

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 10, 1984

COUNTY OFFICE BLDG. 111 N. Chesapeake Ave. Towson, Maryland 21286
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

R.N.K., Inc.
Mr. Melvin Kabik, Vice President
3711 Gardenvue Road
Baltimore, Maryland 21208
RE Item No. 118 - Case No. 84-164-A
Petitioner - R.N.K., INC.
Variance Petition

Dear Mr. Kabik:

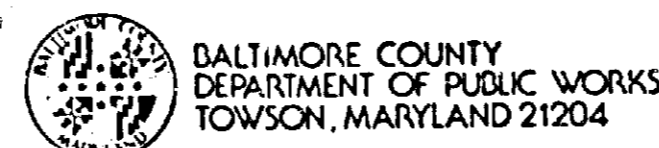
Enclosed please find additional comments submitted after my original comments of December 21, 1983. These comments were received after the hearing and were not considered in rendering the Zoning Commissioner's decision.

Very truly yours,
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Hudkins Associates, Inc.
200 East Joppa Road
Room 101, Shell Building
Towson, Md. 21204



HARRY J. PISTEL, P.E.
DIRECTOR
January 5, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #118 (1983-1984)
Property Owner: R.N.K., Inc.
E/S Green Heather Court, 122' N. from centerline Garden View Rd.
Acres: Lot #12 & Parcel "A", Garden View 37-100 District: 3rd

Dear Mr. Jablon:

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:

Baltimore County highway and utility improvements are not directly involved and are as secured by Public Works Agreement 37309, executed in conjunction with the development of Garden View, of which these properties are a part.

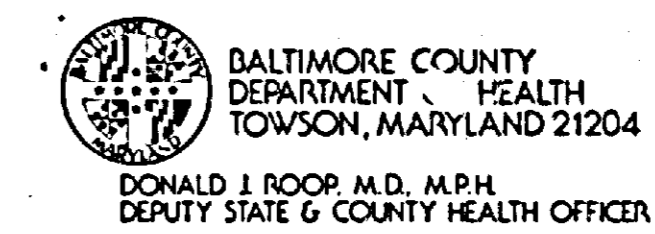
Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance 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.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 118 (1983-1984).

Very truly yours,
Robert A. Horton
ROBERT A. HORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:iss
O-NW Key Sheet 39 & 40 NW 20 Pos. Sheets
NW 10 E Topo 68 Tax Map



PETITIONER'S EXHIBIT
November 19, 1980

Mr. Melvin Kabik
6500 Frederick Road
Baltimore, Maryland 21228

Dear Mr. Kabik:

This office has been requested to conduct soil evaluations on the property known as Lot 13, Garden View, Election District 3, by your Engineer, Hudkins Associates.

On April 27, 1976, Mr. Marvin H. Cook, Sanitarian, conducted soil evaluations on this property, the results of which are as follows:

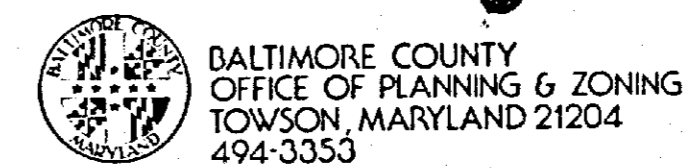
Table with columns: TEST PIT, DRAWDOWN, DEPTH, SOIL. Row A: 1-4 ft., Baltimore Gneiss. Row B: 1-4 ft., water 4 ft., Clay 0-7 ft., water 7 ft.

Other information in our files indicates that soil tests were conducted previous to Mr. Cook's evaluation with similar results. It is our opinion that additional soil testing would not produce any more favorable results, due to the nature of the soils and the close proximity of a stream.

Based on the above, approval cannot be granted for the installation of an individual sewage disposal system. Approval for a Building Permit Application will be withheld until such time as metropolitan sanitary sewerage is available to serve the property.

Very truly yours,
Brooks H. Stafford
Brooks H. Stafford, M.H.S.
Director
ENVIRONMENTAL SUPPORT SERVICES

BBS:GEM:pb



ARNOLD JABLON
ZONING COMMISSIONER

January 6, 1984

Mr. & Mrs. Samuel Trivas
5 Green Heather Court
Baltimore, Maryland 21208

Dear Mr. & Mrs. Trivas:

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

Sincerely,
Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

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

IN RE: Petition Zoning Variance
E/S of Green Heather Court, 122' N
of the centerline of Garden View
Road - 3rd Election District
R.N.K., Inc., Petitioner
Case No. 84-164-A

the plans presented herein show a careful, thoughtful, and detailed conceptualization. See Petitioners' Exhibit 3.

The Petitioners seek relief from Section 400.1, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. McLean v. Soley, 270 Md. 20^a (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were to be granted, such use as proposed would not be contrary to the spirit of the regulations and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not to be granted. It has been established that the requirement that the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 6th day of January, 1984, that the Petition for Variance to allow a tennis court to be constructed in the front and side yards instead of the required rear yard be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- 1. The Petitioners may apply for their building permit 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 applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Arnold Jablon
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE January 6, 1984
BY [Signature]

IN RE: PETITION ZONING VARIANCE
E/S of Green Heather Court,
122' N of the centerline of
Garden View Road - 3rd Election
District
R.N.K., Inc.,
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-164-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to allow a tennis court to be constructed in the front and side yards instead of the required rear yard, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Also testifying on the Petitioners' behalf were David Billingsley, a design draftsman; John Rohde, a landscape designer; and Marvin Kavik, the developer of the area. There were no Protestants.

Testimony indicated that the subject property is zoned D.R.1. The Petitioners live on Lot 12, as designated on Petitioners' Exhibit 1, and are the Contract Purchasers of Lot 13, upon which they hope to construct the tennis court. It was uncontradicted that since 1976 Lot 13 has failed three times to meet appropriate percolation requirements and, therefore, cannot be developed until public sewer is accessible, which will not occur at any time in the foreseeable future. See Petitioners' Exhibit 2. The property would otherwise be useless except for access purposes.

The Petitioners propose to build and screen the tennis court in such a way as to meet the aesthetic requirements of the neighborhood. The tennis court would crossover from Lot 13 into the Petitioners' side yard and can be located only as shown on Petitioners' Exhibit 1 due to the configuration of the property. Lot 13 is presently vacant, overgrown, and basically unkept. Certainly,

ORDER RECEIVED FOR FILING
DATE January 6, 1984
BY [Signature]

December 6, 1983

R.N.K., Inc.
c/o Melvin Kabik
3711 Gardenview Road
Baltimore, Maryland 21208

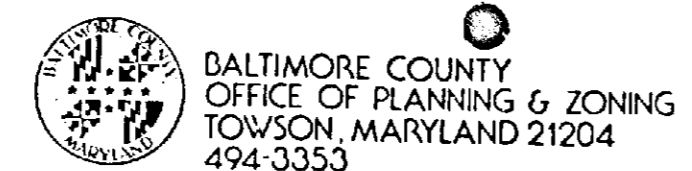
NOTICE OF HEARING
Re: Petition for Variance
E/S Green Heather Ct., 122' N of
the c/l of Garden View Rd.
R.N.K., Inc. - Petitioner
Case No. 84-164-A

TIME: 10:00 A.M.
DATE: Wednesday, January 4, 1984
PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

cc: Mr. & Mrs. Samuel Trivas
5 Green Heather Court
Baltimore, Maryland 21208

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 122930
DATE 11/15/83 ACCOUNT 01-615-000
AMOUNT 35.00
RECEIVED FROM *Hudkins Associates*
FOR *File # 84-164-A*
C 632***** 36410 2102A
VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

December 23, 1983

R.N.K., Inc.
c/o Melvin Kabik, Vice President
3711 Gardenview Road
Pikesville, Maryland 21208

Re: Petition for Variance
E/S Green Heather Ct., 122' N of
the c/l of Garden View Rd.
R.N.K., Inc. - Petitioner
Case No. 84-164-A

Dear Sir:

This is to advise you that \$54.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,
[Signature]
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 124055
DATE 12/29/83 ACCOUNT R-01-615-000
AMOUNT \$54.00
RECEIVED FROM Samuel M. Trivas, Esquire
FOR Advertising & Posting Case #84-164-A
(R.N.K., Inc.)
C 654*****54,870 2302A
VALIDATION OR SIGNATURE OF CASHIER

LEGAL NOTICE

PETITION FOR VARIANCE
3rd Election District

ZONING: Petition for Variance
LOCATION: East side Green Heather Court,
122 ft. North of the centerline of Garden
View Road

DATE & TIME: Wednesday, January 4, 1984 at
10:00 A.M.
PUBLIC HEARING: Room 106, County Office
Building, 111 W. Chesapeake Avenue, Towson,
Maryland

The Zoning Commissioner of Baltimore
County, by authority of the Zoning Act and
Regulations of Baltimore County, will hold a
public hearing on:

Petition for Variance to allow a tennis
court to be constructed in the front
and side yards in lieu of the required rear yard

Section 400.1 - location to accessory structure

All that parcel of land in the Third District of
Baltimore County beginning for the west at a
point on the east side of Green Heather Court,
122 feet north of the centerline of Garden View
Road, and extending east to the centerline of
Garden View Road, being all of Parcel "A" as shown
on the Plat of Garden View recorded in Plat Book 44
folio 41 and all of Lot 12 as shown on the Plat of
Garden View recorded in Plat Book 37

Being the property of R.N.K., Inc. as shown
on the plat plan filed with the Zoning Department

In the event that the Petition is granted, a
building permit may be issued within the thirty
(30) day appeal period. The Zoning Commissioner
will, however, entertain any request for a stay
of the issuance of said permit during this period
for good cause shown. Such request must be received
in writing by the date of the hearing set above or
made at the hearing.

By Order of
ARNOLD JABLON
Zoning Commissioner
of Baltimore County

CERTIFICATE OF PUBLICATION
50209

Pikesville, Md., Dec. 14 19 83

CERTIFY, that the annexed advertisement
published in the NORTHWEST STAR, a weekly
newspaper published in Pikesville, Baltimore
County, Maryland, before the 4th day of
January 19 83

publication appearing on the
day of Dec. 19 83

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COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
PHONE 730-8060

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 EAST JOHN ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204
PHONE: 828-8000

BHL AIR OFFICE
L. GERALD WOLFF
Landscape Architect
PHONE 838-0888

November 14, 1983

DESCRIPTION TO ACCOMPANY APPLICATION FOR ZONING VARIANCE:

Beginning for the same at a point on the east side of Green Heather Court (50 feet wide) said point being distant 122 feet northerly from the intersection formed by the east side of said Green Heather Court with the centerline of Garden View Road, thence being all of Parcel "A" as shown on the plat of Garden View recorded in Plat Book 44 folio 41 and all of Lot 12 as shown on the Plat of Garden View recorded in Plat Book 37 folio 100.

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 15, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., before the 15th day of December, 1983, the first publication appearing on the 15th day of December, 1983.

THE JEFFERSONIAN
[Signature]
Manager

Cost of Advertisement, \$ 21.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

84-164-A

District *2nd* Date of Posting *12-15-83*
Posted for: *Variance*
Petitioner: *R.N.K., INC.*
Location of property: *E/S of Green Heather Court, 122' N of the c/l of Garden View Road*
Location of Sign: *East side of Green Heather Court, approx. 250' north of Garden View Road*
Remarks: *[Signature]*
Posted by: *[Signature]* Date of return: *12-23-83*
Number of Signs: *1*

PETITION FOR VARIANCE

3rd Election District

ZONING: Petition for Variance
LOCATION: East side Green Heather Court, 122 ft. North of the centerline of Garden View Road
DATE & TIME: Wednesday, January 4, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on:

Petition for Variance to allow a tennis court to be constructed in the front and side yards in lieu of the required rear yard

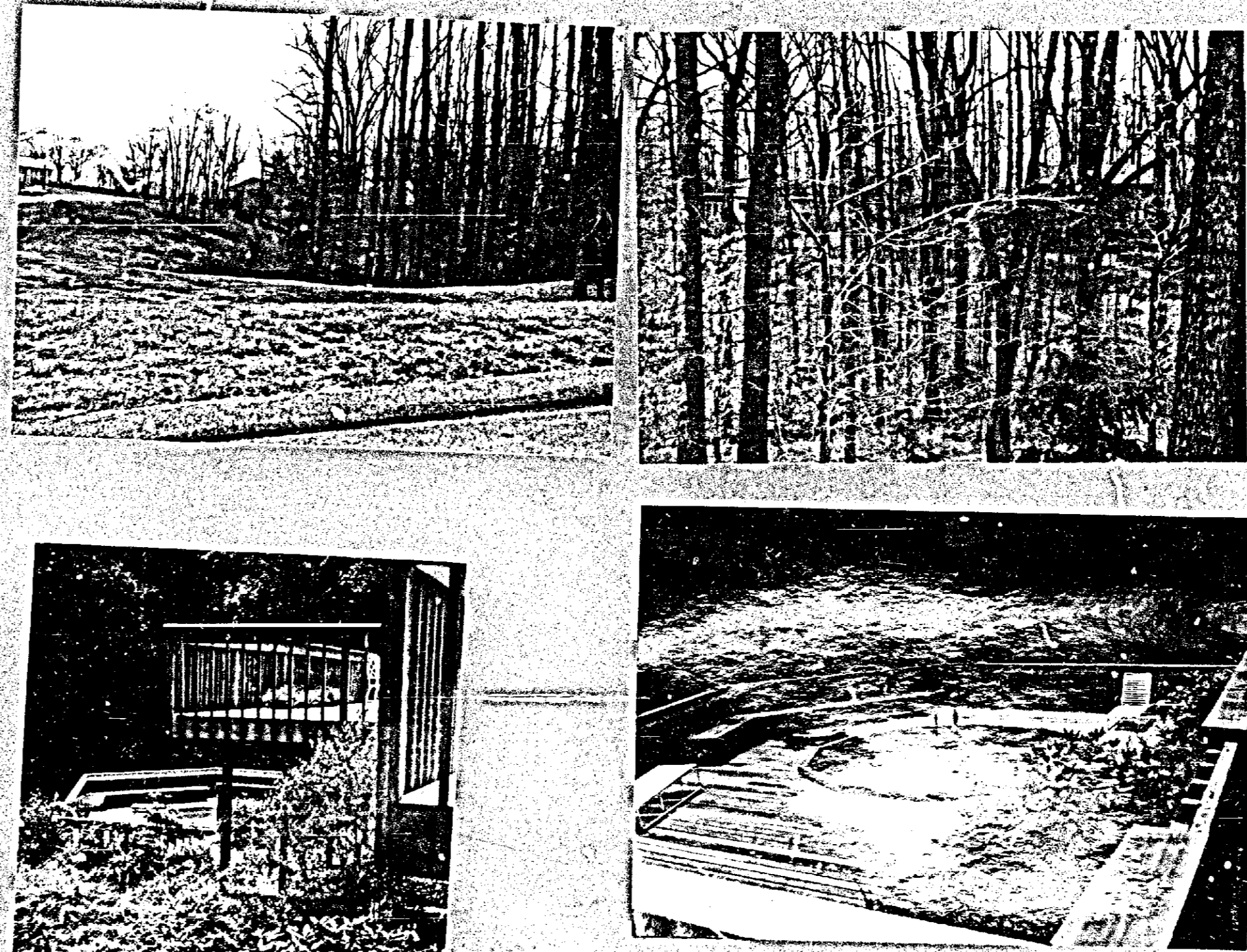
Section 400.1 - location to accessory structure

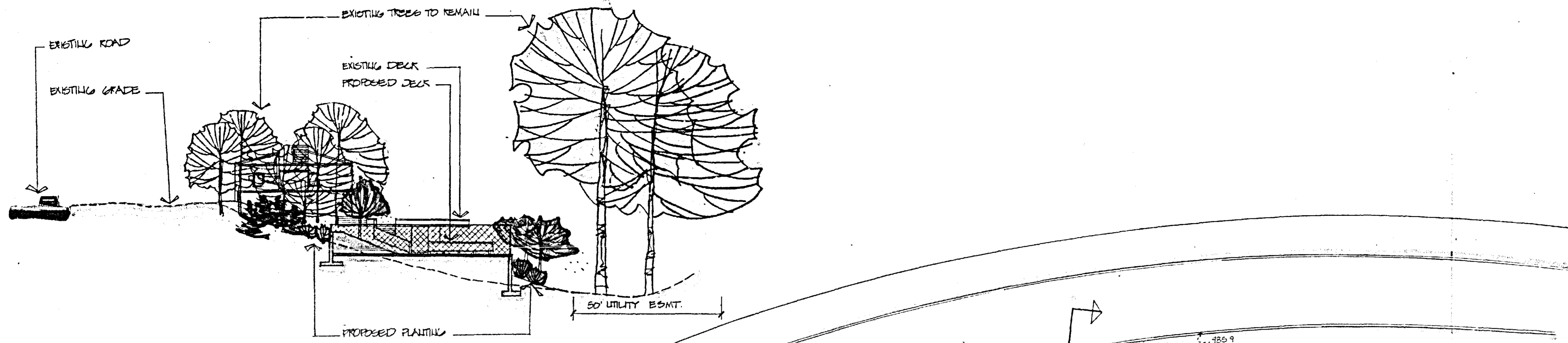
All that parcel of land in the Third District of Baltimore County

Being the property of R.N.K., Inc., as shown on plat plan filed with the Zoning Department.

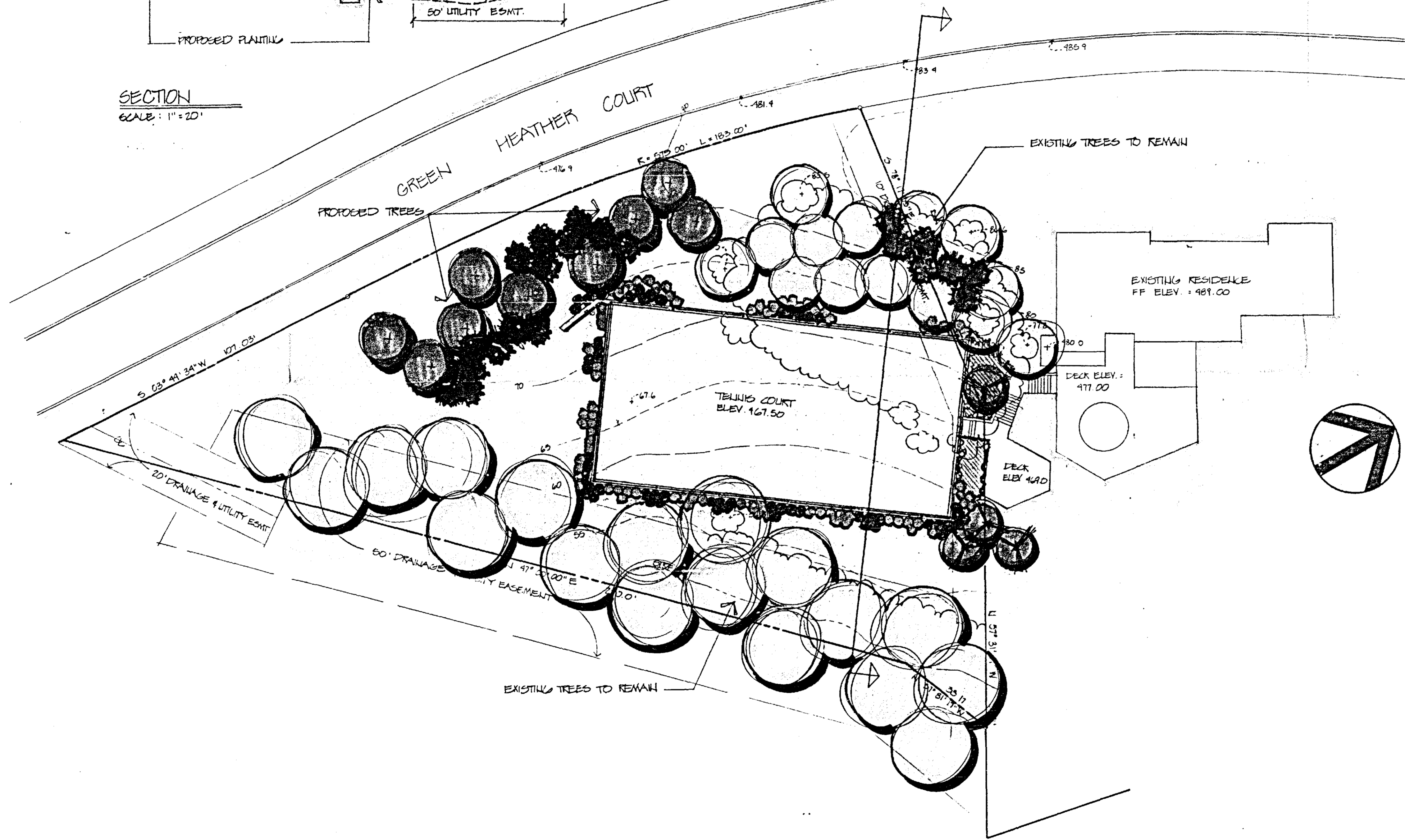
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY





SECTION
SCALE: 1" = 20'



PETITIONER'S
EXHIBIT 3

HUMAN & ROHDE, INC.
Landscape Architects
110 E. Pennsylvania Avenue
Towson, Maryland 21204
(301) 825-3885

TRIVAS RESIDENCE
GREEN HEATHER COURT
PIKESVILLE, MARYLAND

TENNIS COURT

DWG NO

SCALE: 1" = 20'
DATE: 1-3-85



