

350 86-37-A **PETITION FOR ZONING VARIANCE** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 thereof, hereby petition for a Variance from Section 103.5 1A00.3B3 to permit a side yard setback of 40 feet instead of the required 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)

More frontage is needed to accommodate size of house, and to provide additional space for driveway
To create a more balanced look with adjacent houses

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.

I/We do 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 Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
City and State: _____
Attorney's Telephone No.: _____
Address: _____
City and State: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of June, 1985, 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 24th day of July, 1985, at 10:00 o'clock.

Carl J. Jolson
Zoning Commissioner of Baltimore County.

(over)

Case No. 86-37-A

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 18th day of June, 1985.

Petitioner Steven Joseph Klecka, et ux Received by *Nicholas B. Commodari*
Attorney's _____ Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE July 15, 1985

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

Mr. & Mrs. Steven Klecka
407 Joppa Farm Road
Joppa, Maryland 21085

Chairman
Nicholas B. Commodari

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

RE: Item No. 350 - Case No. 86-37-A
Petitioners - Steven Joseph Klecka, et ux
Variance Petition

Dear Mr. & Mrs. Klecka:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following 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.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

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

ENCLOSURE

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY I. PISTEL, P.E.
DIRECTOR

July 5, 1985

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

RE: Item #350 (1984-1985)
Property Owner: Steven Joseph Klecka
S/W side Sweet Air Road, 784' NW of
centerline Carroll Manor Road
District 10th

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 Comments:

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

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

Since no public facilities are involved, this office has no comment.

Very truly yours,
James A. Harbelle
JAMES A. HARBELLE, P.E., Chief
Bureau of Public Services

JAM:PMO:bip
cc: File

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

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

JULY 3, 1985

Re: Zoning Advisory Meeting of MAY 28, 1985
Item # 350
Property Owner: STEVEN JOSEPH KLECKA, et ux
Location: S/W side SWEET AIR ROAD, 784' NW of CENTERLINE CARROLL MANOR ROAD

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Landscaping: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by Bill 118-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 118-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments: _____

cc: James Howell

Eugene A. Suber
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

June 26, 1985

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

ZAC-Meeting of May 28, 1985

Item No. 350 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 363, 364, 365, and 366
Property Owner: _____
Location: _____
Existing Zoning: _____
Proposed Zoning: _____

Acres: _____
District: _____

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 363, 364, 365, and 366.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/cmc

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REMCKE
CHIEF

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

June 5, 1985

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Steven Joseph Klecka, et ux

Location: S/W side Sweet Air Road, 784' NW of centerline Carroll Manor Road

Item No.: 350 Zoning Agenda: Meeting of May 28, 1985

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 _____ feet 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 _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 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", 1976 edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Errol T. Markowitz* Noted and Approved: _____
Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

June 7, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 350 Zoning Advisory Committee Meeting are as follows:

Property Owner: Steven Joseph Klecka, et ux
Location: S/W side Sweet Air Road, 784' NW of c/l Carroll Manor Road
District: 10th

APPLICABLE RULES ARE CIRCLED:

- () structures shall conform to the Baltimore County Building Code as adopted by Council Bill #11-85, and Baltimore County Department of Public Works, and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: The sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- () Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- () All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1207, Section 1206.2 and Table 1202. No openings are permitted in any exterior wall within 3'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be rendered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- () The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- () When filing for a required Change of the Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Use Groups are from the _____ to the _____ or to Blank Use. See Section 112 of the Building Code.
- () The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 116.0 of the Building Code as adopted by Bill #11-85. Five plans shall show the exact elevations above sea level for the lot and the finished floor levels including basement.
- () Comments

When abbreviated comments are filed only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any report. The applicant may obtain additional information by visiting Room 106 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Michael S. Flanigan
Michael S. Flanigan
Building Plans Review

LJZ:76

Pursuant to the advertisement, posting of property, and public hearing on the Petition and 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 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, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: July 11, 1985
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-31-A, 86-36-A, 86-37-A, 86-38-X, 86-39-A and 86-40-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:alm

IN RE: PETITION ZONING VARIANCE
SW/S of Sweet Air Road, 784'
NW of the centerline of
Carroll Manor Road
(4905 Sweet Air Road) - 10th
Election District
Steven Joseph Klecka, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-37-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 40 feet instead of the required 50 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.2, is located on Sweet Air Road and is shown as Lot 3 on Petitioners' Exhibit 1. The Petitioners intend to construct a 55' x 28' dwelling with a 7' x 30' front porch on the 153' x 488' x 154' x 332' unimproved lot. Lot 2 to the northwest has a home presently under construction and Lot 4 to the southeast has an existing dwelling. The dwelling is to be situated in the rear of the property, as are the existing homes, due to the placement of the septic reservation area in the front yard. The driveway must also be located to the northwest side of the proposed home because of the required septic reservation area.

The Petitioners want to create a balanced look between the three homes and have their dwelling to be parallel to Sweet Air Road, requiring it to be situated at an angle to the property lines. The topography of the property and the placement of the driveway necessitate that there be a side yard setback of 40 feet instead of the required 50 feet to the southeast property line. The owner of Lot 4 does not object. There is no alternative.

The Petitioners seek relief from Sections 103.3 and 1A00.3.B.3, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (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 the 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 granted, such use as proposed would not be contrary to the spirit of the BCZR 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 granted. It has been established that the requirement from which the Petitioners seek relief 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 variance requested should be granted.

- 2 -

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of July, 1985, that the Petition for Zoning Variance to permit a side yard setback of 40 feet instead of the required 50 feet 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

AJ/srl

cc: Mr. & Mrs. Steven Joseph Klecka
People's Counsel

PETITION FOR VARIANCE 10th Election District

LOCATION: Southwest side of Sweet Air Road, 784 ft. Northwest of the centerline of Carroll Manor Road (4905 Sweet Air Rd.)

DATE AND TIME: Wednesday, July 24, 1985 at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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:

Petition for Variance from Section 103.3 (1A00.3.B.3) to permit a side yard setback of 40 feet in lieu of the required 50 feet.

Being the property of Steven Joseph Klecka, et ux as shown on the plat filed with the Zoning Office.

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

Zoning Description

Beginning on the Southwest side of Sweet Air Rd., 80 feet wide, at a distance of 784 feet Northwest of the centerline of Carroll Manor Road.
Being Lot 3 in the subdivision of "Sweet Air Farms". Book E. H. K. Jr. No. 40 Folio 73, also known as 4905 Sweet Air Road in the 10th Election District.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/S of Sweet Air Rd., 784' : OF BALTIMORE COUNTY
NW of the Centerline of :
Carroll Manor Rd. (4905 :
Sweet Air Rd.), 10th District :
STEVEN JOSEPH KLECKA, et ux, : Case No. 86-37-A
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

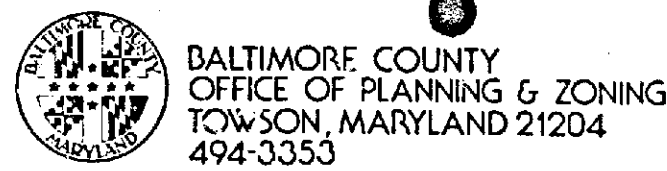
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 9th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Steven Joseph Klecka, 407 Joppa Farm Rd., Joppa, MD 21085, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

ORDER RECEIVED FOR FILING
DATE July 25, 1985
BY Shirley R. Poyak
ADMINISTRATIVE ASSISTANT

- 3 -



ARNOLD JABLON
ZONING COMMISSIONER

July 17, 1985

Steven J. Klecka, et ux
407 Joppa Farm Road
Joppa, Maryland 21085

RE: Petition for Zoning Variance
SW/4 of Sweet Air Rd. 784' NW of
centerline of Carroll Manor Road
(4505 Sweet Air Road) - 10th Elec. Dist.
Steven J. Klecka, et ux - Petitioners
Case No. 86-37-A

Dear Mr. Klecka,

This is to advise you that \$65.67 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Steven J. Klecka, et ux
407 Joppa Farm Road
Joppa, Maryland 21085

June 19, 1985

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
SW/4 of Sweet Air Rd. 784' NW of
centerline of Carroll Manor Road
(4505 Sweet Air Road) - 10th Elec. Dist.
Steven J. Klecka, et ux - Petitioners
Case No. 86-37-A

TIME: 10:00 a.m.

DATE: Wednesday, July 24, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

Edell
Zoning Commissioner
of Baltimore County

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

No. 007216

DATE 7-17-85 ACCOUNT K-01-615-070

AMOUNT \$35.00

RECEIVED FROM

FOR Flying for 350 K-1-1
8015*****3020: 01:48

VALIDATION OR SIGNATURE OF CASHIER

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

No. 007266

DATE 7-24-85 ACCOUNT 01-615-000

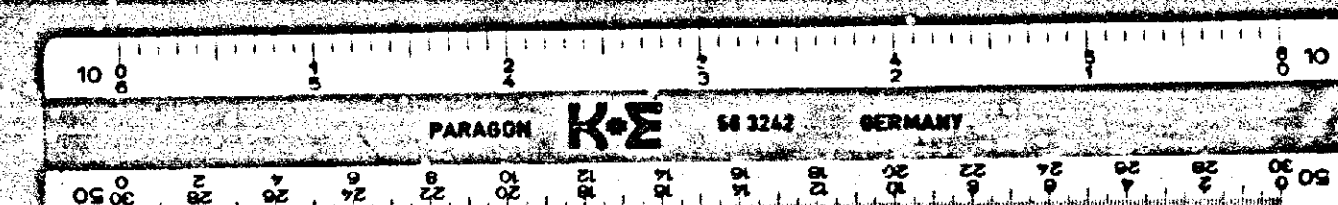
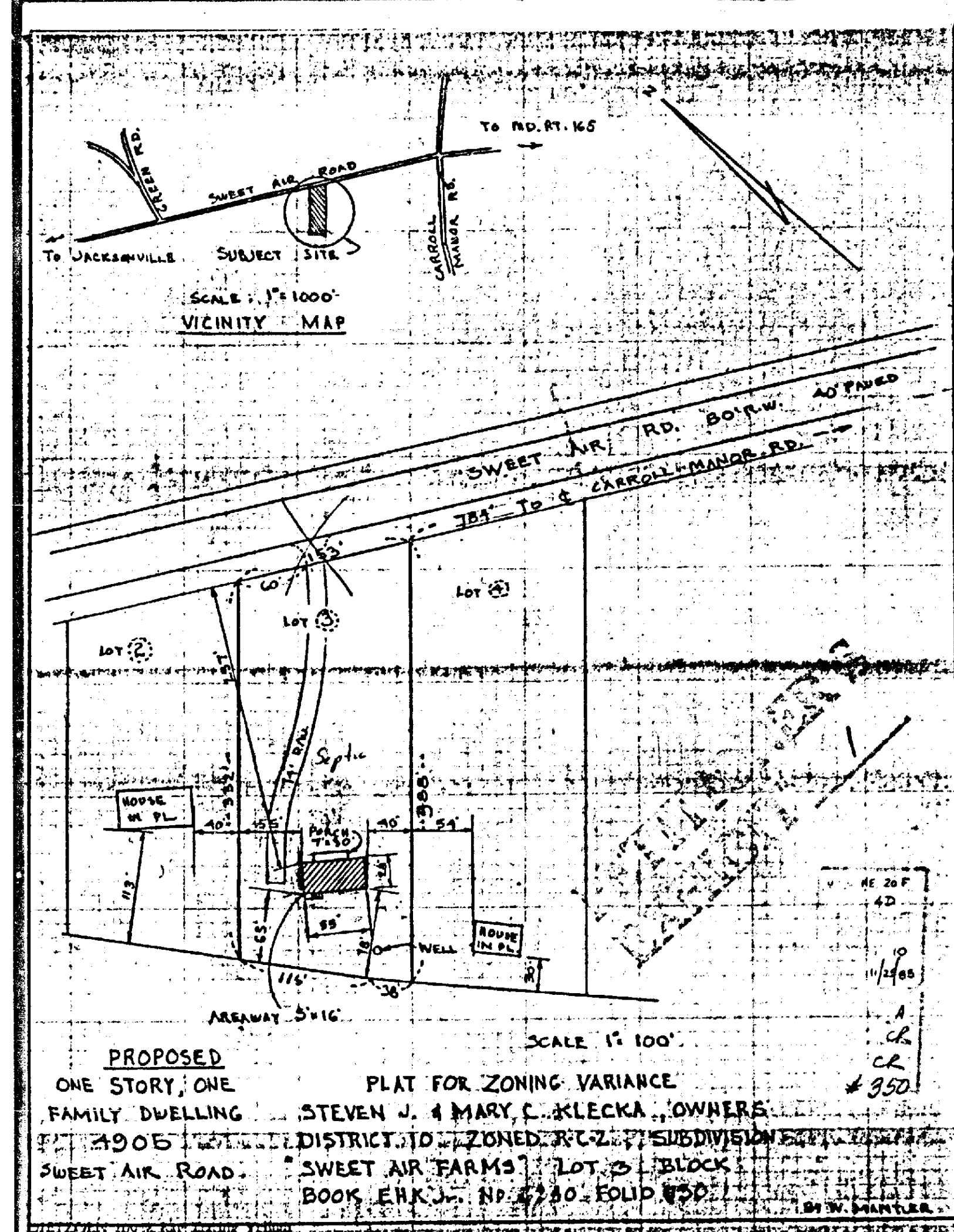
AMOUNT \$65.67

RECEIVED FROM

FOR Steven J. Klecka, et ux
Case 86-37-A

8015*****3020: 01:48

VALIDATION OR SIGNATURE OF CASHIER



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

86-37-A

District: 10TH Date of Posting: 7/1/85
Posted for: Variance
Petitioner: Steven Joseph Klecka, et ux
Location of property: SW/4 Sweet Air Rd. 784' NW of Carroll Manor Rd.
4505 Sweet Air Rd.
Location of Sign: Along Sweet Air Rd. across E. Fr. roadway
on property of Petitioner.
Remarks:
Posted by: *M. Klecka* Date of return: 7/5/85
Number of Signs: 1

CIFICATE OF PUBLICATION

86-37-A

Towson, Md. 7/9 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 3 consecutive weeks, the first publication appearing on the 3rd day of July 1985.

The TOWSON TIMES

Cost of Advertisement: \$38.67

CERTIFICATE OF PUBLICATION

86-37-A

TOWSON, MD., July 4, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 4, 1985.

THE JEFFERSONIAN,

JB Venturi
Publisher

Cost of Advertising

22.00

350 86-37-A **PETITION FOR ZONING VARIANCE** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 thereof, hereby petition for a Variance from Section 103.5 1A00.3B3 to permit a side yard setback of 40 feet instead of the required 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)

More frontage is needed to accommodate size of house, and to provide additional space for driveway
To create a more balanced look with adjacent houses

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.

I/We do 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 Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
City and State: _____
Attorney's Telephone No.: _____
Address: _____
City and State: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of June, 1985, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of July, 1985, at 10:00 o'clock.

Carl J. Jolson
Zoning Commissioner of Baltimore County.

(over)

Case No. 86-37-A

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 18th day of June, 1985.

Petitioner Steven Joseph Klecka, et ux Received by *Nicholas B. Commodari*
Attorney's _____ Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE July 15, 1985

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

Mr. & Mrs. Steven Klecka
407 Joppa Farm Road
Joppa, Maryland 21085

RE: Item No. 350 - Case No. 86-37-A
Petitioners - Steven Joseph Klecka, et ux
Variance Petition

Dear Mr. & Mrs. Klecka:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following 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.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

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

ENCLOSURE

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY I. PISTEL, P.E.
DIRECTOR

July 5, 1985

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

Re: Item #350 (1984-1985)
Property Owner: Steven Joseph Klecka
S/W side Sweet Air Road, 784' NW of
centerline Carroll Manor Road
District 10th

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 Comments:

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

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

Since no public facilities are involved, this office has no comment.

Very truly yours,
James A. Harkle, P.E.
JAMES A. HARKLE, P.E., Chief
Bureau of Public Services

JAM:PMO:bip

cc: File

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERDEN
DIRECTOR

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

JULY 3, 1985

Re: Zoning Advisory Meeting of MAY 28, 1985
Item # 350
Property Owner: STEVEN JOSEPH KLECKA, et ux
Location: S/W side SWEET AIR ROAD, 784' NW of CENTERLINE CARROLL MANOR ROAD

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Landscaping: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by Bill 118-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 118-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments: _____

cc: James Howell

Eugene A. Suber
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

June 26, 1985

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

ZAC-Meeting of May 28, 1985

Item No. 350 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 363, 364, 365, and 366
Property Owner: _____
Location: _____
Existing Zoning: _____
Proposed Zoning: _____

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 363, 364, 365, and 366.

MSF/cmc

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc. II

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REMCKE
CHIEF

June 5, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Steven Joseph Klecka, et ux

Location: S/W side Sweet Air Road, 784' NW of centerline Carroll Manor Road

Item No.: 350 Zoning Agenda: Meeting of May 28, 1985

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 _____ feet 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 _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 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", 1976 edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Paul H. Remcke* Noted and Approved: *Paul H. Remcke*
Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

June 7, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 350 Zoning Advisory Committee Meeting are as follows:

Property Owner: Steven Joseph Klecka, et ux
Location: S/W side Sweet Air Road, 784' NW of c/l Carroll Manor Road
District: 10th

APPLICABLE RULES ARE CIRCLED:

- () structures shall conform to the Baltimore County Building Code as adopted by Council Bill #11-85.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: The sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- () Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- () All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1207, Section 1206.2 and Table 1202. No openings are permitted in any exterior wall within 3'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be rendered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- () The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- () When filing for a required Change of the Company Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Use Groups are from the _____ to the _____ or to Blank Use. See Section 112 of the Building Code.
- () The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 116.0 of the Building Code as adopted by Bill #11-85. Five plans shall show the exact elevations above sea level for the lot and the finish floor levels including basement.
- () Comments

When abbreviated comments are filed only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any report. The applicant may obtain additional information by visiting Room 106 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc. II

LJZ:76

Pursuant to the advertisement, posting of property, and public hearing on the Petition and 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 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, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: July 11, 1985
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-31-A, 86-36-A, 86-37-A, 86-38-X, 86-39-A and 86-40-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:alm

IN RE: PETITION ZONING VARIANCE
SW/S of Sweet Air Road, 784'
NW of the centerline of
Carroll Manor Road
(4905 Sweet Air Road) - 10th
Election District
Steven Joseph Klecka, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-37-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 40 feet instead of the required 50 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.2, is located on Sweet Air Road and is shown as Lot 3 on Petitioners' Exhibit 1. The Petitioners intend to construct a 55' x 28' dwelling with a 7' x 30' front porch on the 153' x 488' x 154' x 332' unimproved lot. Lot 2 to the northwest has a home presently under construction and Lot 4 to the southeast has an existing dwelling. The dwelling is to be situated in the rear of the property, as are the existing homes, due to the placement of the septic reservation area in the front yard. The driveway must also be located to the northwest side of the proposed home because of the required septic reservation area.

The Petitioners want to create a balanced look between the three homes and have their dwelling to be parallel to Sweet Air Road, requiring it to be situated at an angle to the property lines. The topography of the property and the placement of the driveway necessitate that there be a side yard setback of 40 feet instead of the required 50 feet to the southeast property line. The owner of Lot 4 does not object. There is no alternative.

The Petitioners seek relief from Sections 103.3 and 1A00.3.B.3, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (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 the 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 granted, such use as proposed would not be contrary to the spirit of the BCZR 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 granted. It has been established that the requirement from which the Petitioners seek relief 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 variance requested should be granted.

- 2 -

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of July, 1985, that the Petition for Zoning Variance to permit a side yard setback of 40 feet instead of the required 50 feet 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

AJ/srl

cc: Mr. & Mrs. Steven Joseph Klecka
People's Counsel

PETITION FOR VARIANCE 10th Election District

LOCATION: Southwest side of Sweet Air Road, 784 ft. Northwest of the centerline of Carroll Manor Road (4905 Sweet Air Rd.)

DATE AND TIME: Wednesday, July 24, 1985 at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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:

Petition for Variance from Section 103.3 (1A00.3.B.3) to permit a side yard setback of 40 feet in lieu of the required 50 feet.

Being the property of Steven Joseph Klecka, et ux as shown on the plat filed with the Zoning Office.

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

Zoning Description

Beginning on the Southwest side of Sweet Air Rd., 80 feet wide, at a distance of 784 feet Northwest of the centerline of Carroll Manor Road.
Being Lot 3 in the subdivision of "Sweet Air Farms". Book E. H. K. Jr. No. 40 Folio 73, also known as 4905 Sweet Air Road in the 10th Election District.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/S of Sweet Air Rd., 784' : OF BALTIMORE COUNTY
NW of the Centerline of :
Carroll Manor Rd. (4905 :
Sweet Air Rd.), 10th District :
STEVEN JOSEPH KLECKA, et ux, : Case No. 86-37-A
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 9th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Steven Joseph Klecka, 407 Joppa Farm Rd., Joppa, MD 21085, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

ORDER RECEIVED FOR FILING
DATE July 25, 1985
BY John P. [Signature]
ADMINISTRATIVE ASSISTANT

