

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

Zoning Description

Beginning at a point on the southeast side of Woodlawn Drive 100' feet northeast of the centerline of Richardson Road and running the following courses and distances: N41° 43' 29" E, 99.50 feet; thence S60° 24' 27" E, 202.97 feet to the northwest right of way of Summit Avenue (50' wide) and running on said right of way S44° 22' 15" W, 76.23 feet; thence leaving said right of way and running N45° 37' 47" W, 60.17 feet; thence N59° 20' 00" W, 34.82 feet; thence S44° 25' 13" E, 54.00 feet; thence N55° 01' 47" W, 98.49 feet to the point of beginning. Also known as 1913 Woodlawn Drive, in the 2nd Election District.

C. Charles Lee
May 22, 1986
Page 2

ideal condition of course would be several collector roadways along Falls Road with the local roadways coming off the collector roadways. The development that has occurred along Falls Road has created several local roadways with a small number of houses on each one. These intersections that have been built such as Hickory Hill Road, Applecroft Road, Dellwood Court and others have in themselves created some traffic operational problems by the limited sight distance they have and the general lack of left turn storage on falls rd at these locations.

We cannot, however, tolerate the creation of individual lots along Falls Road with direct access to Falls Road. The creation of additional driveways directly onto Falls Road on newly subdivided land would create an untenable traffic condition. People that own existing single lots directly on Falls Road of course cannot be denied access unless purchased by the State Highway Administration but newly subdivided lands should not have direct access which creates a hazardous situation and further exacerbates the peak hour congestion problems on Falls Road.

The subject subdivision, The Clearings, did not give direct access to any lot on Falls Road and we do not recommend that any individual in this subdivision with Falls Road frontage be given direct access.

If additional information is necessary, please advise.

SMP:rlr

Attachment

cc: Mr. Allen E. Ault

IN RE: PETITION ZONING VARIANCE * BEFORE THE
E/S of Woodlawn Drive, * ZONING COMMISSIONER
100' N of Richardson Road *
(1913 Woodlawn Drive) - * OF BALTIMORE COUNTY
2nd Election District *
George W. Kellner, et ux, * Case No. 86-203-A
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 10 1/2 feet instead of the required 15 feet for a two-family dwelling, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by Janice M. Kellner, appeared and testified. Roland James Austin, Jr., the Contract Purchaser, also testified on behalf of the Petitioners. Mr. and Mrs. Robert Ryan, adjacent property owners, testified in opposition.

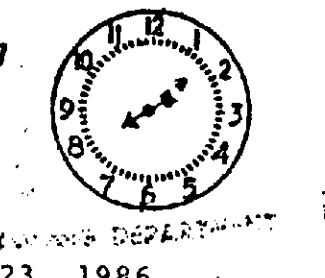
Testimony indicated that the subject property, zoned D.R.5.5, is located on Woodlawn Drive and is bounded to the rear by Summit Avenue. It contains approximately 0.4 of an acre, i.e., 16,814 square feet, and is improved with an existing 2 1/2-story, single-family dwelling. Mr. Austin proposes to convert the dwelling to a two-family dwelling in order to generate income. Because he is in the Merchant Marines and is away from home for months at a time, he would like to have someone living in the home in order to provide protection and security.

Mr. and Mrs. Ryan testified that they believe a two-family dwelling would depreciate property values and destabilize the neighborhood.

The Petitioners seek relief from Section 402.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

Maryland Department of Transportation

State Highway Administration



William K. Hellmann
Secretary
Hal Kassoff
Administrator

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

Att: Ms. Susan Carrell

Dear Ms. Carrell:

On receipt of your submittal of May 15, 1986, the State Highway Administration - Bureau of Engineering Access Permits requested the State Highway Administration - District #4 Traffic Engineer (Mr. Stephen M. Plemens), to review your submittal and provide written comments.

Attached is a copy of Mr. Plemens memorandum which we (State Highway Administration - Bureau of Engineering Access Permits) feels clearly defines our position with residential access to Falls Road by way of a new subdivision.

We strongly recommend to Baltimore County that the development plan for the Clearings remain unchanged, since a precedent would be set to amend future plans for similar access.

Re: The "Clearings"
Lot #2, W/S Falls Rd.
Route 25, Opposite
Chestnut Ridge Drive
Proposed Amendment
to the Final Development
Plan

Very truly yours,
Charles Lee, Jr., P.E.
Charles Lee, Jr., Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. A. Jablon
Mr. J. Dyer
Mr. N. Gerber
Mr. R. Moore
Mr. S. Plemens
Mr. N. Rogers
Mr. R. Olsen
Mr. A. Ault

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
383 7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

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 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 be contrary to the spirit of the BCZR and would 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 not result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would not unduly restrict the use of the land for its intended purpose nor would it render conformance unnecessarily burdensome. In addition, the requested variance would 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 not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of November, 1985, that the Petition for Zoning Variance



Maryland Department of Transportation

State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

MEMORANDUM May 22, 1986

TO: Mr. Charles Lee, Chief
Bureau of Engineering Access Permits

ATTN: George Wittman

FROM: Stephen M. Plemens, District #4 Traffic
Assistant District Engineer-Traffic

SUBJECT: MD 25 (Falls Road)
The Clearings Lot #2
Baltimore County

This is in reference to the attached letter and subdivision plan from Baltimore County Planning and Zoning concerning the subject lot on Falls Road in Baltimore County.

Falls Road in this area is a two lane rural highway with minimal shoulders. Resurfacing and safety improvements have recently been accomplished in many portions to help accommodate the increased traffic that is occurring with the subdivision development that is taking place in this area. The roadway still exhibits many traffic operational problems due to the lack of shoulders, the many residential entrances along the roadway and most particularly the lane configuration at major intersections. The State Highway Administration is currently under design for intersectional improvements at Falls Road and Seminary Avenue to facilitate the capacity constraints and will be considering in future special projects several other major intersectional reconstructions to provide the needed capacity. In addition, signal reconstruction, additional phasing and possibly new signalized intersections are being planned along the entire corridor.

It is imperative that the principles of transportation planning be incorporated in current and future subdivision plans to ensure an adequate and safe traffic operation. The most basic tenet of good transportation planning is control of access. Subdivided land must gain access to local roadways and these local roadways should be brought into falls Road at intersections with such design to provide adequate capacity and sight distance. The most

to permit a side yard setback of 10 1/2 feet instead of the required 15 feet be and is hereby DENIED.

Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. Roland James Austin, Jr.
People's Counsel

UNDER REVIEW FOR FILING

DATE November 21, 1985

BY [Signature]

ADMINISTRATIVE ASSISTANT

UNDER REVIEW FOR FILING

DATE November 21, 1985

BY [Signature]

ADMINISTRATIVE ASSISTANT

PETITION FOR VARIANCE
2nd Election District

LOCATION: East side of Woodlawn Drive, 100' North of Richardson Road (1913 Woodlawn Drive)

DATE AND TIME: Monday, November 18, 1985 at 10:15 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 402.1 to permit a side yard set back of 10 feet instead of the required 15 feet for a two family dwelling

Being the property of George W. Kellner, 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 JADON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
E/S Woodlawn Dr., 100' : OF BALTIMORE COUNTY
N of Richardson Rd. (1913 :
Woodlawn Dr.), 2nd Dist. :
GEORGE W. KELLNER, et ux, : Case No. 86-203-A
Petitioners :

ENTRY OF APPEARANCE

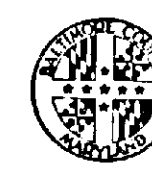
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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 22nd day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. George Kellner, 1913 Woodlawn Dr., Baltimore, MD 21207, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman



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

ARNOLD JADON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

November 12, 1985

Mr. & Mrs. George W. Kellner
1913 Woodlawn Drive
Baltimore, Maryland 21207

Re: Petition for Variance
E/S Woodlawn Drive, 100' N/Richardson Rd. (1913 Woodlawn Drive)
2nd Election District
George W. Kellner, et ux - Petitioner
Case No. 86-203-A

Dear Mr. & Mrs. Kellner:

This is to advise you that \$47.00 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to the Zoning Office, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 012431

DATE 12-17-85 ACCOUNT R-01-615-000

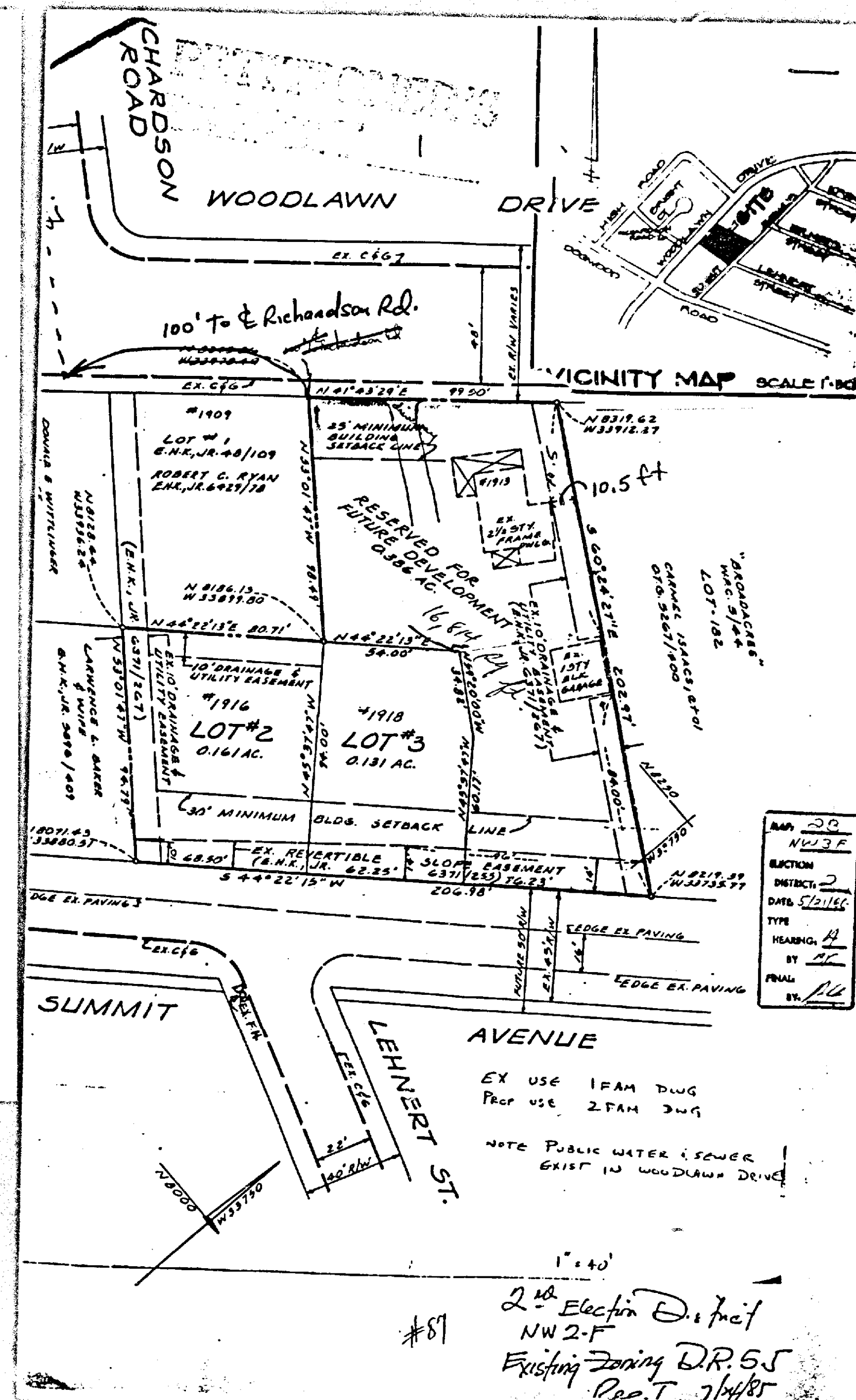
AMOUNT \$ 47.00

RECEIVED FROM George W. Kellner

FOR Advertising and Posting 86-203-A

B 0011*****47001 31000

VALIDATION OR SIGNATURE OF CASHIER



CERTIFICATE OF PUBLICATION

TOWSON, MD., October 31, 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 October 31, 1985.

THE JEFFERSONIAN,

Cost of Advertising

22.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 2nd
Posted for: Variance
Petitioner: George W. Kellner, et ux
Location of property: E/S Woodlawn Drive, 100' N of Richardson Road (1913 Woodlawn Drive)
Location of Sign: On front of 1913 Woodlawn Drive
Remarks:
Posted by: J. H. Jung
Date of return: November 1, 1985
Number of Signs: 1

LEGAL NOTICE

PETITION FOR VARIANCE
2nd Election District

LOCATION: East side of Woodlawn Drive, 100' North of Richardson Road (1913 Woodlawn Drive)

DATE AND TIME: Monday, November 18, 1985 at 10:15 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:

newspaper published in Pikesville, Baltimore County, Maryland before the 18th day of Nov. 1985

the first publication appearing on the 30th day of Oct. 1985

the second publication appearing on the day of 1985

the third publication appearing on the day of 1985

THE NORTHWEST STAR

Phyllis Cole Friedman
Manager

Cost of Advertisement \$20.00

PUBLICATION

78

Oct. 30 1985

annexed advertisement

STAR, a weekly

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
E/S Woodlawn Drive, 100' N/Richardson Rd. (1913 Woodlawn Drive)
2nd Election District
George W. Kellner, et ux - Petitioner
Case No. 86-203-A

TIME: 10:15 a.m.

DATE: Monday, November 18, 1985

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 006871

DATE 8/18/85 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM George Kellner

FOR Variance # 87

B 0011*****10001 31000

VALIDATION OR SIGNATURE OF CASHIER