This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 2214 Tall Pines Court, located in the Chalfonte area of western Baltimore County. The Petition was filed by the owner of the property, K.V.N. Construction, Inc., by Kevin Kaler, President. The Petitioner seeks relief from Section 1801.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 13 feet in lieu of the minimum required 25 feet for a proposed dwelling in accordance with the plat submitted into evidence as Petitioner's Exhibit 1

Appearing on behalf of the Petition were Kevin Kaler, property owner, David Billingsley with Central Drafting and Design, Inc., the engineering firm that prepared the site plan of the property, and Douglas Burgess, Esquire, attorney for the Petitioner. There were no Protestants

Testinony presented revealed that the subject property consists of 0.1734 acres, more or less, split zoned D.R. 5.5 and D.R. 3.5, is located within the subdivision of Rockwell Estates and is presently unimproved. The Petitioner is desirous of developing the property with a single family dwelling and attached two-car garage. Due to the irregular shape of the lot and topography of the land, the requested variance is necessary in

order to develop the lot as proposed. Specifically, the northwest corne of the proposed dwelling is located 13 feet from the front property line, and as a result, a variance is necessary. Testimony indicated that the portheast corner of the dwelling will be 37 feet from the front property An area variance may be granted where strict application of the

rousing regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 203 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

such use as proposed will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented

of the land due to the special conditions unique to this particular parcel In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

public hearing on this Petition held, and for the reasons given above, the variance requested should be granted

Baltimore County this 11th day of May, 1994 that the Petition for Variance seeking relief from Section 1801.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 13 feet in lieu of the minimum required 25 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the

Pursuant to the Zoning Plans Advisory Committee comments dated April 4, 1994 from the Developers Engineering Section of the Department of Public Works, the Petitioner must execute a use-in-common agreement for Lot 18 to permit access to the 16-foot common drivews; shared by lots 15, 16 and 17.

KUN Cors truction Ina 2214 Tall Pour Gh 5/015 306'54/A was a se facine red by an paper & being south CERTIFICATE OF PUBLICATION TOWSON, MD., Opiel, 1994

THIS IS TO CERTIFY, that the annexed advertise hed in THE JEFFERSONIAN, a weekly new in Towers, Baltimore County, Md., once in each of \_\_\_ weeks, the first publication appearing on march 31, 19 94.

 whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdencement. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

It is clear from the testimony that if the variance is granted.

it is clear that practical difficulty or unreasonable hardship will result enditions exist that are peculiar to the land or strucwhich is the subject of this variance request and that the require ments from which the Petitioner seeks relief will unduly restrict the use

Pursuant to the advertisement, posting of the property, and

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner fo

The Fetitioners may apply for their building permit and be granted same upon receipt of this Order; however, Fetitioners are hereby made sware that pro-ceeding at this time is at their own risk until such line as the Jordey appoilate process from this Order is has expired. If, for whetever reason, this Order is nevermed, the relief granted berein shall be rescinded.

3) When applying for a building permit, the site plan filed must reference this case and set forth and



This Person shall be filled with the Office of Zooling Administration a Diversional Activities that the consistence (and conserved the personny shall be filled on Court and which is described in the described part from the part from the strain Section (s) and make a part french hereity person for a Valence horn Section (s) and instead of the 1801.2C.1.b to permit a 13 Foot Front yard Instead of the required 25 Foot.

paccel drecapi

The irregular clope of the lot will not permit Construction of the proposed dwelling without the requested variance.

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

Leve, agree to play repress of above Variance adversing, posting, etc., upon filing of this petition, and further agree to and are to be hourd by the repoint graphical own destrictions of Editiment County despring providers on the Editiment County despring providers on the Editiment County.

	(the do naturally declare and after under the penulter of perjuly, that feer are the legal numeric of the property which is the subject of this Public.
Corner Purchase Laure	Sagar Co-martin
April 10 mag	K.Y.N. CONSTRUCTION, INC.
SQUA.	KEVIN KALER, PRESIDENT
Marie .	Class or Print Stands
1.,	tyan
Alternative for Publisher	
Page in Francisco	562 "A" Street 255-6902
topular .	Pasadene, Md. 21122
From the From Section	CENTRAL DRAFTING 5 DESIGN, INC. 501 CHARMOOD CT. EDGEWOOD, MD. 21040
_	CT CALUM CAL
Promoto man September 1	1 MINEWED SO JE W DAME 3-16-84

349

CENTRAL DRAFTING AND DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MARYLAND 21040 (410) 679-8719 FAX (410) 538-616

94-362-A

ZONING DESCRIPTION FOR 2214 TALL PINES COURT ELECTION DISTRICT 1 COUNCILHANIC DISTRICT 1

Beciming at a point on the southwest side of Tail Pines Court which is 50 feet wide at a distance of fouth 06' 34' 47' west 30' feet and Gouth 32' 32' 12' East 12 feet from the point Cornel by the intersection of the because the point Cornel by the intersection of the Court which is 30 feet wide, thence bening Lot 18 in the subdivision of Rochevil Estates as recorded in Baltimore County Piat Book 56, Folio 43. Containing 0.1734 acres of land more or less.



Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Toward MD 21204

(410) 897 4394

Douglas L. Burgess, Esquire 210 M. Pennsylvania Avenue, Suite 700 Towson, Maryland 21204

RE: PETITION FOR VARIANCE SM/3 7mll Pines Court, 306' SE of the c/l of Piney Brook Court 1221 Fml Pines Court at Councilment District K.V.N. Construction, inc. - Petitioner Case No. 94-362-A

Enclosed please find a copy of the decision rendered in the bowe-captioned matter. The Pelition for Variance has been granted in coordance with the attached order.

In the event any party finds the decision rendered is unfewer-able, 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 growing an appeal, please contact the Zoning Administration and Development Management of the on 100-130;

Very truly yours, luithe Rotroso

cc: Mr. Kevin Kaler, President, K.Y.N. Construction, Inc 583 "A" Street, Panadena, Md 21133

Mr. David Billingsley, Central Drafting & Design, Inc. 601 Charwood Court, Edgewood, Md. 21040

VARIANCE: (010)

POSTING. (OFO)

KUN CONSTRIN INC By. KELIN KALER, PRES.

- 2214 TALL Pics CE 50.00

35.00 85.00

(410) 887-3353

CONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

<u>Battience County Zening Regulations</u> require that notice be given to the general public/seighboring reporty owners relative to property which is the subject of an upwening zoning hearing. For these pellitons which is the subject of an upwening zoning hearing. For these pellitons as into the property and placement of a notice in at least one newspaper of peneral irregulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied, However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE HADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the line of faling.
- 2) Silling for least abortising, due upon receipt, will come from and should be remitted directly to the newspaper. SCS-TANNEST OF ACCUSTIBING FIRST WILL STAN INSURED TO CONSIST ORDER.
  ASSOLD JARLON, TERRITOR

For newspeper advertiging: 11en No.: 349 Petitioner: KUN COLSTEN ILL

Location: 2214 TALL Piers CL PLEASE FORWARD ADVERTISING BILL TO: MARE CEARDS DEAFTING DESIGN, INC.

MODRESS: 601 Channes Ct Locusion, Md. 21040 \* PHONE NUMBER: 674- 1719

BALTIMORE COUNTY. MARYLAND
INTEROFFICE COPRESPONDENCE

TO: Arnold Jablon, Director DATE: April 4, 1994
Zoning Administration and Development Hanagement

The Developers Engineering Section has reviewed the subject zoning item. A use-in-common agreement must be made for Lot #18 (House #2214) to allow access to the 16-foot common driveway.

Zoning Advisory Committee Meeting for April 4, 1994 Item No. 349

FROM: Robert W. Bowling, P.E., Chief Developers Engineering Sectio

RWR - au

MUST BE SUPPLIED

NOTICE OF HEARING

The Loning Commissioner of Baltimore County, by outbority of the Zoning Act and Regulations of Baltimore County, will hold a public bearing on the property identified bearin in Acom 106 of the County Office building, 111 M. Chespende Areas in Townson, Maryland 21204

or Rosm 118, Old Courthouse, 400 Mashington Avenue, Touson, Maryland 21204 as follows

CASE MEMBER: 94-MG-4 (Hom S4r)
2214 Tall Fines Court
2214 Tall Fines Court, 206' SE of c/l Fines Brock Court
int Election District - Int Councilments
Publicance(s): E.V.B. Countraction, Inc.
REALEMENT TREASE, Public 26, 1944 0-900 a.m., No. 118 Old Courthouse.

Variance to permit a 13 foot front yard instead of the required 25 feet.

NOTES: (1) MEANINGS ME HANDICHPED ACCESSIBLE; FOR SPECIAL ECONOMINATIONS PLANS CALL 807-3353.

(2) FOR INCOMPATION CONCRETED THE FILE MEDICA MEASURE, PLANSE CALL 807-3391.

Baltimore County Governme Office of Zoning Administrati

NOTICE OF HEARING The Louing Comminatoner of Buildance County, by authority of the Zoning Act and Sequinations of Buildance County, will hold a public hearing on the property identified herein in Boom 106 of the County Coffice Building, 111 Nr. Chemagenia Pursue in Tomouro, Maryland 21204

or Boom 118, Old Courthouse, 400 Washington Avenue, Townson, Maryland 21204 as follows: COT WINES - DA. W.S. & (Now 143)

CASE ECONOMI: 94-30-4 (Item 349)
2214 Tall Pines Court
SM/S Tall Pines Court, 306' SE of c/l Piney Brock Court
let Election District - let Councilannic Petitioner(s): E.V.M. Construction, Inc.
swarms: Turner, New I. W. 1994 at 9:00 a.m., Re. 115 014 Courthouse. Variance to permit a 13 foot front yard instead of the required 25 feet.

111 West Chesapeake Avenue Towson, MD 21204

BMCI 24, 1991

-

HOTES: (1) ROBERS SIGN 6 FOOT MUST BE RETURNED TO DM. 104, 111 W. CHEMPHARE ROWSER ON THE HEMBELD CATE.

(2) MEASURES AND REMODELEPTED ROCKSSIELE, FOR SPECIAL RECOMPROPERIES FLASS CALL SET-3355.

(3) FOR IMPORATION CONCELLED TO FIT LE RADICS MARKEDS, CONTRACT THIS OPTICS AT 887-3357.

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

April 15 1994

Baltimore County Go Office of Zoning Adr

Mr. Kevin Kaler, President K.V.N. Construction, Incorporated 583 "A" Street Pasadena, Maryland 21122

RE: Case No. 94-362-A, Item No. 349 Petitioner: K.V.N. Construction, Inc. Petition for Variance

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the slower referenced patition. The attached comments from the zoning action repeated, but to ensure that all parties, i.e., zoning commissioner, attorney and/or the patitioner, are made searce of plans or commissioner, attorney and/or the patitioner, are made searce of plans or commissioner, attorney and/or the patitioner, are made searce of plans or commissioner, attorney and/or the patitioner.

Enclosed are all coments substitute thus fur from the members of 3Act offer or request information on your patition. If additional community of the substitute of the substitu

The following comments are related only to the filing of future zoning petitions and are simed at expediting the petition filing process with this office.

The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliatnary review by zoning personnel.

Maryland Department of Transportation State Highway Administration

Ms. Charlotte Minton

Zoning Administration and

Development Management County Office Building

3-26-94

Re: Baltimore County
Item No.: 2 349 (TCM)

111 W. Chesapeake Avenue Towson, Maryland 21204 This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Bob Small DAVID N. RAHSEL, ACTING CHIEF

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

April 6, 1994

J. Lawrence Pilson D. Depres SUBJECT: Zoning Item #349 - Lot 18 Rockwell Estates 2214 Tall Pines Court Zoning Advisory Committee Meeting of March 28, 1994

. Arnold Jablon, Director

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

This site must comply with Article I, the Forest Conservation Act. Be advised that the minimum residential setback from the Forest Conservation Reservation is 35'. An administrative variance must be requested and approved to relax this setback design standard.

Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105 RE: Property Owner: SEE PELON LOCATION: SEE BELCH

Director Zoning Administration and

700 East Joppa Road Suite 901

Item No.: SEE BELOW

Arnold Jablon

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



DATE: 09/94/06

REVIEWER: LT. ROBERT P. SAJERMALD Fire Prevention, PHONE 887-4881, HS-1102F

Mailing Address: P.O. Box 717 - Baltimore, MD 21293-0717 Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

JLP:MK:sp ROCKWELL/DEPRM/TXTSBP

TO:

母\_

Zonina Agenda:



