

IN RE: PETITION FOR ZONING VARIANCE
W/O of Bamnorough Court, 104.14
ft. N. of Beaconsfield Drive
4 Bamnorough Court
11th Election District
5th Councilmanic District
James R. Kitko, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a window to property line setback of 6 ft. in lieu of the required 15 ft. and to amend the last amended Final Development Plan of Nottingham Village, Section I, Phase 1 and 2, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, James R. Kitko, Jr., and Diane M. Kitko, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 4 Bamnorough Court, consists of .172 acres +/-, zoned D.R.16, and is currently improved with a single family dwelling.

The Petitioners testified that they are desirous of enlarging their current living room and dining room to provide more habitable space for their growing family. They testified that the proposed addition would have no outside entrance.

Testimony indicated that the Petitioners' neighbors have no objection to the proposed addition.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner,

the relief requested sufficiently complies with the requirements of Section 307.1 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 relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of January 1990 that a variance to permit a window to property line setback of 6 ft. in lieu of the required 15 ft. and to amend the last amended Final Development Plan of Nottingham Village, Section I, Phase 1 and 2, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day 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.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment.
3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection

of the subject property to insure compliance with this Order.

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

JCH/AM
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE 132
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-266-A

The undersigned, legal owner(s) of the property situated 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 V.B.6.b (C.M.D.P.) to permit a window to property line setback of 6 ft. in lieu of the required 15 ft. and to amend the last amended Final Development Plan of Nottingham Village, Section I, Phase 1 and 2.

Phase 1 and 2. The Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Relative size of dining room is restrictive to family usage. In order to extend room we have to infringe on right of way as dining room is at the end of the house. Alternative is moving which would impose financial difficulties on us and could create possible psycho-social trauma for our two teenagers who are happily placed in Perry Hall schools.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertisement, 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: James R. Kitko, Jr. (Type or Print Name)
Signature: [Signature]
Address: 4 Bamnorough Ct. (Type or Print Name)
City and State: Baltimore, Md.
Attorney for Petitioner: [Signature]
Address: [Address]
City and State: [City and State]
Attorney's Telephone No.: [Telephone No.]

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of January 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of February 1990, at 2:00 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Filed By JCH 10/17/89
Any Time or Day
5 hours - during time

Zoning Description
Beginning at a point on the west side of Bamnorough Court which is 50 feet right of way wide at the distance of 104.14 feet North of the centerline of the nearest improved intersecting street Beaconsfield Road which is 60 feet right of way wide. Being Lot #28, Block A, Section #1 in the subdivision of Nottingham Village as recorded in Baltimore County Plat Book #38, Folio #49, containing 7,500 square feet total. Also known as 4 Bamnorough Court and located in the 11th Election District.

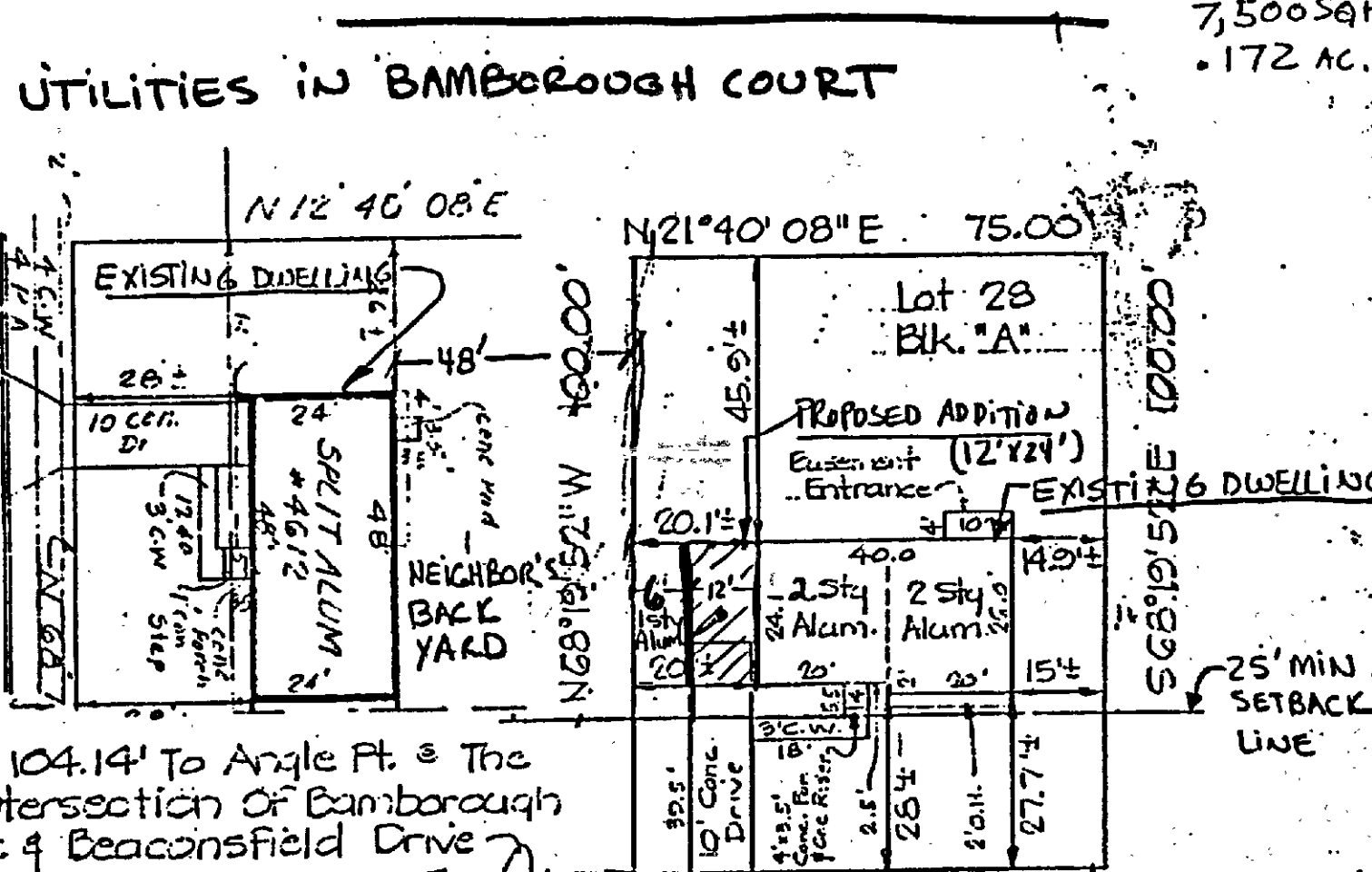
CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 7, 1989.

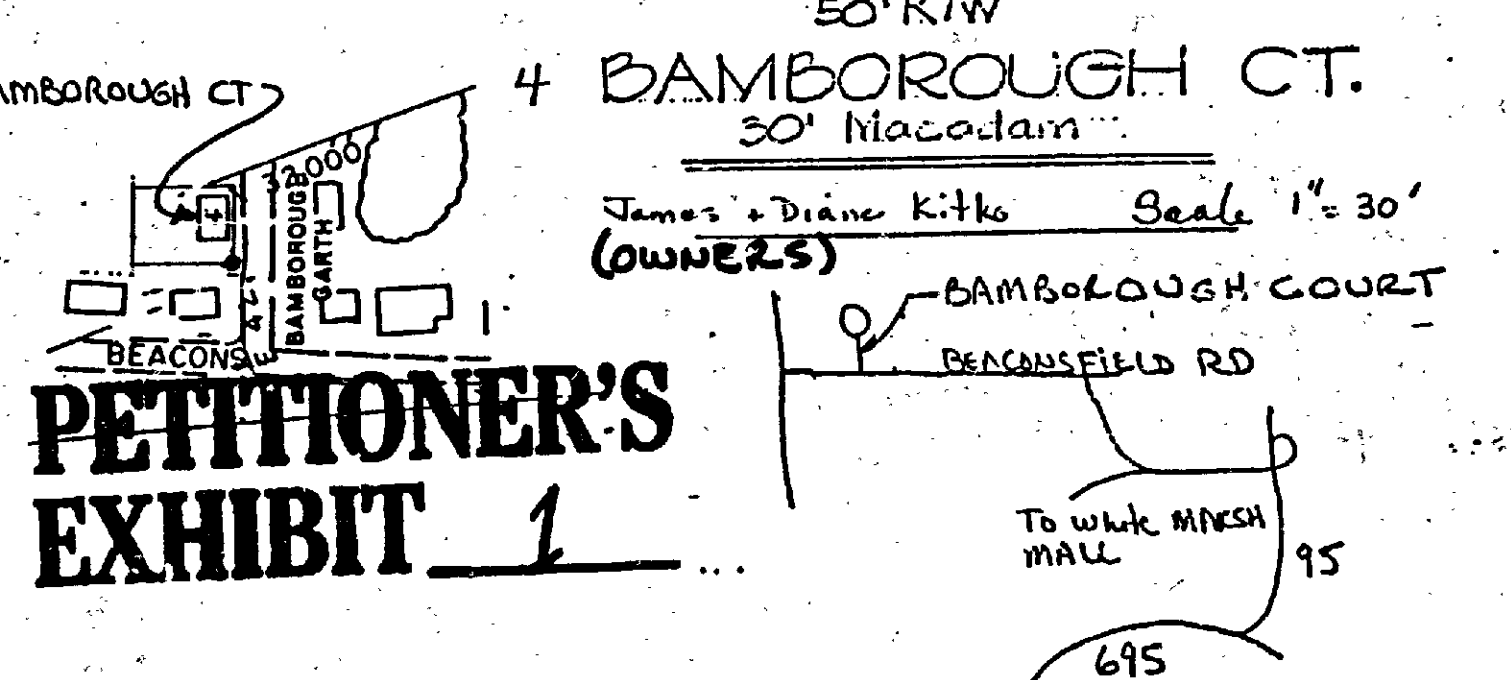
NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER
S. Zebe Olson
Publisher

#132 90-266-A

Survey of property known as #4 Bamnorough Court, also known as Lot #28 Block "A" as shown on Plat of "NOTTINGHAM VILLAGE" Area Four Section One and recorded among the land records of Baltimore County in Plat Book B.H.K., JR. #38 Folio #49. Election District 11, Precinct 2, Legislative District 8 Congressional District 2, County District 5. Zoned DR 16 PLAT FOR ZONING VARIANCE 7,500 SQ FT .172 AC.



104.14' To Angle Pt. & The Intersection of Bamnorough Ct & Beaconsfield Drive



James & Diane Kitko
(OWNERS)

PETITIONER'S EXHIBIT 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 7, 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 Dec 7, 1989.

THE JEFFERSONIAN
S. Zebe Olson
Publisher

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

November 30, 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 21204 as follows:
Petition for Zoning Variance
CASE NUMBER: 90-266-A
W/O of Bamnorough Court, 104.14' N of Beaconsfield Drive
4 Bamnorough Court
11th Election District - 5th Councilmanic
Petitioner(s): James R. Kitko, Jr., et ux
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 2:00 p.m.

Variance to permit a window to property line setback of 6 feet in lieu of the required 15 feet and to amend the last amended Final Development Plan of Nottingham Village, Section I, Phase 1 and 2.

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, materials may 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

JRH/g
cc: Mr. & Mrs. James R. Kitko, Jr.
File

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

DATE: _____
Mr. & Mrs. James R. Kitko, Jr.
4 Bamnorough Court
Baltimore, Maryland 21206

Re: Petition for Zoning Variance
CASE NUMBER: 90-266-A
W/O of Bamnorough Court, 104.14' N of Beaconsfield Drive
4 Bamnorough Court
11th Election District - 5th Councilmanic
Petitioner(s): James R. Kitko, Jr., et ux
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 2:00 p.m.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

DATE: 1-2-90
Account #001-4150
Number
No. 762
90-266-A

PUBLIC HEARING FEES
680 - POSTING SIGNS / ADVERTISING 1 x
LAST NAME OF OWNER: KITKO, JR. TOTAL: \$103.60

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 20, 1989

Mr. & Mrs. James R. Kitko, Jr.
4 Bamborough Court
Baltimore, MD 21236

RE: Item No. 132, Case No. 90-266-A
Petitioner: James R. Kitko, Jr., et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Kitko:

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE. ATTENTION JULIE WNIANSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
JAMES E. DYER,
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
DATE: December 12, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: James R. Kitko, Jr., et ux, Item 132
Zoning Petition No. 90-266A

The Petitioners request a variance to side yard setback requirements and site plan restrictions.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

November 9, 1989

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

RECEIVED
NOV 16 1989
ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 500, 131, 132, 133, 134, 135, 137, 138, 139, 140, and 141.

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

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2588
(301) 887-4500

Paul H. Reicks
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: James R. Kitko, Jr., et ux
Location: W/S of Bamborough Court
Item No.: 132
Zoning Agenda: 10/31/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1988 edition prior to occupancy.

REVIEWER: [Signature] 11-3-89 Noted and Approved
Planning Group
Special Inspection Division

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

J. Robert Haines
Zoning Commissioner

January 18, 1990

Mr. and Mrs. James R. Kitko, Jr.
4 Bamborough Court
Baltimore, Maryland 21236

RE: Petition for Zoning Variance
Case No. 90-266-A

Dear Mr. and Mrs. Kitko:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

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

J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this 1st day of November, 1989.

J. Robert Haines
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: James R. Kitko, Jr., et al
Petitioner's Attorney:

70-266-A

[illegible][illegible]

Diagram illustrating the structure of a bridge with two spans and a central pier. The spans are labeled "SPAN" and the central support is labeled "PIER". The diagram is labeled "HEIGHT OF SPAN" and "PIER".

[illegible][illegible]

EXHIBIT "A"
APPROVED BY: PLANNING
5/19/77 BOARD

[illegible]

KENNETH A. K. GORD
Registered Nurse, License #74
VIA MANAGER, 2072 AFF, 4 25
Baltimore, Maryland
Baltimore, Maryland 21202

OFFICE OF PLANNING AND ZONING
APPROVED BY

Director of Planning and Zoning

Date

Zoning Commissioner

Date

WH TEMARSH JOINT VENTURE
ATTN: HARRY BLAKE JR.
PRINCE GEORGE
OWNER AND DEVELOPER
02 W. Parkway
Towson, Md. 21204