type Address of property City State Zip Code

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 here)

The existing house is located on the lot such that the addition will be constructed closer than the permitted 10' to the property line. The use of the addition necessitates it be on the side of the house to connect to the existing living room. Moving the house would be a practical difficulty to meet the setback and obtaining additional land from the owner on either side is not possible.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Joseph W. Cutrone
Signature of Affiant
Joseph W. Cutrone
Name- Print or Type

Anna D. Wal
Signature of Affiant
Anna D. Wal
Name- Print or Type

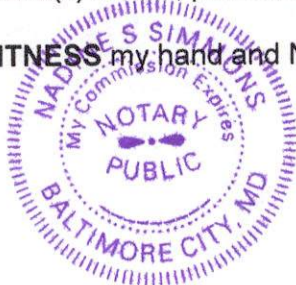
The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of February, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Joseph Cutrone
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal



Nadine S. Simmons
Notary Public
4/4/19
My Commission Expires

REV. 10/12/



NOTARY SEAL

The undersigned is a Notary Public in and for the State of Maryland, and is duly qualified to perform the duties of such office.

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me.

Witness my hand and seal this _____ day of _____, 19____.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

The following information is to be completed by a Notary Public of the State of Maryland.

Name of the _____

Name of the _____

Address of the _____

Signature of the _____

The undersigned is a Notary Public in and for the State of Maryland, and is duly qualified to perform the duties of such office.

Address: _____

City: _____

State: _____

Zip: _____

Business hours of the _____

The undersigned is a Notary Public in and for the State of Maryland, and is duly qualified to perform the duties of such office.

The undersigned is a Notary Public in and for the State of Maryland, and is duly qualified to perform the duties of such office.

The undersigned is a Notary Public in and for the State of Maryland, and is duly qualified to perform the duties of such office.

Administrative Services

**ZONING PROPERTY DESCRIPTION FOR
823 KINGSTON ROAD
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the South side of **Kingston Road** which is **50** feet wide at the distance of **298 feet** west of the centerline of the nearest improved intersecting street of **Copleigh Road**, which is 40 feet wide. Being lots **#25 & 26 in Block 12**, in the subdivision of **Stoneleigh Revised Plat of Blocks No. 1 to 13 and Part of Block No. 20** as recorded in Baltimore County Plat Book #7, Folio #87, containing **6,250 Sq.Ft. or 0.14 Ac.+/-**. Located in the 9th. Election District, 5th Councilmanic District.

2018-0233-A

CERTIFICATE OF POSTING

2018-0233-A

RE: Case No.: _____

Petitioner/Developer: _____

Anna Duval and Joseph Cutrone

April 2, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 100
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

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: _____

823 Kingston Road

March 18, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

March 18, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0233 -A Address 823 Kingston Rd
Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 3/7/18 Posting Date: 3/18/18 Closing Date: 4/2/18

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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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 2018- 0233 -A Address 823 Kingston Rd 21212
Petitioner's Name Anna Duval and Joseph Cutrone Telephone 443-690-0207
Posting Date: 3/18/18 Closing Date: 4/2/18
Wording for Sign: To Permit a proposed side addition with a
side yard set back of 2 feet in lieu of the required
10 feet.

Revised 6/30/2018

NO 166207

Date: 3/1/18

PAID REEF

EXTRACTS FROM THE BOOK

3/02/2018 3/07/2018 07:30:15

BEG. 9501 - GAYLOR LIO

RECEIPT # 78915 3/07/2012 14:41

5-529 ZONING VEGETATION

CF-140 164207

Recpt Tot \$75.00

175.0 OK 4.00 EA

Baltimore County, Maryland

Total: 1500

For: Elizabeth

~~2016-0233-A~~

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

April 3, 2018

Joseph W Cutrone & Anna L Duval
823 Kingston Road
Baltimore MD 21212-1909

RE: Case Number: 2018-0233 A, Address: 823 Kingston Road

Dear Mr. Cutrone & Ms. Duval:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 7, 2018. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Richardson Engineering LLC, 30 E Padonia Road, Timonium MD 21093

4-2

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 14, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0233-A
Address 823 Kingston Road
(Cutrone & Duval Property)

Zoning Advisory Committee Meeting of **March 19, 2018**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 3/13/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0233-A

Administrative Variance

823 Kingston Road.

Joseph W. Cetrone, & Anne L. Duval

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: April 4, 2018

FROM: *me*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2018
Item No. 2018-0230-A, 0231-A, 0232-A, 0233-A and 0235-A

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 14, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0233-A
Address 823 Kingston Road
(Cutrone & Duval Property)

Zoning Advisory Committee Meeting of **March 19, 2018.**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford



2018-0233-A



C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>4-4</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>3-14</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>3-13</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection.</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>3-18-18</u>	by <u>Black</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration				
Account Identifier:			District - 09 Account Number - 0902001190							
Owner Information										
Owner Name:			DUVAL ANNA L CUTRONE JOSEPH W			Use:		RESIDENTIAL YES		
Mailing Address:			823 KINGSTON RD BALTIMORE MD 21212-			Principal Residence:		YES		
						Deed Reference:		/32463/ 00391		
Location & Structure Information										
Premises Address:			823 KINGSTON RD BALTIMORE 21212-1909			Legal Description:		LT 25,26 823 KINGSTON RD STONELEIGH		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0080	0002	0130		0000		12	25	2017	Plat Ref:	0007/ 0087
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1947		2,305 SF		322 SF		6,250 SF		04		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
2	YES	STANDARD UNIT		BRICK	2 full/ 1 half	1 Detached				
Value Information										
			Base Value	Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2017		07/01/2017		07/01/2018		
Land:			153,200	153,200						
Improvements			261,400	365,800						
Total:			414,600	519,000		449,400		484,200		
Preferential Land:			0					0		
Transfer Information										
Seller: THOMAS MARY JANE				Date: 08/24/2012			Price: \$425,000			
Type: ARMS LENGTH IMPROVED				Deed1: /32463/ 00391			Deed2:			
Seller: THOMAS SCOTT M				Date: 08/06/1997			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /12313/ 00598			Deed2:			
Seller: COON JAMES W				Date: 01/10/1977			Price: \$71,900			
Type: ARMS LENGTH IMPROVED				Deed1: /05715/ 00302			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						
Homestead Application Information										
Homestead Application Status: Approved 12/31/2012										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: No Application						Date:				

2018-0233-A

ZAC AGENDA

Case Number: 2018-0233-A **Reviewer:** Gary Hucik

Existng Use: RESIDENTIAL **Proposed Use:**

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Joseph W Cutrone & Anna L Duval

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 5

Property Address: 823 KINGSTON RD

Location: S/S of Kingston Road, W 298 ft. to the centerline of Copleigh Road

Existing Zoning: DR 5.5

Area: 6,250 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To allow a side yard setback of 2 ft. in lieu of the required 10 ft. for a proposed side addition.

Attorney: Not Available

Prior Zoning Cases: None

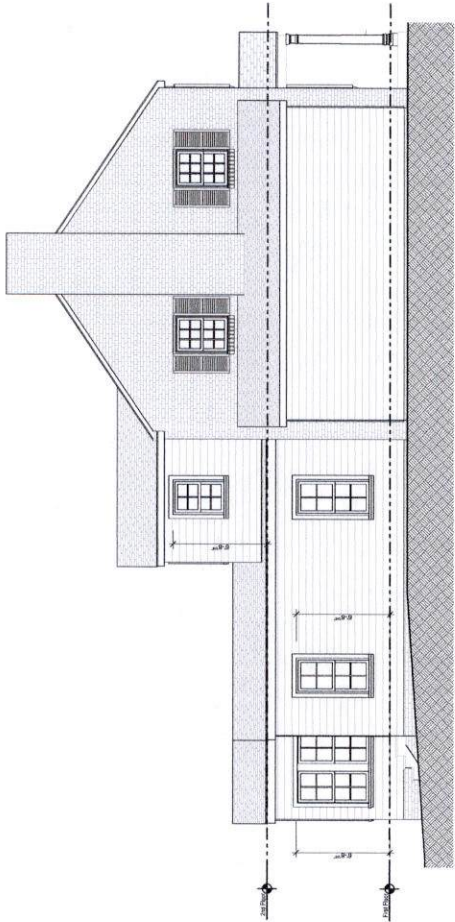
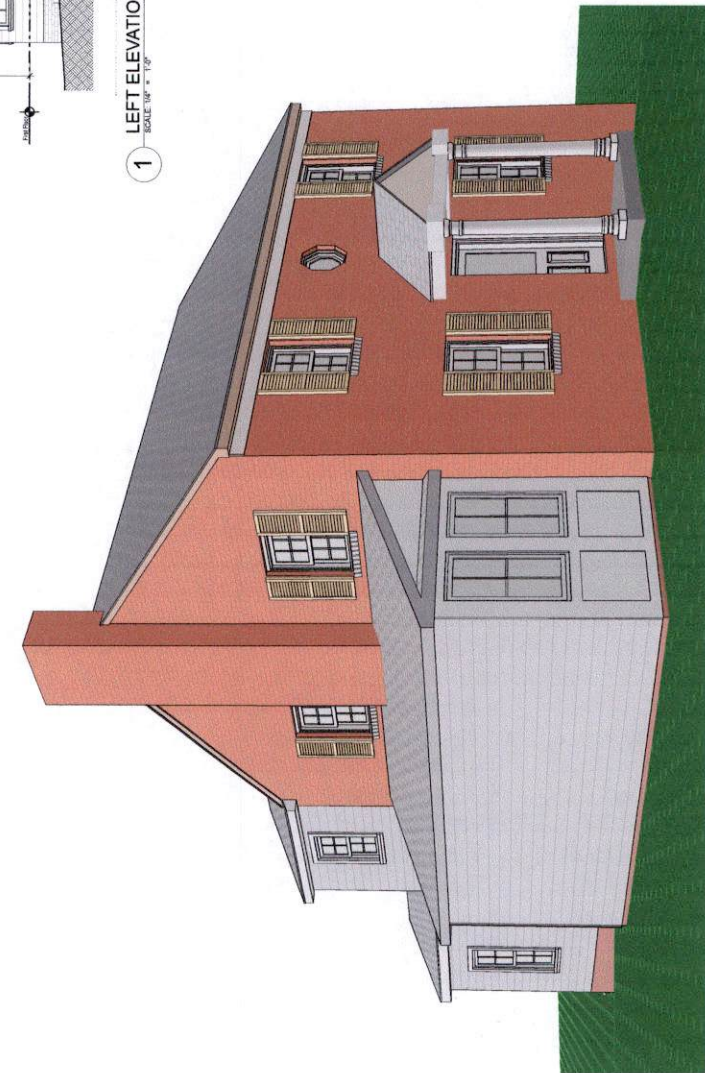
Concurrent Cases: None

Violation Cases: None

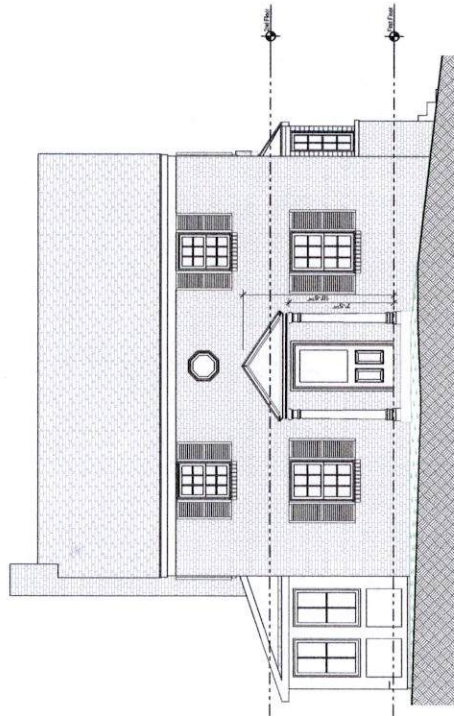
Closing Date: 04/02/2018

Miscellaneous Notes:





1 LEFT ELEVATION
SCALE 1/4" = 1'-0"



2 FRONT ELEVATION
SCALE 1/4" = 1'-0"

2018-0233-A