

the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 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 requested approval and variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of September, 1986, that a second living unit to be added to the existing dwelling be approved and, as such, the Petition for Special Hearing is hereby GRANTED and, additionally, the Petition for Zoning Variance to permit a side yard setback of 42 feet in lieu of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioners may apply for their building permit and be granted same upon receipt of this

- 5 -

DESCRIPTION

SURVEY OF property known as Farmfield Court, also known as Lot #14 as shown on Plat of Portion of Sec. 2 and all of S.E. 3 "SWEET AIR MANOR" and recorded among the land records of Baltimore County in Plat Book O.T.G. 35 Folio 139.

PLAT FOR SPECIAL HEARING
OWNER: RICHARD P. KIDWELL & CANDICE A. KIDWELL
ELECTION DISTRICT: 10 BONED: R.C. 5
SUBDIVISION: SWEET AIR MANOR

NW/4 FARMFIELD CT (50' WIDE) 110' FT. NE OF
E/S DAIRYDALE COURT.

OFFICE COPY

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
NW/4 of Farmfield Ct., 1101' NE : OF BALTIMORE COUNTY
of E/S of Dairydale Ct.,
10th District

RICHARD P. KIDWELL, et ux, : Case No. 87-88-SPHA
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
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 11th day of August, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Richard P. Kidwell, 4308 Farmfield Ct., Baldwin, MD 21013, Petitioners; and Mr. John A. Rowel, 8843 Orchard Tree Lane, Towson, MD 21204, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

Mr. Richard P. Kidwell
Mrs. Candice A. Kidwell
4308 Farmfield Court
Baldwin, Maryland 21013

July 25, 1986

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
NW/4 Farmfield Ct., 1101' NE of E/S Dairydale Ct.
10th Election District
Richard P. Kidwell, et ux - Petitioners
Case No. 87-88-SPHA

TIME: 11:30 a.m.

DATE: Wednesday, September 10, 1986

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

AJ:med

No. 019581

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

DATE	09-01-86	ACCOUNT	01-015-000
RECEIVED FROM	John A. Rowel	AMOUNT	\$ 135.00
FOR	SPH #5		
VALIDATION OR SIGNATURE OF CASHIER			

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.

- The Petitioners must add a covenant to their Deed, recorded among the Land Records of Baltimore County, within 30 days from the date of this Order, restricting the use of their proposed addition to the relative described above and no other. Said covenant shall contain the proviso that such use shall terminate either at the death of said relative or upon the sale of the property, whichever occurs first. No subsequent purchaser shall maintain the second kitchen for any reason or purpose without a subsequent special hearing, which shall be subject to the terms and conditions contained herein. A copy of the covenant shall be submitted to the Zoning Commissioner.

- The kitchen shall be removed upon Mrs. Kelley's death, if she should reside elsewhere, or if the property is sold.

- Upon any of the above occurring, the common wall between the addition and the original house shall be opened to provide access through.

Richard P. Kidwell
Zoning Commissioner of
Baltimore County

AJ/sel
Mr. & Mrs. Richard P. Kidwell
Mr. William Beschornor
People's Counsel

- 6 -

PETITIONS FOR SPECIAL HEARING AND VARIANCE

10th Election District

Case No. 87-88-SPHA

LOCATION: Northwest Side of Farmfield Court, 1101 feet Northeast of East Side of Dairydale Court

DATE AND TIME: Wednesday, September 10, 1986, at 11:30 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:

Petition for Special Hearing to approve the construction of an addition, to include its own kitchen, to an existing single-family dwelling, for use by mother-in-law and not to be used as a rental or multi-family unit

Petition for Zoning Variance to permit a side yard setback of 42 feet in lieu of the required 50 feet

Being the property of Richard P. Kidwell, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

September 3, 1986

Mr. Richard P. Kidwell
Mrs. Candice A. Kidwell
4308 Farmfield Court
Baldwin, Maryland 21013

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
NW/4 of Farmfield Ct., 1101' NE of E/S Dairydale Ct.
10th Election District
Richard P. Kidwell, et ux - Petitioners
Case No. 87-88-SPHA

Dear Mr. and Mrs. Kidwell:

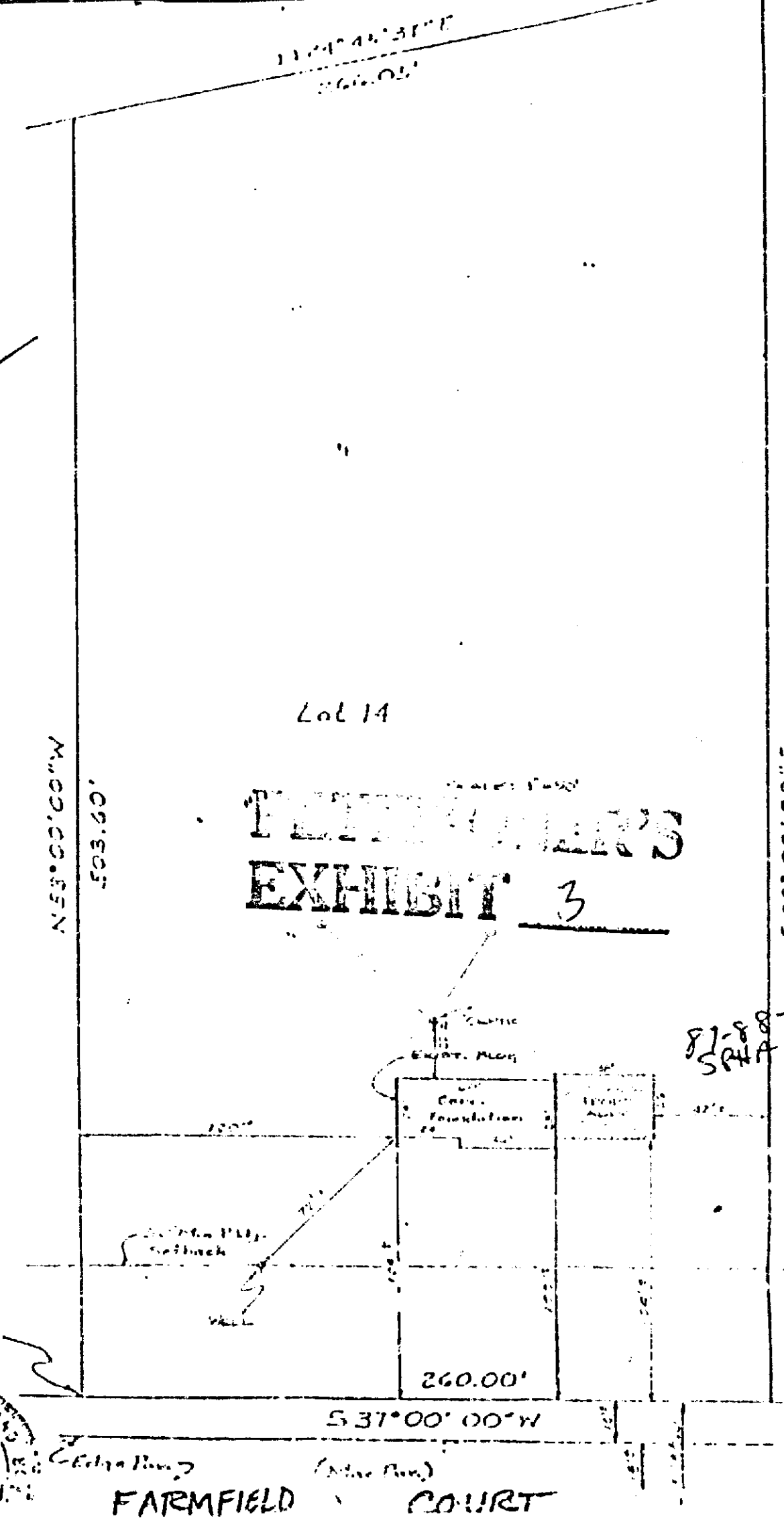
This is to advise you that \$100.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

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, Room 106, County Office Building, Towson, Maryland

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT		No. 025509	
DATE	09/03/86	ACCOUNT	01-015-000
RECEIVED FROM	Mr. Richard P. Kidwell, et ux	AMOUNT	\$ 100.00
FOR	ADVERTISING & POSTING RE CASE #87-88-SPHA		
VALIDATION OR SIGNATURE OF CASHIER			



JUN 26 1987

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 20, 1986.

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 20, 1986.

TOWSON TIMES,

Susan Seibert Obrecht

Publisher

42.50

LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-781-0000
CABLE MILESTOCK
TELEX 87-82

October 15, 1986

HAND DELIVERED

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

RE: Case No. 87-88-SPHA

Dear Mr. Jablon:

Enclosed please find a copy of the Covenant which we have filed in the Land Records of Baltimore County pursuant to your Order of September 16, 1986.

Sincerely,

Richard P. Kidwell
Richard P. Kidwell

RPK/amf
Enclosure

10 EIGHT STREET
TOWSON, MARYLAND 21204
101 BAY STREET
EASTON, MARYLAND 21829
4000 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030
200 HUNTERFORD COURT
ROCKVILLE, MARYLAND 20850
100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

The Honorable Arthur Jablon
Zoning Commissions
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case 87-88 SPHA (Beschoner/Kidwell)

Dear Sir,

This is to comment on the above noted case.

We live in the same community as the involved parties, having bought a home here nearly nine years ago. Two basic reasons for our selection were the size of the lot and development by-laws prohibiting significant alterations to the existing and future surroundings. Specifically, various spacing and design restrictions exist in perpetuity to protect the aesthetics and property values of everyone. Obviously, all are expected to adhere to the developments' by-laws in mutual consideration of each other.

We respectfully request that you judge this case with these thoughts in mind.

Sincerely,

Alan and Jean Leberknight

Alan Leberknight
Jean Leberknight

RECEIVED
SEP 19 1986

ZONING OFFICE

POINT #2 We vehemently oppose any second driveway being laid on the property leading to the addition. The feel this would undoubtedly make the residence appear to be a multi-family dwelling, and to detract from the aesthetics of the area.

POINT #3 We have concerns that adding a kitchen will alter the current underground water patterns of the surrounding homes. All homes in the area are of the well and septic system type.

The second area of consideration is that of allowing the setback to be 42 feet in lieu of the required 50 feet. The property in question, according to our development plat is 12 acres. When we consider the placement of the existing house, the size and shape of the lot, we cannot help but feel the 50' setback rule need not be altered to accommodate an addition to the existing house. We feel that an addition of the same square footage could be added in another manner without the need to rezone.

-2-

We conclude by stating that due to the potential use and future implications, we oppose the construction of an addition of this type. We also oppose the proposed setback reduction.

Katherine L. Piccinini
Bruce Piccinini

4304 Farmfield Court
Baldwin, Maryland 21013

RECEIVED
SEP 8 1986

ZONING OFFICE

TO: ZONING COMMISSIONER 11-515 9-5-86
FROM: BRUCE D. PICCININI, KATHERINE L. PICCININI
CONCERNING CASE # 87-88-SPHA
OUR ADDRESS 4304 FARMFIELD CT., BALDWIN, MD. 21013

The property address of the above mentioned case is 4308 Farmfield Court. The view the property in question quite easily from our house. Our view, and the view of the said property from several other houses on Farmfield Court is largely unrestricted by any trees or shrubs. Any alteration of the current residence of 4308 will be highly noticeable to the surrounding neighborhood.

We strongly feel that our opinion should be considered in this case. There are two areas in which we would like to state our opinion. The first concerns the addition to the existing house.

POINT #1 All homes in our development are single family dwellings. Although the proposed zoning states "mother-in-law" use by the current owners, we have no assurance that if the property is sold in the future, it (the addition) will be used again only for the same purpose. We feel it would be difficult to sell the house in question as a single family dwelling after the modification, except for the purpose of using the addition as a rental unit or a multi-family dwelling. This would lead us again to zoning conflicts.

-1-

LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-781-0000
CABLE MILESTOCK
TELEX 87-82

September 11, 1986

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

RE: Case No. 87-88-SPHA

Dear Mr. Jablon:

After the hearing on September 10 in the above-referenced case, I checked with Ken Gaeng of our office about recording a Deed in the Land Records containing the restrictions which you mentioned at the hearing. Mr. Gaeng, who is very familiar with title examinations, claims that he has never encountered such a Deed or restrictive covenant filed among the Land Records. Mr. Gaeng thinks that such a Deed or restrictive covenant would constitute a cloud on the title which would affect the salability of the property, specifically because there would be no protection for the lender of the potential purchaser to make sure that the restrictive covenant has been complied with. Mr. Gaeng has, however, seen changes in the zoning Records reflecting property, but not in the Land Records.

Would you please be kind enough to let me know of any specific examples of properties where such a Deed or restrictive covenant has been recorded so that I can obtain a copy from the Land Records or look at the files in your office.

Thank you for your assistance in this matter.

Sincerely,

Richard P. Kidwell
Richard P. Kidwell

RPK/amf

RECEIVED
SEP 12 1986

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date August 21, 1986
FROM: Norman E. Gerber, AICP, Director
SUBJECT: Zoning Petitions Nos. 87-72-A, 87-75-A, 87-76-A, 87-77-A, 87-81-A, 87-82-A, 87-83-A, 87-84-A, 87-85-A, 87-88-A, 87-106-A, 87-107-A, 87-108-A, 87-111-A, 87-112-A, 87-113-A and 87-114-A

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

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:slm

Richard P. Kidwell and Candice A. Kidwell hereby agree to

covenant that the addition shall be used as living quarters for

for Mrs. Kidwell's mother and no other, and that such use shall

shall terminate either at the death of Mrs. Kidwell's mother

or upon the sale of the property, or if she should reside

elsewhere, whichever occurs first. No subsequent purchaser

shall maintain the second kitchen for any reason or purpose

without a subsequent special hearing which shall be subject

to the terms and conditions contained herein.

-2-

cc: Beschorner's

MSF:1t

Enclosures

Exhibit A, Peter
Chair, Current Planning and Development



PAUL H. REINOLD
CHIEF

July 17, 1986

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

RE: Property Owner: Richard P. Kidwell, et ux
Location: NW/S Farmfield Ct. (50 ft. wide), 1101 ft. NE of E/S Dairydale Ct.
Item No.: 5 Zoning Agenda: Meeting of July 15, 1986

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 or _____ 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: *John F. O'Neill* Noted and Approved: _____
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

July 30, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 5 Zoning Advisory Committee Meeting are as follows:

Property Owner: Richard P. Kidwell, et ux
Location: NW/S Farmfield Court (50 feet wide), 1101 feet NE of 10th.
Districts: B/S Dairydale Court

APPLICABLE CODES ARE CIRCLED:

- (A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #12-85, the Maryland Code for the Handicapped and Aged (Ad. & A. #217-1 - 1985) and other applicable Codes and Standards.

- (B) A building and other miscellaneous permits shall be required before the start of any construction.

- (C) Residential: Two 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.

- (D) 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.

- (E) All the Groups except 2-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. 2-4 Use Groups require a one hour wall of closer than 3'-0" to an interior lot line. And wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 102, Section 106.2 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

- (F) The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered 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.

- (G) The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

- (H) When filing for a required Change of Use/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 requirement for the new use, Maryland Architecture or Engineer seals are usually required. The change of the Group and from the _____ to the _____ or to Mixed Uses _____ See Section 312 of the Building Code.

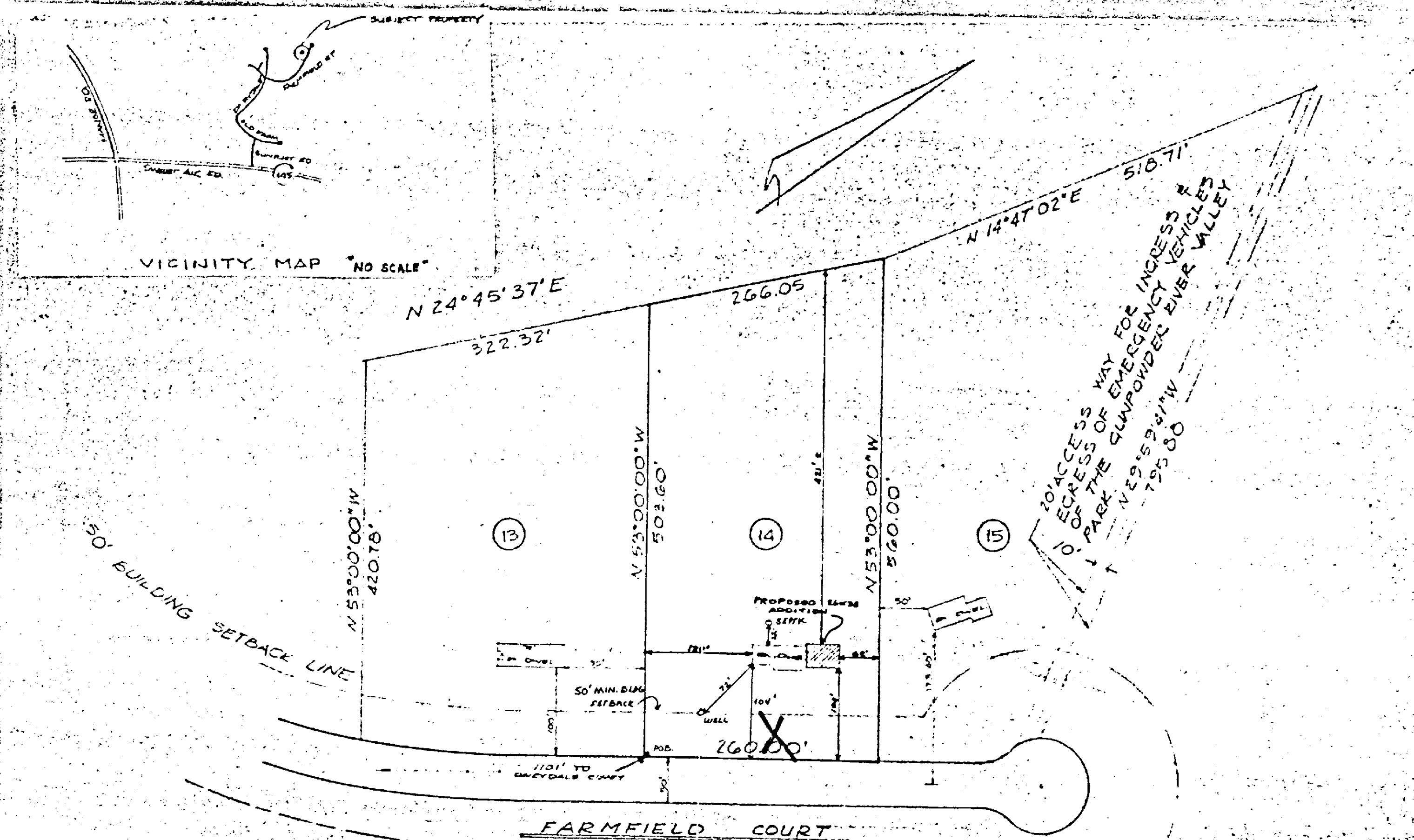
- (I) The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 316(a) of the Building Code as adopted by Bill #12-85. Site plans shall show the current elevations above sea level for the lot and the finish floor levels including basement.

SPECIAL NOTE: (J) Comments: A minimum one hour tenant separation between tenant spaces is required by both the One & Two Family Code, and the 1984 B.O.C.A. Basic Code. Also, each tenant shall have an approved independent exit. See Code for additional requirements.

- (K) These abbreviated comments reflect 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 permit. If desired the applicant may obtain additional information by visiting Room 127 of the County Office Building at 171 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Burman
By: C. E. Burman, Chief
Building Plans Review

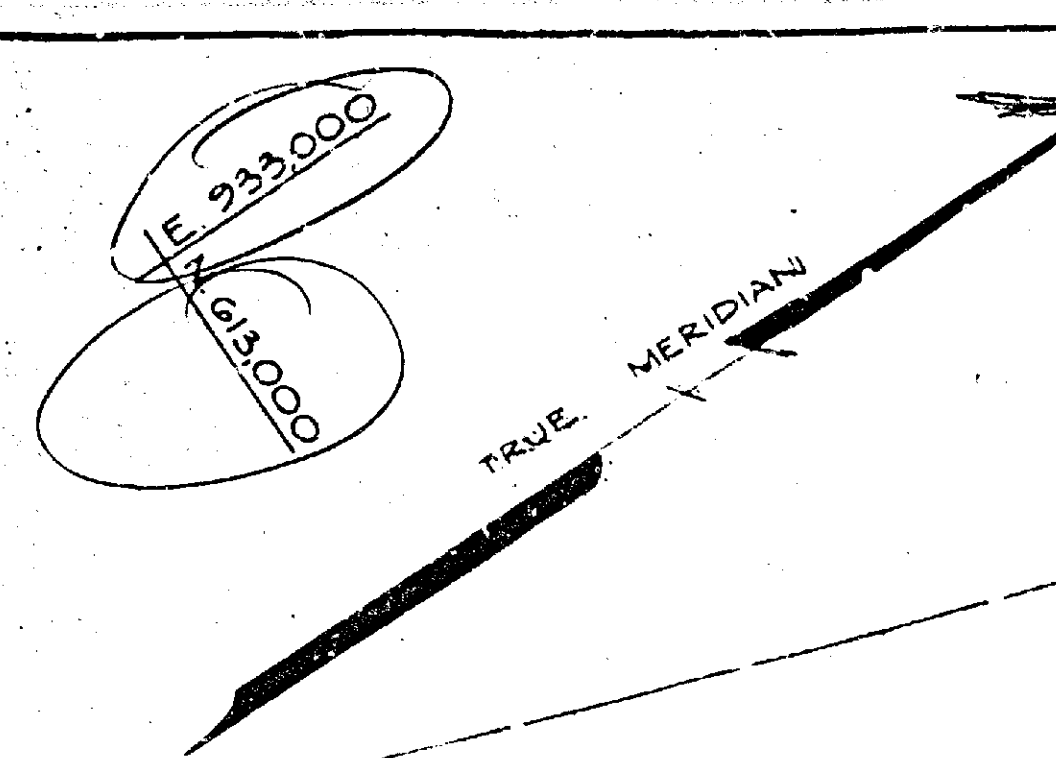
1/27/86



PLAT FOR ZONING SPECIAL HEARING - VARIANCE
OWNER - RICHARD & CANDICE KIDWELL
DISTRICT - 10 ZONED RC-5
SUBDIVISION - SWEET AIR MANOR
LOT-14 SEC-213 BOOK-GTG-35 FOLIO-139

SCALE 1" = 100'

87-88 SPHA



FRANK B. RUSSO & WIFE
R.J.S. 519/255

CURVE DATA						
#	Δ	RAD	ARC	TAN	CRD	BRG.
17-19	37°18'00"	782.34	509.31	264.05	500.36	N22°19'00"E
20-21	340°00'00"	50.00	209.44	-	66.60	S56°20'00"E
21-22	60°00'00"	50.00	52.36	28.87	50.00	S33°40'00"W
23-24	17°50'40"	832.34	259.23	130.37	258.18	S12°35'20"W
25-26	15°29'18"	832.34	225.00	113.9	224.32	N33°13'11"E
26-27	45°00'00"	225.00	176.71	93.20	172.21	S69°00'00"E
27-28	31°29'54"	824.14	453.07	232.42	447.39	N52°44'37"E
29-30	41°24'35"	50.00	36.14	18.90	35.36	N16°17'43"E
30-31	262°49'10"	50.00	229.35	-	75.00	S53°00'00"E
31-32	41°24'35"	50.00	36.14	18.90	35.36	S57°42'18"W
33-34	31°29'54"	824.14	400.56	246.52	474.53	S62°44'57"W
34-35	45°00'00"	225.00	215.98	113.91	210.48	N69°00'00"W
36-37	230°28'53"	50.00	57.72	32.58	54.60	N58°17'07"E
37-11	09°49'40"	405.00	69.46	34.02	69.58	S80°35'24"W
11-12	05°07'28"	405.00	36.22	18.9	36.21	S88°03'58"W

DENSITY NOTES
Existing Zoning RDP
Total Area = 86.016 Ac.
of Lots = 29
Density = 234 Lots/Ac

O.T.G. 35 FOLD 139
Filed for record
Date SEP 5 1972
Test:
[Signature] Clerk

STATE
PARK

NOTE:
FOR PARHANDLE LOTS, REFUSE COLLECTION
SHOULD BE MADE AT THE JUNCTION OF THE PARHANDLE
AND THE STREET RIGHT OF WAY LINE ONLY AND
NOT ON THE PARHANDLE LOT DRIVEWAY

PLAT
OF
PORTION OF SECT. 2
AND ALL OF SECT. 3
SWEET AIR MANOR

ELECTION DISTRICT N°10 BALTO. COUNTY, MD.
FOR
J THOMAS REQUARD
7900 NORTH BOUNDARY RD. DUNDALK, MARYLAND 21222

COORDINATES			
#	NORTH	EAST	# NORTH EAST
11	612,556.52	933,237.98	23 613,569.17 934,050.55
12	612,555.29	933,201.19	24 613,517.19 933,994.55
13	612,608.89	933,902.38	25 613,264.35 933,971.50
14	612,761.78	933,906.05	26 613,188.21 934,281.25
15	612,912.77	934,031.18	27 613,185.21 934,453.43
16	613,076.70	933,848.41	28 613,456.01 934,609.55
17	613,109.48	933,810.65	29 613,884.22 935,132.23
18	613,050.58	933,759.51	30 613,918.16 935,142.15
19	613,572.36	934,000.65	31 613,873.02 935,202.05
20	614,078.03	934,033.05	32 613,854.13 935,172.16
21	614,030.02	934,105.13	33 613,425.92 934,849.48
22	613,968.41	934,077.41	34 613,138.69 934,471.76
			35 613,312.06 933,996.40

APPROVED: BALTO. CO. PLANNING BOARD
[Signature]
[Signature]
APPROVED: BALTO. CO. HIGHWAYS DEPT.
[Signature]
APPROVED: BALTO. CO. HEALTH DEPT.
[Signature]

THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

THE COORDINATES SHOWN ON THIS PLAT ARE BASED ON THE STATE OF MARYLAND COORDINATE SYSTEM AND ARE BASED ON THE FOLLOWING TRAVERSE STATION:
HORIZONTAL CONTROL STATION, SWEET, 1953, BALTO. CO. MD., X - EASTING 950253.55 Y - NORTHING 611548.96

SURVEYOR'S CERTIFICATE
I, Carroll Hagan a Registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out and the plat thereof prepared in accordance with Sections 72A to 72E, inclusive, of Article 17 of the Annotated Code of Maryland, 1959 Edition as enacted or amended by the Acts of 1945 and 1947 and subsequent Acts, if any, amendatory thereto.

OWNER'S CERTIFICATE
The requirements of Sections 72A to 72E, inclusive, of Article 17 of the Annotated Code of Maryland, 1959 Edition, Chapter 616 of the Acts of 1945 and subsequent Acts if any, amendatory thereto, as they concern the making of the plat and the survey, have been complied with.

EVANS, HAGAN & HOEDEGER
SURVEYORS & CIVIL ENGINEERS
608 ELLIOTT STREET, BALTIMORE, MD. 21201
DATE: 8/28/72

PETITION FOR SPECIAL HEARING

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 hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve construction of addition to existing single-family dwelling. Said addition to include its own kitchen, intended for use by owner's mother-in-law. NOT for use as rental or multi-family unit.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing 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: N/A
(Type or Print Name)
Signature: N/A
Address: N/A
City and State: N/A

Attorney for Petitioner: N/A
(Type or Print Name)
Signature: N/A
Address: N/A
City and State: N/A

Attorney's Telephone No.: N/A

Legal Owner(s):
(Type or Print Name)
Signature: *Candice A. Kidwell*
Address: 4308 Farmfield Court, Baltimore, MD 21011
City and State: Baltimore, MD 21011
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Mr. John A. Remmel
8943 Orchard Tree Lane, Baltimore, MD 21211
Phone No. 321-5773

MAP NE 21 E
H E
E. D. 10
DATE 10/27
200
1000
DP

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of July, 1986, 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 10th day of September, 1986, at 11:30 o'clock.

Carl John
Zoning Commissioner of Baltimore County.

(over)

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 hereof, hereby petition for a Variance from Section 103.3 (A000.3.B.3) for side yard setback of 42 feet instead of 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)

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: N/A
(Type or Print Name)
Signature: N/A
Address: N/A
City and State: N/A

Attorney for Petitioner: N/A
(Type or Print Name)
Signature: N/A
Address: N/A
City and State: N/A

Attorney's Telephone No.: N/A

Legal Owner(s):
(Type or Print Name)
Signature: *Richard P. Kidwell*
Address: 4308 Farmfield Court, Baltimore, MD 21011
City and State: Baltimore, MD 21011
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Mr. John A. Remmel
8943 Orchard Tree Lane, Baltimore, MD 21211
Phone No. 321-5773

MAP NE 21 E
H E
E. D. 10
DATE 10/27
200
1000
DP

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of July, 1986, 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 10th day of September, 1986, at 11:30 o'clock.

Carl John
Zoning Commissioner of Baltimore County.

(over)

IN RE: PETITIONERS SPECIAL HEARING AND VARIANCE
W/S of Farmfield Court, of 1,011' NE of the E/S of Dairdale Court - 10th Election District
Richard P. Kidwell, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-88-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request approval by the Zoning Commissioner to permit a second living unit to be added to their home and, additionally, a variance to permit a side yard setback of 42 feet in lieu of the required 50 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. John Rommel, the contractor, also testified. William Beschoner, an adjacent property owner, appeared in opposition.

Testimony indicated that the subject property, zoned R.C.5 and measuring 260' x 560' x 266' x 504', is improved with a single-family dwelling. The Petitioners propose to construct a 26' x 38' addition to the north side to be used by Mrs. Kidwell's mother, Lucille Kelley. The addition would contain a separate kitchen and living unit.

Mrs. Kelley would like to live with her daughter and son-in-law but only if she could have some semblance of independence, as is common with the elderly. The Petitioners have no intent of creating a permanent second living unit. In fact, the purpose of it is solely for use by Mrs. Kelley. Upon her death, if she should reside elsewhere, or if the property is sold, the Petitioners will remove the kitchen and open up the addition to the rest of the house by providing access through.

In order to construct the addition and have it conform aesthetically and structurally with the dwelling, a side yard setback of 42 feet is necessary in lieu of the required 50 feet. Mr. Rommel testified that he has constructed three homes in this community and that there are other homes which encroach into the required side yard setback. He pointed out that Mr. Beschoner has an addition which also encroaches into the required south side yard setback. He testified that the topography of the property, the location of the septic reservation area, and the structural integrity of the house preclude the addition from being constructed elsewhere.

Mr. Beschoner's primary concern was the future use of the addition. He wanted assurance that an apartment would not be created for future rental purposes. He also objected to the variance request.

The Petitioners seek relief from Sections 500.1 and 500.7 and from Section 103.3 (Section 1A00.3.B.3), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An R.C.5 Zone permits single-family dwellings as a matter of right. Section 1A04.2.A.2, BCZR. Section 101, BCZR, defines "family" as:

Any number of individuals lawfully living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

In *Stefford v. Village of Sands Point*, 102 NYS.2d 910 (1951), it was held that a dwelling with two kitchens and multiple uses for other rooms which housed the plaintiff's family and his mother and sister was a single-family unit. The Court ruled that the proper test was an inquiry into the design of the house and the nature of the occupancy.

A remarkable demographic change occurred from 1970 to 1980—the average household size decreased from 3.11 to 2.75 persons per household. Moreover, the Population Reference Bureau predicts a further decrease to 2.47 persons per household.

Even though there has been an increase of over 11% in population with a resultant increase in the total number of households, the decrease in an average household size shall continue. See Section 16.01, 1984 Zoning & Planning Law Handbook, J. Benjamin Gailey, Ed. In addition, the age group that is growing faster than any other is persons over 65, presently numbering 24 million. Approximately 6.4 million live in one-person households, which is the largest numerical increase of any type of household. See Section 16.02, Handbook, supra.

As a result of this demographic revolution and the expanding needs of the elderly, there has been an increasing demand for "accessory apartments", i.e., units created within existing single-family homes or on the same lots. They are independent units but may share an entrance, yard, and parking area with the primary units. They are often called "mother-in-law apartments", "mother-daughter homes", "secondary residences", "shared housing", "grammy flats", or "elderly cottage housing opportunities" (ECHO) housing. Some have common kitchens, some are detached or semi-detached units usually placed in the rear yard of the existing dwelling. All raise similar regulatory problems and legal issues. All attempt to resolve a growing problem, i.e., the need for housing for the elderly that will provide familial supervision while permitting an element of perceived independence.

If the design of the Petitioners' home and the nature of the proposed occupancy are analyzed, it is clear that the existing BCZR will be satisfied. The Petitioners' proposal will not deviate from the legally acceptable single-family dwelling permitted in an R.C.5 Zone. Certainly, there is one dwelling now and the addition will not create two. The one-family unit will remain as such. There will be no increase in maximum permitted density.

- 3 -

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 107A
Posted for: *Richard P. Kidwell, et ux*
Petitioner: *Richard P. Kidwell, et ux*
Location of property: *4308 Farmfield Ct., Baltimore, MD 21011*
Location of Sign: *4308 Farmfield Ct., Baltimore, MD 21011*
Remarks:
Posted by: *Carl John*
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 21, 1986

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 August 21, 1986.

THE JEFFERSONIAN,

Susan Sander Abrecht

Publisher

Cost of Advertising

27.50

PETITION FOR SPECIAL HEARING AND VARIANCE

10th Election District
Case No. 87-88-SPHA

LOCATION: Northeast Side of Farmfield Court, 1001 feet North of East Side of Dairdale Court
DATE AND TIME: Wednesday, September 10, 1986, at 11:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

By Order Of
ARNOLD JARLON
Zoning Commissioner of Baltimore County
9/11/86

the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 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 requested approval and variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of September, 1986, that a second living unit to be added to the existing dwelling be approved and, as such, the Petition for Special Hearing is hereby GRANTED and, additionally, the Petition for Zoning Variance to permit a side yard setback of 42 feet in lieu of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioners may apply for their building permit and be granted same upon receipt of this

- 5 -

DESCRIPTION

SURVEY OF property known as Farmfield Court, also known as Lot #14 as shown on Plat of Portion of Sec. 2 and all of S.E. 3 "SWEET AIR MANOR" and recorded among the land records of Baltimore County in Plat Book O.T.G. 35 Folio 139.

PLAT FOR SPECIAL HEARING
OWNER: RICHARD P. KIDWELL & CANDICE A. KIDWELL
ELECTION DISTRICT: 10 BONED: R.C. 5
SUBDIVISION: SWEET AIR MANOR

NW/4 FARMFIELD CT (50' WIDE) 110' FT. NE OF
E/S DAIRYDALE COURT.

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
NW/4 of Farmfield Ct., 1101' NE : OF BALTIMORE COUNTY
of E/S of Dairydale Ct.,
10th District

RICHARD P. KIDWELL, et ux, : Case No. 87-88-SPHA
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
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 11th day of August, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Richard P. Kidwell, 4308 Farmfield Ct., Baldwin, MD 21013, Petitioners; and Mr. John A. Rowel, 8843 Orchard Tree Lane, Towson, MD 21204, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

Mr. Richard P. Kidwell
Mrs. Candice A. Kidwell
4308 Farmfield Court
Baldwin, Maryland 21013

July 25, 1986

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
NW/4 Farmfield Ct., 1101' NE of E/S Dairydale Ct.
10th Election District
Richard P. Kidwell, et ux - Petitioners
Case No. 87-88-SPHA

TIME: 11:30 a.m.

DATE: Wednesday, September 10, 1986

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

AJ:med

No. 019581

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

DATE	09-01-86	ACCOUNT	01-015-000
RECEIVED FROM	John A. Rowel	AMOUNT	\$ 135.00
FOR	SPH #5		
VALIDATION OR SIGNATURE OF CASHIER			

PETITIONS FOR SPECIAL HEARING AND VARIANCE

10th Election District

Case No. 87-88-SPHA

LOCATION: Northwest Side of Farmfield Court, 1101 feet Northeast of East Side of Dairydale Court

DATE AND TIME: Wednesday, September 10, 1986, at 11:30 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:

Petition for Special Hearing to approve the construction of an addition, to include its own kitchen, to an existing single-family dwelling, for use by mother-in-law and not to be used as a rental or multi-family unit

Petition for Zoning Variance to permit a side yard setback of 42 feet in lieu of the required 50 feet

Being the property of Richard P. Kidwell, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

September 3, 1986

Mr. Richard P. Kidwell
Mrs. Candice A. Kidwell
4308 Farmfield Court
Baldwin, Maryland 21013

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
NW/4 of Farmfield Ct., 1101' NE of E/S Dairydale Ct.
10th Election District
Richard P. Kidwell, et ux - Petitioners
Case No. 87-88-SPHA

Dear Mr. and Mrs. Kidwell:

This is to advise you that \$100.00 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, Room 223, Court House, Towson, Maryland

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT		No. 025509	
DATE	09/03/86	ACCOUNT	01-015-000
RECEIVED FROM	Mr. Richard P. Kidwell, et ux	AMOUNT	\$ 100.00
FOR	ADVERTISING & POSTING RE CASE #87-88-SPHA		
VALIDATION OR SIGNATURE OF CASHIER			

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.

- The Petitioners must add a covenant to their Deed, recorded among the Land Records of Baltimore County, within 30 days from the date of this Order, restricting the use of their proposed addition to the relative described above and no other. Said covenant shall contain the proviso that such use shall terminate either at the death of said relative or upon the sale of the property, whichever occurs first. No subsequent purchaser shall maintain the second kitchen for any reason or purpose without a subsequent special hearing, which shall be subject to the terms and conditions contained herein. A copy of the covenant shall be submitted to the Zoning Commissioner.

- The kitchen shall be removed upon Mrs. Kelley's death, if she should reside elsewhere, or if the property is sold.

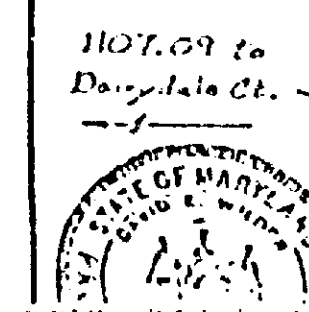
- Upon any of the above occurring, the common wall between the addition and the original house shall be opened to provide access through.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ:sl
Mr. & Mrs. Richard P. Kidwell
Mr. William Beschornor
People's Counsel

- 6 -

Lot 14
PETITIONER'S
EXHIBIT 3



537'00" 00" W
FARMFIELD COURT

JUN 26 1987

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 20, 1986.

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 20, 1986.

TOWSON TIMES,

Susan Seibert Obrecht

Publisher

42.50

LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-821-0000
CABLE MILESTOCK
TELEX 87-82

October 15, 1986

HAND DELIVERED

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

RE: Case No. 87-88-SPHA

Dear Mr. Jablon:

Enclosed please find a copy of the Covenant which we have filed in the Land Records of Baltimore County pursuant to your Order of September 16, 1986.

Sincerely,

Richard P. Kidwell
Richard P. Kidwell

RPK/amf
Enclosure

10 EIGHT STREET
TOWSON, MARYLAND 21204
101 BAY STREET
EASTON, MARYLAND 21829
4000 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030
200 HUNTERFORD COURT
ROCKVILLE, MARYLAND 20850
100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

The Honorable Arthur Jablon
Zoning Commission
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case 87-88 SPHA (Beschoner/Kidwell)

Dear Sir,

This is to comment on the above noted case.

We live in the same community as the involved parties, having bought a home here nearly nine years ago. Two basic reasons for our selection were the size of the lot and development by-laws prohibiting significant alterations to the existing and future surroundings. Specifically, various spacing and design restrictions exist in perpetuity to protect the aesthetics and property values of everyone. Obviously, all are expected to adhere to the developments' by-laws in mutual consideration of each other.

We respectfully request that you judge this case with these thoughts in mind.

Sincerely,

Alan and Jean Leberknight

Alan Leberknight
Jean Leberknight

RECEIVED
SEP 11 1986

ZONING OFFICE

POINT #2 She vehemently oppose any second driveway being laid on the property leading to the addition. She feel this would undoubtedly make the residence appear to be a multi-family dwelling, and to detract from the aesthetics of the area.

POINT #3 She have concerns that adding a kitchen will alter the current underground water patterns of the surrounding homes. All homes in the area are of the well and septic system type.

The second area of consideration is that of allowing the setback to be 42 feet in lieu of the required 50 feet. The property in question, according to our development plat is 12 acres. When we consider the placement of the existing house, the size and shape of the lot, we cannot help but feel the 50' setback rule need not be altered to accomodate an addition to the existing house. We feel that an addition of the same square footage could be added in another manner without the need to rezone.

-2-

We conclude by stating that due to the potential use and future implications, we oppose the construction of an addition of this type. We also oppose the proposed setback reduction.

Katherine L. Piccinini
Bruce Piccinini

4304 Farmfield Court
Baldwin, Maryland 21013

RECEIVED
SEP 8 1986

ZONING OFFICE

-3-

87-88-SVHA

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 21st day of July, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner Richard P. Kidwell, et al. Received by: James E. Dyer
Petitioner's Attorney Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: August 21, 1986
FROM: Norman E. Gerber, AICP, Director
SUBJECT: Zoning Petitions Nos. 87-72-A, 87-75-A, 87-76-A, 87-77-A, 87-81-A, 87-82-A, 87-83-A, 87-84-A, 87-85-A, 87-88-A, 87-106-A, 87-107-A, 87-108-A, 87-111-A, 87-112-A, 87-113-A and 87-114-A

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

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:slm

LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-821-0000
CABLE MILESTOCK
TELEX 87-82

September 11, 1986

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

RE: Case No. 87-88-SPHA

Dear Mr. Jablon:

After the hearing on September 10 in the above-referenced case, I checked with Ken Gaeng of our office about recording a Deed in the Land Records containing the restrictions which you mentioned at the hearing. Mr. Gaeng, who is very familiar with title examinations, claims that he has never encountered such a Deed or restrictive covenant filed among the Land Records. Mr. Gaeng thinks that such a Deed or restrictive covenant would constitute a cloud on the title which would affect the salability of the property, specifically because there would be no protection for the lender of the potential purchaser to make sure that the restrictive covenant has been complied with. Mr. Gaeng has, however, seen changes in the zoning Records reflecting property, but not in the Land Records.

Would you please be kind enough to let me know of any specific examples of properties where such a Deed or restrictive covenant has been recorded so that I can obtain a copy from the Land Records or look at the files in your office.

Thank you for your assistance in this matter.

Sincerely,

Richard P. Kidwell
Richard P. Kidwell

RPK/amf

RECEIVED
SEP 12 1986

ZONING OFFICE

TO: ZONING COMMISSIONER 9/5/86 9-5-86
FROM: BRUCE D. PICCININI, KATHERINE L. PICCININI
CONCERNING CASE # 87-88-SPHA
OUR ADDRESS 4304 FARMFIELD CT., BALDWIN, MD. 21013

The property address of the above mentioned case is 4308 Farmfield Court. The view the property in question quite easily from our house. Our view, and the view of the said property from several other houses on Farmfield Court is largely unrestricted by any trees or shrubs. Any alteration of the current residence of 4308 will be highly noticeable to the surrounding neighborhood.

We strongly feel that our opinion should be considered in this case. There are two areas in which we would like to state our opinion. The first concerns the addition to the existing house.

POINT #1 All homes in our development are single family dwellings. Although the proposed zoning states "mother-in-law" use by the current owners, we have no assurance that if the property is sold in the future, it (the addition) will be used again only for the same purpose. We feel it would be difficult to sell the house in question as a single family dwelling after the modification, except for the purpose of using the addition as a rental unit or a multi-family dwelling. This would lead us again to zoning conflicts.

-1-

LIBERT 2 93 JUL 85 33

COVENANT

By Richard P. Kidwell and Candice A. Kidwell.
WHEREAS, in the petition for a special hearing and variance before the Zoning Commission of Baltimore County, Case No. 87-88-SPHA, the aforesaid Richard P. Kidwell and Candice A. Kidwell, the Petitioners in said hearing, requested a permit for a second kitchen to be installed in an addition to their home, and additionally, a variance to permit a side yard set back of forty-two feet in lieu of the required fifty feet, and the Zoning Commissioner, by Order dated September 16, 1986, granted the permit providing the following covenant be added to their Deed, which Deed was recorded in the Land Records of Baltimore County at EHK, Jr., Liber 7166, Folio 577.

Richard P. Kidwell and Candice A. Kidwell hereby agree that the addition shall be used as living quarters for Mrs. Kidwell's mother and no other, and that such shall terminate either at the death of Mrs. Kidwell's mother or upon the sale of the property, or if she should reside elsewhere, whichever occurs first. No subsequent purchaser shall maintain the second kitchen for any reason or purpose without a subsequent special hearing which shall be subject to the terms and conditions contained herein.

AS WITNESS our hands and Seals this _____ day of September, 1986.

Richard P. Kidwell (SEAL)

Candice A. Kidwell (SEAL)

STATE OF MARYLAND)
COUNTY OF BALTIMORE) To Wit:

I HEREBY CERTIFY that on this _____ day of September, 1986, before me, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Richard P. and Candice A. Kidwell, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.



Notary Public

My Commission Expires: 7/1/91
Richard P. Kidwell
4308 Farmfield Court
Baldwin, Md 21013

-2-

RECEIVED
SEP 6 1986
ZONING OFFICE

September 5, 1986

Mr. & Mrs. Michael V. Confer
14308 Dairydale Rd.
Baldwin, MD. 21013

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake Ave.
Towson, MD 21204

RE: Case No. 87-88-SPHA
RICHARD P. KIDWELL, et al

Dear Sirs:

As a member of the Sweet Air Neighborhood, we want to make our feelings about the above case known for consideration in your decision.

First we purchased our property in the back half of the development because of the spacious atmosphere and privacy available. The 50' set back guaranteed us that these characteristics would always exist. We request that the variance allowing a 42 foot set back be denied to maintain the neighborhood's open atmosphere.

Second, we are concerned that the addition, as proposed, with separate kitchen and access would, by its very nature, become a rental unit thus creating a multiple family dwelling. We request that the addition be clearly restricted to prevent this with both the present and future owners.

Very truly yours,
Michael V. Confer

MVC:tdz

cc: Beschoner's

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550
STEPHEN E. COLLINS
DIRECTOR

August 14, 1986

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

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, and 13.

Very truly yours,
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

87-88-SPHA
9/10

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 1, 1986

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

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

Mr. Richard P. Kidwell
4308 Farmfield Court
Baldwin, Maryland 21013

RE: Item No. 5 - Case No. 87-88-SPHA
Petitioner: Richard P. Kidwell, et ux
Petitioners for Zoning Variance and Special Hearing

Dear Mr. Kidwell:

The Zoning Plans Advisory Committee has reviewed the plan 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,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550
STEPHEN E. COLLINS
DIRECTOR

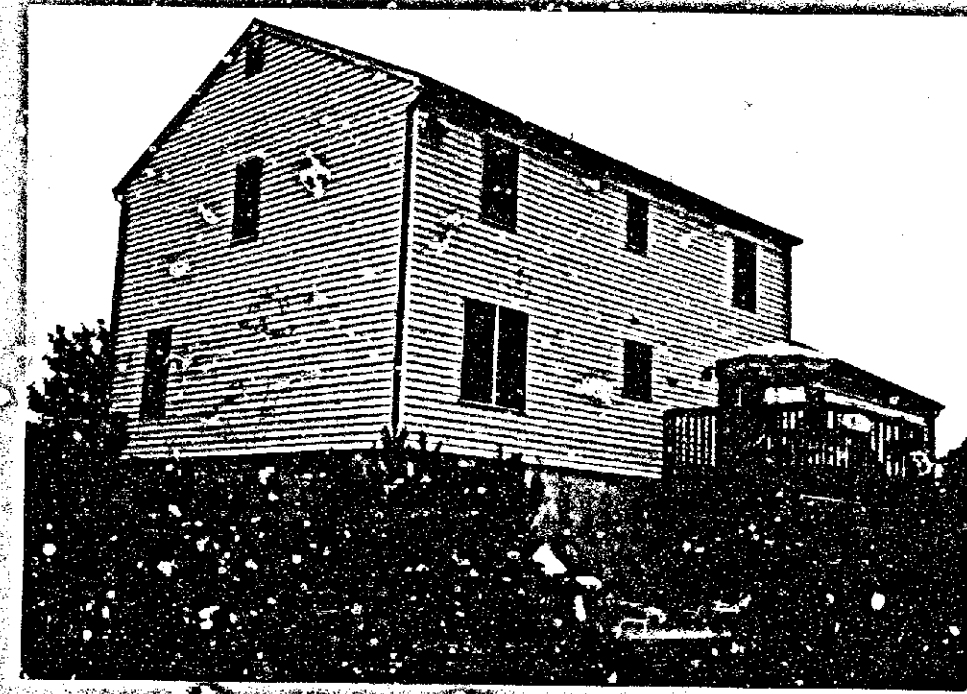
AUGUST 19, 1986

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

Re: Zoning Advisory Meeting of JULY 15, 1986
Item 5 - Case No. 87-88-SPHA
Petitioner: RICHARD P. KIDWELL, et al
OF E/S DAIRYDALE CT
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ In County Survey Area meeting its requirements.
- ☒ In County Survey Area meeting its requirements.
- ☒ The 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 drainage 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 22-23 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 11/1/85.
- ☒ The property is located in a deficient service area as defined by the Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a deficient service area as defined by the Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a deficient service area as defined by the Capacity Use Certificate has been issued. The deficient service is:

cc: James Dyer
Chairman, Current Planning and Development



PAUL H. REINOLD
CHIEF

July 17, 1986

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

RE: Property Owner: Richard P. Kidwell, et ux
Location: NW/S Farmfield Ct. (50 ft. wide), 1101 ft. NE of E/S Dairydale Ct.
Item No.: 5 Zoning Agenda: Meeting of July 15, 1986

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 or _____ 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: *John F. O'Neill* Noted and Approved: _____
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

July 30, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 5 Zoning Advisory Committee Meeting are as follows:

Property Owner: Richard P. Kidwell, et ux
Location: NW/S Farmfield Court (50 feet wide), 1101 feet NE of 10th.
District: R/S Dairydale Court

APPLICABLE TYPES ARE CIRCLED:

- (A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #12-85, the Maryland Code for the Handicapped and Aged (Ad. & A. #217-1 - 1985) and other applicable Codes and Standards.

- (B) A building and other miscellaneous permits shall be required before the start of any construction.

- (C) Residential: Two 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.

- (D) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer must be required to file with a permit application. Reproduced seals are not acceptable.

- (E) All The Groups except 2-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall of closer than 3'-0" to an interior lot line. And wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1107, Section 1106.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

- (F) The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered 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.

- (G) The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

- (H) When filing for a required Change of Use/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 requirement for the new use, Maryland Architecture or Engineer seals are usually required. The change of the Group and from the _____ to the _____ or to Mixed Uses _____ See Section 312 of the Building Code.

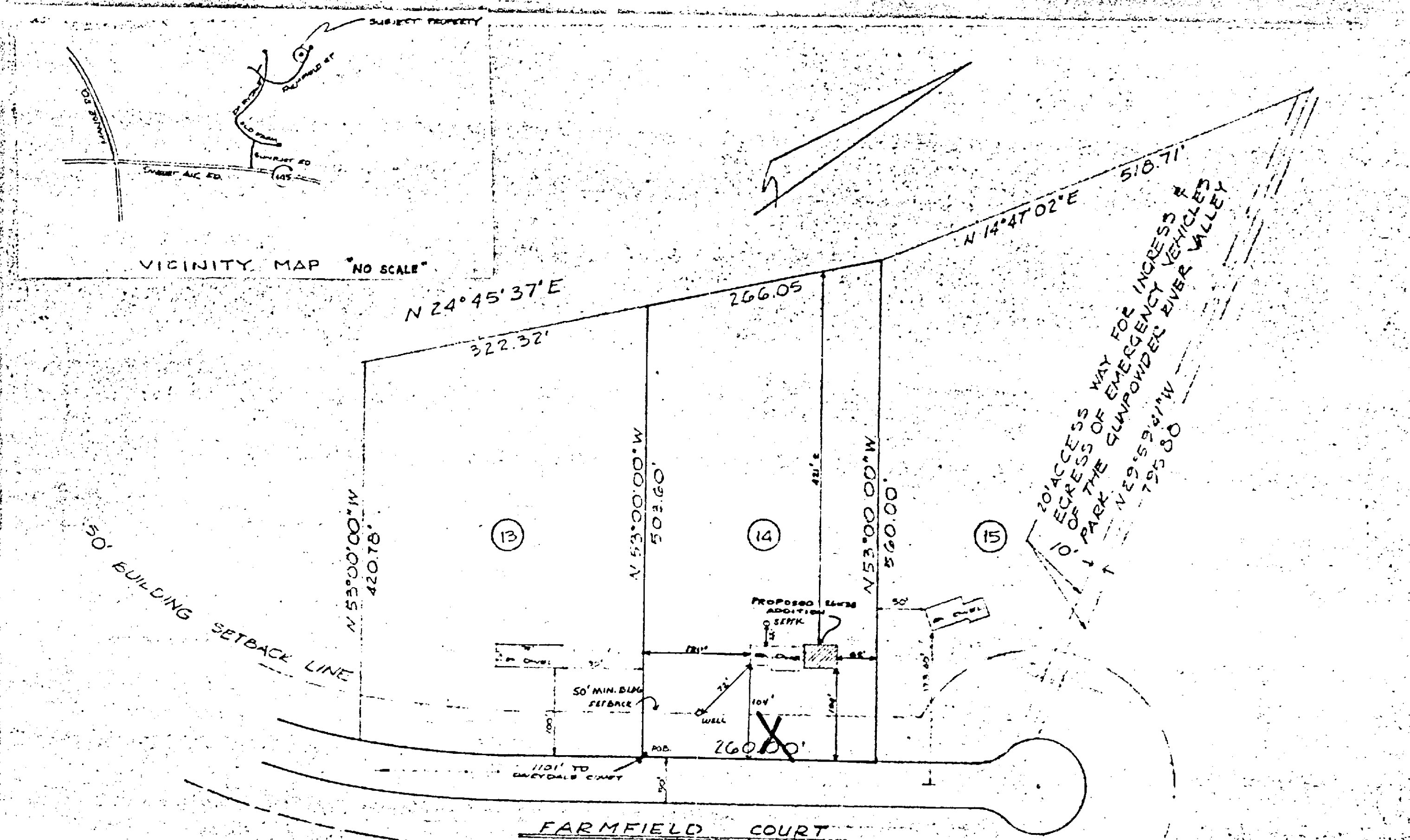
- (I) The proposed project appears to be located in a Flood Plain, Flood/Inversion. Please see the attached copy of Section 316(d) of the Building Code as adopted by Bill #17-86. Site plans shall show the current elevations above sea level for the lot and the finish floor levels including basement.

SPECIAL NOTE: (J) Comments: A minimum one hour tenant separation between tenant spaces is required by both the One & Two Family Code, and the 1984 B.O.C.A. Basic Code. Also, each tenant shall have an approved independent exit. See Code for additional requirements.

- (K) These abbreviated comments reflect 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 permit. If desired the applicant may obtain additional information by visiting Room 127 of the County Office Building at 171 W. Chesapeake Avenue, Towson, Maryland 21204.

By: C. E. Burman, Chief
Building Plans Review

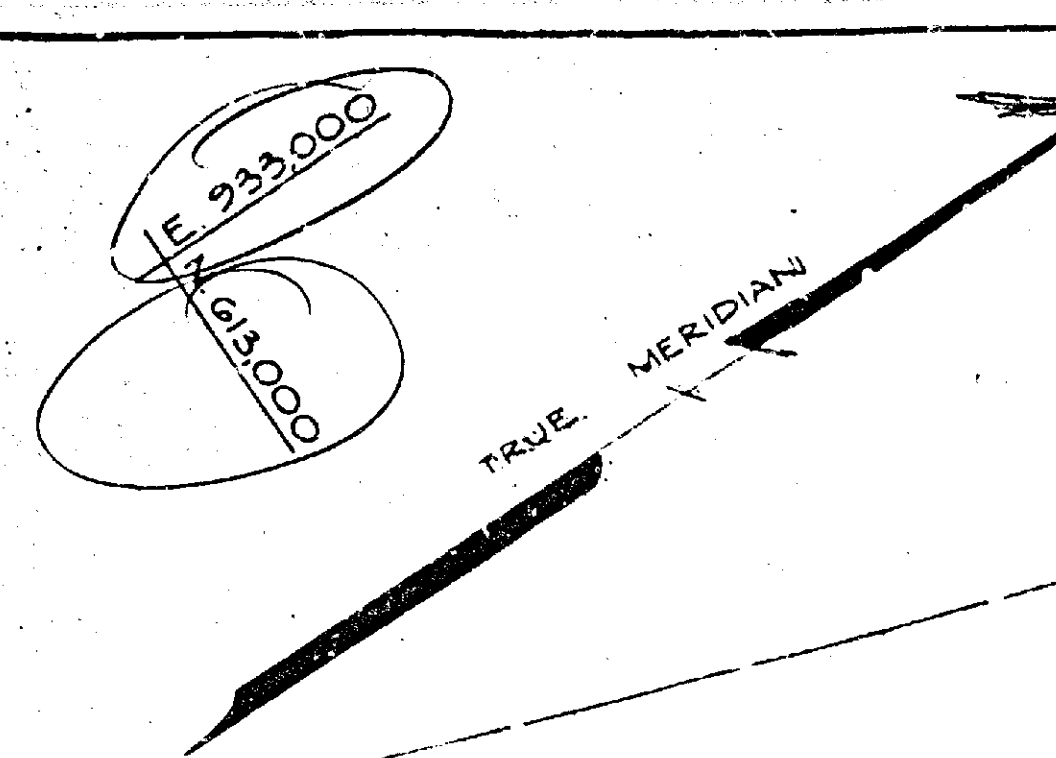
1/27/86



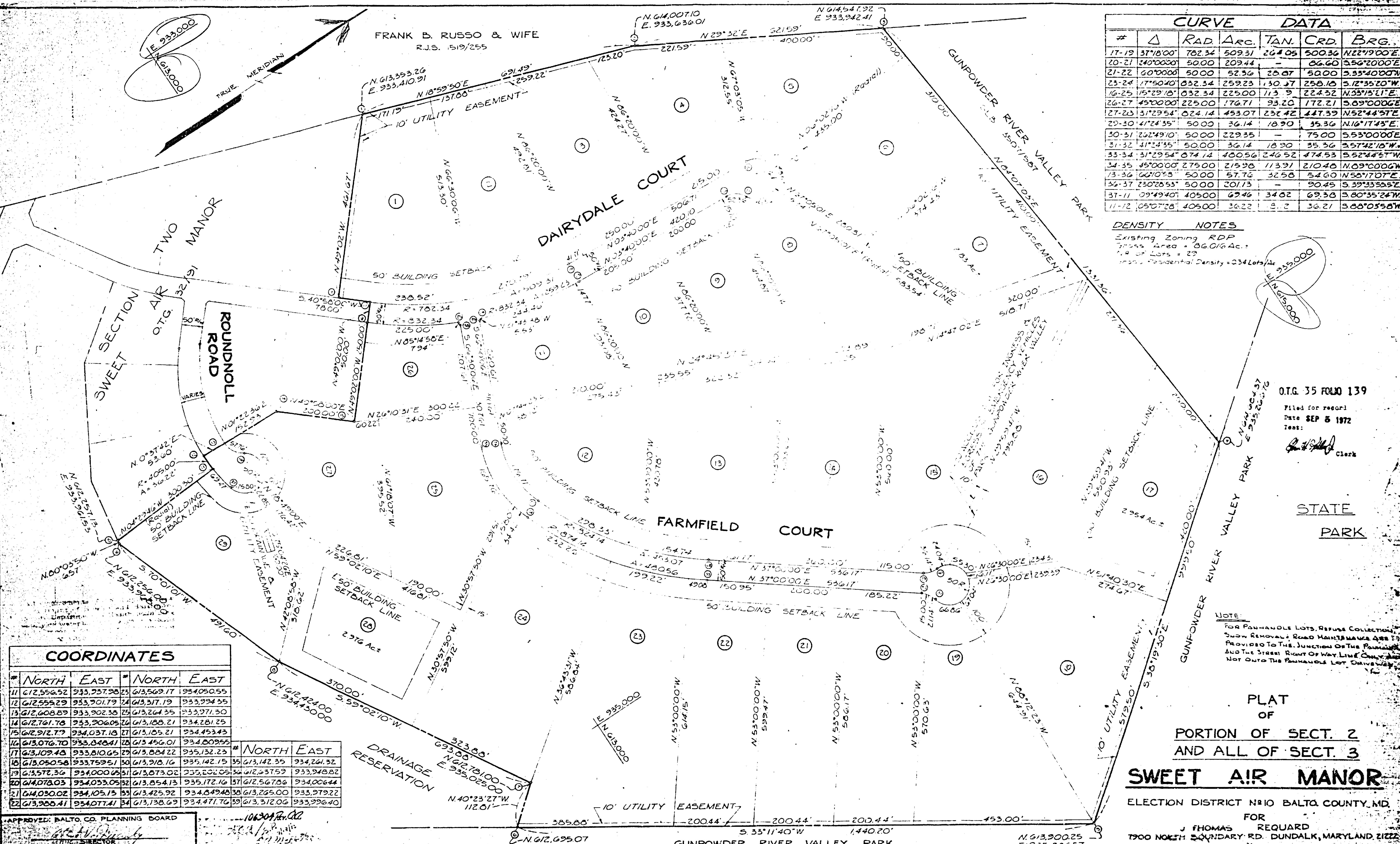
PLAT FOR ZONING SPECIAL HEARING - VARIANCE
OWNER - RICHARD & CANDICE KIDWELL
DISTRICT - 10 ZONED RC-5
SUBDIVISION - SWEET AIR MANOR
LOT-14 SEC-213 BOOK-GTG-35 FOLIO-139

SCALE 1" = 100'

87-88-SPHA



FRANK B. RUSSO & WIFE
R.J.S. 519/255



CURVE DATA						
#	Δ	RAD	ARC	TAN	CRD	BRG.
17-19	37°18'00"	782.34	509.31	264.05	500.36	N22°19'00"E
20-21	340°00'00"	50.00	209.44	-	66.60	S56°20'00"E
21-22	60°00'00"	50.00	52.36	28.87	50.00	S33°40'00"W
23-24	17°50'40"	832.34	259.23	130.37	258.18	S12°35'20"W
25-26	15°29'18"	832.34	225.00	113.9	224.32	N33°13'11"E
26-27	45°00'00"	225.00	176.71	93.20	172.21	S69°00'00"E
27-28	31°29'54"	824.14	453.07	232.42	447.39	N52°44'57"E
29-30	41°24'35"	50.00	36.14	18.90	35.36	N16°17'45"E
30-31	262°49'10"	50.00	229.35	-	75.00	S53°00'00"E
31-32	41°24'35"	50.00	36.14	18.90	35.36	S57°42'18"W
33-34	31°29'54"	824.14	400.56	246.52	474.53	S52°44'57"W
34-35	45°00'00"	225.00	215.98	113.91	210.48	N69°00'00"W
35-36	60°00'00"	50.00	57.72	32.58	54.60	N58°17'07"E
36-37	230°28'53"	50.00	201.13	-	90.45	S39°33'55"E
37-11	09°49'40"	405.00	69.46	34.02	69.58	S80°35'24"W
11-12	05°07'28"	405.00	36.22	18.9	36.21	S88°03'58"W

DENSITY NOTES
Existing Zoning RDP
Total Area = 86.016 Ac.
of Lots = 29
Density = 234 Lots/Ac

O.T.G. 35 FOLD 139
Filed for record
Date SEP 5 1972
Test:
[Signature] Clerk

NOTE:
FOR PARALLEL LOTS, REFUSE COLLECTION
SHALL REMAIN ROAD MAINTENANCE AND
PROVIDED TO THE JUNCTION OF THE PARALLEL
AND THE STREET RIGHT OF WAY LINE ONLY AND
NOT ONTO THE PARALLEL LOT DRIVEWAY

PLAT
OF
PORTION OF SECT. 2
AND ALL OF SECT. 3
SWEET AIR MANOR

ELECTION DISTRICT N°10 BALTO. COUNTY, MD.
FOR
J THOMAS REQUARD
7900 NORTH BOUNDARY RD. DUNDALK, MARYLAND 21222

COORDINATES			
#	NORTH	EAST	# NORTH EAST
11	612,556.52	933,237.98	23 613,569.17 934,050.55
12	612,555.29	933,201.19	24 613,517.19 933,994.55
13	612,608.89	933,902.38	25 613,264.35 933,971.50
14	612,761.78	933,906.05	26 613,188.21 934,281.25
15	612,912.77	934,031.18	27 613,185.21 934,453.43
16	613,076.70	933,848.41	28 613,456.01 934,609.55
17	613,109.48	933,810.65	29 613,884.22 935,132.23
18	613,050.58	933,759.51	30 613,918.16 935,142.15
19	613,572.36	934,000.65	31 613,873.02 935,202.05
20	614,078.03	934,033.05	32 613,854.13 935,172.16
21	614,030.02	934,105.13	33 613,425.92 934,849.48
22	613,968.41	934,077.41	34 613,138.69 934,471.76
			35 613,312.06 933,996.40

APPROVED: BALTO. CO. PLANNING BOARD
[Signature]
[Signature]
[Signature]
APPROVED: BALTO. CO. HIGHWAYS DEPT.
[Signature]
APPROVED: BALTO. CO. HEALTH DEPT.
[Signature]

THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

THE COORDINATES SHOWN ON THIS PLAT ARE BASED ON THE STATE OF MARYLAND COORDINATE SYSTEM AND ARE BASED ON THE FOLLOWING TRAVERSE STATION:
HORIZONTAL CONTROL STATION, SWEET, 1953, BALTO. CO. MD., X - EASTING 950253.55 Y - NORTHING 611548.96

SURVEYOR'S CERTIFICATE
I, Carroll Hagan a Registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out and the plat thereof prepared in accordance with Sections 72A to 72E, inclusive, of Article 17 of the Annotated Code of Maryland, 1959 Edition as enacted or amended by the Acts of 1945 and 1947 and subsequent Acts, if any, amendatory thereto.

OWNER'S CERTIFICATE
The requirements of Sections 72A to 72E, inclusive, of Article 17 of the Annotated Code of Maryland, 1959 Edition, Chapter 616 of the Acts of 1945 and subsequent Acts if any, amendatory thereto, as they concern the making of the plat and the survey, have been complied with.

EVANS, HAGAN & HOEDEGER
SURVEYORS & CIVIL ENGINEERS
608 ELLIOTT STREET, BALTIMORE, MD. 21201
DATE: 9/2/72