

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

I, or we, Algard J. DeKenis, legal owner of the property above in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, 1802.3 Public Access (1802.3)

herby petition for a Variance from Section 10.13 of the Zoning Ordinance, to allow a setback

of 13 feet instead of the required 50 feet. to an R-10A zone.

The proposed location of the house is in the approximate location of the house as recommended in the original survey of the development. The house would be in the clearing requiring little disturbance of trees and be in line with the adjoining property.

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BE: PETITION FOR VARIANCE
N/W/C of Holly Berry Court & Holly Knoll Drive, 10th District
ALGARD J. DeKENIS, et ux, Petitioners
Case No. 77-191-A

ORDER TO ENTER APPEARANCE

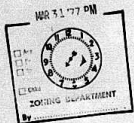
Mr. Commissioners

Pursuant to the authority contained in Section 524.1 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 place of any preliminary or final Order in connection therewith.

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

I HEREBY CERTIFY that on this 30th day of March, 1977, a copy of the foregoing Order was mailed to Mr. and Mrs. Algard J. DeKenis, 3623 Cliffmar Road, Baltimore, Maryland 21207, Petitioners.

John W. Heslian, III
John W. Heslian, III
People's Counsel



Mr. & Mrs. Algard J. DeKenis
3623 Cliffmar Road
Baltimore, Maryland 21207

April 11, 1977

RE: Petition for Variance
N/W/corner of Holly Berry Ct. and
Holly Knoll Drive - 10th Election
District
Algard J. DeKenis, et ux -
Petitioners
NO. 77-191-A (Item No. 184)

Dear Mr. & Mrs. DeKenis:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
George C. Martinak
GEORGE C. MARTINAK
Deputy Zoning Commissioner

GJM/mc

Attachments

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

COLUMBIA OFFICE
WALTER PAUL
Registered Surveyor
Phone 730-8060

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204
PHONE 839-0800

REL. AIR
L. GERALD WOLFF
Landscape Architect
Phone 838-0888

January 31, 1977

DESCRIPTION - ZONING VARIANCE LOT 20 HOLLY KNOLL ESTATES:

Beginning for the same at a point formed by the intersection of the north side of Holly Berry Court (50 feet wide) and the west side of Holly Knoll Drive (50 feet wide) thence being all of Lot 20 as shown on Plat 2 of 2 "Holly Knoll Estates" recorded among the land records of Baltimore County in Plat Book 36 folio 18.

Containing 1.07 Acres of land more or less.



Malcolm E. Hudkins
Registered Surveyor #5095

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
101 W. Cross Street
Towson, Maryland 21204

NICHOLAS B. COMMODARI
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

March 24, 1977

Mr. and Mrs. Algard J. DeKenis
3623 Cliffmar Road
Baltimore, Maryland 21207

RE: Variance Petition
Item No. 184
Algard J. & Ann V. DeKenis -
Petitioners

Dear Mr. and Mrs. DeKenis:

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.

Located on the northwest corner of Holly Berry Court and Holly Knoll Drive in the Tenth Election District, this currently vacant lot is a part of the newly developing subdivision of HOLLY KNOLL ESTATES. Properties immediately contiguous to this site are improved with large dwellings.

This Variance is necessitated by your proposal to construct a dwelling within 43' of the side property line in lieu of the required 50'.

Mr. and Mrs. Algard J. DeKenis
Item No. 184
Page 2
March 24, 1977

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 60 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Acting Chairman, Zoning
Plans Advisory Committee

NBC:tk

Enclosures

cc: Hudkins Associates, Inc.
101 Shell Building
200 E. Joppa Road
Towson, Maryland 21204

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

April 6, 1977

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

Re: Item #184 (1976-1977)
Property Owners: Algard & Ann DeKenis
N/W cor. Holly Berry Ct. & Holly Knoll Dr.
Existing Zoning: R-C-4
Proposed Zoning: Variance to permit a side setback of 43' in lieu of the required 50'.
Acre: 1.07 District: 10th

Dear Mr. DiNenna:

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

General:

Baltimore County highway and utility improvements are not directly involved and are as secured by Public Works Agreement #107203 executed in connection with the development of "Holly Knoll Estates", of which this property comprises Lot 20.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #184 (1976-1977).

Very truly yours,

Douglas M. Tucker, P.E.
DONALD M. TUCKER, P.E.
Acting Chief
Bureau of Engineering

cc: E. Norton
G. Macfield

D-SE Key Sheet
NE 16 P.08. Sheet
NE 16 D Topo
44 Top Map

PETITION AND SITE PLAN

EVALUATION COMMENTS

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 fact that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners

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

to permit a side yard setback of 43 feet instead of the Variance required 50 feet. should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 11th day of April 1977, 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 Department of Public Works and the Office of Planning and Zoning.

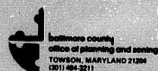
Deputy Zoning Commissioner of Baltimore County

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 day of 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



March 2, 1977

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 #184, Zoning Advisory Committee Meeting, February 15, 1977, are as follows:

Property Owner: Algard & Ann DeKanis
Location: NW/C Holly Berry Court and Holly Knoll Drive
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a side setback of 43' in lieu of the required 50'
Acre: 1.07
District: 10th

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.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John C. Wimbley
Planner III
Project and Development Planning



March 9, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
2nd Floor, Courthouse
Towson, Maryland 21204

Re: Item 184 - ZAC - February 15, 1977
Property Owner: Algard & Ann DeKanis
Location: NW/C Holly Berry Ct. & Holly Knoll Dr.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a side setback of 43' in lieu of the required 50'.
Acre: 1.07
District: 10th

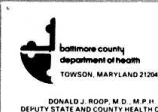
Dear Mr. DiNenna:

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

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF/jlf



March 8, 1977

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

Dear Mr. DiNenna:

Comments on Item 184, Zoning Advisory Committee Meeting, February 15, 1977, are as follows:

Property Owner: Algard & Ann DeKanis
Location: NW/C Holly Berry Ct. & Holly Knoll Dr.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a side setback of 43' in lieu of the required 50'.
Acre: 1.07
District: 10th

Since percolation tests have been conducted and approved, and an approved water well exists, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

THD:RJM:mah



February 16, 1977

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

Dear Mr. DiNenna:

Comments on Item #184, Zoning Advisory Committee Meeting, February 15, 1977 are as follows:

Property Owner: Algard & Ann DeKanis
Location: NW/C Holly Berry Court & Holly Knoll Drive
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a side setback of 43' in lieu of the required 50'.
Acre: 1.07
District: 10th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A building permit shall be required before construction can begin.
- ☒ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☐ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Burham

Plans Review Chief
CIB:rrj

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: February 9, 1977

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

Z.A.C. Meeting of: February 15, 1977

RE: Item No: 184
Property Owner: Algard & Ann DeKanis
Location: NW/C Holly Berry Ct. & Holly Knoll Drive
Present Zoning: R.C. 4
Proposed Zoning: Variance to permit a side setback of 43' in lieu of the required 50'.

District: 10th
No. Acres: 1.07

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
Field Representative

NDP/bp

JOSEPH H. WOODMAN, PRESIDENT
T. BARBAR WILLIAMS, JR., VICE-PRESIDENT
MARCUS H. ROSENBERG

THOMAS H. BRYER
MRS. LORRAINE F. CHURCH
ROBERT H. LUTHER

ROBERT T. DUBEL, SUPERINTENDENT

ALVIN LORICK
MRS. WILTON R. SMITH, JR.
RICHARD W. TACKETT, D.M.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: S. Eric DiNenna, Zoning Commissioner Date: March 18, 1977

FROM: Thomas H. Devlin, Acting Director of Planning

SUBJECT: Petition #77-191-A, Petition for Variance for a Side Yard
Petitioner - Algard J. DeKanis and Ann V. DeKanis

10th District

HEARING: Monday, April 4, 1977 (10:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

Thomas H. Devlin
Acting Director of Planning

NDP:TDH:rw

3521 Clifftop Road
Baltimore, Maryland 21207
April 12, 1977

Baltimore County
Office of Planning and Zoning
Deputy Zoning Commissioner
Towson, Maryland 21204

Re: Petition for Variance
NW/Corner of Holly Berry Ct. and
Holly Knoll Drive - 10th Election
District
NO. 77-191-A (Item No. 184)

Dear Mr. Martinek:

I have your order dated April 11, 1977, granting the variance as petitioned subject to the approval of the site plan by the Department of Public Works and the Office of Planning and Zoning.

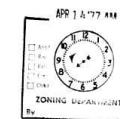
In as much as there were no appearances made or objections filed at the hearing held on April 11, 1977, it is requested that a building permit be permitted to avoid further delay in construction.

It is recognized that there is a 30 day appeal period during which an exception may be taken to the order granting the variance, and the undersigned assumes the risks and responsibility of starting construction during this period.

Your consideration of this request is appreciated.

Sincerely yours,

Algard J. DeKanis





OFFICE OF

THE TIMES
NEWSPAPERS

TOWSON, MD. 21204

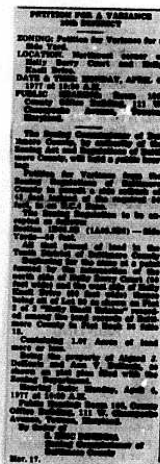
March 17, 1977

THIS IS TO CERTIFY, that the annexed advertisement of
Petition for a Variance-- DeKenis
was inserted in the following:

- | | |
|--|--|
| ☐ Catonsville Times | ☒ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☐ Essex Times | ☐ Community Times |
| ☐ Suburban Times East | ☐ Suburban Times West |

weekly newspapers published in Baltimore, County, Maryland,
once a week for one successive weeks before the
4th day of April 1977, that is to say, the same
was inserted in the issues of March 17, 1977.

STROMBERG PUBLICATIONS, INC.

BY DeKenis

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 17, 1977

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~~
~~one time~~ ~~successive weeks~~ before the 4th
day of April 1977 the ~~first~~ publication
appearing on the 17th day of March
1977.

THE JEFFERSONIAN,

S. Frank Smith
Manager.

Cost of Advertisement, \$.....

Mr. & Mrs. Alford Bellino
1000 Chesapeake Ave.
Baltimore, Maryland

Form No. 100

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing
this 10th day of February 1977.

S. Eric DiNenna
Zoning Commissioner

Petitioner Mr. & Mrs. Alford J. Bellino

Petitioner's Attorney

Reviewed by

Nicholas B. Commodari
Planning & Zoning
Associate III

100 Building Association, Inc.
1000 Chesapeake Ave.
Baltimore, Maryland

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 2 day of

FEB 1977. Filing Fee \$ 25. Received ☒ Check

☐ Cash☐ Other

S. Eric DiNenna
Zoning Commissioner

Petitioner DeKenis Submitted by DeKenisPetitioner's Attorney _____ Reviewed by NBL

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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

A 77-191-A

District 10th Date of Posting 3-17-77
Posted for: Alford J. Bellino April 4th 1977 10:30 A.M.
Petitioner: Alford J. Bellino
Location of property: 1000 Chesapeake Ave. & Holly Brook Rd.
Location of Sign: 1 Sign Post on Cor. of Chesapeake Ave. & Holly Brook Rd.
Remarks: _____
Posted by Michael H. Hise Date of return: 3-24-77
Signature

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

No. 46466

DATE: March 14, 1977 ACCOUNT 01-662

AMOUNT \$25.00

RECEIVED Alford J. DeKenis 3623 Clifmar Rd., Balto., Md.
21207
FOR: Petition for Variance #77-191-A

US 97 APR 15

25.00 CASH

VALIDATION OR SIGNATURE OF CASHIER

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

No. 46524

DATE: April 1, 1977 ACCOUNT 01-662

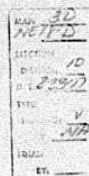
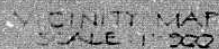
AMOUNT \$39.25

RECEIVED Alford J. DeKenis, 3623 Clifmar Rd., Balto., Md.
21207
FOR: Advertising and posting of property
#77-191-A

US 53 APR 5

39.25 CASH

VALIDATION OR SIGNATURE OF CASHIER



NOTES:
1. ZONING: R-4 (FORMERLY RDP) Jan 18/14
2. AREA: 1.07 AC.
3. PRIVATE WATER & SEWER REVISED PLANS



WILKINS ASSOCIATES, INC.
101 SHELL BUILDING
200 E. KAPPA ROAD
FROST, MARYLAND 21051

PLAN TO ACCOMPANY
VARIANCE APPLICATION
LOT 60 HOLLY KNOLL ESTATES
ELECT DIST 10 BALTO CO, MD
JAN 31 1977 SCALE 1"=40'