

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
Cur. NS Goldenwood Rd., W/S * ZONING COMMISSIONER
Tarpleys Circle, 1000' N of *
Deleage Rd., Kenwood Park * OF BALTIMORE COUNTY
14th Election District *
6th Councilmanic District * Case No. 94-381-A
Willow Hill Ltd. Partnership
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Zoning Variance for the proposed subdivision known as Kenwood Park, located in the Kenwood section of Baltimore County. Blanket variance relief is requested for all 116 lots in this proposed townhouse community. In sum, the nature of the variances requested relate to required distances between side building faces, the required depth of porch and deck projections into the rear yards of the individual lots, and the length of building extensions into the rear yards.

The specific variances requested are as stated on Attachment A to the Petition. They are as follows:

1. From Section 301.1.A. and V.B.6.b. of the Baltimore County Zoning Regulations (BCZR) and the Comprehensive Manual of Development Policies (CMDP) to permit a deck to side property line as close as 4.5 ft. in lieu of 11.25 ft.;
2. From Section 301.1.A, V.B.6.b. and V.B.5.a. to permit a deck to rear property line or tract boundary as close as 10 ft., in lieu of 11.25 ft. or 26.25 ft.;
3. From Section 504.2 and V.B.3.b. to permit a distance between buildings at 20 ft. in lieu of 40 ft.;
4. From Section 504.2 and V.B.5.a. to permit window to tract boundary distances at 25 ft. and 30 ft. in lieu of 35 ft.;

5. From Section 504.2 and V.B.6.a. to permit a 15 ft. window to proposed R/W setback in lieu of 25 ft.;
6. From Section 504.2 (V.B.6.b.) to permit a 10 ft. window to property line setback in lieu of 15 ft.; and,
7. From Section 504.2 (V.B.6.c.) to permit a 20 ft. distance between windows in lieu of 40 ft.

All of the relief requested is more particularly shown on the site plan, submitted as Petitioner's Exhibit No. 1. This plan was submitted at the public hearing held on this case and was prepared by Thomas A. Church, Professional Engineer. The 3 page site plan clearly depicts the subject property, the proposed residential development thereon and provides an itemization of the variances required for each lot. That site plan and the information thereon is hereby referenced and incorporated herein.

The uncontradicted testimony and evidence presented in this case provided by Thomas E. Carski, a partner of Kenwood Park Joint Venture, property owners. The site is owned by that partnership which proposes residential development as outlined above.

As noted above, 116 townhouse units are proposed. The site is comprised of approximately 33.695 acres and is split zoned D.R.3.5 and D.R.5.5. The predominant zoning is D.R.5.5 (31.847 acres) with but a small portion of D.R.3.5 (1.848 acres). As is the case with all petitions for variance filed with this office, the Petition and plan underwent the review of the Zoning Plans Advisory Committee (ZAC). That committee, which is comprised of numerous agencies within the County, reviewed the Petition and provided this Zoning Commissioner with written comment therein. A comprehensive comment was offered by the Office of Planning and Zoning (OPZ). I have reviewed that comment and concur with many of the

conclusions therein. The blanket variances which are requested are clearly appropriate in this instance. They will allow the applicant to develop in an esthetically pleasing manner which will be attractive to potential buyers. In fact, Mr. Carski observed at the public hearing that focus group meetings were held by his company to ascertain the desires of the potential market. These meetings clearly showed that potential buyers prefer windows, porches, garages and other amenities which would not be allowed if strict adherence to the relevant provisions of the BCZR and CMDP were observed. Within OPZ's comment, staff recommends approval of the requested variances to promote greater variation and architectural design and esthetically pleasing development.

Although OPZ recommended approval of the subject variances, they suggested that certain restrictions be imposed. One of the restrictions requests that OPZ be afforded the opportunity to review proposed building elevations to ensure that the conceptual elevations and building footprints shown are used. I will incorporate that restriction in my order in that same is appropriate.

The second requested restriction is that a small tot lot for use of the residents be provided to help compensate for loss of some of the private yard areas which are generally used for active use. I decline to incorporate such a restriction. My decision in this respect is based largely on the fact that the Shady Springs Elementary School is immediately next to this property. That site offers a large amenity area which will, no doubt, be used utilized by the residents of this community. A small tot lot does not seem necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his

property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, 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, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING
Date 6/24/94
By Th. Pratt

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Date 6/24/94
By Th. Pratt

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 24th day of June, 1994 that a variance from Section 301.1.A. and V.B.6.b. of the Baltimore County Zoning Regulations (BCZR) and the Comprehensive Manual of Development Policies (CMDP) to permit a deck to side property line as close as 4.5 ft. in lieu of 11.25 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 301.1.A, V.B.6.b. and V.B.5.a. to permit a deck to rear property line or tract boundary as close as 10 ft. in lieu of 11.25 ft. or 26.25 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 504.2 and V.B.3.b. to permit a distance between buildings at 20 ft. in lieu of 40 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 504.2 and V.B.5.a. to permit window to tract boundary distances at 25 ft. and 30 ft. in lieu of 35 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 504.2 and V.B.6.a. to permit a 15 ft. window to proposed R/W setback in lieu of 25 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 504.2 (V.B.6.b.) to permit a 10 ft. window to property line setback in lieu of 15 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 504.2 (V.B.6.c.) to permit a 20 ft. distance between windows, in lieu of 40 ft., be and is

hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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 Office of Planning and Zoning shall be afforded the opportunity, prior to the issuance of building permits, to review proposed building elevations to ensure that the conceptual elevations and building footprints shown are used.

LES/mm

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/24/94
By Th. Pratt

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 23, 1994

Thomas E. Carski
Partner
Willow Hill Ltd. Partnership
514 Hampton Lane
Towson, Maryland 21204

Mr. Thomas A. Church
Professional Engineer
Development Engineering Consultants, Inc.
6603 York Road
Baltimore, Maryland 21212

RE: Case No. 94-381-A
Petition for Variance
Kenwood Park
Willow Hill Ltd. Partnership, Petitioner

Gentlemen:

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

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mm
att.

Printed on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at KENWOOD PARK

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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(s)
SEE ATTACHMENT A.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
TO INCREASE THE APPEAL OF THIS DEVELOPMENT AS REQUESTED BY MEMBERS OF THE SURROUNDING COMMUNITY. THESE VARIANCES WOULD ALLOW FOR A LARGER MORE TRADITIONAL HOUSE STYLE WHICH WILL UPGRADE THE VALUE OF COMPARABLE HOUSES IN THE AREA.

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.

Contact Person/Owner	Legal Owner(s)
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City	City
State	State
Zipcode	Zipcode
Attorney for Petitioner	Attorney for Petitioner
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City	City
State	State
Zipcode	Zipcode
Phone No.	Phone No.
Office Use Only	Office Use Only
ESTIMATED LENGTH OF HEARING	ESTIMATED LENGTH OF HEARING
1 hr.	1 hr.
ALL	ALL
OTHER	OTHER
REVIEWED BY	REVIEWED BY
DATE	DATE
3/28/94	3/28/94

94-381-A

KENWOOD PARK
PETITION FOR VARIANCE
ATTACHMENT A

- 301.1.A. & V.B.6.b. to permit a deck to side property line as close as 4.5' in lieu of 11.25'.
- 301.1.A, V.B.6.b & V.B.5.a. to permit a deck to rear property line or tract boundary as close as 10' in lieu of 11.25' or 26.25'.
- 504.2 & V.B.3.b. to permit a distance between buildings at 20' in lieu of 40'.
- 504.2 & V.B.5.a. to permit window to tract boundary distances at 25' & 30' in lieu of 35'.
- 504.2 & V.B.6.a to permit a 15' window to proposed R/W setback in lieu of 25'.
- 504.2.(V.B.6.b) to permit a 10' window to property line setback in lieu of 15'.
- 504.2(V.B.6.c) to permit a 20' distance between windows in lieu of 40'.

NOTE: For Lot Specifications see the "Site Plan to Accompany Petition for Zoning Variance of Kenwood Park".

ZONING DESCRIPTION
FOR
KENWOOD PARK

ZONING DESCRIPTION FOR KENWOOD PARK-ADJACENT TO GOLDENWOOD RD.
(address)
Election District 14 Councilmanic District 6
Beginning at a point on the WEST side of GOLDENWOOD
(north, south, east or west)
ROAD which is 60 FEET
(street on which property fronts) (number of feet of right-of-way width)
wide at a distance of 1,000 FEET, MORE OR LESS, NORTH of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street DELEGGE ROAD
(name of street)
which is 60 FEET wide. *Being Lot # 1 THRU 119
(number of feet of right-of-way width)
Block N/A, Section # N/A in the subdivision of
KENWOOD PARK as recorded in Baltimore County Plat
(name of subdivision)
Book # 64, Folio # 143, 144 & 145, Containing
1,467,754 S.F. OR 33.695 ACRES, MORE OR LESS.
(square feet and acres)

#366

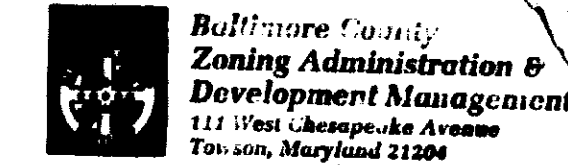
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 4/22/94
Posted for: Variances
Petitioner: Willow Hill Limited Partnership
Location of property: Kenwood Park Co./M-614, W/L Rds, 4/6
Tarpleys Circle
Location of Sign: Along road way, on property, large sign
Remarks:
Posted by: M. J. J. Date of return: 4/24/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 15, 1994
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 April 14, 1994.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON



receipt
94-381-A

Date: 3/28/94
WILLOW HILL LTD PART. -
Kenwood Park Subdivision
- 070 - Met. Int. Review - \$ 650.00
- 080 - 1 sign - \$ 35.00
\$ 685.00

Please Make Checks Payable To: Baltimore County

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation 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 MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl J. J.
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 366
Petitioner: Willow Hill Ltd. Partnership
Location: Corner of N/S of Goldenwood Rd, w/s of Tarpleys Circle - "Kenwood Park"
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Willow Hill Ltd Partnership, Attn: Tom Carski
ADDRESS: 514 Hampton Lane
Towson, MD 21204
PHONE NUMBER: (410) 686-1776

AJ:ggg (Revised 04/09/93)

TO: POTOMAC PUBLISHING COMPANY
April 14, 1994 Issue - Jeffersonian

Please forward billing to:

Willow Hill Ltd. Partnership
514 Hampton Lane
Towson, Maryland 21204
Attn: Tom Carski
686-1776

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-381-A (Item 366)
Kenwood Park
Corner NE Goldenwood Road, W/S Tarpleys Circle, also
1000' N of Delege Road
14th Election District - 6th Councilmanic
Petitioner(s): Willow Hill Limited Partnership
HEARING: MONDAY, MAY 9, 1994 at 9:00 a.m., Rm. 118, Old Courthouse.

Variance to permit a deck to side property line as close as 4.5 feet in lieu of 11.25 feet; to permit a deck to rear property line or tract boundary as close as 10 feet in lieu of 11.25 feet or 26.25 feet; to permit a distance between buildings of 20 feet in lieu of 40 feet; to permit window to tract boundary distances of 25 feet and 30 feet in lieu of 35 feet; to permit a 15-foot window to proposed right-of-way setback in lieu of 25 feet; to permit a 10-foot window to property line setback in lieu of 15 feet; and to permit a 20-foot distance between windows in lieu of 40 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 8, 1994

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-381-A (Item 366)
Kenwood Park
Corner NE Goldenwood Road, W/S Tarpleys Circle, also
1000' N of Delege Road
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Carl J. J.
Arnold Jablon
Director

cc: Willow Hill Limited Partnership
Development Engineering Consultants, Inc.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 2, 1994

Mr. Thomas E. Carski, Partner
Willow Hill Limited Partnership
514 Hampton Lane
Towson, Maryland 21204

RE: Case No. 94-381-A, Item No. 366
Petitioner: Willow Hill Limited Partnership
Petition for Variance

Dear Mr. Carski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 March 28, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed 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 feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 1366 (MJK)

Dear Ms. Minton:

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 Administration project.

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

Thank you for the opportunity to review this item.

Very truly yours,

DAVID N. LARSEN, ACTING CHIEF
John Contessabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

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

April 19, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
FROM: J. Lawrence Pilson
Development Coordinator, DEPRM
SUBJECT: Zoning Item #366 - Kenwood Park
Zoning Advisory Committee Meeting of April 11, 1994

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

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:KK:sp

KENWOOD/DEPRM/TXTSBB

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/12/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners:

LOCATION:

Item No.:

Zoning Agenda:

Commitment:

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.

8. The Fire Prevention Bureau has no comments at this time. It REFERENCE TO THE FOLLOWING ITEM NUMBERS: 366, 367, 369, 370, 371 and 375.

RECEIVED
APR 19 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 387-4891, MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM
FROM: Pat Keller, Deputy Director
Office of Planning & Zoning
SUBJECT: Kenwood Park
DATE: April 20, 1994

INFORMATION:
PROJECT: Kenwood Park
CRG XIV-100 Approved January 19, 1994
ITEM NO: 366
APPLICANT: Willow Hill Ltd. Partnership
514 Hampton Lane
Towson, MD 21204
LOCATION: This project is located on the southwest of the intersection of I-695 (Baltimore Beltway) and I-95 (John F. Kennedy Highway). Access is obtained via Goldenwood Road.
PROPERTY SIZE: 33.6952 acres (gross)
ZONING: DR 3.5 = 1.8482 acres and DR 5.5 = 31.8472 acres
DWELLINGS: Permitted: 181 Proposed: 116
REQUESTED ACTION: Variance to allow reduced building setbacks
HEARING DATE:

SUMMARY AND RECOMMENDATIONS:

The applicant is requesting 'blanket' variances to allow for reduced side yard setbacks and reduced rear yard setbacks. The purpose of the variances is to allow a more "traditional house style" than that which was originally contemplated when the CRG was approved.

The variances being requested can be best summarized as falling into 3 categories. The first category involves variances that would reduce the distances between side building faces. The applicant wishes to use the 20 foot side building separation presently required in the CMOP versus the old requirement which ranged between 18 feet and 40 feet (depending upon the height of adjoining structures and presence of windows). The purpose of this request is to use a standard setback so that the provision of windows and height of buildings will not necessitate in the creation of varying setbacks for each lot. The lot widths are simply too narrow to allow much flexibility once a building footprint has been selected.

366.ZAC/PZONE/ZAC1

Pg. 1

The second set of variances deals with porch and deck projections into the required yard areas. These types of projections cannot extend more than 25% into the required yard area. Given the fact that most decks usually extend at least 10 feet from the building, a minimum 40 foot rear yard would be required. The projection of porches into the front yard raises similar issues if decks were to be provided.

The third set of variances deals with buildings extending into the required rear yard area. Again this setback is variable under the old regulations, however, a window on the rear of the structure would necessitate in a 35 foot setback.

The Office of Planning and Zoning has met several times with the applicant. When the project was originally subdivided it was anticipated that modest homes would be placed on modest lots. The average lot size is approximately 60 feet by 85 feet. As the project proceeded with development, a series of "focus groups" were held with local residences (prospective buyers) to determine what types of building styles would appeal to the market. Based upon these preferences a particular building style was selected. The number of windows, and the architectural detail of this house style necessitated the request for variances.

The variances involving the distances between buildings is supportable based upon the extreme variation (18 feet to 40 feet) previously allowed. The height of structures and the presence of windows should not be the determining factor in the distances between the sides of buildings. The County is trying to encourage greater variation in architectural design and avoiding the use of blank walls.

The second set of variances dealing with decks and porches also transcends into the realm of architectural design. The intrusion of porches into the front should be viewed as a relief which adds diversity and interest to the street frontage. The provision of decks into the rear yard area where families enjoy private recreation should also be allowed. If a standard 30 foot rear yard is provided, a deck extending 10 to 12 feet into the yard area is acceptable.

Regarding the third set of variances dealing with rear yard setbacks, staff recommends that a minimum 30 foot rear yard be provided. Unless the rear yard area is highly designed with a privacy wall and landscaping, a standard 30 foot rear yard should be provided.

Based upon the Applicants request, staff recommends that variances for side yard setbacks, and porch and deck projections be APPROVED and that a minimum 30 foot rear yard setback be maintained. Those variances granted should be made subject to the following:

1. Prior to the issuance of building permits, the Office of Planning and Zoning shall review proposed building elevations to assure that the conceptual elevations and building footprints shown are those that are used.
2. A small lot-for use by the residents should be provided to help compensate for loss of some of the private yard areas which are generally used for active use.

Pat Keller
Pat Keller, Deputy Director

PK:bjs

366.ZAC/PZONE/ZAC1

Pg. 2

PETITION FOR VARIANCE : BEFORE THE
Kenwood Park, Corner NS Goldenwood : ZONING COMMISSIONER
Road, W/S Tarpleys Circle, also :
1000' N of Deleage Road, 14th :
Election Dist., 6th Councilmanic : OF BALTIMORE COUNTY
Dist. :
PETITIONER : CASE NO: 94-381-A
WILLOW HILL LTD. PARTNERSHIP : : : : :
: : : : :
ENTRY OF APPEARANCE

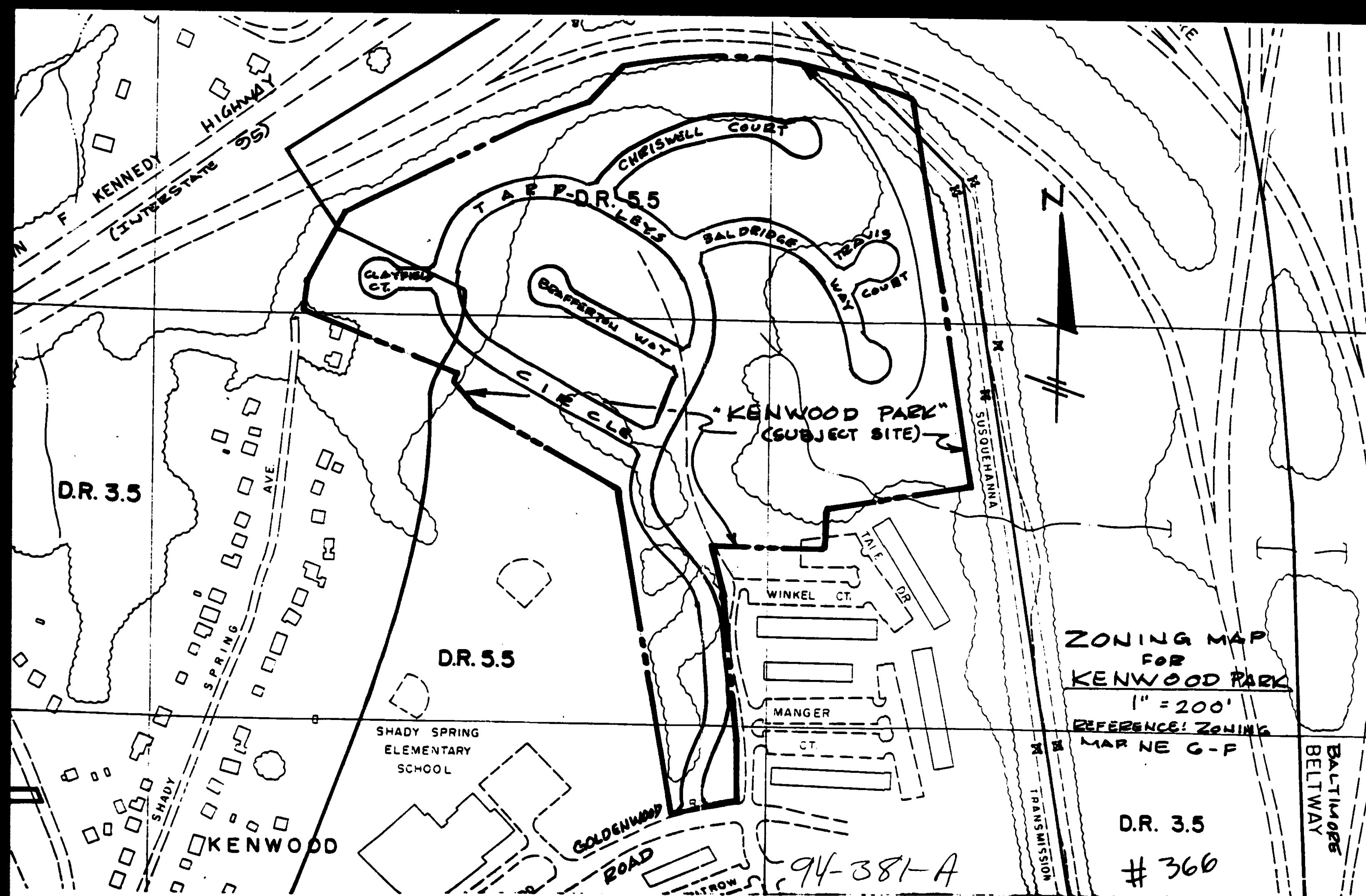
Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 4th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Development Engineering Consultants, Inc., 6603 York Road, Baltimore, MD 21212, Representative for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



SOILS - TYPES & LIMITATIONS		
TYPE	BUILDINGS W/ BASEMENTS	STREETS AND PARKING AREAS
B/C2	MODERATE/SEASONALLY FRESHENED WATER TABLE	SEVERE/SLOWS
LYB	SEVERE/SUBSOIL SHRINKAGE AND INSTABILITY	SEVERE/SUBSOIL SHRINKAGE AND INSTABILITY
S3	SLIGHT/POTENTIAL FOR GROUNDWATER	SLIGHT/POTENTIAL FOR GROUNDWATER

* DETERMINE THRU SOILS INVESTIGATION (HILL & CARNES, AUGUST, 1990)

SITE & DENSITY DATA

AREA OF SITE:

GROSS = 33.695 AC. ± NET = 33.56 AC. ±

EXISTING ZONING:

DR-3.5 = 1.848 AC. ±
DR-5.5 = 31.847 AC. ±

DENSITY CALCULATIONS:

ALLOWED - DR-3.5 1.848 AC. X 3.5 = 6.47 DWLG UNITS
DR-5.5 31.847 AC. X 5.5 = 175.16 DWLG UNITS
TOTAL ALLOWED = 181.63 DWLG UNITS

PROPOSED = 116 DWLG UNITS

PARKING CALCULATIONS:

REQUIRED - 116 UNITS X 2 P.S./UNIT = 232 SPACES
PROPOSED = 232 SPACES

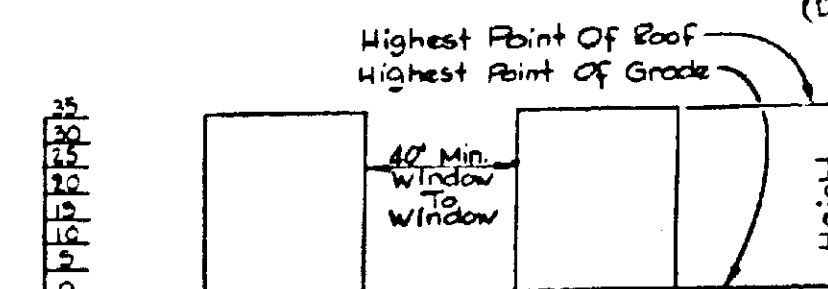
LOCAL OPEN SPACE CALCULATIONS:

REQUIRED - 116 UNITS X 650 S.F./UNIT = 75,376 S.F. ±
PROPOSED = 75,376 S.F. ±

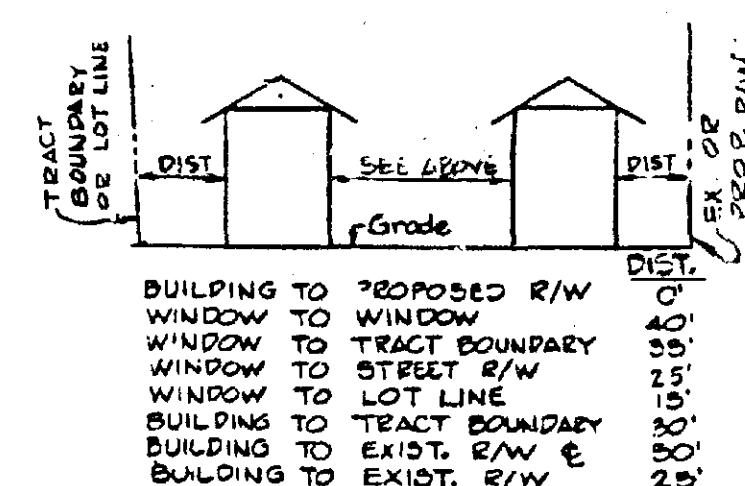
LAND USE:

EXISTING - ABANDONED BRICK CLAY QUARRY
PROPOSED - SINGLE FAMILY DEVELOPMENT

NOTE: ALL LOTS ARE FOR SALE

BOARD OF EDUCATION
OF
BALTIMORE COUNTY
5345/723
(04-5.5)

ABOVE GRADE ELEVATION OF HIGHEST POINT	MIN. HORIZONTAL DIST. TO VERTICAL PROJECTION OF POINT ON BUILDING NOT MUTUALLY ATTACHED
20 Feet Or Less	10 Ft.
More Than 20 Feet	20 Ft.
25' ± 30'	30 Ft.
30' ± 40'	40 Ft.
40' ± 50'	50 Ft.

MINIMUM HORIZONTAL BUILDING SEPARATION
Not To ScaleTYPICAL SETBACK REQUIREMENTS
Not To Scale

Design	3/23/90
Check	ADD 1ST AMENDMENT
DATE	REVISIONS

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD (410) 271-2600 BALTIMORE, MARYLAND 21212

THE PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERS SINCE 1973. NO PART OF THE GROUND AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN UTILIZED, EXCEPT AS REPRESENTED AS DENSITY TO SUPPORT ANY OTHER EXISTING DWELLING.

REASONS FOR 1ST AMENDMENT, MAR. 23, 1990
ADD SHEET 3 OF 3 TO SHOW LIST OF VARIANCES BEING REQUESTED

OWNER / DEVELOPER
KENWOOD PARK JOINT VENTURE
50 SHELTER GROVE COMMUNITIES, INC.
P.O. BOX 451
TIMONIUM, MARYLAND 21093
(301) 832-0020

C.R.G. PLAN APPROVED JAN. 19, 1990 #366
1ST AMENDED
FINAL DEVELOPMENT PLAN

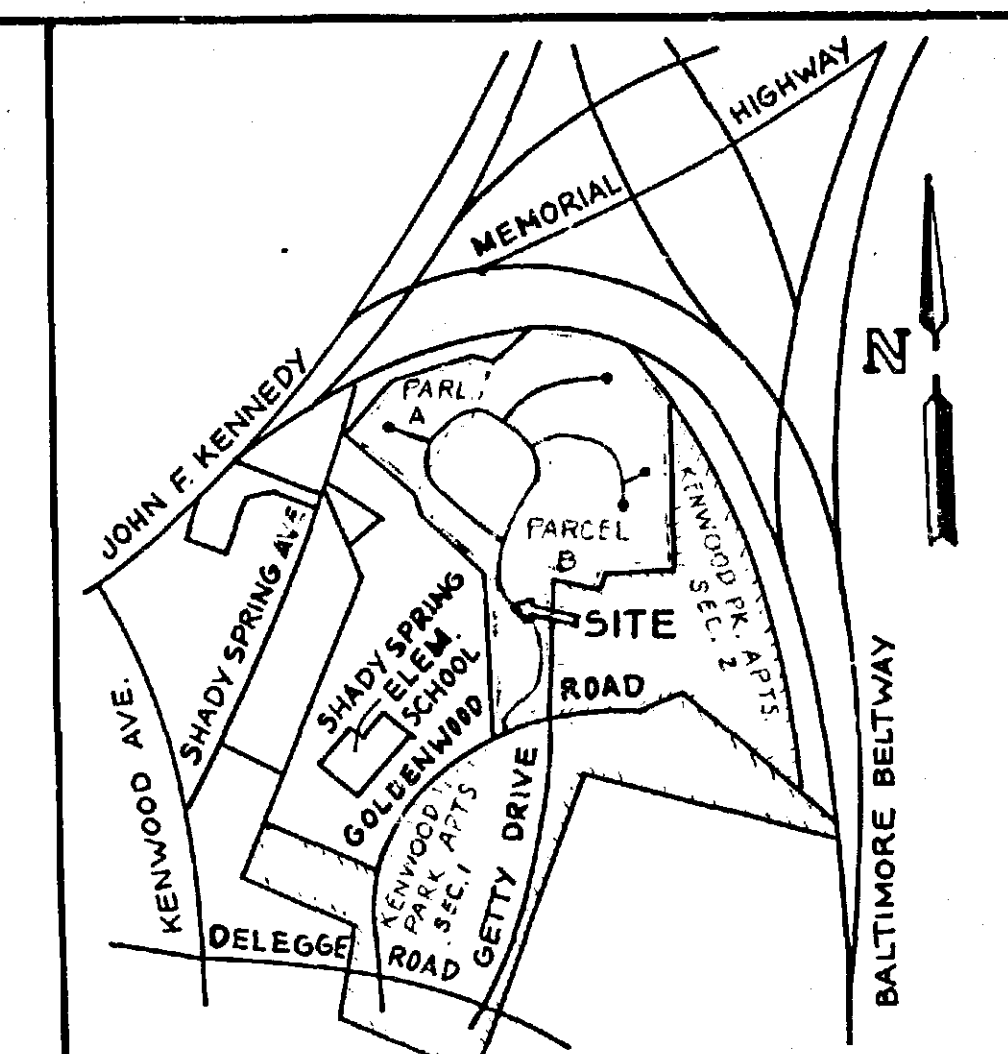
"SITE PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE OF KENWOOD PARK"

KENWOOD PARK

14TH ELECTION DISTRICT

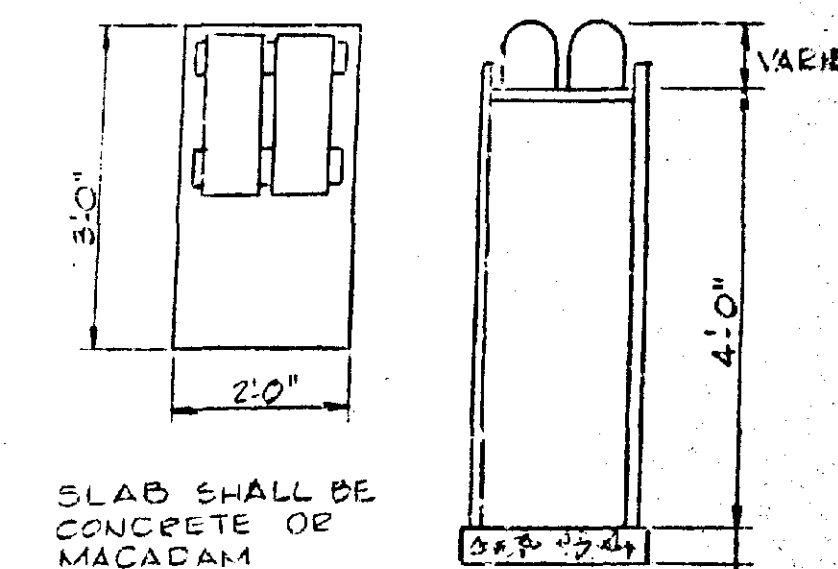
BALTIMORE COUNTY, MD.

SHEET	1	DATE	MAR. 23, 1990	CONTRACT	NUMBER
OF	3	SCALE	1" = 50'		90-114

VICINITY MAP
SCALE: 1" = 1,000'

LEGEND

---	EXISTING CONTOURS
---	PROPOSED CONTOURS
---	AVERAGE DAILY TRIPS
---	STREET LIGHTS
---	SOIL TYPE LINE
---	ZONING LINE
---	100 YR. FLOOD PLAIN
---	WETLANDS LINE (WETLANDS SIDE)
---	FIRE HYDRANTS
---	AREAS TO REMAIN FREE OF OBSTRUCTIONS FOR TRAFFIC SIGHT DISTANCE
---	EXISTING WOODS
---	EXISTING WOODS TO REMAIN

MAIL BOX PAD
DETAIL
NOT TO SCALE

OFFICE OF PLANNING
& ZONING
APPROVED BY:

DIRECTOR OF PLANNING DATE

DIRECTOR OF ZADM. DATE

