

76-74-A (over 76-74-A) **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Mr. Caleb R. Kelly, Jr., legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A.00.3 Sec. B.3 to permit side yard set back of five (5) feet instead of the required fifty (50) feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Property of Petitioner contains approximately 7.63 acres but is so shaped that it is necessary to run three twelve foot strips about 100 feet from Padonia Rd. to land owned by Petitioner in the rear of his property, if Petitioner is to be able to convey part of his land to his two sons so that each can construct his own home thereon. In projecting these strips it has been found that the northernmost strip will come approximately five feet from Petitioner's dwelling, which would be at variance with regulations.

Second, Petitioner seeks a variance from regulations to permit the use of a completed well which produces six gallons of water a minute for the two residences of his son.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

DATE October 9, 1975
 Contract purchaser _____ Legal Owner _____
 Address Box 370 Padonia Road
Cockeysville, Md. 21030
 Petitioner's Attorney _____ Protestants' Attorney _____
 Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of August, 1975 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of October, 1975, at 10:45 o'clock.

S. Eric DiNenna
 Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

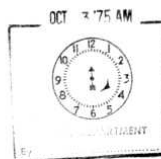
TO: S. Eric DiNenna, Zoning Commissioner Date October 3, 1975
 FROM: William D. Fromm, Director of Planning
 SUBJECT: Petition #76-74-A. Petition for Variance for a Side Yard.
Beginning 375 feet, more or less, West of Padonia Road and 1263 feet
Northwest of Jennifer Road.
Petitioner - Caleb R. Kelly, Jr.
8th District

HEARING: Monday, October 6, 1975 (10:45 A.M.)

The staff of the Office of Planning and Zoning offer no comment on this petition other than to call attention to the Maryland Department of Transportation's comment that a proposed State Highway (the Jones Falls Expressway Extended) will impact a portion of this property.

William D. Fromm
 William D. Fromm, Director
 Office of Planning and Zoning

WDF:NEG:rw



RE: PETITION FOR VARIANCE
 Beginning 375 feet West of Padonia Road
 and 1263 feet Northwest of Jennifer Road,
 8th District
 CALEB R. KELLY, JR., Petitioner
 Case No. 76-74-A

ORDER TO ENTER APPEARANCE

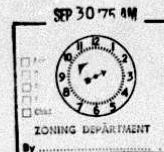
Mr. Commissioners:

Pursuant to the authority contained in Section 324.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kowitz, Jr.
 Deputy People's Counsel

John W. Heslian, III
 People's Counsel
 County Office Building
 Towson, Maryland 21204
 #94-2188

I hereby certify that on this 30th day of September, 1975, a copy of the foregoing Order was mailed to Mr. Caleb R. Kelly, Jr., Box 370 Padonia Road, Cockeysville, Maryland 21030, Petitioner.



WILLIAM D. FROMM
 DIRECTOR
 S. ERIC DINENNA
 ZONING COMMISSIONER



August 27, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
 Zoning Advisory Committee
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 29, Zoning Advisory Committee Meeting, August 12, 1975, are as follows:

Property Owner: Caleb R. Kelly, Jr.
 Location: 1,263 feet north of the intersection of Jennifer and Padonia Roads
 Existing Zoning: R.D.P.
 Proposed Zoning: Variance from Sec. 1A00.3 Sec. B3 to permit side yard set back of 5' instead of the required 50'
 No. of Acres: 7.63
 District: 8th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The petitioner must comply with the Subdivision Regulations, contact Mr. Richard Williams of this office for further details (494-3335).

Very truly yours,

John L. Wimbley
 John L. Wimbley
 Planning Specialist II
 Project and Development Planning

Mr. Caleb R. Kelly, Jr.
 Box 370, Padonia Road
 Cockeysville, Maryland 21030

October 8, 1975

RE: Petition for Variance
 Beginning 375' W of Padonia Road
 and 1263' NW of Jennifer Road -
 8th Election District
 Caleb R. Kelly, Jr. - Petitioner
 NO. 76-74-A (Item No. 29)

Dear Mr. Kelly:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,

S. ERIC DINENNA
 Zoning Commissioner

SED:ed

Attachments

cc: John W. Heslian, III, Esquire
 People's Counsel

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

DESCRIPTION FOR VARIANCE CALEB R. KELLY, JR.

BEGINNING FOR THE SAME AT A POINT IN THE CENTER OF PADONIA ROAD AT A DISTANCE OF APPROXIMATELY 1,263 FEET FROM THE INTERSECTION OF JENIFER AND PADONIA ROADS, AND EXTENDING ON THE WEST SIDE OF PADONIA ROAD AS FOLLOWS: S 29° 45' 87", THENCE WESTERLY 497.55', S 35° 21' 101", N 59° 252.20', S 24° 38' E 245.16', S 86° 55' W 189.87', S 03° 05' 13', S 86° 55' W 760.63, N 42° 09' E 836.67', S 34° 32' E 91.65', N 55° 28' E 42.31', S 29° 45' E 185' AND N 55° 28' E 266.39' TO THE PLACE OF THE BEGINNING.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
 Mr. Caleb R. Kelly, Jr., County Office Building
 Box 370 Padonia Road 111 W. Chesapeake Avenue
 Cockeysville, Maryland 21030 Towson, Maryland 21204

Your Petition has been received and accepted for filing this 19th day of August, 1975

S. Eric DiNenna
 Zoning Commissioner

Petitioner Caleb R. Kelly, Jr.

Petitioner's Attorney _____

Reviewed by Franklin T. Rogers, Jr.
 Chairman,
 Zoning Plans
 Advisory Committee

DEC 15 1975

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner:

the above Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit a side yard setback of five (5) feet in lieu of the required fifty (50) feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of October, 1975, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of:

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of October, 1975, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 N. Chesapeake Avenue
Towson, Maryland 21204

September 9, 1975

Franklin T. Hogans,
XXXXXXXXXXXXX
Jr.

Mr. Caleb R. Kelly, Jr.,
Box 370 Padonia Road
Cockeysville, Maryland 21030

RE: Petition for Variance
Item 29
Caleb R. Kelly, Jr. - Petitioner

Dear Mr. Kelly:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the west side of Padonia Road, 1263 feet north of Jenifer Road, and is a 7.63 acre property proposed to be subdivided into five lots. The owner of the property, Caleb R. Kelly, Jr., proposes the transfer of these lots to the ownership of two of his sons.

In creating these lots panhandle rights-of-way are proposed which, in effect, move the property line to a distance of 5 feet from the existing dwelling of the petitioner. It is this setback for which the petitioner is requesting a Variance. This area of Padonia Road is semi-rural in character,

Mr. Caleb R. Kelly, Jr.,
Re: Item 29
September 9, 1975
Page 2

and properties in the immediate environs of the subject parcel are improved for the most part with single family dwellings on large lots.

The petitioner should note with particular interest the comments of the Project and Development Planning section concerning conformance with requirements of the subdivision regulations.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Franklin T. Hogans,
FRANKLIN T. HOGANS, JR.
Chairman, Zoning Plans
Advisory Committee

PTH:JD

Enclosure



Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Secretary
Darnard M. Evans
Administrator

August 14, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Re: I.A.C. Meeting Aug.
12, 1975 Item 29.
Property Owners:
Caleb R. Kelly Jr.
Location: 1,263 ft.
north of the inters.
of Jenifer & Padonia Rds
Existing Zoning: RDP
Proposed Zoning:
Var. from Sec. 1A00.3
Sec. B3 to permit side
yard set back of 5'
instead of the required
50'.
No. of acres: 7.63
District: 8th

Dear Mr. DiNenna,

The subject property is affected by the tentative proposed State Highway improvement as indicated in red on the attached plans. We are transmitting two copies of the plan in order that one copy may be forwarded to the petitioner.

The petitioners plan should be revised to indicate the proposed right of way.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering Access Permits

by: John E. Meyers

CL-JER/es

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County, Maryland Department of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Bureau of Engineering
ELLENWORTH N. DIVER, P.E. CHIEF

September 3, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #29 (1975-1976)

Property Owner: Caleb R. Kelly, Jr.
1,263' north of the intersection of Jenifer and Padonia Rds.
Existing Zoning: RDP
Proposed Zoning: Variance from Sec. 1A00.3 Sec. B3 to permit side yard setback of 5' instead of the required 50'.
No. of Acres: 7.63 District: 8th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The proposed development of this property, as indicated on the submitted plan, should receive comprehensive review by the Joint Subdivision Planning Committee, as Baltimore County subdivision regulations will be applicable, and an approved subdivision plat for record will be required.

Highways:

The present Padonia Road, an existing public road, is proposed to be improved in the future as a 60-foot closed section roadway on a 60-foot right-of-way. Highway improvements are not required at this time; however, highway improvements, including highway right-of-way widening and any necessary reversible easements for slopes will be required in connection with any grading or building permit application.

It is suggested that the Petitioner, or his engineer, should investigate the proposed Jones Falls Expressway extension (a Maryland State Highway Administration project), and the proposed relocation of Padonia Road (a Baltimore County project) to ascertain their effect, if any, upon this property. Further information in this regard may be obtained from the Baltimore County Bureau of Engineering. The submitted plan must be revised accordingly.

Sediment Control:

Development of this property through stripmining, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings down stream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #29 (1975-1976)

Property Owner: Caleb R. Kelly, Jr.
Page 2
September 3, 1975

Sediment Control: (Cont'd)

Drainage studies, storm water management drawings and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Storm drainage facilities and necessary rights-of-way will be required in connection with any subsequent grading or building permit application. The Developer will be required to furnish the Bureau of Engineering with a drainage study, adequate data and a revised plan indicating proposed provisions for accommodating storm water or drainage and the flood plain for a 100-year storm. Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Drainage and utility easements will be required through this property.

Water and Sanitary Sewers:

Public water and sanitary sewerage are not available to serve this property which lies within the Baltimore County Metropolitan District and the Urban Rural Demonstration Area. The Baltimore County Comprehensive Water and Sewerage Plan, amended August 1974, indicates "Planned Service" for the area in 6 to 10 years.

Very truly yours,

Ellenworth N. Diver,
ELLENWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:RAM:PMH:SS

cc: J. Trenner
J. Wimbley
J. Meyers (SHA)

3-WW Key Sheet
58 NW 11 Pos. Sheet
NW 16 C Topo
51 Tax Map

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

August 6, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning & Zoning
County Office Building
Baltimore, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #29, Zoning Advisory Committee Meeting, August 12, 1975 are as follows:

Property Location: 1,263 feet north of the intersection of Jenifer and Padonia Roads
Property Owner: Caleb R. Kelly, Jr.
Existing Zoning: RDP
Proposed Zoning: Variance from Sec. 1A00.3 Sec. B3 to permit side yard setback of 5' instead of the required 50'.
No. of Acres: 7.63
District: 8th

Soil evaluation has been conducted and an approved water well must be drilled prior to the issuance of the building permit.

Very truly yours,

Thomas H. Devlin, R.S., Director
Bureau of Environmental Services

HYB/sk

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



August 27, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 29, Zoning Advisory Committee Meeting, August 12, 1975 are as follows:

Property Owner: Caleb R. Kelly, Jr.
Location: 1,263 feet north of the intersection of Jenifer and Padonia Roads
Existing Zoning: R.D.P.
Proposed Zoning: Variance from Sec. 1A00.3 Sec. B3 to permit side yard set back of 5' instead of the required 50'.
No. of Acres: 7.63
District: 8th

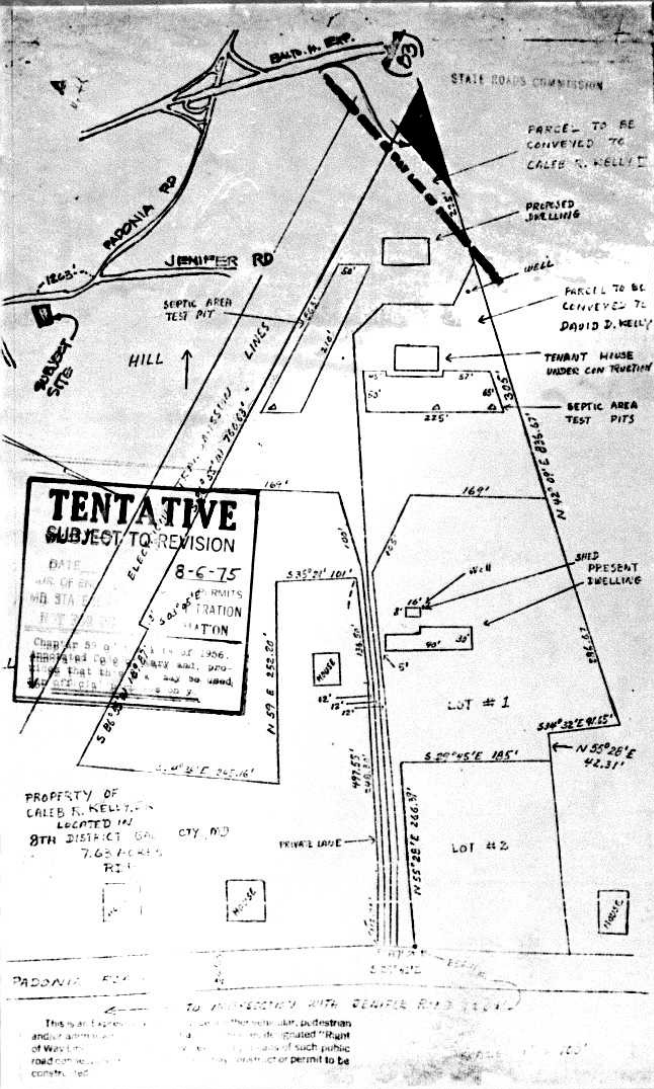
This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The petitioner must comply with the Subdivision Regulations, contact Mr. Richard Williams of this office for further details (494-3335).

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 494-3311 ZONING 494-3351



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING

August 19, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 29 - SAC - August 12, 1975
Property Owner: Caleb R. Kelly, Jr.
Location: 1,263 feet north of the intersection of Jenifer & Padonia Roads
Existing Zoning: RDP
Proposed Zoning: Variance from Sec. 1A00.3 Sec. B3 to permit side yard setback of 5' instead of the required 50'.
No. of Acres: 7.63
District: 8th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance to the side yard setback.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Associate

MSF/bca

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: August 15, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: August 12, 1975

Re: Item 29
Property Owner: Caleb R. Kelly, Jr.
Location: 1,263 ft. N. of the intersection of Jenifer & Padonia Roads.
Present Zoning: R.D.P.
Proposed Zoning: Variance from Section 1A00.3 Sec. B3 to permit side yard setback of 5' instead of the required 50'.

District: 8th
No. Acres: 7.63

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,
W. Nick Petrovich,
Field Representative.

H. ENSLIE PARKS, PRESIDENT
EUGENE C. HESS, VICE-PRESIDENT
MRS. ROBERT L. BENEY

MARCUS H. BOYSARIS
JOSEPH N. MIDDOWAN
ALVIN LOBECK
JOSHUA R. WICKELER, SUPERVISOR

T. BAYARD WILLIAMS, JR.
RICHARD W. TRACY, V.M.D.
MRS. RICHARD K. WUERFEL

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th
Posted for: PETITION FOR VARIANCE
Petitioner: CALEB R. KELLY, JR.
Location of property: BEG. 375' W. OF PADONIA RD. AND 1263' NW OF JENIFER RD.
Location of Signs: 400' +/- W. OF PADONIA RD. AND 1263' NW OF JENIFER RD.
Remarks: Thomas R. Roland
Posted by: Thomas R. Roland
Date of Posting: SEPT. 20, 1975
Date of return: SEPT. 26, 1975

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		800 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: D.A.S.										
Previous case:										

Revised Plans:
Change in outline or description Yes
Map #

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 12, 1975

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time successive weeks before the 12th day of October, 1975, the 10th publication appearing on the 12th day of September 1975.

THE JEFFERSONIAN
L. Frank Smith
Manager

Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 23343

DATE Aug. 25, 1975 ACCOUNT 01-662

AMOUNT \$25.00

RECEIVED FROM: Caleb R. Kelly, Jr., Box 370 Padonia Rd., Cockeysville, Md. 21030

FOR: Petition for Variance 76-74-A

250.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 23396

DATE Sep. 6, 1975 ACCOUNT 01-662

AMOUNT \$48.50

RECEIVED FROM: Caleb R. Kelly, Jr., Box 370 Padonia Rd., Cockeysville, Md. 21030

FOR: Advertising and posting of signs party 76-74-A

48.50

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 31st day of July 1975. Item # 405-14

S. Eric DiNenna,
Zoning Commissioner

Petitioner: Caleb R. Kelly, Jr. Submitted by: Caleb R. Kelly, Jr.
Petitioner's Attorney: Reviewed by: 2/23

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.