IN RE:	PETITION FOR ZONING VARIANCE S/S Malvern Avenue, 312'(+/-) W of c/l Charles Street 705 Malvern Avenue 9th Election District 4th Councilmanic District Robert T. Kleinpaste, et ux Petitioners	* * * * Petitioners	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 95-247-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 705 Malvern Avenue in the Ruxton area of Baltimore County. Variance relief is requested from Section 1B01.2.C.1.b. of the Baltimore County Zoning Regulations (BCZR) to allow a 16.59 ft. setback from the front building face to a property line in lieu of the required 25 ft. in a D.R.1 or D.R.2 zone. The requested relief and subject property are more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was Sandra S. Kleinpaste, co-Petitioner/property owner. Also appearing was Richard Truelove, a Registered Civil Engineer, who prepared the site plan. Alexander M. Guba, Jr., M.D., a neighboring property owner, also appeared in support of the Petition. Also present were Nancy W. Horst and Laurie S. Long from the Ruxton-Riderwood-Lake Roland Improvement Association.

Mr. Truelove introduced the site plan for this property which was accepted as Petitioners' Exhibit No. 1. That plan shows that the subject site is 1.641 acres in area and is split zoned D.R.1 and D.R.2. The parcel was originally part of a larger tract which has been subdivided through the minor subdivision process. Three single family lots have been created. The subdivision plan was submitted into evidence as Exhibit No. 2. In addition to the subject lot (lot No. 1), the subdivision plan

shows lot 2 (6.641 acres) and lot 3 (2.138 acres). An existing single family dwelling is situated on lot 2. Lots 1 and 3 are presently unimproved but are proposed for development. The entire tract is located on the southwest side of the intersection of Malvern Avenue and Charles Street.

Testimony and evidence presented shows that a significant portion of the entire site is unavailable for development because of a large area of forest buffer, wetlands/streams/floodplain and a drainage and utility easement. The constraints imposed by the natural features of the site have limited the area for a building envelope, particularly for lot 1.

Due to these constraints, the Petitioners propose a 2 story dwelling and attached garage to be located on lot No.1, as shown on the site plan. Vehicular access to this lot will be by way of a driveway leading from Malvern Avenue. The house and the attached garage form an "L" configuration. Due to this configuration, the front building line of the proposed garage is located 16.59 ft. from the property line. In that this distance is less than the 25 ft. required, the subject variance is requested.

Based on the testimony and evidence offered, I am persuaded that the variance should be granted. This is a clear case where the Petitioners have satisfied the standards under which variances must be considered as set forth in Section 307 of the BCZR. The Petitioners have clearly demonstrated that a practical difficulty would be suffered if the variance relief was denied. The unusual site constraints noted above present factors which are unique to this property which justify the variance. A denial of the variance would prohibit use of the lot for a permitted purpose, i.e., residential development. Moreover, there will be no detriment to the surrounding locale if the project moves forward.

Additional comments relating to the issues raised by concerned citizens and the County agencies which have reviewed the project are also appropriate. Ms. Horst and Ms. Long, on behalf of the Ruxton-Riderwood-Lake Roland Improvement Association expressed concerns relating to development as a whole in this area. They pointed out that there has been a significant amount of in-fill development in this area which exacerbates storm water management and runoff problems. Although appreciative of these concerns, they do not relate on the merits of the variance, per se. The narrow issue before me is whether the construction of the house less than 25 ft. from the property line is permissible, not whether development is appropriate. However, in considering this concern, the Zoning Plans Advisory Committee (ZAC) comment from the Department of Environmental Protection and Resource Management (DEPRM) is relevant. That agency indicates within their comment that forest buffer and forest conservation easements exist throughout this site. Under regulation, these areas must be left undisturbed. As a condition to the relief requested, I will require that the Petitioners observe the prohibition imposed by these regulations, as well as the protective covenant notes related to this property. Thus, only development as limited by the regulations and covenants will be allowed. Adherence to the conditions set forth in DEPRM's comment should alleviate any adverse impact upon the locale.

Concerns were also expressed by Ms. Horst and Ms. Long regarding the driveway and the site access from Malvern Avenue. Again, DEPRM has considered this issue. Within their ZAC comment, they have noted that the proposed driveway access has been approved. Apparently, DEPRM feels that access where shown on the site plan is most appropriate. That agency opines that the driveway's location respects the environmental sensitivity of the site. I will not set side DEPRM's findings.

It is also of note that the driveway will serve only this house, initially, with the potential extension of same to serve other two lots in this minor subdivision. There is no adverse comment from the Department of Public Works/Bureau of Traffic Engineering as to this arrangement. Moreover, it is of note that only a limited amount of traffic will be generated by the three residential lots. As importantly, this issue does not relate directly to the variance issue and the location of the house.

Lastly, a comment was received from the Office of Planning and Zoning regarding siting of the proposed houses. A review of the subdivision plan in conjunction with the site plan is instructive in considering this comment. The house on lot No. 1 will be oriented towards the southeast. The neighboring property (lot 2) owned by Dr. Guba and improved with an existing single family dwelling will be located a significant distance away and is buffered from the proposed dwelling by a line of trees and woods. Siting the house as shown on the plan is also consistent with the proposed development for lot 3. I am persuaded that the siting of the house on lot No. 1 is appropriate and presents a good arrangement for the entire subdivision.

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 13th day of March, 1995 that a variance from Section 1B01.2.C.1.b. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 16.59 ft. setback from the front building face to a property line, in lieu of the required 25 ft. in a D.R.1 or D.R.2 zone, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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 comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated February 7, 1995, attached hereto and made a part thereof.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING
Date 3/13/95
By M. Ford

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 9, 1995

Mr. and Mrs. Robert T. Kleinpaste
10 Goucher Woods Court
Baltimore, Maryland 21286

RE: Case No. 95-247-A
Petition for Zoning Variance
Property: 705 Malvern Avenue

Dear Mr. and Mrs. Kleinpaste:

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 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Alexander M. Guba, M.D.
Mrs. Nancy W. Horst
Mrs. Laurie S. Long

Petition for Variance

95-247-A

to the Zoning Commissioner of Baltimore County

for the property located at 705 Malvern Avenue

which is presently zoned DR-1 & DR-2

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) 1B01.2.C.1.b to allow a 16.59' distance from the front building face to a property line in lieu of the required 25 feet in a DR-1 or DR-2 zone.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) This is a large lot but is subject to extensive forest buffer setbacks. As a result, a house which is commensurate with the lot size, and with current design in home architecture, must be rotated such that the front of the house faces the side yard. Also, the driveway must be located on the side of the property due to steep slopes and the forest buffer. The preferred orientation for the front of the house is therefore towards the side yard.

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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Robert T. Kleinpaste
(Type or Print Name)

Signature

Sandra S. Kleinpaste
(Type or Print Name)

Sandra S. Kleinpaste
Signature

10 Goucher Woods Ct. 583-7275
Address Phone No

Baltimore, MD 21286
City State Zipcode

Name, Address and phone number of representative to be contacted.

Richard Truelove, P.E.
Name

28 E. Susquehanna Ave. 494-4914.
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE 1-9-95

#237

Zoning Administration & Development Management

Printed with Soybean Ink on Recycled Paper

RICHARD J. TRUELOVE P.E., INC.
CIVIL ENGINEER
28 EAST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21286
(410) 494-4914
FAX (410)-823-3827

95-247-A

ZONING DESCRIPTION

Beginning for the same at a point on the south side of Malvern Avenue, variable width, said point lying 312.63 feet from the centerline of Charles Street measured in a northwesterly direction along the centerline of Malvern Aveue and 31.17 feet in a southwesterly direction measured at a right angle to the centerline of Malvern Aveue; leaving said Malvern Avenue and running the following five courses and distances; south 08 degrees 50 minutes 12 seconds west 191.37 feet, south 59 degrees 27 minutes 44 seconds west 184.27 feet, south 85 degrees 49 minutes 00 seconds west 181.03 feet, north 23 degrees 44 minutes 00 seconds east 34.78 feet, north 27 degrees 59 minutes 00 seconds east 317.80 to the south side of Malvern Aveue, thence along the south side of Malvern Aveue south 79 degrees 35 minutes 53 seconds east 29.18 feet, and south 86 degrees 21 minutes 04 seconds east 177.20 feet to the point of beginning.

Containing 71,482 square feet, or 1.641 acres of land, more or less.

Being all of that property recorded in the land records of Baltimore County in Liber 10622 at Folio 560 . Located in the Ninth Election District, and Fourth Councilmanic District, of Baltimore County, Maryland. Also known as 705 Malvern Aveue.

January 6, 1995
letters\93002DES

STATE OF MARYLAND
RICHARD JOHN TRUELOVE
NO. 10330
REGISTERED
PROFESSIONAL ENGINEER

Richard John Truelove P.E.

237

95-247-A

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 9th Date of Posting: 2/3/95

Posted for: Variance

Petitioner: Robert & Sandra Mainpaste

Location of property: 705 Malvern Ave. S/S

Location of Signs: Facing Wood Way, on property being Zone 6

Remarks:

Posted by: M. Hetzly (Signature) Date of return: 2/10/95

Number of Signs: 1

MICROFILMED

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: #95-247-A
(Item 237)
705 Malvern Avenue
S/S Malvern Avenue, 312' +/- W of c/l Charles Street
9th Election District
4th Councilmanic
Legal Owner(s):
Robert T. Kleinpaste and Sandra S. Kleinpaste
Hearing: Tuesday, February 21, 1995 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow a 16.59' distance from the front building face to a property line in lieu of the required 25 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 File and/or Hearing, Please Call 887-3391.
2/037 February 2.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 3, 1995

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 3 successive weeks, the first publication appearing on Feb. 2, 1995.

THE JEFFERSONIAN,

G. Henrickson

LEGAL AD. TOWSON

Publisher

NICHOLS/MILL

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-247-A

Account: R-001-6150

Date 1-9-95

Item Number #237

Taken w/ [illegible]

Robt. T. Kleinpaste
705 Malvern Ave (site)

#010	Residential Variance filing fee	$50.00
#080	Sign & Posting	35.00
	Total	$85.00

MICROFILMED

[illegible]

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

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:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) 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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 237

Petitioner: ROBERT T. & SANDRA S. KLEINPASTE

Location: 705 MALVERN AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert T. Kleinpaste

ADDRESS: 10 Goucher Woods Court

Towson, MD. 21286

PHONE NUMBER: (410) 583-7275

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
February 1, 1995 Issue - Jeffersonian

Please foward billing to:

Robert T. Kleinpaste
10 Goucher Woods Court
Towson, Maryland 21286
410-583-7275

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: 95-247-A (Item 237)
705 Malvern Avenue
S/S Malvern Avenue, 312'+/- W of c/l Charles Street
9th Election District - 4th Councilmanic
Legal Owner(s): Robert T. Kleinpaste and Sandra S. Kleinpaste
HEARING: TUESDAY, FEBRUARY 21, 1995 at 9:00 a.m. in Room 118, Old Courthouse

Variance to allow a 16.59' distance from the front building face to a property line in lieu of the required 25 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 FILE 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

JANUARY 26, 1995

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: 95-247-A (Item 237)
705 Malvern Avenue
S/S Malvern Avenue, 312'+/- W of c/l Charles Street
9th Election District - 4th Councilmanic
Legal Owner(s): Robert T. Kleinpaste and Sandra S. Kleinpaste
HEARING: TUESDAY, FEBRUARY 21, 1995 at 9:00 a.m. in Room 118, Old Courthouse

Variance to allow a 16.59' distance from the front building face to a property line in lieu of the required 25 feet.

Arnold Jablon
Director

cc: Robert and Sandra Kleinpaste, 10 Goucher Woods Court, Baltimore MD 21286
Richard Truelove, P.E., 28 E. Susquehanna Avenue, Towson MD 21204

NOTES: (1) ZONING 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 CONCERING THE FILE 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

February 14, 1995

Mr. and Mrs. Robert Kleinpaste
10 Goucher Woods Court
Baltimore, Maryland 21286

RE: Item No.: 237
Case No.: 95-247-A
Petitioner: Mr. Kleinpaste, et ux

Dear Mr. and Mrs. Kleinpaste:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 9, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

February 7, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #237 - Milnor Property - Lot 1
705 Malvern Avenue
Zoning Advisory Committee Meeting of January 30, 1995

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

Environmental Impact Review

1. There are Forest Buffer and Forest Conservation Easements which are located adjacent to this property.

2. It is to be noted that there are non-disturbance and protective covenant notes which are to be adhered to in regards to the construction of this home.

3. An alternative analysis has been reviewed and approved in regards to the construction of the driveway through the Forest Buffer Easement in the northeast portion of the property.

JLP:GCS:LS:sp

MILNOR/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: February 1, 1995

SUBJECT: 705 Malvern Avenue

INFORMATION:

Item Number: 237

Petitioner: Kleinpaste Property

Property Size: 1.64

Zoning: DR-1 & 2

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The requested variance involves a lot which is part of a three lot minor subdivision that has not been approved as of this date (92-259m). While the subject request obviously pertains to lot 1, the orientation to lot 2 could present an undesirable dwelling arrangement. Therefore, the building envelope and orientation for lot 2 should be determined to insure that a front to rear orientation is not created by the location of the applicant's dwelling.

In the event that the siting of the dwellings can be addressed through this process, the staff can find no reason to recommend that the decision to grant this request be delayed until such time as the minor subdivision is approved.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

PK/JL

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 02/07/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN.30, 1995.

Item No.: SEE BELOW Zoning Agenda:

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.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 237,244,247,248,249, 250 AND 251.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: February 6, 1995

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

RE: Zoning Advisory Committee Meeting
for February 6, 1995
Items 237, 244, 247, 248, 249 and 251

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

2-1-95

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

Re: Baltimore County
Item No.: $ 237 (JJS)

Dear Ms. Watson:

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,

Bob Small

for Ronald Burns, 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

RE: PETITION FOR VARIANCE 705 Malvern Avenue, S/S Malvern Avenue, 312'+/- W of c/l Charles Street, 9th Election District, 4th Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Robert T. and Sandra S. Kleinpaste Petitioners	*	CASE NO. 95-247-A

* * * * * * * * * * * *

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

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to Richard Truelove, P.E., 28 E. Susquehanna Avenue, Towson, MD 21286, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: January 9, 1995

TO: Zoning Commissioner
Deputy Zoning Commissioner

FROM: John J. Sullivan, Jr.
Planner II, ZADM

SUBJECT: Variance Petition
Item #237
705 Malvern Avenue

I met with Nick B. Commodari, who dropped off this petition this afternoon. Mr. Commodari stated that this site was 1 of 3 lots being reviewed for a minor subdivision (Milner Property). At present, this minor subdivision has not been approved yet by John R. Alexander, the reviewer. I informed Mr. Commodari that if this variance is granted but changes occur to the minor subdivision site plan; i.e., lot lines, setbacks, etc., then the petition may have to be refiled. Mr. Commodari agreed.

JJS:scj

95-247-A

Robert T. Klemparte

Trustee

3 lot subdivision

lot #1 - 1.641 acres. - lot 1

16.59 feet in lieu of required
25 feet

house oriented

- Nuxton-Ridewood
Comm. assoc.

MICROFILMED

February 21, 1995.

Dear Mr. Schmidt:

Thank you for the opportunity to share our concerns about the Rukter-Rudenwood-Lake Roland Area problems with flooding and storm water management. I think your advice to begin with a county agency is the way we will go.

We do have two further concerns about the Kleinpaste property and that concerns the driveway.

One: the driveway as proposed is 300' from the light at Charles St. & Malvern Ave. where traffic often backs up waiting to cross to GBMC. Also, the drive is very close to the intersection of Roundvue Ave. and near the sharp curve of Malvern Ave., a scene of numerous accidents in the past. We are concerned about the sight lines and safety.

Two: when the second house is built and Dr. Guba also wants to ~~[illegible]~~ construct a driveway onto Malvern, will the same entrance be used? If so, will it be widened or will (can) you require that the sides of the hill be cut down so that the sight lines are better?

Thank you for your consideration of these matters. If you need to speak with Laurie Long call (837-0792) or me (821-5344)

Nancy Witherst

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
RICHARD TRUELOVE P.E	28 E. SUSQUEHANNA AVE. TOWSON MD 21286
Sandra Kleinpaste	10 Goucher Woods Ct. Towson, MD 21286

MICROFILMED

PLEASE PRINT CLEARLY

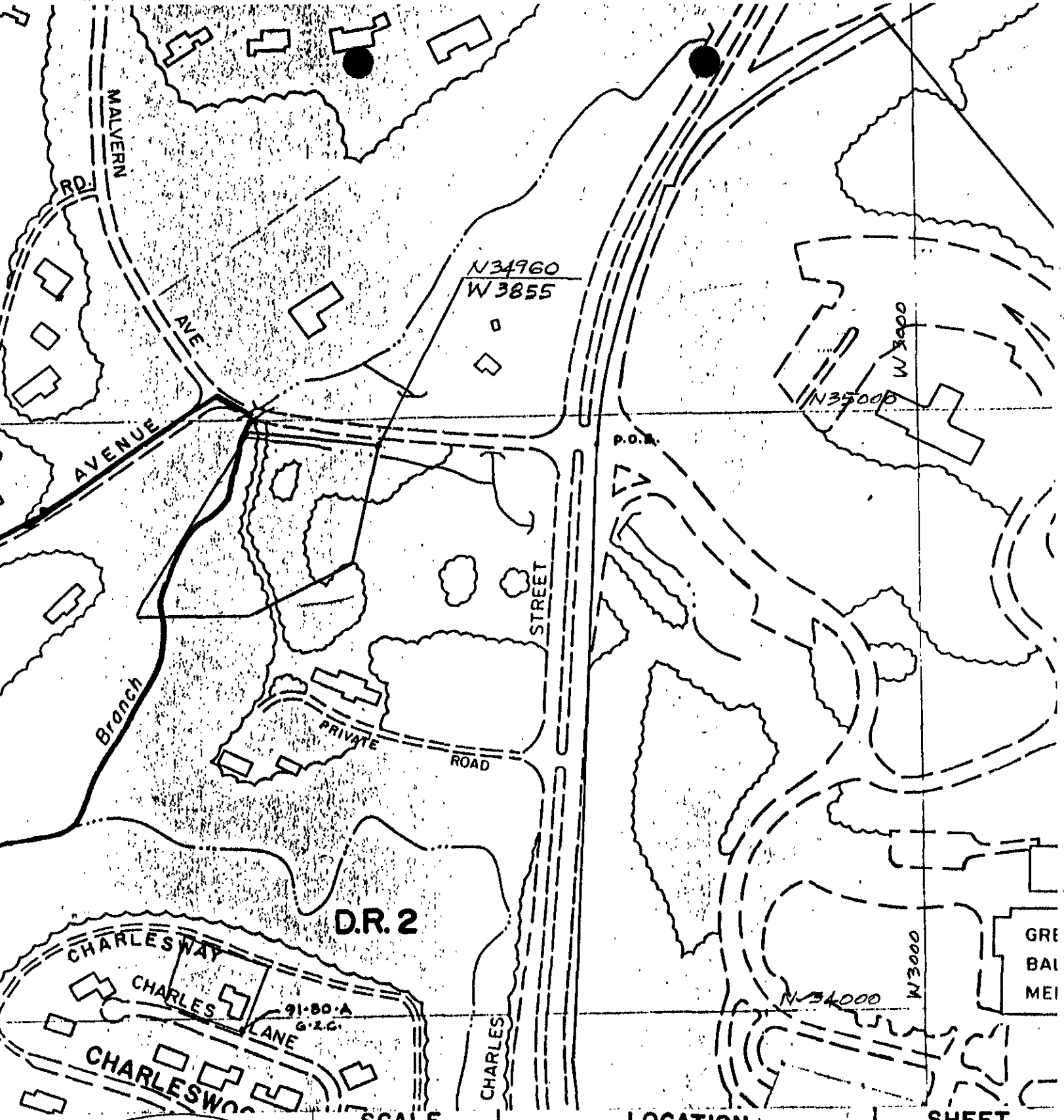
CITIZEN SIGN-IN SHEET

NAME	ADDRESS
ALEXANDER M. GUBB, MD	6616 N. CHARLES ST. RUXTON, MD 21204.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Nancy W. ~~HORST~~ HORST	7819 Ellenhowe Ave. 21204 MD
LAURIE S. LONG	P.O. BOX 204 RIDERWOOD 21139

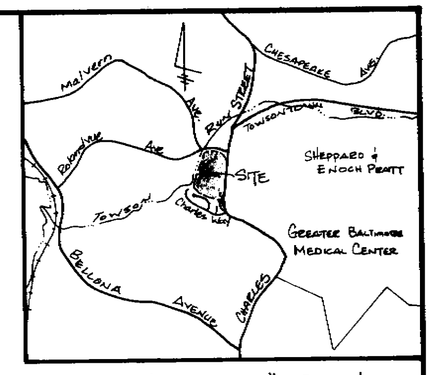


SCALE	LOCATION	SHEET
1" = 200'±	95-247-A RUXTON TOWSON	N.W. 9-A
DATE OF PHOTOGRAPHY JANUARY 1986		

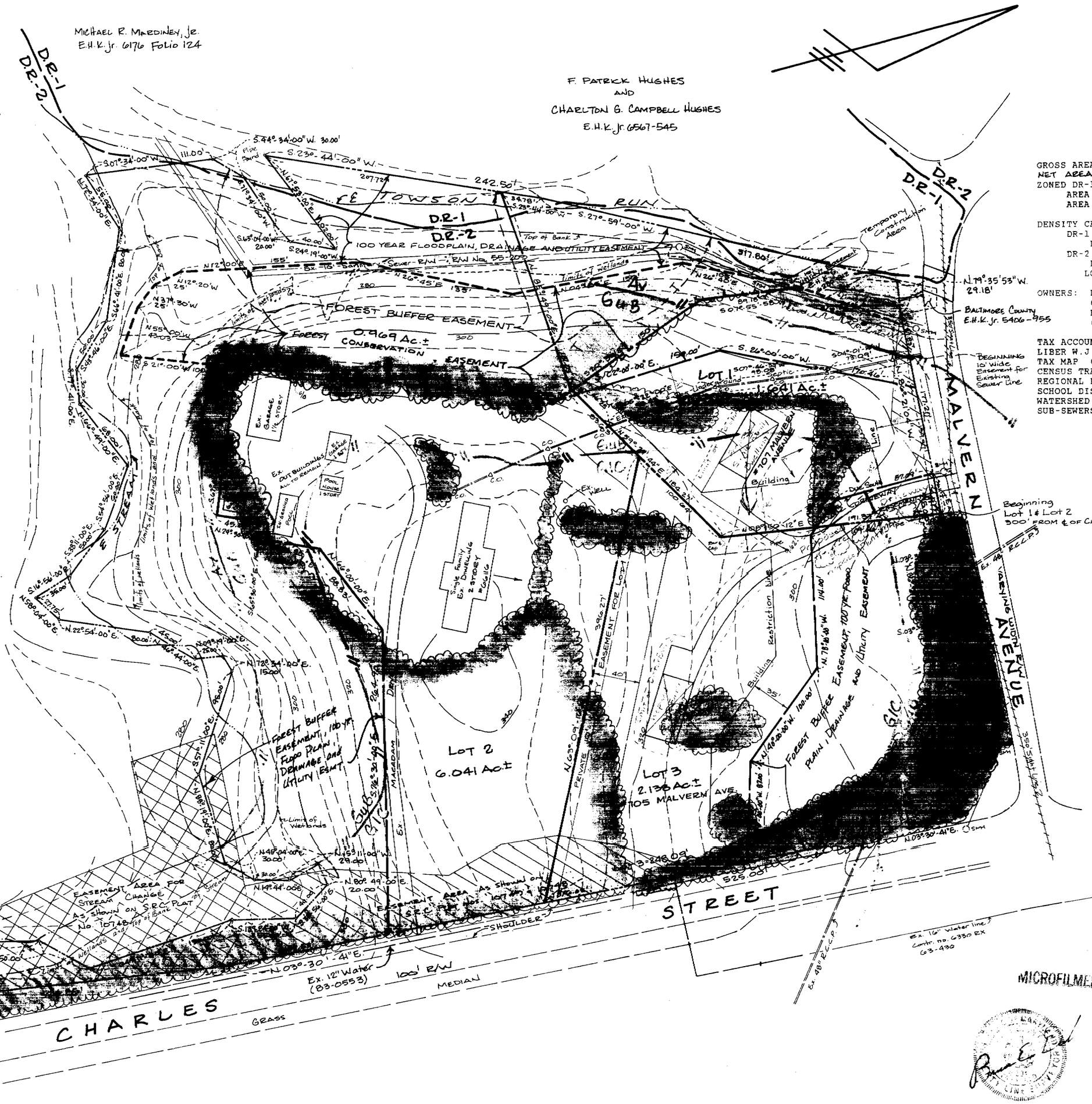
237

GENERAL NOTES

1. THE OUTLINES SHOWN HEREON WERE COMPILED FROM DEEDS AND OTHER TITLE INFORMATION.
2. TOPOGRAPHY SHOWN IS FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAP NO. NW 9A.
3. WATER CONTRACT No. 6330 EX
4. SEWER CONTRACT No. 60222, 55-710
5. STORM SEWER CONTRACT No. 76229 DXO
6. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 34.
7. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO WATTER ROW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
8. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE R/WAY OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE T.V.
9. ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
10. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENTS, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
11. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SHOWN SINCE DECEMBER 6, 1956. THE DEVELOPERS ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
12. /-/-/-/-/-/-/-/-/-/-/-/ DESIGNATES 350' SIGHT LINE. THE AREA BETWEEN THE SIGHT LINE AND THE EDGE OF THE ROAD MUST BE CLEARED, GRADED, AND KEPT FREE OF ALL OBSTRUCTIONS.
13. THERE ARE NO VISIBLE SIGNS OF ANY UNDERGROUND FUEL STORAGE TANKS LOCATED ON THE SITE.
14. ALL NEW LOTS SHOWN HEREON TO BE SERVED BY PUBLIC WATER AND SEWER.
15. THE REMAINING TRACT HAS AN EXISTING WELL AND IS SERVED BY PUBLIC SEWER.
16. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
17. ACCESS TO EXISTING DWELLINGS MUST BE MAINTAINED AT ALL TIMES.
18. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.)
19. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
20. THERE ARE NO PRIOR ZONING CASES PERTAINING TO THE SUBJECT PROPERTY.
21. Prior to issuance of any building permits in this subdivision the existing sewage disposal system serving the garage will be pumped and back filled or removed, and the apartment over the garage vacated. If the apartment is to continue to be occupied, it shall be properly connected to public sewer.
22. A ZONING FINAL DEVELOPMENT PLAN IS REQUIRED WHEN A 4TH LOT IS CREATED, AS DETERMINED FROM THE EFFECTIVE DATE OF ZONING REGULATIONS FOR THAT ZONE.
23. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION EASEMENT EXCEPT AS PERMITED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
24. ANY FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
25. THE FOLLOWING USES ARE PERMITED BY RIGHT WITHIN THE FOREST CONSERVATION EASEMENT: HIKING, NATURE STUDIES AND THE FELLING OF INDIVIDUAL TREES LESS THAN 30" IN DIAMETER FOR PERSONAL USE. OTHER ACTIVITIES INCLUDING CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION EASEMENT REQUIRE APPROVAL BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.



VICINITY MAP 1" = 2000'



GROSS AREA 11.605 AC. +-
NET AREA 9.92 Ac.±
ZONED DR-1 AND DR-2, MAP NW 9A
AREA IN DR-1 0.201 AC. +-
AREA IN DR-2 9.619 AC. +-

DENSITY CALCULATIONS
DR-1 LOTS ALLOWED 0
LOTS PROPOSED 0
DR-2 LOTS ALLOWED 9.619 X 2 = 19
LOTS PROPOSED 3
LOTS REMAINING 16

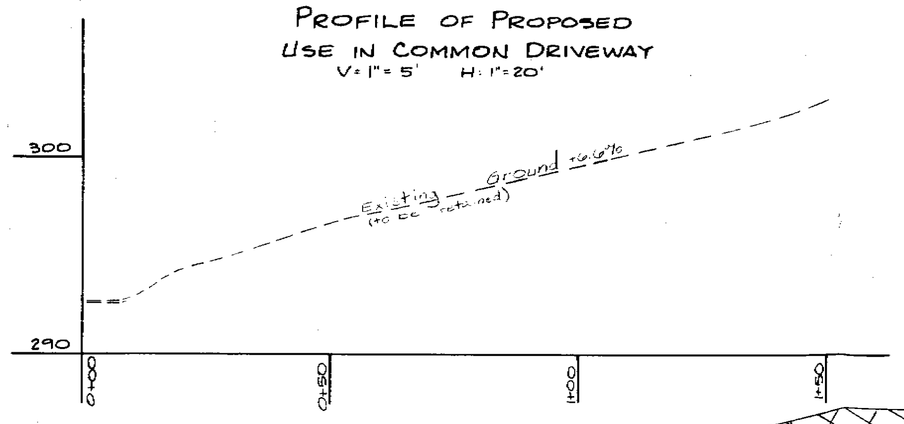
OWNERS: DR. WILLIAM R. MILNOR, JR.
6616 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21204
(410) 825-1728

TAX ACCOUNT NUMBER: 09-13-551435
LIBER W.J.R. 3459 FOLIO 417
TAX MAP 69 GRID 17 PARCELS 397
CENSUS TRACT 4905.02
REGIONAL PLANNING DISTRICT 314
SCHOOL DISTRICT 161
WATERSHED 23
SUB-SEWERSHED 55

Red No 2

PROFILE OF PROPOSED USE IN COMMON DRIVEWAY

V: 1" = 5' H: 1" = 20'



THE FOREST BUFFER EASEMENT, 100 YEAR FLOOD PLAIN, DRAINAGE AND UTILITY EASEMENT SHOWN THUS — — — — — WAS TAKEN FROM A 100 YEAR FLOOD STUDY ON TOWSON RUN PERFORMED BY BALTIMORE COUNTY.

DATE	REVISION
JUNE 21, 1994	REVISIONS & ADDITIONS PER 1ST SUBMITAL COMMENTS
MAY 20, 1994	EXISTING TREE LINE ALONG MALVERN AVE AND ON LOT 1 REVISED AND DRIVEWAY PROFILE ADDED (BOTH PER FIELD RUN TOPO)
MAY 11, 1994	100 YEAR FLOOD PLAIN REVISED TO REFLECT BALTIMORE COUNTY FLOOD STUDY AND FOREST CONSERVATION EASEMENT ADDED
MAY 5, 1994	PROPOSED DRIVEWAY ALIGNMENT REVISED

MICROFILMED

92-259 M

RESUBDIVISION OF

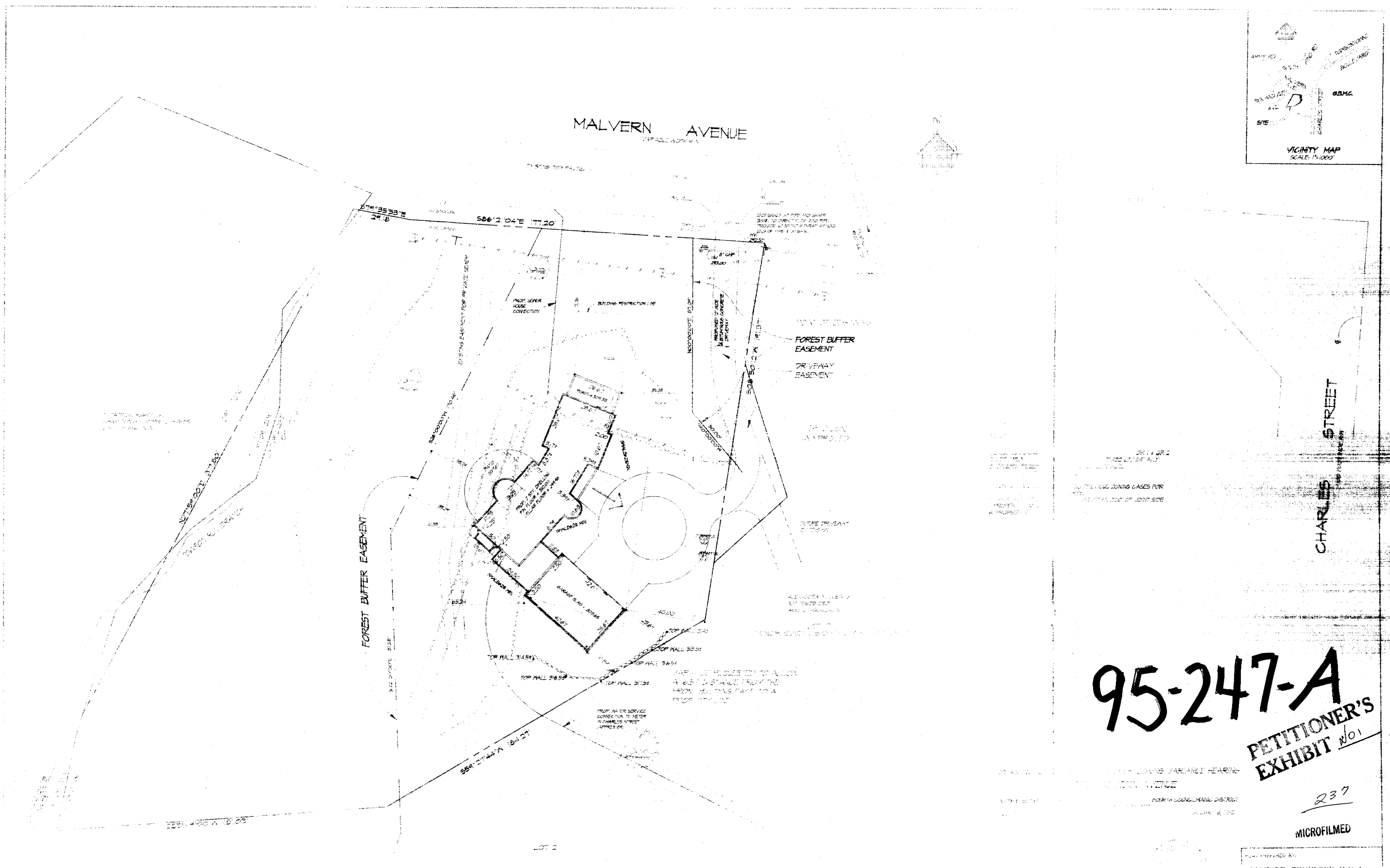
REVISED
MINOR SUBDIVISION OF

MILNOR PROPERTY

NINTH ELECTION DISTRICT
FOURTH COUNCILMANIC DISTRICT
LIBER W.J.R. 3459 FOLIO 417
BALTIMORE COUNTY, MARYLAND
Scale: 1" = 50' April 21, 1994

MINOR SUBDIVISION #92-259 M
APPROVED FEBRUARY 19, 1993

GERHOLD, CROSS & ETZEL
PROFESSIONAL LAND SURVEYORS
Suite 100
320 Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470


MALVERN AVENUE
S86°2'04"E 177.20'
FOREST BUFFER EASEMENT
DRIVEWAY EASEMENT
BUILDING RESTRICTION LINE
PROP. SEWER HOUSE CONNECTION
EXISTING EASEMENT FOR PRIVATE SEWER
N00°00'00"E 311.80'
S00°50'12"W 191.13'
N00°00'00"E 601.26'
S89°21'44"W 184.27'
TOP WALL 316.51
TOP WALL 316.58
TOP WALL 316.54
TOP WALL 316.38
TOP WALL 316.34
PROP. WATER SERVICE CONNECTION TO METER IN CHARLES STREET (APPROX.)
LOT 2
CHARLES STREET
VICINITY MAP
SCALE: 1"=1000'
95-247-A
PETITIONER'S EXHIBIT No 1
237
MICROFILMED
RICHARD TRUELOVE P.E., Inc.
76 East Susquehanna Avenue
Towson, Maryland 21204

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Malvern Avenue, 312'(+/-)
W of c/l Charles Street * ZONING COMMISSIONER
705 Malvern Avenue
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
Robert T. Kleinpaste, et ux * Case No. 95-247-A
Petitioners
* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 705 Malvern Avenue in the Ruxton area of Baltimore County. Variance relief is requested from Section 1B01.2.C.1.b. of the Baltimore County Zoning Regulations (BCZR) to allow a 16.59 ft. setback from the front building face to a property line in lieu of the required 25 ft. in a D.R.1 or D.R.2 zone. The requested relief and subject property are more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was Sandra S. Kleinpaste, co-Petitioner/property owner. Also appearing was Richard Truelove, a Registered Civil Engineer, who prepared the site plan. Alexander M. Guba, Jr., M.D., a neighboring property owner, also appeared in support of the Petition. Also present were Nancy W. Horst and Laurie S. Long from the Ruxton-Riderwood-Lake Roland Improvement Association.

Mr. Truelove introduced the site plan for this property which was accepted as Petitioners' Exhibit No. 1. That plan shows that the subject site is 1.641 acres in area and is split zoned D.R.1 and D.R.2. The parcel was originally part of a larger tract which has been subdivided through the minor subdivision process. Three single family lots have been created. The subdivision plan was submitted into evidence as Exhibit No. 2. In addition to the subject lot (lot No. 1), the subdivision plan

ORDER RECEIVED FOR FILING
Date 3/9/95
By Mr. Horst

shows lot 2 (6.641 acres) and lot 3 (2.138 acres). An existing single family dwelling is situated on lot 2. Lots 1 and 3 are presently unimproved but are proposed for development. The entire tract is located on the southwest side of the intersection of Malvern Avenue and Charles Street.

Testimony and evidence presented shows that a significant portion of the entire site is unavailable for development because of a large area of forest buffer, wetlands/streams/floodplain and a drainage and utility easement. The constraints imposed by the natural features of the site have limited the area for a building envelope, particularly for lot 1.

Due to these constraints, the Petitioners propose a 2 story dwelling and attached garage to be located on lot No.1, as shown on the site plan. Vehicular access to this lot will be by way of a driveway leading from Malvern Avenue. The house and the attached garage form an "L" configuration. Due to this configuration, the front building line of the proposed garage is located 16.59 ft. from the property line. In that this distance is less than the 25 ft. required, the subject variance is requested.

Based on the testimony and evidence offered, I am persuaded that the variance should be granted. This is a clear case where the Petitioners have satisfied the standards under which variances must be considered as set forth in Section 307 of the BCZR. The Petitioners have clearly demonstrated that a practical difficulty would be suffered if the variance relief was denied. The unusual site constraints noted above present factors which are unique to this property which justify the variance. A denial of the variance would prohibit use of the lot for a permitted purpose, i.e., residential development. Moreover, there will be no detriment to the surrounding locale if the project moves forward.

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Additional comments relating to the issues raised by concerned citizens and the County agencies which have reviewed the project are also appropriate. Ms. Horst and Ms. Long, on behalf of the Ruxton-Riderwood-Lake Roland Improvement Association expressed concerns relating to development as a whole in this area. They pointed out that there has been a significant amount of in-fill development in this area which exacerbates storm water management and runoff problems. Although appreciative of these concerns, they do not relate on the merits of the variance, per se. The narrow issue before me is whether the construction of the house less than 25 ft. from the property line is permissible, not whether development is appropriate. However, in considering this concern, the Zoning Plans Advisory Committee (ZAC) comment from the Department of Environmental Protection and Resource Management (DEPRM) is relevant. That agency indicates within their comment that forest buffer and forest conservation easements exist throughout this site. Under regulation, these areas must be left undisturbed. As a condition to the relief requested, I will require that the Petitioners observe the prohibition imposed by these regulations, as well as the protective covenant notes related to this property. Thus, only development as limited by the regulations and covenants will be allowed. Adherence to the conditions set forth in DEPRM's comment should alleviate any adverse impact upon the locale.

Concerns were also expressed by Ms. Horst and Ms. Long regarding the driveway and the site access from Malvern Avenue. Again, DEPRM has considered this issue. Within their ZAC comment, they have noted that the proposed driveway access has been approved. Apparently, DEPRM feels that access where shown on the site plan is most appropriate. That agency opines that the driveway's location respects the environmental sensitivity of the site. I will not set side DEPRM's findings.

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It is also of note that the driveway will serve only this house, initially, with the potential extension of same to serve other two lots in this minor subdivision. There is no adverse comment from the Department of Public Works/Bureau of Traffic Engineering as to this arrangement. Moreover, it is of note that only a limited amount of traffic will be generated by the three residential lots. As importantly, this issue does not relate directly to the variance issue and the location of the house.

Lastly, a comment was received from the Office of Planning and Zoning regarding siting of the proposed houses. A review of the subdivision plan in conjunction with the site plan is instructive in considering this comment. The house on lot No. 1 will be oriented towards the southeast. The neighboring property (lot 2) owned by Dr. Guba and improved with an existing single family dwelling will be located a significant distance away and is buffered from the proposed dwelling by a line of trees and woods. Siting the house as shown on the plan is also consistent with the proposed development for lot 3. I am persuaded that the siting of the house on lot No. 1 is appropriate and presents a good arrangement for the entire subdivision.

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 13th day of March, 1995 that a variance from Section 1B01.2.C.1.b. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 16.59 ft. setback from the front building face to a property line, in lieu of the required 25 ft. in a D.R.1 or D.R.2 zone, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

ORDER RECEIVED FOR FILING
Date 3/9/95
By Mr. Horst

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 comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated February 7, 1995, attached hereto and made a part thereof.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

LES/mmn

ORDER RECEIVED FOR FILING
Date 3/9/95
By Mr. Horst

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-4386

March 9, 1995

Mr. and Mrs. Robert T. Kleinpaste
10 Goucher Woods Court
Baltimore, Maryland 21286

RE: Case No. 95-247-A
Petition for Zoning Variance
Property: 705 Malvern Avenue

Dear Mr. and Mrs. Kleinpaste:

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 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Alexander M. Guba, M.D.
Mrs. Nancy W. Horst
Mrs. Laurie S. Long

Petition for Variance

95-247-A

to the Zoning Commissioner of Baltimore County

for the property located at 705 Malvern Avenue
which is presently zoned DR-1 & DR-2

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) 1B01.2.C.1.b to allow a 16.59' distance from the front building face to a property line in lieu of the required 25 feet in a DR-1 or DR-2 zone.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) This is a large lot but is subject to extensive forest buffer setbacks. As a result, a house which is commensurate with the lot size, and with current design in home architecture, must be rotated such that the front of the house faces the side yard. Also, the driveway must be located on the side of the property due to steep slopes and the forest buffer. The preferred orientation for the front of the house is therefore towards the side yard.

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/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner:
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

Legal Owner(s):
Robert T. Kleinpaste
(Type or Print Name)
Signature
Sandra S. Kleinpaste
(Type or Print Name)
Signature
10 Goucher Woods Ct. 583-7275
Address Phone No.
Baltimore, MD 21286
City State Zipcode
Name, Address and phone number of representative to be contacted
Richard Truelove, P.E.
Name
28 E. Susquehanna Ave. 494-4914
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1 hr.
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY DATE 1-9-95

#237

Printed with Soybean Ink on Recycled Paper

RICHARD J. TRUELOVE P.E., INC.
CIVIL ENGINEER
28 EAST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21286
(410) 494-4914
FAX (410)-823-3627

95-247-A

ZONING DESCRIPTION

Beginning for the same at a point on the south side of Malvern Avenue, variable width, said point lying 312.63 feet from the centerline of Charles Street measured in a northwesterly direction along the centerline of Malvern Aveue and 31.17 feet in a southwesterly direction measured at a right angle to the centerline of Malvern Aveue; leaving said Malvern Avenue and running the following five courses and distances; south 08 degrees 50 minutes 12 seconds west 191.37 feet, south 59 degrees 27 minutes 44 seconds west 184.27 feet, south 85 degrees 49 minutes 00 seconds west 181.03 feet, north 23 degrees 44 minutes 00 seconds east 34.78 feet, north 27 degrees 59 minutes 00 seconds east 317.80 to the south side of Malvern Aveue, thence along the south side of Malvern Aveue south 79 degrees 35 minutes 53 seconds east 29.18 feet, and south 86 degrees 21 minutes 04 seconds east 177.20 feet to the point of beginning.

Containing 71,482 square feet, or 1.641 acres of land, more or less.

Being all of that property recorded in the land records of Baltimore County in Liber 10622 at Folio 560 . Located in the Ninth Election District, and Fourth Councilmanic District, of Baltimore County, Maryland. Also known as 705 Malvern Aveue.

January 6, 1995
letters:93002DES

STATE OF MARYLAND
RICHARD J. TRUELOVE
No. 11191
REGISTERED
PROFESSIONAL ENGINEER

Richard John Truelove P.E.

237

95-247-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 2/3/95
Posted for: Variance
Petitioner: Robert & Sandra Kleinpaste
Location of property: 705 Malvern Ave. S/S
Location of Signs: Facing road way, on property being posted
Remarks:
Posted by [signature] Signature Date of return: 2/10/95
Number of Signs: 1

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-247-A

Account: R 001-6150

Date 1-1-95 Number 237

Robt. T. Kleinpaste
705 Malvern Ave.
010 — Zoning Variance (1 lg.) — 50.00
040 — Sign & Posting — 35.00
Total — 85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

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:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) 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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 237
Petitioner: ROBERT T. & SANDRA S. KLEINPASTE
Location: 705 MALVERN AVENUE
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Robert T. Kleinpaste
ADDRESS: 10 Goucher Woods Court
Towson, MD. 21286
PHONE NUMBER: (410) 583-7275

AJ:ggs

(Revised 04/09/93)

Printed on Recycled Paper

13

TO: PATUXENT PUBLISHING COMPANY
February 1, 1995 Issue - Jeffersonian

Please foward billing to:

Robert T. Kleinpaste
10 Goucher Woods Court
Towson, Maryland 21286
410-583-7275

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: 95-247-A (Item 237)
705 Malvern Avenue
S/S Malvern Avenue, 312'+/- W of c/l Charles Street
9th Election District - 4th Councilmanic
Legal Owner(s): Robert T. Kleinpaste and Sandra S. Kleinpaste
HEARING: TUESDAY, FEBRUARY 21, 1995 at 9:00 a.m. in Room 118, Old Courthouse

Variance to allow a 16.59' distance from the front building face to a property line in lieu of the required 25 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 FILE AND/OR HEARING, PLEASE CALL 887-3391.

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

Case: 95-247-A
(Item 237)
705 Malvern Avenue
S/S Malvern Avenue, 312' +/- W of c/l Charles Street
9th Election District
4th Councilmanic
Legal Owner(s):
Robert T. Kleinpaste and Sandra S. Kleinpaste
Hearing: Tuesday, February 21, 1995 at 9:00 a.m. in Rm. 118, Old Courthouse

Variance to allow a 16.59' distance from the front building face to a property line in lieu of the required 25 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 File and/or Hearing, Please Call 887-3391.
2/037 February 2.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb 3, 1995

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 3 successive weeks, the first publication appearing on Feb. 2, 1995.

THE JEFFERSONIAN,
A. Henrikson
LEGAL AD. - TOWSON

Publisher

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
JANUARY 26, 1995 (410) 887-3353

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:

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Variance to allow a 16.59' distance from the front building face to a property line in lieu of the required 25 feet.

Arnold Jablon
Director

cc: Robert and Sandra Kleinpaste, 10 Goucher Woods Court, Baltimore MD 21286
Richard Truelove, P.E., 28 E. Susquehanna Avenue, Towson MD 21204

NOTES: (1) ZONING 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 FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management

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

February 14, 1995

Mr. and Mrs. Robert Kleinpaste
10 Goucher Woods Court
Baltimore, Maryland 21286

RE: Item No.: 237
Case No.: 95-247-A
Petitioner: Mr. Kleinpaste, et ux

Dear Mr. and Mrs. Kleinpaste:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 9, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties: i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director, Zoning Administration and Development Management February 7, 1995

FROM: J. Lawrence Pilson, Development Coordinator, DEPRM

SUBJECT: Zoning Item #237 - Milnor Property - Lot 1
705 Malvern Avenue
Zoning Advisory Committee Meeting of January 30, 1995

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

Environmental Impact Review

1. There are Forest Buffer and Forest Conservation Easements which are located adjacent to this property.

2. It is to be noted that there are non-disturbance and protective covenant notes which are to be adhered to in regards to the construction of this home.

3. An alternative analysis has been reviewed and approved in regards to the construction of the driveway through the Forest Buffer Easement in the northeast portion of the property.

JLP:GCS:LS:sp

MILNOR/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, Zoning Administration & Development Management

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

DATE: February 1, 1995

SUBJECT: 705 Malvern Avenue

INFORMATION:

Item Number: 237
Petitioner: Kleinpaste Property
Property Size: 1.64
Zoning: DR-1 & 2
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The requested variance involves a lot which is part of a three lot minor subdivision that has not been approved as of this date (92-259m). While the subject request obviously pertains to lot 1, the orientation to lot 2 could present an undesirable dwelling arrangement. Therefore, the building envelope and orientation for lot 2 should be determined to insure that a front to rear orientation is not created by the location of the applicant's dwelling.

In the event that the siting of the dwellings can be addressed through this process, the staff can find no reason to recommend that the decision to grant this request be delayed until such time as the minor subdivision is approved.

Prepared by: Jeffrey W. Long
Division Chief: Gary L. Kerns

PK/JL

ITEM237/PZONE/TXTJWL Pg. 1

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 02/07/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN.30, 1995.

Item No.: SEE BELOW Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 237,244,247,248,249, 250 AND 251.

RECEIVED
FEB 8 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 6, 1995
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for February 6, 1995
Items 237, 244, 247, 248, 249 and 251

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

2-1-95

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

Re: Baltimore County
Item No.: #237 (JJS)

Dear Ms. Watson:

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,

Bob Small

for Ronald Burns, 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

RE: PETITION FOR VARIANCE
705 Malvern Avenue, S/S Malvern Avenue,
312'+/- W of c/l Charles Street, 9th
Election District, 4th Councilmanic

Robert T. and Sandra S. Kleinpaste
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-247-A

* * * * * * * * * * * *

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
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to Richard Truelove, P.E., 28 E. Susquehanna Avenue, Towson, MD 21286, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: January 9, 1995

TO: Zoning Commissioner
Deputy Zoning Commissioner

FROM: John J. Sullivan, Jr.
Planner II, ZADM

SUBJECT: Variance Petition
Item #237
705 Malvern Avenue

I met with Nick B. Commodari, who dropped off this petition this afternoon. Mr. Commodari stated that this site was 1 of 3 lots being reviewed for a minor subdivision (Milner Property). At present, this minor subdivision has not been approved yet by John R. Alexander, the reviewer. I informed Mr. Commodari that if this variance is granted but changes occur to the minor subdivision site plan; i.e., lot lines, setbacks, etc., then the petition may have to be refiled. Mr. Commodari agreed.

JJS:scj

95-247-A

Robt T Kleinpaste

Truelove

3 lot subdivision

lot #1 - 1.641 acres - lot 1

16.59 feet in lieu of required 25 feet

house oriented

- Nixton-Ridgewood
Comm. assoc.

February 21, 1995

Dear Mr. Schmidt:

Thank you for the opportunity to share our concerns about the Nixton-Ridgewood-Lake Roland Area problems with flooding and storm water management. I think your advice to begin with a County Agency is the way we will go.

We do have further concerns about the Kleinpaste property and that concerns the driveway.

One: the driveway as proposed is 300' from the legal at Charles St. & Malvern Ave. where traffic often backs up waiting to cross to Pine. Also, the drive is very close to the intersection of Roland Ave. and near the sharp curve on Malvern Ave., a scene of numerous accidents in the past. We are concerned about the sight lines and safety.

Two: when the second house is built and Dr. Guba also wants to construct a driveway onto Malvern, will the same entrance be used? If so, will it be widened or will you require that the sides of the hill be cut down so that the sight lines are better?

Thank you for your consideration of these matters. If you need to speak with Laurie Long call (837-0992) or me (821-5344)

Nancy Wilhoit

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
RICHARD TRUELOVE PE	28 E. SUSQUEHANNA AVE. TOWSON MD 21286
Sandra Kleinpaste	10 Goucher Woods Ct. Towson, MD 21286

PLEASE PRINT CLEARLY

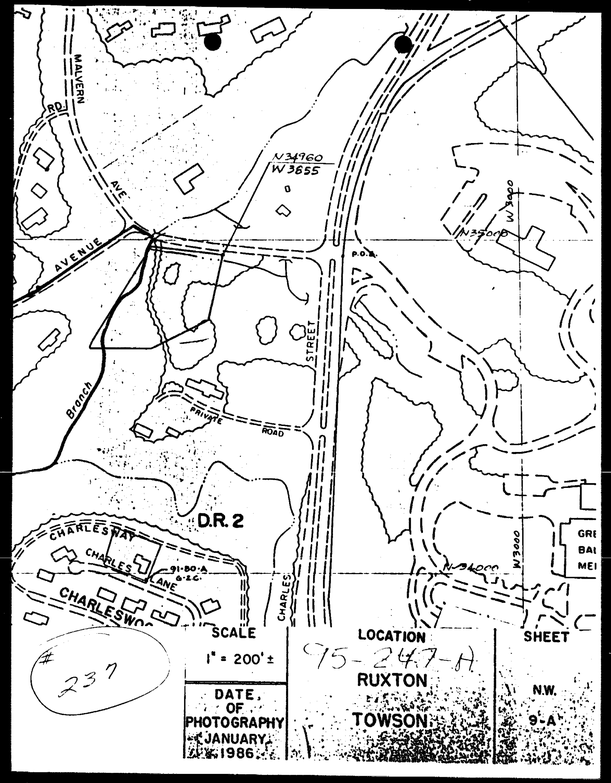
CITIZEN SIGN-IN SHEET

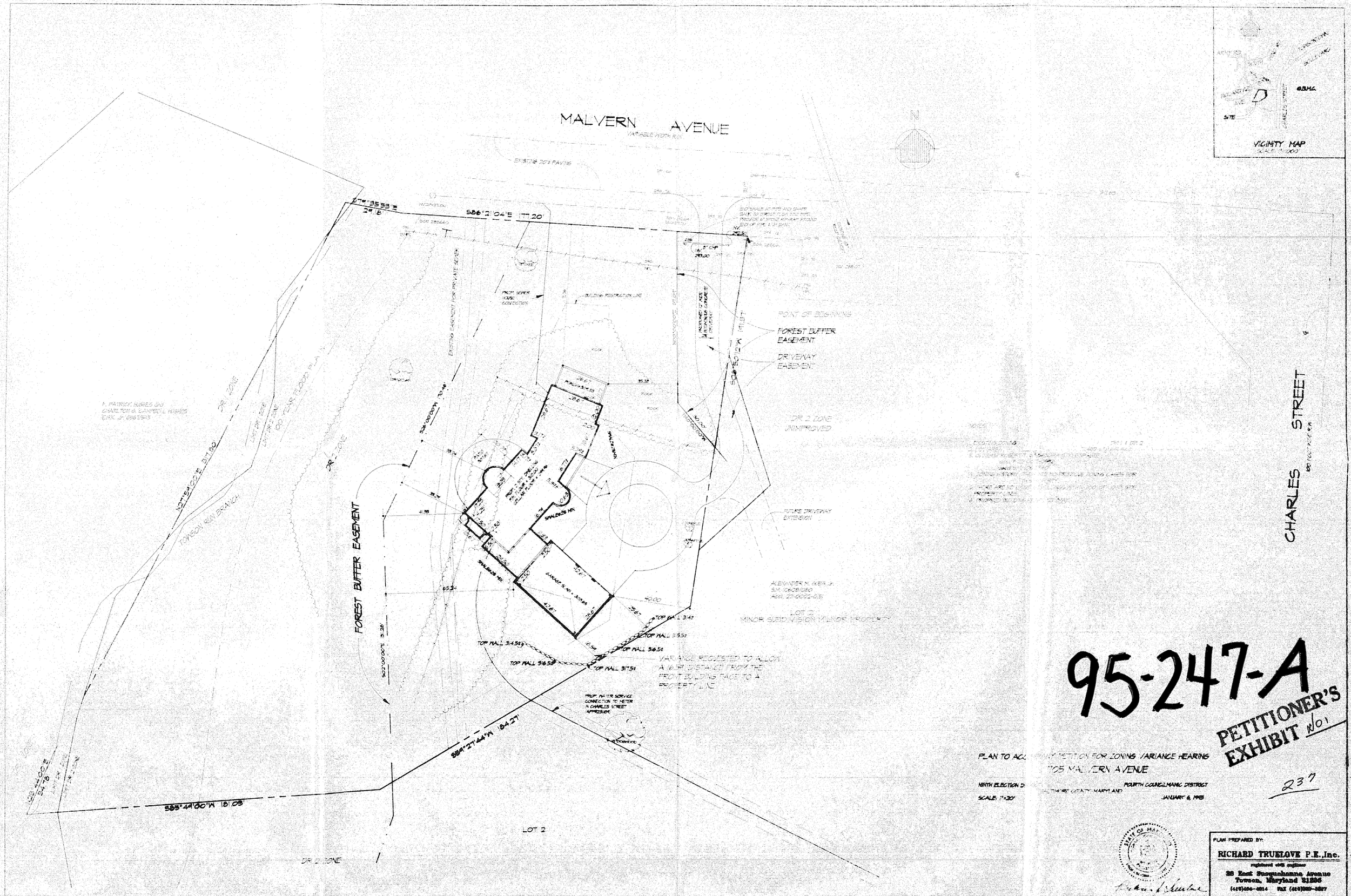
NAME	ADDRESS
ALEXANDER M. GUTT, MD	6616 N. CHARLES ST. RUXTON MD 21204.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

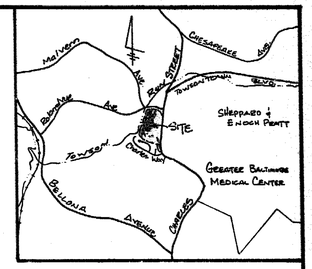
NAME	ADDRESS
[illegible] HOLST	[illegible] MD
LAURIE S. LONG	P.O. BOX 204 RIDGEWOOD 21139




MALVERN AVENUE
VARIABLE WIDTH R/W
EXISTING 20'± PAVING
N
S86°21'04"E 177.20
POINT OF BEGINNING
FOREST BUFFER EASEMENT
DRIVEWAY EASEMENT
S86°50'12"W 177.57
N00°00'00"W 70.46
N00°00'00"E 317.00
DR 2 ZONE
DR 2 ZONE UNIMPROVED
EXISTING EASEMENT FOR PRIVATE SEWER
PROP. SEWER HOUSE CONNECTION
BUILDING RESTRICTION LINE
WOODCOVER TO BE REMOVED
FUTURE DRIVEWAY EXTENSION
TOWSON RUN BRANCH
FOREST BUFFER EASEMENT
S02°00'00"E 15.20
ALEXANDER M. GER JR.
LOT 2
MINOR SUBDIVISION VILLAGE PROPERTY
TOP WALL 314.5±
TOP WALL 316.5±
TOP WALL 317.5±
VARIANCE REQUESTED TO ALLOW A 6.3'± DISTANCE FROM THE FRONT BUILDING FACE TO A PROPERTY LINE
PROP. WATER SERVICE CONNECTION TO METER IN CHARLES STREET APPROACH
S89°27'44"W 184.27'
S85°44'00"W 181.05'
LOT 2
DR 2 ZONE
CHARLES STREET
VICINITY MAP
SITE
95-247-A
PETITIONER'S EXHIBIT #01
237
PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE HEARING
705 MALVERN AVENUE
NINTH ELECTION DISTRICT
FOURTH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20'
JANUARY 6, 1995
PLAN PREPARED BY:
RICHARD TRUELOVE P.E., Inc.
registered civil engineers
20 East Susquehanna Avenue
Towson, Maryland 21286
(410)494-4814 FAX (410)000-0000

GENERAL NOTES

1. THE OUTLINES SHOWN HEREON WERE COMPILED FROM DEEDS AND OTHER TITLE INFORMATION.
2. TOPOGRAPHY SHOWN IS FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAP NO. NW 9A.
3. WATER CONTRACT No. 6330 EX
4. SEWER CONTRACT No. 80223, 55-710
5. STORM SEWER CONTRACT No. 70229 DXO
6. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 34.
7. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS, AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
8. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE R/W OFF OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE T.V.
9. ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
10. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENTS, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
11. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SHOWN SINCE DECEMBER 6, 1958. THE DEVELOPERS ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
12. ·/·/·/·/·/·/·/·/·/·/·/·/ DESIGNATES 350' SIGHT LINE. THE AREA BETWEEN THE SIGHT LINE AND THE EDGE OF THE ROAD MUST BE CLEARED, GRADED, AND KEPT FREE OF ALL OBSTRUCTIONS.
13. THERE ARE NO VISIBLE SIGNS OF ANY UNDERGROUND FUEL STORAGE TANKS LOCATED ON THE SITE.
14. ALL NEW LOTS SHOWN HEREON TO BE SERVED BY PUBLIC WATER AND SEWER.
15. THE REMAINING TRACT HAS AN EXISTING WELL AND IS SERVED BY PUBLIC SEWER.
16. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
17. ACCESS TO EXISTING DWELLINGS MUST BE MAINTAINED AT ALL TIMES.
18. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.)
19. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
20. THERE ARE NO PRIOR ZONING CASES PERTAINING TO THE SUBJECT PROPERTY.
21. Prior to issuance of any building permits in this subdivision the existing sewage disposal system serving the garage will be pumped and back filled or removed, and the apartment over the garage vacated. IF the apartment is to continue to be occupied, it shall be properly connected to public sewer.
22. A ZONING FINAL DEVELOPMENT PLAN IS REQUIRED WHEN A 4TH LOT IS CREATED, AS DETERMINED FROM THE EFFECTIVE DATE OF ZONING REGULATIONS FOR THAT ZONE.
23. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
24. ANY FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
25. THE FOLLOWING USES ARE PERMITED BY RIGHT WITHIN THE FOREST CONSERVATION EASEMENT: HIKING, NATURE STUDIES AND THE FELLING OF INDIVIDUAL TREES LESS THAN 30" IN DIAMETER FOR PERSONAL USE. OTHER ACTIVITIES INCLUDING CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION EASEMENT REQUIRE APPROVAL BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.



VICINITY MAP 1" = 2000'

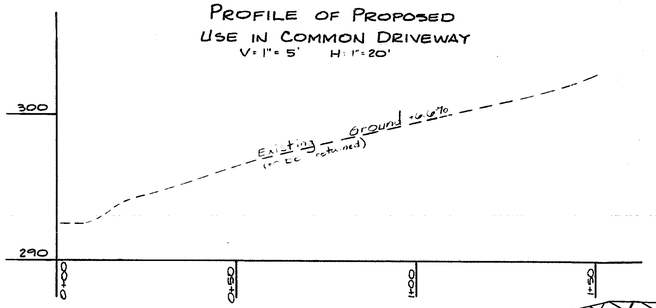
GROSS AREA 11.603 AC. +-
NET AREA 9.82 Ac.±
ZONED DR-1 AND DR-2, MAP NW 9A
AREA IN DR-1 0.201 AC. +-
AREA IN DR-2 9.619 AC. +-

DENSITY CALCULATIONS
DR-1 LOTS ALLOWED 0
LOTS PROPOSED 0
DR-2 LOTS ALLOWED 2.610 X 2 = 10
LOTS PROPOSED 3
LOTS REMAINING 16

OWNERS: DR. WILLIAM R. MILNOR, JR.
6616 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21204
(410) 825-1728

TAX ACCOUNT NUMBER: 09-13-551435
LIBER W.J.R. 3459 FOLIO 417
TAX MAP 69 GRID 17 PARCELS 397
CENSUS TRACT 4905.02
REGIONAL PLANNING DISTRICT 314
SCHOOL DISTRICT 161
WATERSHED 23
SUB-SEWERSHED 55

PROFILE OF PROPOSED USE IN COMMON DRIVEWAY
V: 1" = 5' H: 1" = 20'



THE FOREST BUFFER EASEMENT, 100 YEAR FLOOD PLAIN, DRAINAGE AND UTILITY EASEMENT SHOWN THUS — — — — — WAS TAKEN FROM A 100 YEAR FLOOD STUDY ON TOWSON RUN PERFORMED BY BALTIMORE COUNTY.

DATE	REVISION
JUNE 21, 1994	REVISIONS & ADDITIONS PER 1ST SUBMITTAL COMMENTS
MAY 20, 1994	EXISTING TREE LINE ALONG MALVERN AVE. AND ON LOT 1 REVISED AND DRIVEWAY PROFILE ADDED (BOTH PER FIELD RUN TOPO)
MAY 11, 1994	100 YEAR FLOOD PLAIN REVISED TO REFLECT BALTIMORE COUNTY FLOOD STUDY AND FOREST CONSERVATION EASEMENT ADDED
MAY 5, 1994	PROPOSED DRIVEWAY ALIGNMENT REVISED

92-259 M

RESUBDIVISION OF
REVISED
MINOR SUBDIVISION OF
MILNOR PROPERTY

NINTH ELECTION DISTRICT
FOURTH COUNCILMANIC DISTRICT
LIBER W.J.R. 3459 FOLIO 417
BALTIMORE COUNTY, MARYLAND
Scale: 1" = 50' April 21, 1994

MINOR SUBDIVISION #92-259 M
APPROVED FEBRUARY 19, 1993

GERHOLD, CROSS & ETZEL
PROFESSIONAL LAND SURVEYORS
Suite 100
320 Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470