

1. PETITION FOR ZONING VARIANCE
2. BEFORE THE
3. SE/5 Rolling View Ave., 825' SW
4. of the c/l of Roseville Blvd.
5. (7800 Rolling View Avenue and
6. 7808 Rolling Vista Court)
7. 14th Election District
8. 6th Councilmanic District
9. Fitch Avenue Ltd. Partnership
10. Petitioners

1. DEPUTY ZONING COMMISSIONER
2. OF BALTIMORE COUNTY
3. Case No. 89-350-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a window to tract boundary setback of 10 feet in lieu of the minimum required 35 feet in accordance with Petitioner's Exhibit 1.

The Petitioners, by Samir Khouzani, a General Partner, appeared and testified. Also appearing on behalf of the Petition was Joseph Larson with Spellman, Larson & Associates, Inc. Appearing as interested parties were Scott and Irene Sewell, Clayton Williams, Charles Cox, Jr., and Rae I. Vernon. No Protestants appeared at the hearing.

Testimony indicated that the subject properties, also known as Lots 1 and 42, Block B, are part of a newly developed 75-lot subdivision known as Rolling View Green, which will consist of 30 single family homes and 45 townhouses. Testimony indicated the subject properties will be developed with single family dwelling units; however, due to the layout of the land and design of the homes proposed, the subject properties do not meet setback requirements. In support of his request, Petitioner introduced pictures of homes already developed in the community which clearly show the setback proposed is compatible with the surrounding area. Petitioner further argued that strict compliance with the regulations would result in hardship and practical difficulty upon him due to the loss of approximately 15 acres to a flood plain reservation area within the devel-

opment. Testimony indicated the requested variance will not create any detriment to the health, safety or general welfare of the community.

After a review of the proposed plan, the individuals who appeared as interested parties indicated they had no specific objections to the requested variances. A number of individuals who reside on Rolling View Avenue were quite concerned about the proposed expansion of Rolling View Avenue. Testimony indicated that the Petitioner is being required to bear the expense of widening Rolling View Avenue wherein a right-of-way expansion is owned by Baltimore County.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of March, 1989 that the Petition for Zoning Variance to permit a window to tract boundary setback of 10 feet in lieu of the minimum required 35 feet in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

-2-

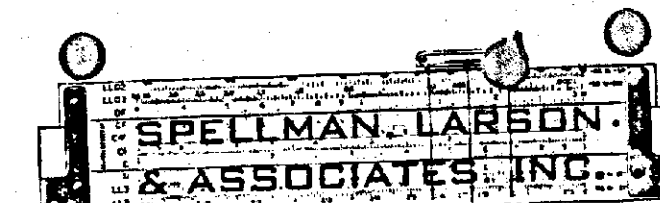
1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The variances granted herein are limited to Lots 1 and 42 as depicted in Petitioner's Exhibit 1.

3) There shall be no further requests for variances for any of the 75 lots in the Rolling View Green development.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs



SUITE 107 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

ROBERT E. SPELLMAN, P.L.B.
JOSEPH L. LARSON
HENRY M. APPEL
ALFRED F. JONES, P.L.B.

DESCRIPTION OF NO. 7800 ROLLING VIEW AVENUE, 14 DISTRICT. BALTIMORE COUNTY, MARYLAND

Page 2

Being, Lot No. 42, Block B as shown on a plat of Rolling View Green, said plat being recorded among the Plat Records of Baltimore County in Plat Book SM No. 59, Folio 77.

11/29/88



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
TRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

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 1802.3.B. (V.B.S.A., C.M.D.P.) to permit a window to tract boundary setback of 10' in lieu of the minimum 35'.

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

Lots No 1 & 42 Block B of the Rolling View Green subdivision is the subject of this variance request which are lots that are being developed in a manner consistent with the existing neighborhood. To conform to the required tract boundary setback would cause the lots in question to be out of character with the remaining lots in the subdivision and the general neighborhood.

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.

Legal Owner(s): (Fitch Ave. Ltd. Partnership)
Samir Khouzani

Contract Purchaser:
(Type or Print Name)

Signature:
(Type or Print Name)

Address:
(Type or Print Name)

City and State:
Signature

Attorney for Petitioner:
(Type or Print Name)

Address:
City and State

Signature:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address:
City and State

Attorney's Telephone No.:
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of March, 1989, 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 31st day of March, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 13, 1989



Dennis F. Rasmussen
County Executive

Mr. Samir Khouzani, General Partner
Fitch Avenue Limited Partnership
4 Cross Keys Road, Suite F
Baltimore, Maryland 21210

RE: PETITION FOR ZONING VARIANCE
SE/5 Rolling View Ave., 825' SW of the c/l of Roseville Blvd.
(7800 Rolling View Avenue and 7808 Rolling Vista Court)
14th Election District - 6th Councilmanic District
Fitch Avenue Limited Partnership - Petitioners
Case No. 89-350-A

Dear Mr. Khouzani:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: Mr. Joseph Larson
Spellman, Larson & Associates
105 W. Chesapeake Avenue, Towson, Md. 21204

People's Counsel

File

PLEASE PRINT CLEARLY

INTERESTED PARTIES
PETITIONER(S) SIGN-IN SHEET

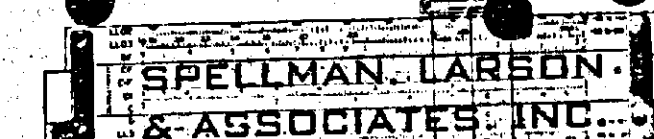
NAME	ADDRESS
Joseph Larson	7846 Vernon Ave. 21236
Clayton Williams	7703A Rolling View Ave 21236
Charles Cox Jr	7903 Rolling View Ave
Rae I. Vernon	7912 Rolling View Ave

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JOSEPH LARSON	105 W. CHESAPEAKE AVE.
SAMIR KHOUZANI, General	4 F CROSS KEYS ROAD

#256



SUITE 107 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

ROBERT E. SPELLMAN, P.L.B.
JOSEPH L. LARSON
HENRY M. APPEL
ALFRED F. JONES, P.L.B.

DESCRIPTION OF NO. 7800 ROLLING VIEW AVENUE, 14TH DISTRICT. BALTIMORE COUNTY, MARYLAND

Page 1

Beginning for the same at a point on the southeast side of Rolling View Avenue, 50 feet wide, at the northeast outline of a tract of land as shown on a plat of Rolling View Green, said plat being recorded among the Plat Records of Baltimore County in Plat Book SM No. 59, Folio 77 and running thence and binding on the southeast side of Rolling View Avenue as shown on said plat South 50 Degrees 31 Minutes 13 Seconds West 70.29 feet to the dividing line between Lot No. 42 and Lot No. 41, Block B as shown on said plat thence leaving the southeast side of Rolling View Avenue and running on said dividing line South 38 Degrees 42 Minutes 50 Seconds East 112.47 feet to the southeasternmost outline of the plat herein referred to and running thence and binding on the southeast outline of said plat North 51 Degrees 45 Minutes 10 Seconds East 83.70 feet to the northeast outline of said plat herein referred to and running thence and binding on said northeast outline North 44 Degrees 57 Minutes 50 Seconds West 114.77 feet to the place of beginning.

Containing 0.2002 acres of land, more or less.

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LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
TRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(410) 887-3353
J. Robert Haines
Zoning Commissioner

Date: 2/27/89

Samir Khouzani
4 Cross Keys Road, Suite F
Baltimore, Maryland 21210

Re: Petition for Zoning Variance
CASE NUMBER: 89-350-A
SE/5 Rolling View Avenue, 825' SW c/l Roseville Blvd.
7800 Rolling View Ave. & 7808 Rolling Vista
14th Election District - 6th Councilmanic District
Petitioner(s): Samir Khouzani (Fitch Ave. Ltd. Partnership)
HEARING SCHEDULED: FRIDAY, MARCH 3, 1989 at 2:00 p.m.

Dear Petitioner:

Please be advised that \$89.56 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
Date: March 7, 1989
SUBJECT: Zoning Petition Nos. 89-308-SFB (Jefferson); 89-318-A (Podlee); 89-350-A (Khouzami); 89-354-A (Smith); 89-359-A (Boutner); 89-363-A (Cash); 89-364-A (Kaplan); 89-368-A (Matal); 89-375-A (Vincenzo); 89-376-A (Gambrell); 89-378-A (Lila); 89-379-A (Freundlich); 89-387-A (Babikov) and 89-393-A (Lubman)

The Office of Planning and Zoning has no comment on the above listed petitions.

PK/sf

89-350-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
28th day of December, 1988.

Petitioner: Samir Khouzami
Petitioner's Attorney: J. Robert Haines
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 27, 1989

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

cc: odc

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. Samir Khouzami
4 Cross Keys Road, Suite F
Baltimore, MD 21210

RE: Item No. 256, Case No. 89-350-A
Petitioner: Samir Khouzami
Petition for Zoning Variance

Dear Mr. Khouzami:

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. 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:jw

Enclosures

cc: Spellman, Larson, & Associates, Inc.
105 W. Chesapeake Avenue, Suite 107
Towson, MD 21204

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3564

January 17, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 137, 236, 248, 249, 250, 251, 254, 256, 257, and 258.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/LW



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

January 11, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County
Rolling View Green
Zoning Meeting
of 12-27-88
W/S Rollingview Ave.
825' S/W of Rossville
Blvd.
(Item #256)

Dear Mr. Dyer:

After reviewing the submittal for a variance to permit a window to tract boundary setback of 10 feet in lieu of the required 35 feet, we find the plan acceptable.

If you have any questions, please contact Larry Brocato of this office.

Very truly yours,

Robert J. Mills, Jr., Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Spellman, Larson & Assoc., Inc.
Mr. J. Ogle

RECEIVED
JAN 17 1989
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro 565-0451 D.C. Metro 1-800-482-1082 Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinke

January 12, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Samir Khouzami
Fitch Avenue Ltd. Partnership
Location: W/S Rollingview Avenue, 825' SW of c/l of
Rossville Blvd.

Item No.: 256 Zoning Agenda: Meeting of 12/27/88

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.

() 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. Reinke
Planning Group
Special Inspection Division

NOTED &

APPROVED:

James E. Dyer
Fire Prevention Bureau

/11

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting: 2/14/89

District: 14th
Posted for: Samir Khouzami, Fitch Avenue Ltd. Partnership
Petitioner: Samir Khouzami, Fitch Avenue Ltd. Partnership
Location of property: 825' S/W of Rollingview Ave. & 825' S/W of c/l of Rossville Blvd.
Location of Sign: At corner of Rollingview Ave. & c/l of Rossville Blvd.
Remarks: As shown on site plan
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 20, 1989

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 16, 1989

NORTHEAST TIMES
THE JEFFERSONIAN

Publisher

PO09752

reg M35251

ca 89-350-A

plus \$74.86

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

FEB 8 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-350-A

825' S/W of c/l Rossville Blvd.

7832 Rollingview Ave. & 7832 Rollingview

14th Election District - 6th Councilmanic

Petitioner(s): Samir Khouzami (Fitch Ave. Ltd. Partnership)

HEARING SCHEDULED: FRIDAY, MARCH 3, 1989 at 2:00 p.m.

Variance to permit a window to tract boundary setback of 10 feet in lieu of the minimum 35 feet.

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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Samir Khouzami
Spellman, Larson & Associates, Inc.
File

Tracking System
Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Date: 15/12/89
Receipt: 059752
FEE: \$74.86
Identification Number: 89-350-A
Council District: 14th
Election District: 6th
Zip Code: 21204

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

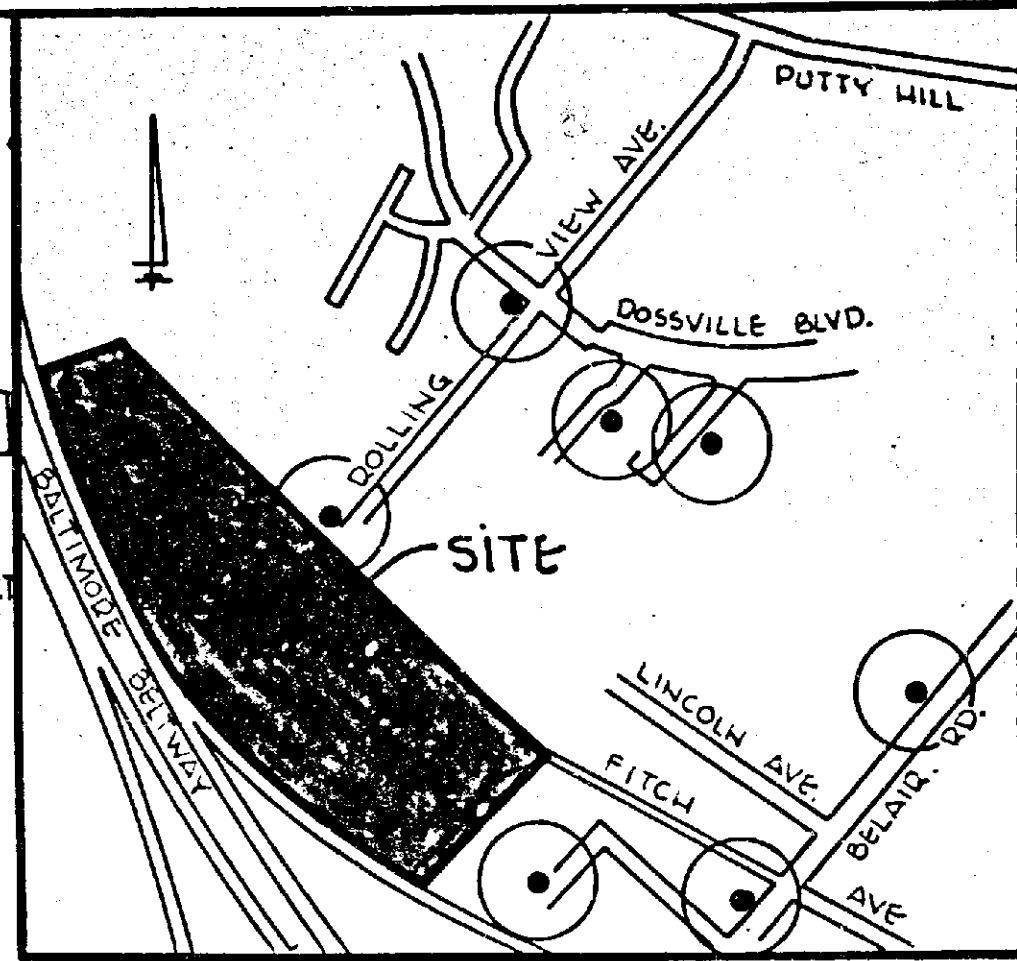
Date: 15/12/89
Receipt: 059752
FEE: \$74.86
Identification Number: 89-350-A
Council District: 14th
Election District: 6th
Zip Code: 21204

Petitioner: Khouzami (Last) Samir (First) (Middle Initial)
Property Address: Rollingview Green Lnd 142 (Number) (Street)

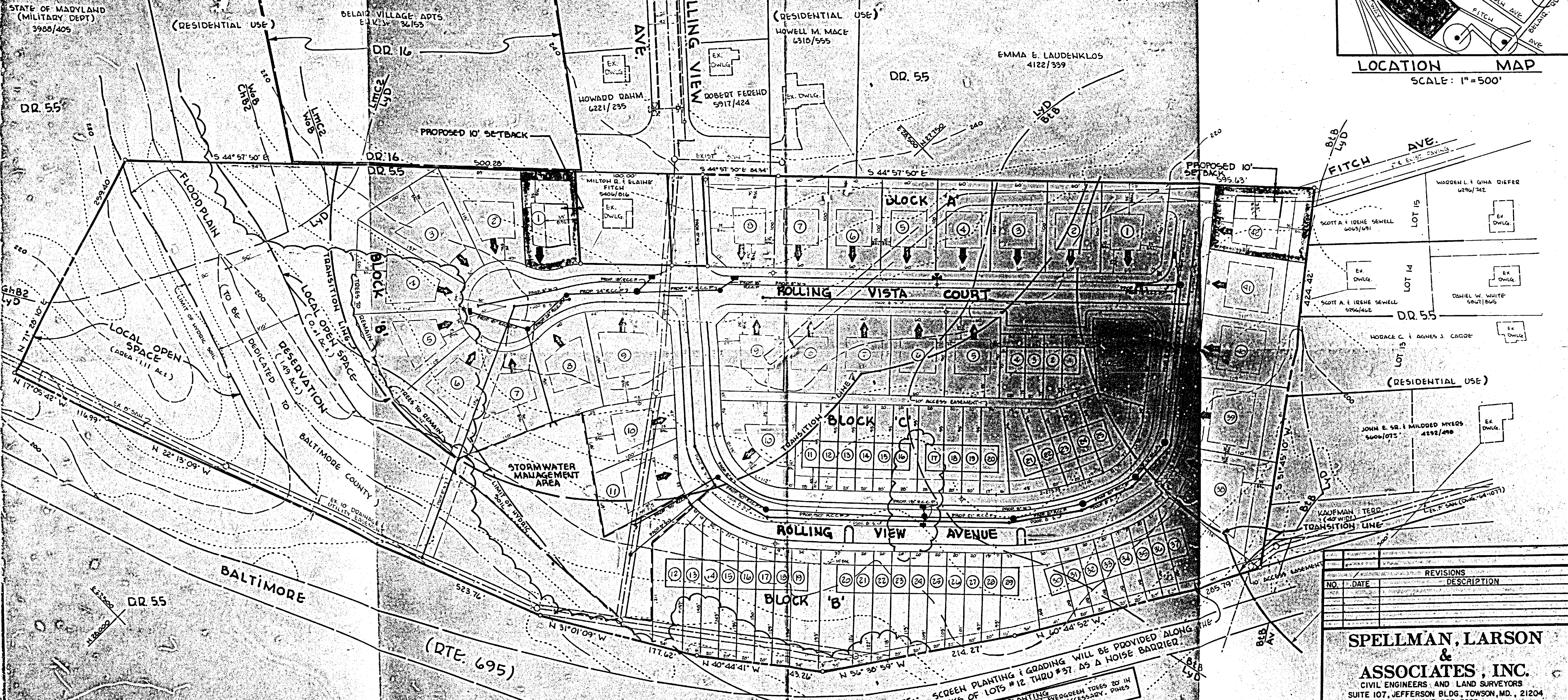
NOTE:
THIS ZONING PETITION
APPLIES ONLY TO LOTS
1 AND 42 BLOCK B.

GENERAL NOTES

1. SITE ACRES: 13.725 AC. ± (BY DEED)
NET: 11.229 AC. ±
2. EXISTING ZONING: DR. 55
PROPOSED ZONING: DR. 55
3. NUMBER OF DWELLINGS ALLOWED: 75 (13.725 x 55)
NUMBER OF DWELLINGS PROPOSED: 75
30 SINGLE FAMILY DWELLINGS
45 TOWNHOUSES
4. AREA OF LOT 1 BLOCK B: .15 AC. ±
AREA OF LOT 42 BLOCK B: .20 AC. ±
5. EXISTING UTILITIES LOCATED IN ROLLING VISTA
6. NOTE: DEVELOPER STILL OWNS ALL AT
THE LOTS IN THIS SUBDIVISION.
7. PLAT BOOK REFERENCE 55/77.



LOCATION MAP
SCALE: 1" = 500'



SOILS LIMITATION CHART				
SYM	SERIES	W/ BASEMENT	W/O BASEMENT	STREET & PARKING TYPE
BtB	BELTSVILLE	Moderate: Seasonally Perched Water Table	Slight	Moderate: Seasonally Perched Water Table
ChB2	CHILLUM	Slight	Slight	Moderate Slope
LmC2	LENOIR	Severe: High Water Table; Somewhat Poor Natural Drainage	Severe: High Water Table; Somewhat Poor Natural Drainage	
LyD	Loamy and Clayey Land	Severe: Subsoil Shrinkage; Instability	Severe: Subsoil Shrinkage; Instability	
WdD	WOODSTOWN	Moderate: Moderately High Water Table	Slight	Moderate: Moderately High Water Table; Slope

NOTE: SCREEN PLANTING & GRADING WILL BE PROVIDED ALONG THE BACKS OF LOTS #12 THRU #57 AS A NOISE BARRIER.

REFERENCE DRAWINGS
ROLLING VIEW AVE. SEWER 64-1078
64-1079
WATER 49-069

LANDSCAPE CALCULATIONS	
30 SINGLE FAMILY DWELLINGS @ 1 TREE PER UNIT	30 TREES
50% MAJOR DECIDUOUS	15
50% EVERGREEN	15
45 TOWNHOUSE DWELLINGS @ 1 TREE PER UNIT	45 TREES
50% MAJOR DECIDUOUS	23
50% EVERGREEN	22
MINOR DECIDUOUS	6

REVISIONS		
NO.	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

OWNER/DEVELOPER
FITCH AVE. LIMITED PARTNERSHIP
4 CROSS KEYS ROAD, SUITE F
BALTIMORE, MD. 21210
323-4617

PLAT TO ACCOMPANY ZONING PETITION
FOR LOTS 1 & 42 BLOCK B
"ROLLING VIEW GREEN"

14TH Election District Baltimore County, MD.
SCALE: 1" = 50'
DATE: DES. BY: JLL
DRN. BY: JMB
SHT. 1 OF 1