

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Eugene Carl Kienle, 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 10A1.2B.4d to 297M10.0N.5A.1.2B.4d. of 47' instead of the required 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. Permits that had been issued for said dwelling was issued with the wrong building no. 297M10.0N.5A.1.2B.4d. should have been 297M10.0N.5A.1.2B.4d.
2. Building foundation was put in at an angle of three ft.
3. Septic system will not be effected by this angle.

See attached description

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.

Eugene C. Kienle
Eugene C. Kienle
744 Delaney Valley Court
Suite 2, Towson, Maryland 21204
Contract purchaser
SAI-7599
Address: 6 Staley Court, Reisterstown, MD 21134
Petitioner's Attorney
Address: 6 Staley Court, Reisterstown, MD 21134
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of October, 1977, 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 12th day of December, 1977, at 10:15 o'clock.

John W. Hassall, III
John W. Hassall, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

Mr. Eugene C. Kienle
6 Staley Court
Reisterstown, MD. 21134

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204
Your Petition has been received and accepted for filing this 28th day of October, 1977.

Nicholas B. Commodari
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee
Petitioner's Attorney
Evans, Hagan & Holdefer, Inc.
8013 Belair Road
Baltimore, MD 21236

RE: PETITION FOR VARIANCE
E/S of Falls Rd. 1300' NW of
Hereford Rd., 5th District
EUGENE C. KIENLE, Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 78-125-A

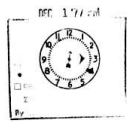
ORDER TO ENTER APPEARANCE

Mr. Commissioner:

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kuntz, Jr.
Charles E. Kuntz, Jr.
Deputy People's Counsel
John W. Hassall, III
John W. Hassall, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 29th day of November, 1977, a copy of the foregoing Order was mailed to Mr. Eugene C. Kienle, 6 Staley Court, Reisterstown, Maryland 21134, Petitioner.



RE: PETITION FOR VARIANCE
E/S of Falls Rd. 1300' NW of
Hereford Rd., 5th District
EUGENE C. KIENLE, Petitioner : Case No. 78-125-A
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

Mr. Commissioner:

Please enter my appearance for Eugene C. Kienle, the Petitioner in the above-entitled proceeding.

Michael F. Delea, Jr.
Michael F. Delea, Jr.
601 Mercantile-Towson Building
Towson, Maryland 21204
821-5454

I HEREBY CERTIFY that on this 2nd day of December, 1977, a copy of the foregoing Order was mailed to John W. Hassall, III, People's Counsel, County Office Building, Towson, Maryland 21204

Michael F. Delea, Jr.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

December 1, 1977

Mr. Eugene C. Kienle
6 Staley Court
Reisterstown, Maryland 21134

RE: Variance Petition
Item Number 81
Petitioner - Eugene Kienle

Dear Mr. Kienle:

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 suitability of the requested zoning.

Located on the east side of Falls Road approximately 1,300 feet north of Hereford Road in the 5th Election District, this R.C. 2 zoned property is presently improved with a partially constructed dwelling, which is the subject of this petition. Adjacent properties are similarly zoned and consist of vacant land to the east and south, while a dwelling exists to the north.

A building permit (No. 95895) was issued to construct the existing dwelling 55 feet from the rear property line. However, since the house location was inadvertently constructed 47 feet from this property line in lieu of the required 50 feet, this Variance is requested.

Mr. Eugene C. Kienle
Page 2
Item Number 81
December 1, 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 90 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
Chairman
Zoning Plans Advisory Committee

NBC:ff

cc: Evans, Hagan & Holdefer, Inc.
Surveyors and Civil Engineers
8013 Belair Road
Baltimore, Maryland 21236

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

November 30, 1977

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

Re: Item 801 (1977-1978)
Property Owner: Eugene Carl Kienle
E/S Falls Rd. 1300' NW Hereford Rd.
Existing Zoning: R.C. 2
Proposed Zoning: Variance to permit a rear setback of 47' in lieu of the required 50'.
Acreage: 1.007 District: 5th

Dear Mr. DiMenna:

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.

Highways:

Falls Road (Md. 25) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Sediment Control:

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

Storm Drains:

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.

Water and Sanitary Sewers:

Public water supply and sanitary sewerage are not available to serve this property, which is beyond the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line. The Baltimore County Water and Sewerage Plan, as amended, indicates "No Planned Service" in the area.

Very truly yours,
Edmund N. Diver, P.E.
EDMUND N. DIVER, P.E.
Chief, Bureau of Engineering

END: EAM:PMR:es

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,

to permit a rear yard setback of 47 feet instead of the variance required 50 feet, should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 1st day of December, 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 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 December, 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



November 1, 1977

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

Dear Mr. DiNenna:

Comments on Item #81, Zoning Advisory Committee Meeting, October 25, 1977, are as follows:

Property Owner: Eugene Carl Keinle
Location: E/S Falls Road 1300' NW Hereford Road
Existing Zoning: R.C. 2
Proposed Zoning: Variance to permit a rear setback of 47' in lieu of the required 50'.
Acre: 1.007
District: 5th

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 ensure 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 I. Wimbly
John I. Wimbly
Planner III
Project and Development Planning



November 7, 1977

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

Dear Mr. DiNenna:

Comments on Item #81, Zoning Advisory Committee Meeting of October 25, 1977, are as follows:

Property Owner: Eugene Carl Keinle
Location: E/S Falls Road 1300' NW Hereford Road
Existing Zoning: R.C. 2
Proposed Zoning: Variance to permit a rear setback of 47' in lieu of the required 50'.
Acre: 1.007
District: 5th

The dwelling is being constructed under an approved building permit, therefore, no health hazards are anticipated.

Very truly yours,

Thomas R. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

THD:KSjlg



October 27, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
1st Floor, County Office Building
Towson, Maryland 21204

Re: Item 81 - ZAC - October 25, 1977
Property Owner: Eugene Carl Keinle
Location: E/S Falls Rd. 1300' NW Hereford Rd.
Existing Zoning: R.C. 2
Proposed Zoning: Variance to permit a rear setback of 47' in lieu of the required 50'.
Acre: 1.007
District: 5th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance.

Very truly yours,
C. Richard Moore
Assistant Traffic Engineer

CRM/cwm



JOHN D. SEVITT
DIRECTOR

November 3, 1977

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

Dear Mr. DiNenna:

Comments on Item #81 Zoning Advisory Committee Meeting, October 25, 1977 are as follows:

Property Owner: Eugene Carl Keinle
Location: E/S Falls Road - 1300' NW Hereford Road
Existing Zoning: R.C. 2
Proposed Zoning: Variance to permit a rear setback of 47' in lieu of the required 50'.

Acre: 1.007
District: 5th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 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. Burdhan
Charles E. Burdhan
Plans Review Chief
(201-773)

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: N. Commodori, Chairman
Zoning Advisory Committee

Re: Property Owner: Eugene Carl Keinle

Location: E/S Falls Rd. 1300' NW Hereford Rd.

Item No. 81 Zoning Agenda Meeting of 10/25/77

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ foot along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as shown.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

Reviewed: *AT 10/24*
Special Inspection Division

Noted and Approved: *Chief Deane*
Deputy Chief
Fire Prevention Bureau

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 24, 1977

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

Z.A.C. Meeting - October 25, 1977

RE: Item No. 81
Property Owner: Eugene Carl Keinle
Location: E/S Falls Rd. 1300' NW Hereford Rd.
Present Zoning: R.C. 2
Proposed Zoning: Variance to permit a rear setback of 47' in lieu of the required 50'.

District: 5th
No. Acres: 1.007

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

622 Petrol
N. Nick Petrovich,
Field Representative

JOSEPH H. MCGRAW, PRESIDENT
V. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCO M. ROYANO

THOMAS H. BOYER
WILLIAM J. CHAFFIN
ROGER B. HAYDEN

ALVIN LORECK
WILLIAM A. LUTIN, JR.
RICHARD W. TRACY, DVM.

ROBERT F. DUBEL, SUPERINTENDENT

744 Dulany Valley Court
Suite 17
Towson, Maryland 21204
October 14, 1977

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

Re: Building Application: NR89871
District 5, Precinct 2
Located at 17507 Falls Road
Owners Name: Eugene C. Keinle

Dear Mr. DiNenna:

Pete Enterprises, being the builder and contract holder on this house has found that in the construction and layout of the home, there was a mistake made when putting the foundation in. Evans, Hagen & Holdener, surveyors, had staked out the extreme outside corners of the house. In digging out the footing, several stakes had been removed from the outside corners and in lining the walls between the stakes, we angled the position of the house. This mistake was not found until the roof had been completed on this house. Interior walls and outside walls are complete in their respective framing members. The house has not been moved closer to either the well or the septic area, but the back right hand corner protrudes three feet into the setback area in the rear of the house.

The contract on this house was made the 13th day of February. Construction of the house did not start until June 12th. The contract date of completion was to be 120 days after receipt of the permit.

Mr. Keinle has sold his house on May 20th of 1977 and has settled with a permanent mortgage on the house in question. Interest payments continue every three months and are \$950.00 per quarter. He has had to put his furniture in storage and is now living at his old



