

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND ZONING VARIANCE		
ROLLING VIEW ESTATES	*	ZONING COMMISSIONER
NW/S ROLLING VIEW AVENUE		
14TH ELECTION DISTRICT	*	OF BALTIMORE COUNTY
SIXTH COUNCILMANIC DISTRICT		
	*	CASE NO.: 95-432-SPHA
KHOUDAK CORPORATION AND ROLLING		
VIEW HOMES, LTD. PARTNERSHIP,	*	
LEGAL OWNERS		
	*	
ROLLING VIEW LLC,		
CONTRACT PURCHASER	*	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for a Zoning Variance and a Special Hearing to approve an amendment to the Final Development Plan approved previously for the subdivision known as Rolling View Green, located on the northwest side of Rolling View Avenue in the Fullerton/Overlea Section of Baltimore County. Variance relief is requested for twenty-six of the existing residential lots in this community. Two separate variances are requested; they are:

1. A variance from Baltimore County Zoning Regulations (BCZR) §1B01.2.C.1 and from §V.B.3 of the Comprehensive Manual of Development Policies (CMDP) to allow a minimal horizontal distance between elevations of buildings not mutually attached to be twenty feet for building elevations greater than twenty-five feet but not more than thirty feet, in lieu of the required thirty feet.
2. A variance from BCZR §1B01.2.C.3 and §V.B.9 of the CMDP to allow a sideyard setback from an existing street centerline and the side building face to be forty feet in lieu of the

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required fifty feet and from an existing right-of-way to the side building face of fifteen feet in lieu of the required twenty-five feet.

All of the relief requested is more particularly shown on the Plat to accompany to the Petition filed in this case, submitted as Petitioners' Exhibit 1. Appearing at the public hearing for this case were Gary R. Gamber on behalf of the contract purchaser and Thomas J. Hoff, the Landscape Architect who prepared the site plan. The Petitioners were represented by Howard L. Alderman, Jr., Esquire. There were no Protestants present.

As noted previously, this request comes before the Deputy Zoning Commissioner for a series of variances for the lots indicated within the residential community known as Rolling View Green. The subject tract is approximately 13.7 acres in area and is zoned DR5.5. Record Plats for Rolling View Green are recorded among the plat records of Baltimore County in plat book 59/77 and plat book 64/58.

Prior variances have been granted for portions of the overall tract. In case number 89-350-A, a variance was granted to permit a window to tract boundary setback of ten feet in lieu of the minimum required thirty-five feet for lot one and forty-two within block "B". Additionally, in case number 90-449-A, a sideyard variance to permit building separations of eighteen feet between lots number ten and eleven, sixteen feet between lot numbers sixteen and seventeen, eighteen feet between lots number four and five, and sixteen feet between lots number twenty and twenty-one (all lots within Block "C"), all in lieu of the minimum thirty feet for facing elevation heights of twenty-nine feet was granted.

Although the Comprehensive Manual of Development Policy was revised in 1992 for developments approved after its effective date, the subject property is regulated under the prior

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version of the CMDP. Therefore, in addition to seeking variance relief from the BCZR, Petitioner has filed the instant request.

As to the subject variances, they relate to the required distances between structures higher than twenty-five feet but not more than thirty feet in height and from sideyard setbacks from existing street centerlines and rights-of-way to the side building faces of proposed structures.

In support of the variances, evidence and testimony were proffered by Mr. Alderman, on behalf of Mr. Hoff, who prepared the Plan. The history of the Plan as set forth above was described and it was noted that the requested relief would permit compatible architectural housing types to be constructed within this subdivision as well as the adjoining subdivision to the northeast, which shares a common roadway and is known as the Estates at Rolling View. Moreover, the houses in Rolling View Green will be compatible with other single family homes in the area, both in size, structure, and architectural aspects. Further testimony indicated that a modification to the BCZR regarding the method by which the height of residential buildings are calculated had a substantial impact on the proposed development of the subject lots. The testimony offered indicated that the sideyard setback separation requirements were based on the height of buildings, which is know calculated from the highest point of grade to the highest point of the proposed structure. This is in contrast to the previous method of calculating height which took an average of the height of the roof. The effect of the change is to treat, for zoning purposes, proposed structures as being taller than previously calculated. Therefore, the current method of calculating height requires a greater separation between structures; a change in the regulations that was not contemplated when the subdivision plat for the subject property was recorded.

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Additionally, testimony showed that the unique size and shape of the lots as recorded prohibits, absent the requested relief, construction of compatible homes within the subject subdivision, as well as within the neighborhood. Other lots within the Rolling View Green have been developed with residential dwellings taller than twenty feet based on previous variances granted. With respect to the variances requested for the proposed structures, it is clear that the uniqueness of the existing lots relates to the lot sizes as recorded prior to changes in the BCZR and the unusual architectural aspects of the new homes that will be required if the subject variances are not granted.

The testimony offered was uncontradicted and showed clearly that the conditions that exist and which justify the variance relief requested are peculiar and unique to the land and proposed building on the subject lots and that, if granted, there will not be any increase in residential density beyond that otherwise allowable by the BCZR. Additionally, the proffered testimony showed that strict compliance with the BCZR would unreasonably prevent use of the subject property for the permitted use of single family homes compatible with other homes in the immediate subdivision and the neighborhood, thereby resulting in practical difficulty to the Petitioners. It is clear that the relief requested is the minimum relief necessary to grant substantial justice to the Petitioners as well as other property owners in the district, and is within the spirit and intent of the BCZR.

With respect to the proposed amendment of the final development plan for Rolling View Green, the proffered testimony indicated that the amendment, consistent with the variance relief requested, would not be detrimental to the health, safety or general welfare of the community nor would it tend to create congestion in roads, streets, alleys or a potential hazard from fire, panic

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or other dangers. Testimony indicated that the requested relief would not overcrowd land or cause undue concentration of population or interfere with the adequate provisions for schools, parks, water sewerage or other public requirements nor adequate light and air. The testimony indicated further that the requested amendment would be consistent with the purposes of the property's zoning classification and the spirit and intent of the Baltimore County Zoning Regulations, as well as the impermeable surface and vegetation requirements thereof.

Finally, the Petitioners provided to this Deputy Zoning Commissioner a copy of a Memorandum from Pat Keller, director of the Office of Planning and Zoning (OPZ) to the Director of the Office Administration and Development Management regarding the subject property. The OPZ indicated its support for the Petitioner's request for relief "because the variances would provide an opportunity to improve the subject lots with a house type that is compatible with the existing homes in Rolling View Estates."

Based upon the testimony and evidence presented, it is apparent that the requested relief is necessary as a result of the size and shape of the subject lots as recorded, prior to the acquisition of same by the Petitioners. Additionally, the changes in the BCZR would require the Petitioners to construct structures which would be incompatible with the existing homes in the neighborhood and adjoining subdivisions and would force the proposed structures to contain unusual architectural aspects as related to the surrounding properties. The requirements of the BCZR require, upon the granting of the requested relief, an amendment to the previously approved Final Development Plan for Rolling View Green. Given the constraints mentioned, the requested variance and the amendment to the final development plan are necessary in order to proceed with the development of the subject property as proposed.

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DATE 7/5/95
BY [Signature]

The BCZR, specifically Section 307.1, establish a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon these particular lots.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardships guidelines that have been imposed by the Baltimore County Zoning Regulations have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Saving and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the

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use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petitioners, as enunciated in Anderson, supra, are as follows:

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; 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, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Petitioners have in fact proven the practical difficulty standards as set forth above and that the variances requested should be granted. I further find that the granting of these variances is in strict harmony with the spirit and intent of the BCZR. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

The BCZR requires that this Deputy Zoning Commissioner consider the proposed amendment to the Final Development Plan in accordance with the standards set forth in §502.1 of the BCZR. In essence, the Petitioners must demonstrate that the proposed amendments will not be detrimental to the general, health, safety and welfare of the community. Based upon the testimony and evidence offered, I find no adverse impact. There was uncontradicted testimony offered by the Petitioners that the requested relief is in keeping with variance relief granted on the adjoining subdivision of the estates at Rolling View and not inconsistent with the variance relief granted previously within the subject subdivision. The expert testimony offered by the Petitioners was compelling that the amendment to the Final Development Plan should be approved and the Special Hearing relief granted.

Therefore, pursuant to the standards and requirements contained within the BCZR, the advertising of the Property and public hearing held thereon, the variance relief requested as more specifically shown on Petitioner's Exhibit 1 shall be approved, and the Petition for Variance granted, and I will approve the amendment to the Final Development Plan consistent with the

comments set forth above and shall so order.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of June, 1995 that a variance from §1B01.2.C.1 of the BCZR and §V.B.3 of the CMDP to allow a minimal horizontal distance between elevations of buildings not mutually attached to be twenty feet for building elevations greater than twenty-five feet, but not more than thirty feet in lieu of the required thirty feet, be and is hereby GRANTED for the following lots: 1, 2, 3, 4, 5 and 8 within Block "A", lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 38, 39, 40, 41 and 42 in Block "B" and lots 5, 6, 7, 8, and 10 in Block "C", in accordance with Petitioner's Exhibit 1; and

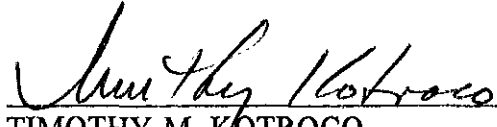
IT IS FURTHER ORDERED, that a variance from BCZR §1B01.2.C.3 and §V.B.9 of the CMDP to allow a setback from an existing street centerline and right-of-way and side building face to be forty feet and fifteen feet in lieu of the required fifty and twenty five feet, respectively, in accordance with Petitioner's Exhibit 1 be and is hereby GRANTED for lots 1, and 8 in Block "A" and Lot 9 in Block "B"; and

IT IS FURTHER ORDERED, that, pursuant to the Petition for Special Hearing for approval of an amendment to the Final Development Plan approved previously for Rolling View Green in accordance with the variance relief hereby approved, be, and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the thirty day Appellate process from this Order has expired. If, for whatever reason, this Order is

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7/5/95
By: [Signature]
DFO

reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO

Deputy Zoning Commissioner for Baltimore County

FILED
7/15/95
Mr. G. G. G. G.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 5, 1995

Howard L. Alderman, Jr., Esquire
Levin and Gann, P.A.
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: Case No. 95-432-SPHA
Petitions for Special Hearing and Variances
Rolling View LLC, Contract Purchaser, Petitioner

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variances have been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

LES:mmn
encl.

cc: Mr. Gary Gamber, V.P.
Rolling View LLC
9616 Reisterstown Road, Suite 479
Owings Mills, Md. 21117





Petition for Special Hearing

95-432-SPHA
to the Zoning Commissioner of Baltimore County

for the property located at

ROLLING VIEW GREEN - VARIOUS LOG

which is presently zoned

DR 5.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to the Final Development Plan approved previously for Rolling View Green, consistent with the variance relief requested as part of this case.

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

I, or we, agree to pay expenses of above Special Hearing 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.

Contract Purchaser ~~XXXXX~~ ROLLING VIEW LLC

Rolling View Estates, Inc. Member
(Type or Print Name)

By: [Signature]
Signature Gary Gamber, V.P.

9616 Reisterstown Road, Suite 479
Address

Owings Mills, MD 21117
City State Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.
[Signature]
Signature

LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

KHOUDAK CORPORATION
(Type or Print Name)

[Signature]
Signature

ROLLING VIEW HOMES, LIMITED PARTNERSHIP
(Type or Print Name)

[Signature]
Signature

11 Roland Court 323-4617
Address Phone No.

Ruxton, Maryland 21204
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204
Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates 7/16 - 7/24 Next Two Months

ALL

OTHER

REVIEWED BY: [Signature]

DATE 5-26-95

MICROFILMED

ROLLING VIEW GREEN

95-432-SPHA

OWNERS: Khoudak, Inc. & Rolling View Homes, Inc.
CONTRACT PURCHASER: Rolling View LLC

VARIANCES REQUESTED BY LOT / BLOCK:

TYPE OF VARIANCE			TYPE OF VARIANCE		
LOT / BLOCK	A	B	LOT / BLOCK	A	B
1 / A	*	*	8 / B	*	
2 / A	*		9 / B	*	*
3 / A	*		11 / B	*	
4 / A	*		38 / B	*	
5 / A	*		39 / B	*	
8 / A	*	*	40 / B	*	
1 / B	*		41 / B	*	
2 / B	*		42 / B	*	
3 / B	*		5 / C	*	
4 / B	*		6 / C	*	
5 / B	*		7 / C	*	
6 / B	*		8 / C	*	
7 / B	*		10 / C	*	

KEY TO VARIANCE TYPES:

- A:** Variance from BCZR §§ 1B01.2.C.1 & 504 and from CMDP § V.B.3 to allow a minimum horizontal distance between elevations of buildings not mutually attached of 20' for building elevations greater than 25', but not more than 30', in lieu of the required 30'.
- B:** Variance from BCZR §§ 1B01.2.C.3 & 504 and from CMDP § V.B.9 to allow a side yard setback from an existing street centerline and ROW and the side building face to be 40' and 15' in lieu of the required 50' and 25' respectively.

JUSTIFICATION:

1. Shape and configuration of existing lots of record.
2. Layout of lots as compared to newly adopted zoning regulations.
3. Such further relief as will be offered at the time of the public hearing on this Petition.



95-432-SHA

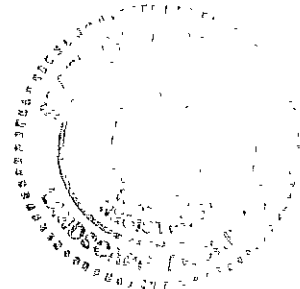
428

May 11, 1995

**Zoning Description of Rolling View Green to Accompany Petition
for Variances**

6th Councilmanic District
14th Election District, Baltimore County, Maryland

BEGINNING FOR THE SAME at a point on the northwest side of
Rolling View Avenue (40' R/W) at a distance of 745 feet more or
less southwest of the southwest side of Rossville Boulevard.
Being the subdivision of Rolling View Green as recorded in
Baltimore County Plat Book S.M. 64, Folio 58, containing 13.7
Ac.+/- (596,772 SF+/-).



Note:

This Description has been prepared for zoning purposes only.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-432-SPHA

District 14th

Date of Posting 6/8/95

Posted for: Special Hearing & Variance

Petitioner: Rolling View, L.L.C. - Theodorak Corp. & Rolling View Homes, LTD

Location of property: NW 1/4 Rolling View Ave.

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by [Signature]
Signature

Date of return: 6/16/95

Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
95-432-SPHA (Item 427)
Rolling View Estates
NW/8 Rolling View Avenue
745 SW of Roseville Blvd.
14th Election District
6th Councilmanic

Legal Owner(s):
Khoudak Corporation
and Rolling View Homes,
Limited Partnership.

Contract Purchaser(s):

Rolling View LLC

HEARING: TUESDAY,

JUNE 27, 1995 at 11:00
a.m. in Rm. 118, Old
Courthouse.

Special Hearing: to approve an amendment to the Final Development Plan approved previously for Rolling View Green. Variance: to allot a minimum horizontal distance between elevations of buildings not mutually attached of 20 feet for building elevations greater than 25 feet, but not more than 30 feet, in lieu of the required 30 feet for lots/blocks 1/A, 2/A, 3/A, 4/A, 5/A, 6/A, 1/B, 2/B, 3/B, 4/B, 5/B, 6/B, 7/B, 8/B, 9/B, 11/B, 38/B, 39/B, 40/B, 41/B, 6/C, 8/C, 7/C, 8/C, and 10/C; and to allow a side yard setback from an existing street centerline and right-of-way and the side building face to be 40 feet and 15 feet in lieu of the required 50 feet and 25 feet respectively for lot/blocks 1/A, 6/A, and 9/B.

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.

6/116 June 8.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/8, 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 1 successive weeks, the first publication appearing on 6/8, 1995

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

~~Publisher~~



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

receipt

95-432-SPHA

Account: R-001-6150

Item Number: 427

Taken in by: [Signature]

Date: 5-26-95

Owner: Khoudak Corp.

Contract Purchaser: Rolling View LLC, Rolling View Estates, Inc.

Site: Rolling View Green Subdivision

#070	MAX. Fee Cubic. Spec. Hearings	\$ 650.
	Variances	
#080	2 signs @ \$35. each and posting	70.

Total \$ 720.

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PUTUXENT PUBLISHING COMPANY
June 8, 1995 Issue - Jeffersonian

Please forward billing to:

Howard L. Alderman, Jr., Esq.
305 W Chesapeake Ave #113
Towson MD 21204
321-0600

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: 95-432-SPHA (Item 427)
Rolling View Estates
NW/S Rolling View Avenue, 745' SW of Rossville Boulevard
14th Election District - 6th Councilmanic
Legal Owner(s): Khoudak Corporation and Rolling View Homes, Limited Partnership
Contract Purchaser(s): Rolling View LLC
HEARING: TUESDAY, JUNE 27, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the Final Development Plan approved previously for Rolling View Green.

Variance to allow a minimum horizontal distance between elevations of buildings not mutually attached of 20 feet for building elevations greater than 25 feet, but not more than 30 feet, in lieu of the required 30 feet for lots/blocks 1/A, 2/A, 3/A, 4/A, 5/A, 8/A, 1/B, 2/B, 3/B, 4/B, 5/B, 6/B, 7/B, 8/B, 9/B, 11/B, 38/B, 39/B, 40/B, 41/B, 42/B, 5/C, 6/C, 7/C, 8/C, and 10/C; and to allow a side yard setback from an existing street centerline and right-of-way and the side building face to be 40 feet and 15 feet in lieu of the required 50 feet and 25 feet respectively for lots/blocks 1/A, 8/A, and 9/B.

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

June 1, 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: 95-432-SPHA (Item 427)

Rolling View Estates

NW/S Rolling View Avenue, 745' SW of Rossville Boulevard

14th Election District - 6th Councilmanic

Legal Owner(s): Khoudak Corporation and Rolling View Homes, Limited Partnership

Contract Purchaser(s): Rolling View LLC

HEARING: TUESDAY, JUNE 27, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the Final Development Plan approved previously for Rolling View Green.

Variance to allow a minimum horizontal distance between elevations of buildings not mutually attached of 20 feet for building elevations greater than 25 feet, but not more than 30 feet, in lieu of the required 30 feet for lots/blocks 1/A, 2/A, 3/A, 4/A, 5/A, 8/A, 1/B, 2/B, 3/B, 4/B, 5/B, 6/B, 7/B, 8/B, 9/B, 11/B, 38/B, 39/B, 40/B, 41/B, 42/B, 5/C, 6/C, 7/C, 8/C, and 10/C; and to allow a side yard setback from an existing street centerline and right-of-way and the side building face to be 40 feet and 15 feet in lieu of the required 50 feet and 25 feet respectively for lots/blocks 1/A, 8/A, and 9/B.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Khoudak Corporation
Rolling View LLC
Howard L. Alderman, Jr., Esq.

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.

W/CRP/11/1/95



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 21, 1995

Howard L. Alderman, Esquire
Levin and Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

RE: Item No.: 427
Case No.: 95-432-SPHA
Petitioner: Khoudak Corporation

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 26, 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 (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,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: June 12, 1995
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for June 12, 1995
Item No. 427

The Developers Engineering Section has reviewed the subject zoning item. The developer must provide a 20-foot drainage and utility easement for the 8-inch sanitary sewer located between Block "B" Lots 11 and 12, shown on the plat.

Also, label the existing 20-foot right-of-way that parallels the rear property line of Block "B", Lots 38 thru 42.

This office requests that the Zoning Commissioner require that additional landscape buffering be required as deemed necessary by the County Landscape Architect, if this request is granted.

RWB:sw

MICROFILMED

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

TO: ZADM Joyce Watson
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 6/5/95

DATE: 6/13/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 420
421
422
423
425
426
427

LS:sp

LETTY2/DEPRM/TXTSBP

WATSON, J. 11/11/95

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 06/08/95

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 JUNE 5, 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: 420, 421, 424 AND 427.

RECEIVED

JUN 9 1995

ZADM

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





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-6-95

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.: 427 (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/

MICROFILMED

BALTIMORE COUNTY, MARYLAND

COPY

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 20, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: Rolling View Green

INFORMATION:

Item Number: 427

Petitioner: Khoudak Corporation

Property Size: _____

Zoning: DR-5.5

Requested Action: Special Hearing & Variance

Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

The applicant requests an amendment to the FDP for Rolling View Green, and variances for several lots within the development.

The requested variances, if approved, would be consistent with the relief granted on an adjacent property known as Rolling View Estates (see Case No. 94-464-A). Staff supports the applicant's request because the variances would provide an opportunity to improve the subject lots with a house type that is compatible with the existing homes in Rolling View Estates.

Prepared by: Jeffrey M. LongDivision Chief: Emily C. Kerns

PK/JL

Post-It® Fax Note	7671	Date	6/26/95
To	Howard Alderman	From	J. Long
Co./Dept.	Levin & Gann	Co.	O.P. 2
Phone #	321-0600	Phone #	887-3480
Fax #	296-2801	Fax #	

MICROFILMED

PETITION PROBLEMS AGENDA OF JUNE 5, 1995

#420 --- JRF

1. Notary section is incorrect.

#421 --- MJK

1. Front of petition form has one signature; back of petition form has two signatures. One or two legal owners -- which is correct?

#424 --- JCM

1. No legal owner's name, signature, address, telephone number on petition form. (See JCM's memo in file.)

#426 --- JJS

1. Zoning on top of petition form does not agree with zoning on folder.

#427 --- JJS

1. Need typed or printed name and title of person signing for legal owner.

- Howard Alderman

- Tom Hoff

Planning Supports

- 2 Variance Requests
- Similar to Variances granted for the neighboring subdivision
- Allow flexibility in design of houses to permit developer to offer houses for sale that are consistent w/ other houses in the neighborhood

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



04

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Provisional Approval
Permit No: B236483

DATE: 6/12/95

LOCATION: 7802 Rolling Vista Ct.

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following Conditions:
(Please check appropriate box(es))



Owner has filed for a public hearing, Item # 95-432 SPH4



Owner must file for a public hearing within _____ days before the Zoning Commissioner requesting relief from all conflicts with the Baltimore County Zoning Regulations.



Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within _____ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

DIRECTOR OF ZONING ADMINISTRATION
AND DEVELOPMENT MANAGEMENT

I have read the above statement and I agree to abide by the decision of the Zoning Commissioner if applicable in this matter. I also hereby certify that I the undersigned am in fact the owner and if applicable the contract purchaser and not just an agent for same.

Signed [Signature]

Owner

KHOUDAK, INC.
(Please print clearly)

by VICTOR KHOUDAKI

Address 11 ROLAND CT
ROXTON, MD 21204

Work Phone # 410-828-2568

Home Phone # 410-821-9432

Signed [Signature]

Contract Purchaser

Rolling Vista, LLC
(Please print clearly)

Name CAROL R. COMBES

Address 9616 RUSTINGTON RD #2079

ANNALES MILLS, MD 21117

Work Phone # 410-356-9372

Home Phone # 410-356-8459

MJK

Zoning Office Staff

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

DATE: 5-26-95

OEA: Drnn

HISTORIC DISTRICT/BLDG.

PERMIT #: B234483
RECEIPT #: A253184
CONTROL #: NRE
XREF #:

PROPERTY ADDRESS 7802 Rolling Vista Ct YES ☐ NO ☒
SUBDIV: Rolling View Green DO NOT KNOW
TAX ACCOUNT #: 21-00-008553 DISTRICT/PRECINCT
OWNER'S INFORMATION (LAST, FIRST)
NAME: Rolling View Estates LLC
ADDR: 6 Carberry Rd. Pikesville, MD 21138

FEE: 101.15
PAID: 106.00
PAID BY: App
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING 1 or 2 FAM.
CODE CODE ☒
BOCA CODE

- TYPE OF IMPROVEMENT
- ☒ NEW BLDG CONST
 - ☐ ADDITION
 - ☐ ALTERATION
 - ☐ REPAIR
 - ☐ WRECKING
 - ☐ MOVING
 - ☐ OTHER

TYPE OF USE

RESIDENTIAL

- ☒ ONE FAMILY
- ☐ TWO FAMILY
- ☐ THREE AND FOUR FAMILY
- ☐ FIVE OR MORE FAMILY
(ENTER NO UNITS)
- ☐ SWIMMING POOL
- ☐ GARAGE
- ☐ OTHER

TYPE FOUNDATION

- | | |
|---|---|
| 1. ☒ SLAB | 1. ☒ FULL |
| 2. ☐ BLOCK | 2. ☐ PARTIAL |
| 3. ☐ CONCRETE | 3. ☐ NONE |

TYPE OF CONSTRUCTION

- ☒ MASONRY
- ☒ WOOD FRAME
- ☐ STRUCTURE STEEL
- ☐ REINF. CONCRETE

CENTRAL AIR: 1. ☒ 2. ☐
ESTIMATED COST: \$ 52,000
OF MATERIALS AND LABOR

PROPOSED USE: Apartment
EXISTING USE: Apartment

OWNERSHIP

- ☒ PRIVATELY OWNED
- ☐ PUBLICLY OWNED
- ☐ SALE
- ☐ RENTAL

RESIDENTIAL CATEGORY: 1. ☐ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. ☐ HIRISE

1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. ☒ 2. ☐ N
POWDER ROOMS 1

BATHROOMS 2+RT CLASS D4
KITCHENS LIBER 059 FOLIO 077

BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR 2096 SIZE 17972
WIDTH 40 FRONT STREET
DEPTH 31 SIDE STREET
HEIGHT 27 FRONT SETBK
STORIES 1st Floor SIDE SETBK 8' / 10'
LOT # 3 SIDE STR SETBK
CORNER LOT REAR SETBK 35'
1. ☐ Y 2. ☐ N ZONING

APPROVAL SIGNATURES

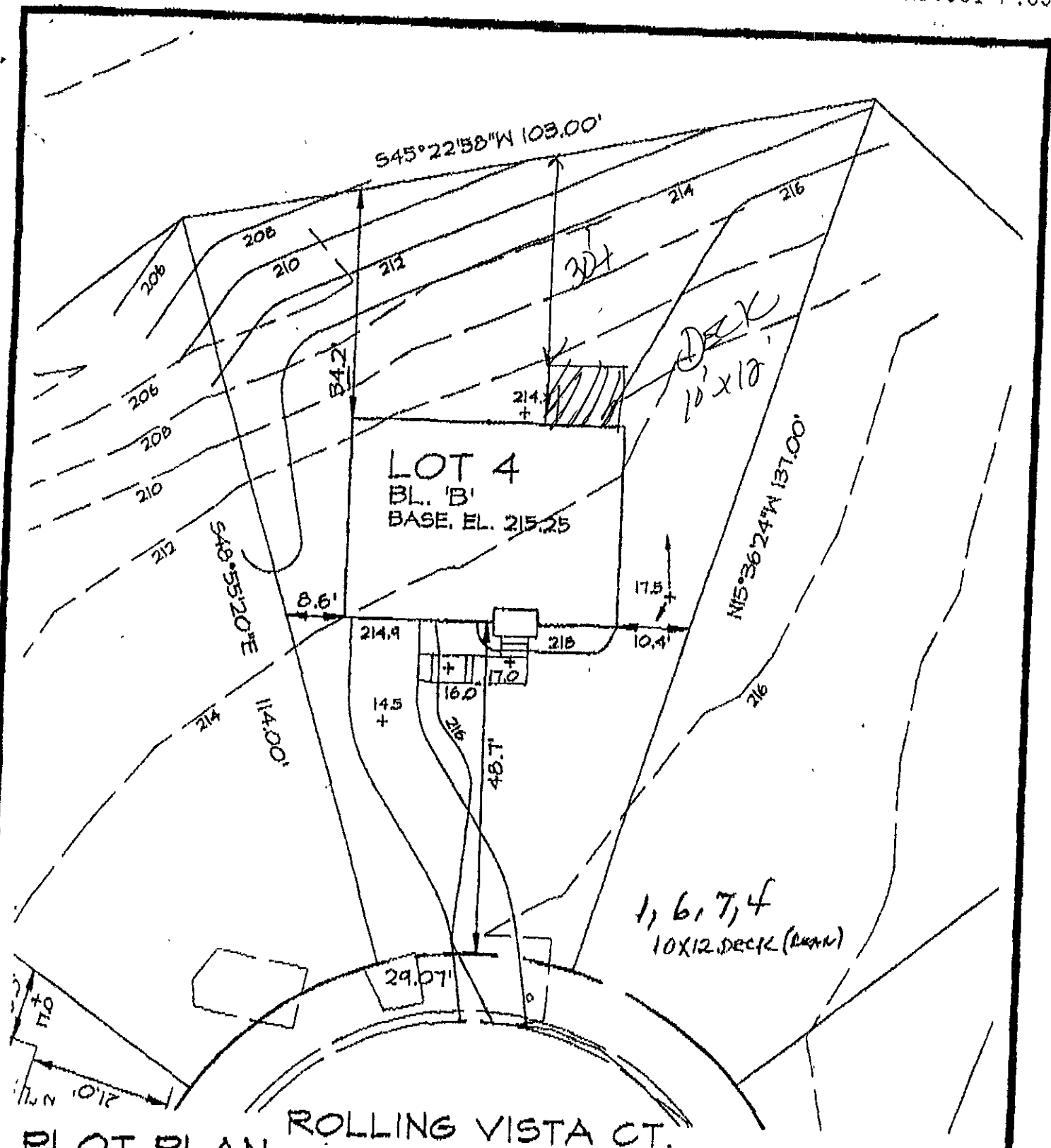
DATE

BLD INSP :	<u>OK</u>	DATE:	<u>5/26/95</u>
BLD PLAN :	<u>OK</u>	DATE:	<u>5/26/95</u>
FIRE :	<u>OK</u>	DATE:	<u>5/26/95</u>
SEDI CTL :	<u>OK</u>	DATE:	<u>5/26/95</u>
ZONING :	<u>OK</u>	DATE:	<u>5/26/95</u>
PUB SERV :	<u>OK</u>	DATE:	<u>5/26/95</u>
ENVRMNT :	<u>OK</u>	DATE:	<u>5/26/95</u>
PERMITS :	<u>OK</u>	DATE:	<u>5/26/95</u>

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

set backs?

HAPH MICROFILMED

PLOT PLAN

LOT 4, BLOCK 'B' - 7802 ROLLING VISTA CT.
ADAMS W/GARAGE

ROLLING VIEW GREEN (PLAT 64/58)

PREPARED BY: HOFF & ANTONUCCI ASSOCIATES
1717 YORK RD., LUTHERVILLE, MD. 21093

SCALE: 1"=20'
DATE: 05/25/95

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL PF4 - ISSUE PERMIT

PF9 - SAVE
CLEAR - MENU

TIME: 11:10:01 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE PANEL BP1018M
DATE: 06/13/95 APPROVALS DETAIL SCREEN PLM 06/12/95 15:57:19

PERMIT #: B236483

PASSWORD :

AGENCY	DATE	CODE	COMMENTS
BLD PLAN	05/26/95	01	ALR
SEDI CTL	06/01/95	01	ANE
ZONING	06/12/95	04	RT/MK/CONTINGENT/CASE#95432SPHA APPROVAL
PUB SERV	06/02/95	01	RT
ENVRMNT	05/30/95	01	CK/DMN 5/30/95
PERMITS	06/12/95	01	DS/RSK (P)

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL PF4 - ISSUE PERMIT

PF9 - SAVE
CLEAR - MENU

TO ZADM

LETTER OF TRANSMITTAL

[illegible]

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
- ☐ Copy of letter ☐ Change order ☐ _____

[illegible]

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US _____

* permit is
signal
conditionally

REMARKS

RECEIVED
JUN 7 1995

ZADM

COPY TO

[Faint handwritten notes at the bottom of the page]

SIGNED: THOMAS J. HOF



Land Development Consultants
and Landscape Architects

June 6, 1995

Arnold Jablon
Director
Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Lot 4B, Rolling View Green
Building Permit No. B-236483

Dear Sir:

The building permit for the above referenced lot has not been issued because of an error on the Final Development Plan. We have filed a petition for variance to correct this problem (Case #95-432-SPHA). However, the hearing will not be held until June 26th and my client has a commitment to complete the house by a certain date.

If you could release the permit at this time, my client would assume all responsibility for any loss if our petition is not granted.

Since time is of the essence, we would appreciate your attention to this matter at your earliest convenience. If you have any questions or require and additional information, please give me a call.

Very truly yours,

Thomas J. Hoff, RLA

TJH/snh
cc: Gary Gamber

c:\tjh\docs\0250-01.doc



Land Development Consultants
and Landscape Architects

June 7, 1995

Carl Richards
Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Lot 4B, Rolling View Green
Building Permit No. B-236483

Dear Carl:

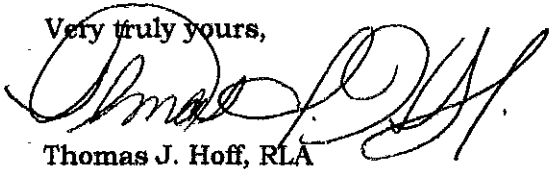
As per our meeting this afternoon, I am providing the additional information you requested.

Attached please find a copy of the Plat to Accompany the Petition for Variance, I have highlighted the lots that my client is purchasing. The plat also shows the lots that have already been sold and built on.

The buyers has a serious hardship because they have to be out of their current residence by August 26, 1995. If the house is not completed on time, the buyer will have to put their furniture in storage and find a temporary home until the house is completed. Given the fact that it normally takes 90 days to build this house, if the builder does not start soon he will not be able to complete the house on time.

If I can provide you with any additional information, please give me a call.

Very truly yours,


Thomas J. Hoff, RLA

TJH/snh
enclosure
cc: Gary Gamber

c:\tjh\docs\0250-01.doc

MSK

WCR wants to know
about the prov. approval
on this.

MSK said there
was a note on
your desk about this



6/13/95

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ZIAD SALAM

GARY GAMBER

THOMAS J. HOFF

Howard L. Alderman Jr Esq

1293 SWAN DR ANNAPOLIS MD 21401

9616 REISINGSTOWN RD, #479, JENNINGS MILLS, MD
21117

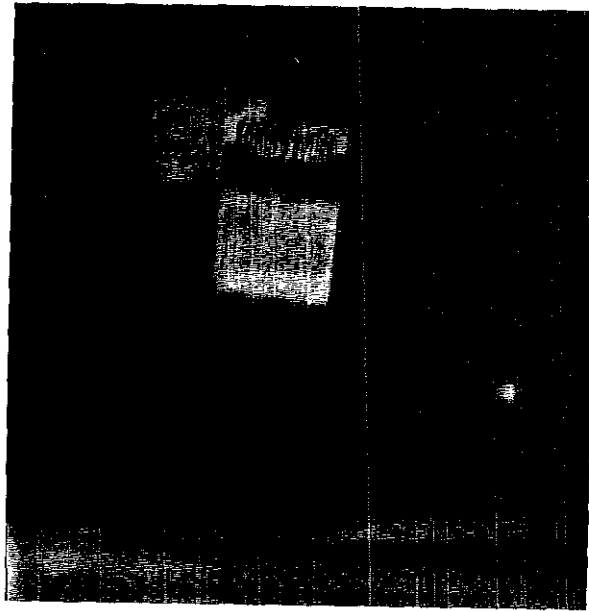
1717 YORK RD. SUITE 1B LUMERVILLE
Levin & Gann PA 21093
305 W. Chesapeake Ave #113 21204



Printed with Soybean Ink
on Recycled Paper

MICROFILM

95-432-SPH A



IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
ROLLING VIEW ESTATES *
NW/S ROLLING VIEW AVENUE * OF BALTIMORE COUNTY
14TH ELECTION DISTRICT *
SIXTH COUNCILMANIC DISTRICT * CASE NO.: 95-432-SPHA
KHOUDAK CORPORATION AND ROLLING *
VIEW HOMES, LTD. PARTNERSHIP, *
LEGAL OWNERS *
ROLLING VIEW LLC, *
CONTRACT PURCHASER *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for a Zoning Variance and a Special Hearing to approve an amendment to the Final Development Plan approved previously for the subdivision known as Rolling View Green, located on the northwest side of Rolling View Avenue in the Fullerton/Overlea Section of Baltimore County. Variance relief is requested for twenty-six of the existing residential lots in this community. Two separate variances are requested; they are:

1. A variance from Baltimore County Zoning Regulations (BCZR) §1B01.2.C.1 and from §V.B.3 of the Comprehensive Manual of Development Policies (CMDP) to allow a minimal horizontal distance between elevations of buildings not mutually attached to be twenty feet for building elevations greater than twenty-five feet but not more than thirty feet, in lieu of the required thirty feet.
2. A variance from BCZR §1B01.2.C.3 and §V.B.9 of the CMDP to allow a sideyard setback from an existing street centerline and the side building face to be forty feet in lieu of the

required fifty feet and from an existing right-of-way to the side building face of fifteen feet in lieu of the required twenty-five feet.

All of the relief requested is more particularly shown on the Plat to accompany to the Petition filed in this case, submitted as Petitioners' Exhibit 1. Appearing at the public hearing for this case were Gary R. Gamber on behalf of the contract purchaser and Thomas J. Hoff, the Landscape Architect who prepared the site plan. The Petitioners were represented by Howard L. Alderman, Jr., Esquire. There were no Protestants present.

As noted previously, this request comes before the Deputy Zoning Commissioner for a series of variances for the lots indicated within the residential community known as Rolling View Green. The subject tract is approximately 13.7 acres in area and is zoned DR5.5. Record Plats for Rolling View Green are recorded among the plat records of Baltimore County in plat book 59/77 and plat book 64/58.

Prior variances have been granted for portions of the overall tract. In case number 89-350-A, a variance was granted to permit a window to tract boundary setback of ten feet in lieu of the minimum required thirty-five feet for lot one and forty-two within block "B". Additionally, in case number 90-449-A, a sideyard variance to permit building separations of eighteen feet between lots number ten and eleven, sixteen feet between lot numbers sixteen and seventeen, eighteen feet between lots number four and five, and sixteen feet between lots number twenty and twenty-one (all lots within Block "C"), all in lieu of the minimum thirty feet for facing elevation heights of twenty-nine feet was granted.

Although the Comprehensive Manual of Development Policy was revised in 1992 for developments approved after its effective date, the subject property is regulated under the prior

version of the CMDP. Therefore, in addition to seeking variance relief from the BCZR, Petitioner has filed the instant request.

As to the subject variances, they relate to the required distances between structures higher than twenty-five feet but not more than thirty feet in height and from sideyard setbacks from existing street centerlines and rights-of-way to the side building faces of proposed structures.

In support of the variances, evidence and testimony were proffered by Mr. Alderman, on behalf of Mr. Hoff, who prepared the Plan. The history of the Plan as set forth above was described and it was noted that the requested relief would permit compatible architectural housing types to be constructed within this subdivision as well as the adjoining subdivision to the northeast, which shares a common roadway and is known as the Estates at Rolling View. Moreover, the houses in Rolling View Green will be compatible with other single family homes in the area, both in size, structure, and architectural aspects. Further testimony indicated that a modification to the BCZR regarding the method by which the height of residential buildings are calculated had a substantial impact on the proposed development of the subject lots. The testimony offered indicated that the sideyard setback separation requirements were based on the height of buildings, which is now calculated from the highest point of grade to the highest point of the proposed structure. This is in contrast to the previous method of calculating height which took an average of the height of the roof. The effect of the change is to treat, for zoning purposes, proposed structures as being taller than previously calculated. Therefore, the current method of calculating height requires a greater separation between structures; a change in the regulations that was not contemplated when the subdivision plat for the subject property was recorded.

Additionally, testimony showed that the unique size and shape of the lots as recorded prohibits, absent the requested relief, construction of compatible homes within the subject subdivision, as well as within the neighborhood. Other lots within the Rolling View Green have been developed with residential dwellings taller than twenty feet based on previous variances granted. With respect to the variances requested for the proposed structures, it is clear that the uniqueness of the existing lots relates to the lot sizes as recorded prior to changes in the BCZR and the unusual architectural aspects of the new homes that will be required if the subject variances are not granted.

The testimony offered was uncontradicted and showed clearly that the conditions that exist and which justify the variance relief requested are peculiar and unique to the land and proposed building on the subject lots and that, if granted, there will not be any increase in residential density beyond that otherwise allowable by the BCZR. Additionally, the proffered testimony showed that strict compliance with the BCZR would unreasonably prevent use of the subject property for the permitted use of single family homes compatible with other homes in the immediate subdivision and the neighborhood, thereby resulting in practical difficulty to the Petitioners. It is clear that the relief requested is the minimum relief necessary to grant substantial justice to the Petitioners as well as other property owners in the district, and is within the spirit and intent of the BCZR.

With respect to the proposed amendment of the final development plan for Rolling View Green, the proffered testimony indicated that the amendment, consistent with the variance relief requested, would not be detrimental to the health, safety or general welfare of the community nor would it tend to create congestion in roads, streets, alleys or a potential hazard from fire, panic

or other dangers. Testimony indicated that the requested relief would not overcrowd land or cause undue concentration of population or interfere with the adequate provisions for schools, parks, water sewerage or other public requirements nor adequate light and air. The testimony indicated further that the requested amendment would be consistent with the purposes of the property's zoning classification and the spirit and intent of the Baltimore County Zoning Regulations, as well as the impermeable surface and vegetation requirements thereof.

Finally, the Petitioners provided to this Deputy Zoning Commissioner a copy of a Memorandum from Pat Keller, director of the Office of Planning and Zoning (OPZ) to the Director of the Office Administration and Development Management regarding the subject property. The OPZ indicated its support for the Petitioner's request for relief "because the variances would provide an opportunity to improve the subject lots with a house type that is compatible with the existing homes in Rolling View Estates."

Based upon the testimony and evidence presented, it is apparent that the requested relief is necessary as a result of the size and shape of the subject lots as recorded, prior to the acquisition of same by the Petitioners. Additionally, the changes in the BCZR would require the Petitioners to construct structures which would be incompatible with the existing homes in the neighborhood and adjoining subdivisions and would force the proposed structures to contain unusual architectural aspects as related to the surrounding properties. The requirements of the BCZR require, upon the granting of the requested relief, an amendment to the previously approved Final Development Plan for Rolling View Green. Given the constraints mentioned, the requested variance and the amendment to the final development plan are necessary in order to proceed with the development of the subject property as proposed.

The BCZR, specifically Section 307.1, establish a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon these particular lots.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardships guidelines that have been imposed by the Baltimore County Zoning Regulations have been thoroughly examined and discussed by the appellate courts of this State. In Lovola Federal Saving and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Lovola Federal, p. 358. Thus, by the

use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petitioners, as enunciated in Anderson, supra, are as follows:

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome,

2) whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; 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, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Petitioners have in fact proven the practical difficulty standards as set forth above and that the variances requested should be granted. I further find that the granting of these variances is in strict harmony with the spirit and intent of the BCZR, and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

The BCZR requires that this Deputy Zoning Commissioner consider the proposed amendment to the Final Development Plan in accordance with the standards set forth in §502.1 of the BCZR. In essence, the Petitioners must demonstrate that the proposed amendments will not be detrimental to the general, health, safety and welfare of the community. Based upon the testimony and evidence offered, I find no adverse impact. There was uncontradicted testimony offered by the Petitioners that the requested relief is in keeping with variance relief granted on the adjoining subdivision of the estates at Rolling View and not inconsistent with the variance relief granted previously within the subject subdivision. The expert testimony offered by the Petitioners was compelling that the amendment to the Final Development Plan should be approved and the Special Hearing relief granted.

Therefore, pursuant to the standards and requirements contained within the BCZR, the advertising of the Property and public hearing held thereon, the variance relief requested as more specifically shown on Petitioner's Exhibit 1 shall be approved, and the Petition for Variance granted, and I will approve the amendment to the Final Development Plan consistent with the

comments set forth above and shall so order.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of June, 1995 that a variance from §1B01.2.C.1 of the BCZR and §V.B.3 of the CMDP to allow a minimal horizontal distance between elevations of buildings not mutually attached to be twenty feet for building elevations greater than twenty-five feet, but not more than thirty feet in lieu of the required thirty feet, be and is hereby GRANTED for the following lots: 1, 2, 3, 4, 5 and 8 within Block "A", lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 39, 40, 41 and 42 in Block "B" and lots 5, 6, 7, 8, and 10 in Block "C", in accordance with Petitioner's Exhibit 1; and

IT IS FURTHER ORDERED, that a variance from BCZR §1B01.2.C.3 and §V.B.9 of the CMDP to allow a setback from an existing street centerline and right-of-way and side building face to be forty feet and fifteen feet in lieu of the required fifty and twenty five feet, respectively, in accordance with Petitioner's Exhibit 1 be and is hereby GRANTED for lots 1, and 8 in Block "A" and Lot 9 in Block "B"; and

IT IS FURTHER ORDERED, that, pursuant to the Petition for Special Hearing for approval of an amendment to the Final Development Plan approved previously for Rolling View Green in accordance with the variance relief hereby approved, be, and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the thirty day Appellate process from this Order has expired. If, for whatever reason, this Order is

9

reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner for Baltimore County

10

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 5, 1995

Howard L. Alderman, Jr., Esquire
Levin and Gann, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: Case No. 95-432-SPHA
Petitions for Special Hearing and Variances
Rolling View LLC, Contract Purchaser, Petitioner

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variances have been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3353.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

LES:mmm
encl.

cc: Mr. Gary Gamber, V.P.
Rolling View LLC
9616 Reisterstown Road, Suite 479
Owings Mills, Md. 21117

Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at ROLLING VIEW GREEN - VARIOUS LOTS
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned (legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve.

An amendment to the Final Development Plan approved previously for Rolling View Green, consistent with the variance relief requested as part of this case.

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

I, or we, agree to pay expenses of above Special Hearing 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.

Contract Purchaser: ROLLING VIEW LLC

Rolling View Estates, Inc. Member

By: *Gary Gamber, V.P.*
Signature: Gary Gamber, V.P.

9616 Reisterstown Road, Suite 479

Owings Mills, MD 21117

City State Zipcode

Address

Signature

Attorney for Petitioner:

Howard L. Alderman, Jr.
Signature: Howard L. Alderman, Jr.

LEVIN & GANN, P.A.

305 West Chesapeake Avenue

Suite 113

Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

Who do necessary declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Khoudak Corporation
Signature: Khoudak Corporation

ROLLING VIEW HOMES LIMITED PARTNERSHIP

Signature: Rolling View Homes Limited Partnership

11 Roland Court

323-4617

Address

Suxton, Maryland 21204

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative

Howard L. Alderman, Jr., Esquire

LEVIN & GANN, P.A.

305 West Chesapeake Avenue, Suite 113

Towson, Maryland 21204

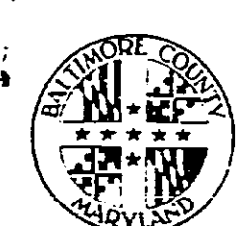
Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING: 30-45 min.

ALL OTHER: 7/6-7/24 Next Two Months

REVIEWED BY: JD DATE: 5-26-95



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at ROLLING VIEW GREEN - VARIOUS LOTS
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned (legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

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

SEE ATTACHED

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.

Contract Purchaser: ROLLING VIEW LLC

Rolling View Estates, Inc. Member

By: *Gary Gamber, V.P.*
Signature: Gary Gamber, V.P.

9616 Reisterstown Road, Suite 479

Owings Mills, MD 21117

City State Zipcode

Address

Signature

Attorney for Petitioner:

Howard L. Alderman, Jr.
Signature: Howard L. Alderman, Jr.

LEVIN & GANN, P.A.

305 West Chesapeake Avenue

Suite 113

Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

Who do necessary declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Khoudak Corporation
Signature: Khoudak Corporation

ROLLING VIEW HOMES LIMITED PARTNERSHIP

Signature: Rolling View Homes Limited Partnership

11 Roland Court

323-4617

Address

Suxton, Maryland 21204

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative

Howard L. Alderman, Jr., Esquire

LEVIN & GANN, P.A.

305 West Chesapeake Avenue, Suite 113

Towson, Maryland 21204

Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING: 30-45 min.

ALL OTHER: 7/6-7/24 Next Two Months

REVIEWED BY: JD DATE: 5-26-95

ROLLING VIEW GREEN

OWNERS: Khoudak, Inc. & Rolling View Homes, Inc.
CONTRACT PURCHASER: Rolling View LLC

VARIANCES REQUESTED BY LOT / BLOCK:

LOT / BLOCK	TYPE OF VARIANCE		LOT / BLOCK	TYPE OF VARIANCE	
	A	B		A	B
1 / A	*	*	8 / B	*	*
2 / A	*	*	9 / B	*	*
3 / A	*	*	11 / B	*	*
4 / A	*	*	18 / B	*	*
5 / A	*	*	39 / B	*	*
8 / A	*	*	40 / B	*	*
1 / B	*	*	41 / B	*	*
2 / B	*	*	42 / B	*	*
3 / B	*	*	5 / C	*	*
4 / B	*	*	6 / C	*	*
5 / B	*	*	7 / C	*	*
6 / B	*	*	8 / C	*	*
7 / B	*	*	10 / C	*	*

KEY TO VARIANCE TYPES:

- A: Variance from BCZR §§ 1B01.2.C.1 & 504 and from CMDP § V.B.3 to allow a minimum horizontal distance between elevations of buildings not mutually attached of 20' for building elevations greater than 25', but not more than 30', in lieu of the required 30'.
- B: Variance from BCZR §§ 1B01.2.C.3 & 504 and from CMDP § V.B.9 to allow a side yard setback from an existing street centerline and ROW and the side building face to be 40' and 15' in lieu of the required 50' and 25' respectively.

JUSTIFICATION:

1. Shape and configuration of existing lots of record.
2. Layout of lots as compared to newly adopted zoning regulations.
3. Such further relief as will be offered at the time of the public hearing on this Petition.

HOFF & ANTONUCCI
ASSOCIATES
Land Development Consultants
and Landscape Architects

May 11, 1995

Zoning Description of Rolling View Green to Accompany Petition for Variances

6th Councilmanic District
14th Election District, Baltimore County, Maryland

BEGINNING FOR THE SAME at a point on the northwest side of Rolling View Avenue (40' R/W) at a distance of 745 feet more or less southwest of the southwest side of Rossville Boulevard. Being the subdivision of Rolling View Green as recorded in Baltimore County Plat Book S.M. 64, Folio 58, containing 13.7 Ac. +/- (596,772 SP4/-).

Note:

This Description has been prepared for zoning purposes only.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 6/6/95

Posted for: Special Hearing & Variances

Petitioner: Rolling View LLC - Khoudak Corp. & Rolling View Homes, Ltd.

Location of property: 14th Rolling View Dr.

Location of Sign: Rolling View Dr. - 2nd & 3rd St. - 1st St.

Remarks: None

Posted by: JD Date of return: 6/16/95

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 6/8 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 1 successive weeks, the first publication appearing on 6/8 1995

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON

receipt
95-432-SPHA

Account: R-001-6150
Item Number: 427
Taken in by: PA

Date: 5-26-95

Owner: Khoudak Corp.
Contract Purchaser: Rolling View LLC, Rolling View Estates, Inc.
Site: Rolling View Green Subdivision

*070 MAX. FEE 0.6 n. Spec. Hearings \$ 650.
*080 2 signs @ \$35 each and posting 70.
Total \$ 720.

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: POTOMAC PUBLISHING COMPANY
June 8, 1995 Issue - Jeffersonian

Please forward billing to:
Howard L. Alderman, Jr., Esq.
305 W. Chesapeake Ave #113
Towson MD 21204
321-0600

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: 95-432-SPHA (Item 427)
Rolling View Estates
89/5 Rolling View Avenue, 745' SW of Roseville Boulevard
14th Election District - 6th Councilmanic
Legal Owner(s): Khoudak Corporation and Rolling View Homes, Limited Partnership
Contract Purchaser(s): Rolling View LLC
HEARING: TUESDAY, JUNE 27, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the Final Development Plan approved previously for Rolling View Green.
Variance to allow a minimum horizontal distance between elevations of buildings not mutually attached of 20 feet for building elevations greater than 25 feet, but not more than 30 feet, in lieu of the required 30 feet for lots/blocks 1/A, 2/A, 3/A, 4/A, 5/A, 6/A, 7/A, 8/A, 9/A, 10/A, 11/A, 12/A, 13/A, 14/A, 15/A, 16/A, 17/A, 18/A, 19/A, 20/A, 21/A, 22/A, 23/A, 24/A, 25/A, 26/A, 27/A, 28/A, 29/A, 30/A, 31/A, 32/A, 33/A, 34/A, 35/A, 36/A, 37/A, 38/A, 39/A, 40/A, 41/A, 42/A, 43/A, 44/A, 45/A, 46/A, 47/A, 48/A, 49/A, 50/A, 51/A, 52/A, 53/A, 54/A, 55/A, 56/A, 57/A, 58/A, 59/A, 60/A, 61/A, 62/A, 63/A, 64/A, 65/A, 66/A, 67/A, 68/A, 69/A, 70/A, 71/A, 72/A, 73/A, 74/A, 75/A, 76/A, 77/A, 78/A, 79/A, 80/A, 81/A, 82/A, 83/A, 84/A, 85/A, 86/A, 87/A, 88/A, 89/A, 90/A, 91/A, 92/A, 93/A, 94/A, 95/A, 96/A, 97/A, 98/A, 99/A, 100/A, 101/A, 102/A, 103/A, 104/A, 105/A, 106/A, 107/A, 108/A, 109/A, 110/A, 111/A, 112/A, 113/A, 114/A, 115/A, 116/A, 117/A, 118/A, 119/A, 120/A, 121/A, 122/A, 123/A, 124/A, 125/A, 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BALTIMORE COUNTY, MARYLAND **COPY**
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: June 20, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: Rolling View Green

INFORMATION:

Item Number: 427

Petitioner: Khoudek Corporation

Property Size:

Zoning: DR-5.5

Requested Action: Special Hearing & Variance

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicant requests an amendment to the PDP for Rolling View Green, and variances for several lots within the development.

The requested variances, if approved, would be consistent with the relief granted on an adjacent property known as Rolling View Estates (see Case No. 34-464-A). Staff supports the applicant's request because the variances would provide an opportunity to improve the subject lots with a house type that is compatible with the existing homes in Rolling View Estates.

Prepared by: *Jeffrey M. Long*

Division Chief: *Emily C. Kenna*

PK/JL

PETITION PROBLEMS
AGENDA OF JUNE 5, 1995

#420 - JRF

1. Notary section is incorrect.

#421 - MJK

1. Front of petition form has one signature; back of petition form has two signatures. One or two legal owners - which is correct?

#424 - JCM

1. No legal owner's name, signature, address, telephone number on petition form. (See JCM's memo in file.)

#426 - JJS

1. Zoning on top of petition form does not agree with zoning on folder.

#427 - JJS

1. Need typed or printed name and title of person signing for legal owner.

- Howard Alderman

- Tom Hoff

Planning Supports

*- 2 Variance Requests
- Similar to Variances granted for the
Neighborhood Subdivision*

*- Allow flexibility in design of houses to permit
designer to offer houses for sale that
are consistent w/ other houses in
the Neighborhood*

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Provisional Approval
Permit No: **B236483**

DATE: *6/12/95*

LOCATION: *7802 Rolling Vista Ct.*

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following conditions: (Please check appropriate box(es))

- ☒ Owner has filed for a public hearing, Item # **95-432SPH4**
- ☐ Owner must file for a public hearing within _____ days before the Zoning Commissioner requesting relief from all conflicts with the Baltimore County Zoning Regulations.
- ☐ Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within _____ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

Carol J. Hoff
DIRECTOR OF ZONING ADMINISTRATION
AND DEVELOPMENT MANAGEMENT

I have read the above statement and I agree to abide by the decision of the Zoning Commissioner if applicable in this matter. I also hereby certify that I the undersigned am in fact the owner and if applicable the contract purchaser and not just an agent for same.

Signed *W. J. K.*
Owner
(Please Print Clearly)

Signed *W. J. K.*
Contract Purchaser
(Please Print Clearly)

NAME: *W. J. K.*

ADDRESS: *111 West Chesapeake Ave.*

WORK PHONE: *410-212-1204*

HOME PHONE: *410-212-1204*

Signed *W. J. K.*
Owner
(Please Print Clearly)

Signed *W. J. K.*
Contract Purchaser
(Please Print Clearly)

NAME: *W. J. K.*

ADDRESS: *111 West Chesapeake Ave.*

WORK PHONE: *410-212-1204*

HOME PHONE: *410-212-1204*

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204
DATE: *5-26-95*

PERMIT #: *B236483*
RECEIPT #: *4-23-95*
CONTROL #: *4-23-95*
XREF #:

PROPERTY ADDRESS: *7802 Rolling Vista Ct.*

SUBDIV: *Rolling Vista Green*

TAX ACCOUNT #: *07-00-102553*

OWNER'S INFORMATION (LAST, FIRST)
NAME: *Rolling Vista Green LLC*

ADDRESS: *6 Parkway Blvd. Baltimore, MD 21204*

APPLICANT INFORMATION
NAME: *Jeffrey M. Long*

COMPANY: *Jeffrey M. Long & Associates*

CITY, ST, ZIP: *Baltimore, MD 21204*

PHONE #: *410-212-1204*

SIGNATURE: *Jeffrey M. Long*

PLANS: *CONSTR. PLAT*

CONTR: *OWNERS*

SEAL: *Rolling Vista Green LLC*

DESCRIBE PROPOSED WORK: *CONSTR. OF 1, 6, 7, 4 + 10x12.25' (long)*

TYPE OF USE

RESIDENTIAL

ONE FAMILY

TWO FAMILY

THREE AND FOUR FAMILY

FIVE OR MORE FAMILY

(ENTER NO. UNITS)

GARAGE

OTHER

TYPE OF CONSTRUCTION

NEW BUILDING

ADDITION

ALTERATION

REPAIR

WRECKING

MOVING

OTHER

TYPE OF HEATING FUEL

GAS

OIL

COAL

ELECTRICITY

PUBLIC SEWER

PRIVATE SEWER

SEPTIC

TYPE OF WATER SUPPLY

PUBLIC SYSTEM

PRIVATE SYSTEM

PROPOSED

EXISTING

OWNERSHIP

PRIVATELY OWNED

PUBLICLY OWNED

SALE

RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHOUSE 5. MIDRISE

#BED: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. MIDRISE

1 FAMILY BEDROOMS

GARAGE DISPOSAL: 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

POWDER ROOMS

APPROVAL SIGNATURES

DATE

MAY-26-95 FRI 09 09 LAUDENFARMS 410 882 1207 P.04

LOT 4
BL. 'B'
BASE. EL. 215.25

ROLLING VISTA CT.

LOT 4, BLOCK 'B' - 7802 ROLLING VISTA CT.

ADAMS W/GARAGE

ROLLING VIEW GREEN (PLAT 64/58)

PREPARED BY: HOFF & ANTONUCCI ASSOCIATES

111 YORK RD., LUTHERVILLE, MD. 21043

SCALE: 1"=20'

DATE: 05/25/95

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL PF4 - ISSUE PERMIT PF5 - SAVE

CLEAR - MENU

TIME: 11:10:01

DATE: 06/13/95

AUTOMATED PERMIT TRACKING SYSTEM

APPROVALS DETAIL SCREEN

LAST UPDATE: 06/12/95

PLN: 15-57-19

PERMIT #: B236483

AGENCY: DATE: CODE: COMMENTS: PASSWORD:

BLD PLAN: 05/26/95 01 ALR

SEDI CTL: 06/01/95 01 ANE

ZONING: 06/12/95 04 RT/HK/CONTINGENT/CASE#95432SPHA AFFROVAL

PUB SERV: 06/02/95 01 RT

ENVRMNT: 05/30/95 01 CR/DNM 5/30/95

PERMITS: 06/12/95 01 DS/RSK (P)

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL PF4 - ISSUE PERMIT PF5 - SAVE

CLEAR - MENU

HOFF & ANTONUCCI ASSOCIATES

Landscape Architects

1717 York Road Suite 1B

LUTHERVILLE, MARYLAND 21093

(410) 628-9225

TO: ZADM

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐

COPY TO: _____

SIGNED: *Thomas J. Hoff*

LETTER OF TRANSMITTAL

DATE: *6/1/95*

TO: *W. J. K.*

FROM: *ARNOLD JABLON*

SUBJECT: *LOT 4, ROLLING VIEW GREEN*

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐

COPY TO: _____

SIGNED: *Thomas J. Hoff*



June 6, 1995

Arnold Jablon
Director
Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Lot 4B, Rolling View Green
Building Permit No. B-236483

Dear Sir:

The building permit for the above referenced lot has not been issued because of an error on the Final Development Plan. We have filed a petition for variance to correct this problem (Case #95-432-SRHA). However, the hearing will not be held until June 26th and my client has a commitment to complete the house by a certain date.

If you could release the permit at this time, my client would assume all responsibility for any loss if our petition is not granted.

Since time is of the essence, we would appreciate your attention to this matter at your earliest convenience. If you have any questions or require additional information, please give me a call.

Very truly yours,

Thomas J. Hoff
Thomas J. Hoff, RLA

TJH/snh
cc: Gary Gamber

c:\tjh\docs\0250-01.doc

1717 York Road • Suite 1B • Lutherville, MD 21093 • 410-628-9225 • Fax 410-628-9229



June 7, 1995

Carl Richards
Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Lot 4B, Rolling View Green
Building Permit No. B-236483

Dear Carl:

As per our meeting this afternoon, I am providing the additional information you requested.

Attached please find a copy of the Plat to Accompany the Petition for Variance. I have highlighted the lots that my client is purchasing. The plat also shows the lots that have already been sold and built on.

The buyers has a serious hardship because they have to be out of their current residence by August 26, 1995. If the house is not completed on time, the buyer will have to put their furniture in storage and find a temporary home until the house is completed. Given the fact that it normally takes 90 days to build this house, if the builder does not start soon he will not be able to complete the house on time.

If I can provide you with any additional information, please give me a call.

Very truly yours,

Thomas J. Hoff
Thomas J. Hoff, RLA

TJH/snh
enclosure

cc: Gary Gamber

c:\tjh\docs\0250-01.doc

1717 York Road • Suite 1B • Lutherville,

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ZIAD SALAM

GARY GAMBER

THOMAS J. HOFF

Harold L. Antonucci Jr. Esq.

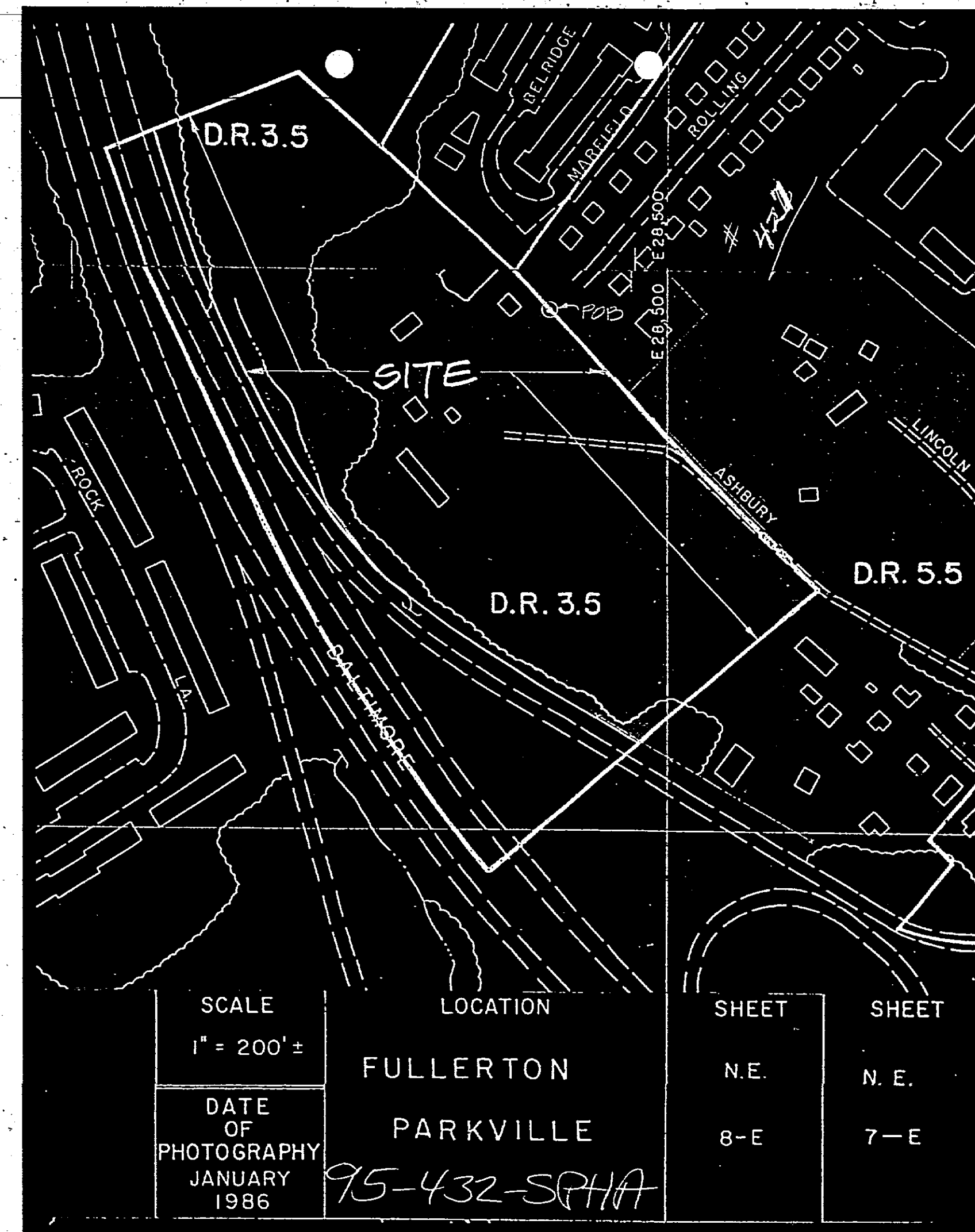
1293 SWAN DE ANNAPOLIS MD 21401

946 RINGBROOK RD #477 LUTHERVILLE MD 21117

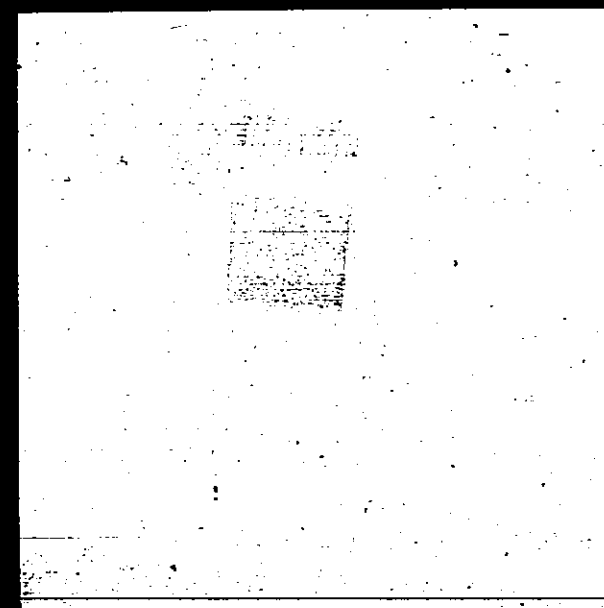
1717 YORK RD. SUITE 1B LUTHERVILLE MD 21117

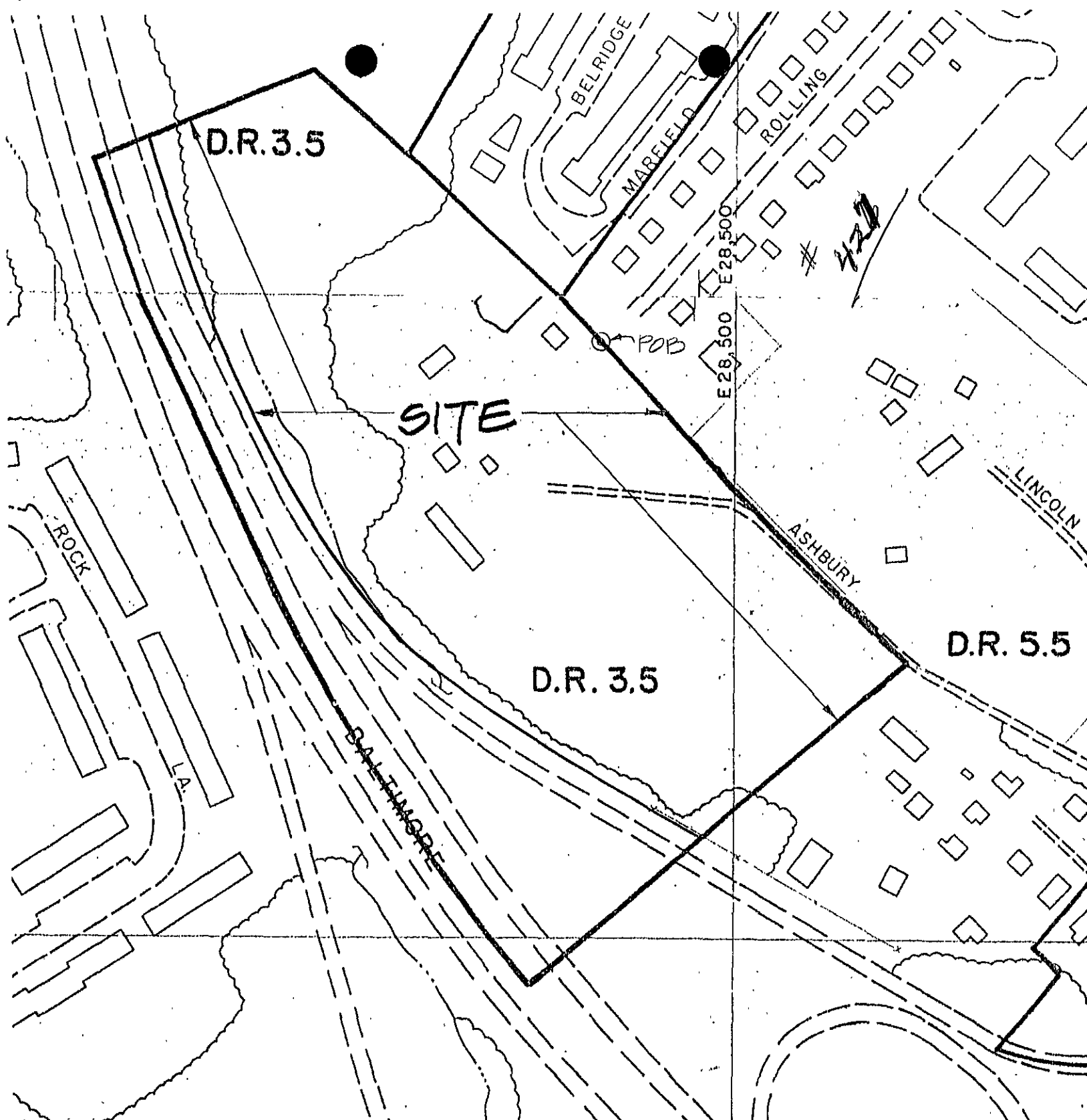
1717 YORK RD. SUITE 1B LUTHERVILLE MD 21117

25 W. Chesapeake Ave #13 21104



95-432-SRHA





SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
FULLERTON
PARKVILLE
95-432-SPTA

SHEET
N.E.
8-E

SHEET
N. E.
7-E

VARIANCES REQUESTED:

KEY TO VARIANCE TYPES:

- A - VARIANCE FROM BC2R SECTION 1801.2.C.1 & 504 AND FROM CNDP SECTION V.B.3 TO ALLOW A MINIMUM HORIZONTAL DISTANCE BETWEEN ELEVATIONS OF BUILDINGS NOT MUTUALLY ATTACHED OF 20' FOR BUILDING ELEVATIONS GREATER THAN 25', BUT NOT MORE THAN 30', IN LIEU OF THE REQUIRED 30'.
- B - VARIANCE FROM BC2R SECTION 1801.2.C.3 & 504 AND FROM CNDP SECTION V.B.4 TO ALLOW A SIDE YARD SETBACK FROM AN EXISTING STREET CENTERLINE AND ROW AND THE SIDE BUILDING FACE TO BE 40' AND 15' IN LIEU OF THE REQUIRED 50' AND 25' RESPECTIVELY.

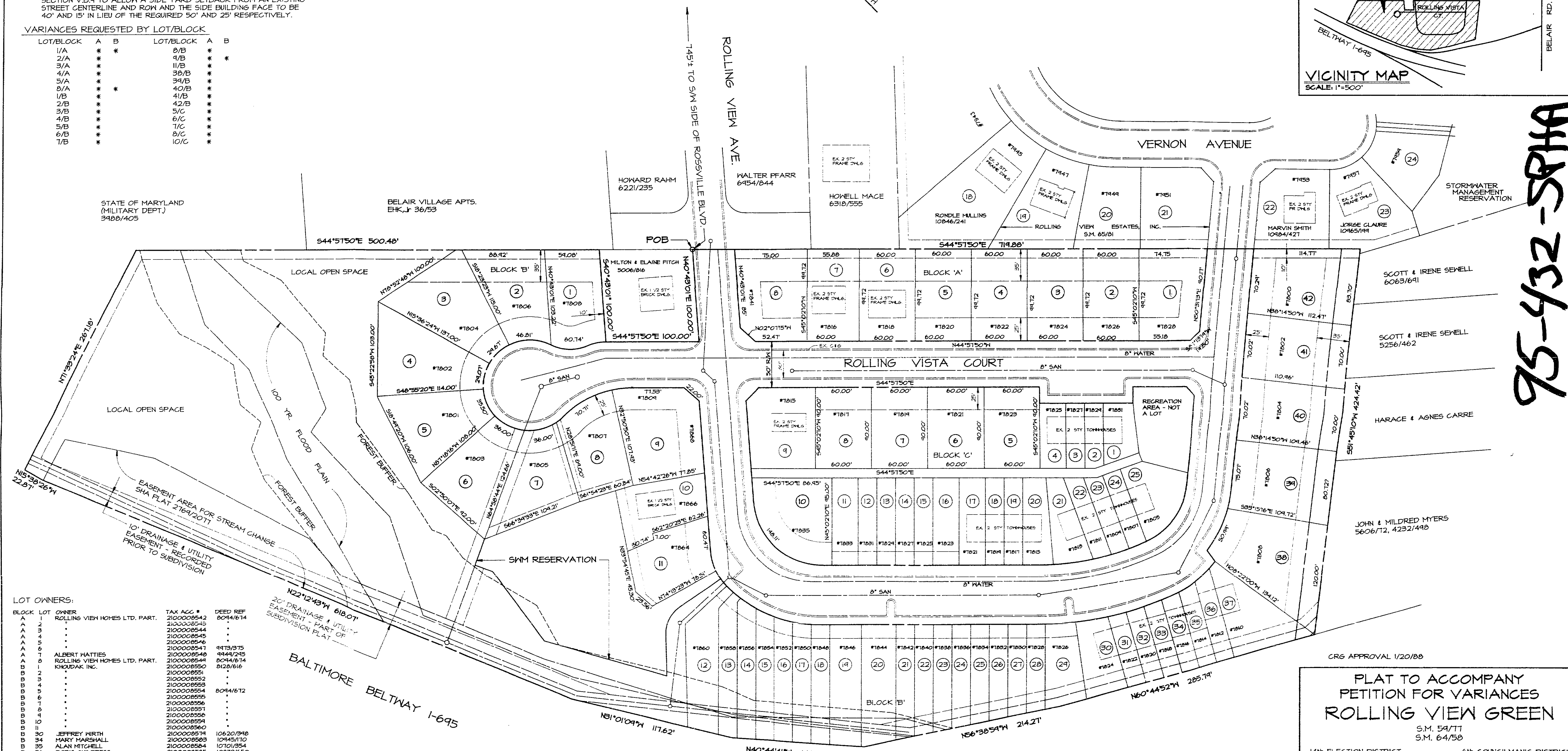
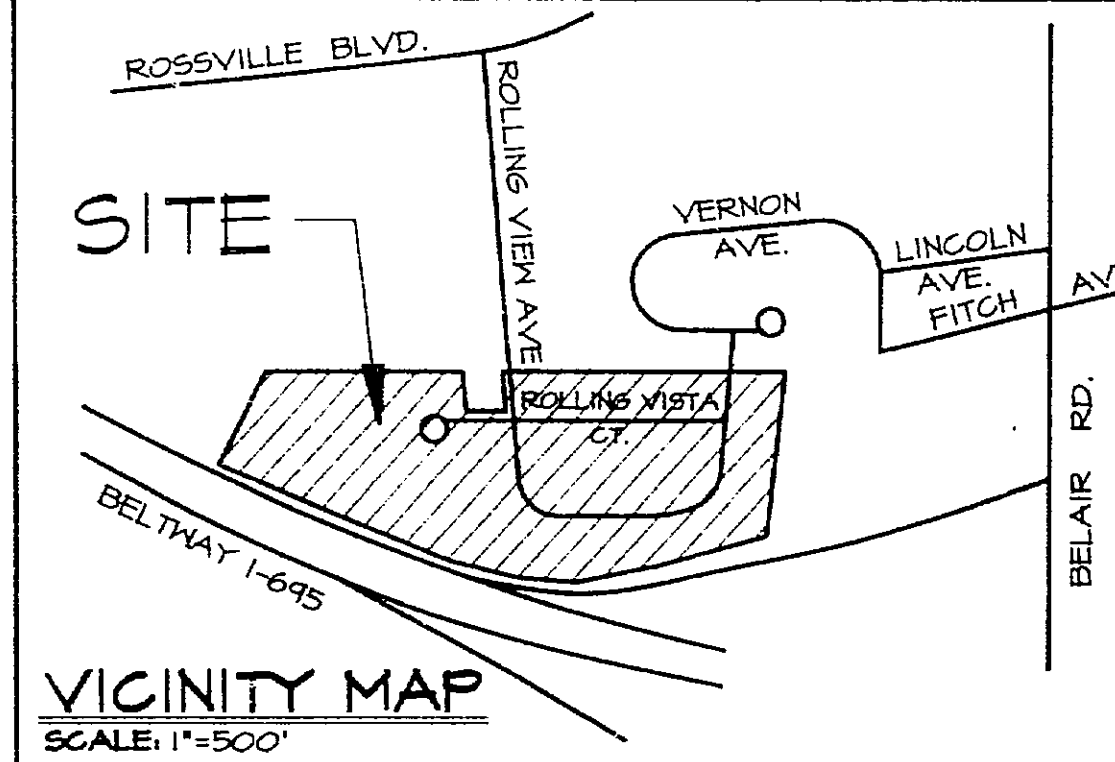
VARIANCES REQUESTED BY LOT/BLOCK:

LOT/BLOCK	A	B	LOT/BLOCK	A	B
1/A	*	*	8/B	*	*
2/A	*	*	9/B	*	*
3/A	*	*	10/B	*	*
4/A	*	*	38/B	*	*
5/A	*	*	39/B	*	*
6/A	*	*	40/B	*	*
1/B	*	*	41/B	*	*
2/B	*	*	42/B	*	*
3/B	*	*	5/C	*	*
4/B	*	*	6/C	*	*
5/B	*	*	7/C	*	*
6/B	*	*	10/C	*	*
7/B	*	*			

CONTRACT PURCHASER OF LOTS REQUESTING VARIANCES:
ROLLING VIEW LLC
9616 REISTERSTOWN RD.
OWINGS MILLS, MD 21117
356-4372

SITE DATA:

SITE AREA 13.7 AC± GR055
EXISTING ZONING DR 5.5
ZONING AT TIME OF CRG APPROVAL - DR 3.5



LOT OWNERS:

BLOCK	LOT	OWNER	TAX ACQ #	DEED REF
A	1	ROLLING VIEW HOMES LTD. PART.	2100005542	8044/614
A	2		2100005543	
A	3		2100005544	
A	4		2100005545	
A	5		2100005546	
A	6		2100005547	9413/375
A	7	ALBERT WATTIES	2100005548	4444/245
A	8	ROLLING VIEW HOMES LTD. PART.	2100005549	8044/614
A	9	KHOUAR INC.	2100005550	9122/616
B	1		2100005551	
B	2		2100005552	
B	3		2100005553	
B	4		2100005554	
B	5		2100005555	8044/612
B	6		2100005556	
B	7		2100005557	
B	8		2100005558	
B	9		2100005559	
B	10		2100005560	
B	11		2100005561	
B	12		2100005562	
B	13	JEFFREY WIRTH	2100005563	10620/346
B	14	MARY MARSHALL	2100005564	10145/170
B	15	ALAN MITCHELL	2100005565	10701/354
B	16	DORIS CHILDRESS	2100005566	10812/630
B	17	DONALD KELLNER	2100005567	10241/618
B	18	ROLLING VIEW HOMES LTD. PART.	2100005568	8044/614
B	19		2100005569	
B	20		2100005570	
B	21		2100005571	
B	22		2100005572	
B	23		2100005573	
B	24		2100005574	
B	25		2100005575	
B	26		2100005576	
B	27		2100005577	
B	28		2100005578	
B	29		2100005579	
B	30		2100005580	
B	31		2100005581	
B	32		2100005582	
B	33		2100005583	
B	34		2100005584	
B	35		2100005585	
B	36		2100005586	
B	37		2100005587	
B	38		2100005588	
B	39		2100005589	
B	40		2100005590	
B	41		2100005591	
B	42		2100005592	
C	1	DONALD RUSHING	2100005593	9224/112
C	2	THEODORE ZARNKCH	2100005594	8125/164
C	3	ARTHUR TRANEUF	2100005595	8846/240
C	4	AARON GREEN	2100005596	8881/622
C	5		2100005597	
C	6		2100005598	
C	7		2100005599	
C	8		2100005600	
C	9		2100005601	
C	10		2100005602	
C	11		2100005603	
C	12		2100005604	
C	13		2100005605	
C	14		2100005606	
C	15		2100005607	
C	16		2100005608	
C	17		2100005609	
C	18		2100005610	
C	19		2100005611	
C	20		2100005612	
C	21		2100005613	
C	22		2100005614	
C	23		2100005615	
C	24		2100005616	
C	25		2100005617	

ALL OTHER LOTS REMAIN IN THE OWNERSHIP OF FITCH AVENUE LIMITED PARTNERSHIP

ZONING HISTORY:

CASE #94-350-A
VARIANCE TO PERMIT A WINDOW TO TRACT BOUNDARY SETBACK OF 10' IN LIEU OF THE MINIMUM REQUIRED 35' FOR LOTS 1 & 42, BLOCK 'B' GRANTED, 4/13/84.

CASE # 90-444-A
SIDE YARD VARIANCE REQUESTED BETWEEN LOTS 29 & 30, DENIED.
SIDE YARD VARIANCES REQUESTED BETWEEN LOTS 10 & 11, 16 & 17, 4 & 5, AND 20 & 21, GRANTED, 6/12/80.

PLAT TO ACCOMPANY PETITION FOR VARIANCES ROLLING VIEW GREEN

S.M. 59/77
S.M. 64/58

14th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

REVISIONS:	SCALE: 1"=50'
	DATE: 5/22/95
	JOB NO.: 250-01
	DESIGNED: T.J.H.
	DRAWN: T.J.H./DCB
	CHECKED:
	DRAWING NUMBER:
	Z-1
	SHEET 1 OF 1

HOFF & ANTONUCCI ASSOCIATES

Land Development Consultants and Landscape Architects

1717 York Rd., Suite 18
Lutherville, Md. 21093
410-528-9225

95-432-SRHA

VARIANCES REQUESTED:

KEY TO VARIANCE TYPES

- A - VARIANCE FROM DCZS SECTION 1801.2.6.1 & 504 AND FROM CMDF SECTION V.B.3 TO ALLOW A MINIMUM HORIZONTAL DISTANCE BETWEEN ELEVATIONS OF BUILDINGS NOT MUTUALLY ATTACHED OF 20' FOR BUILDING ELEVATIONS GREATER THAN 25', BUT NOT MORE THAN 30', IN LIEU OF THE REQUIRED 30'.
- B - VARIANCE FROM DCZS SECTION 1801.2.6.3 & 504 AND FROM CMDF SECTION V.B.3 TO ALLOW A SIDE YARD SETBACK FROM AN EXISTING STREET CENTERLINE AND ROW AND THE SIDE BUILDING FACE TO BE 40' AND 15' IN LIEU OF THE REQUIRED 50' AND 25' RESPECTIVELY.

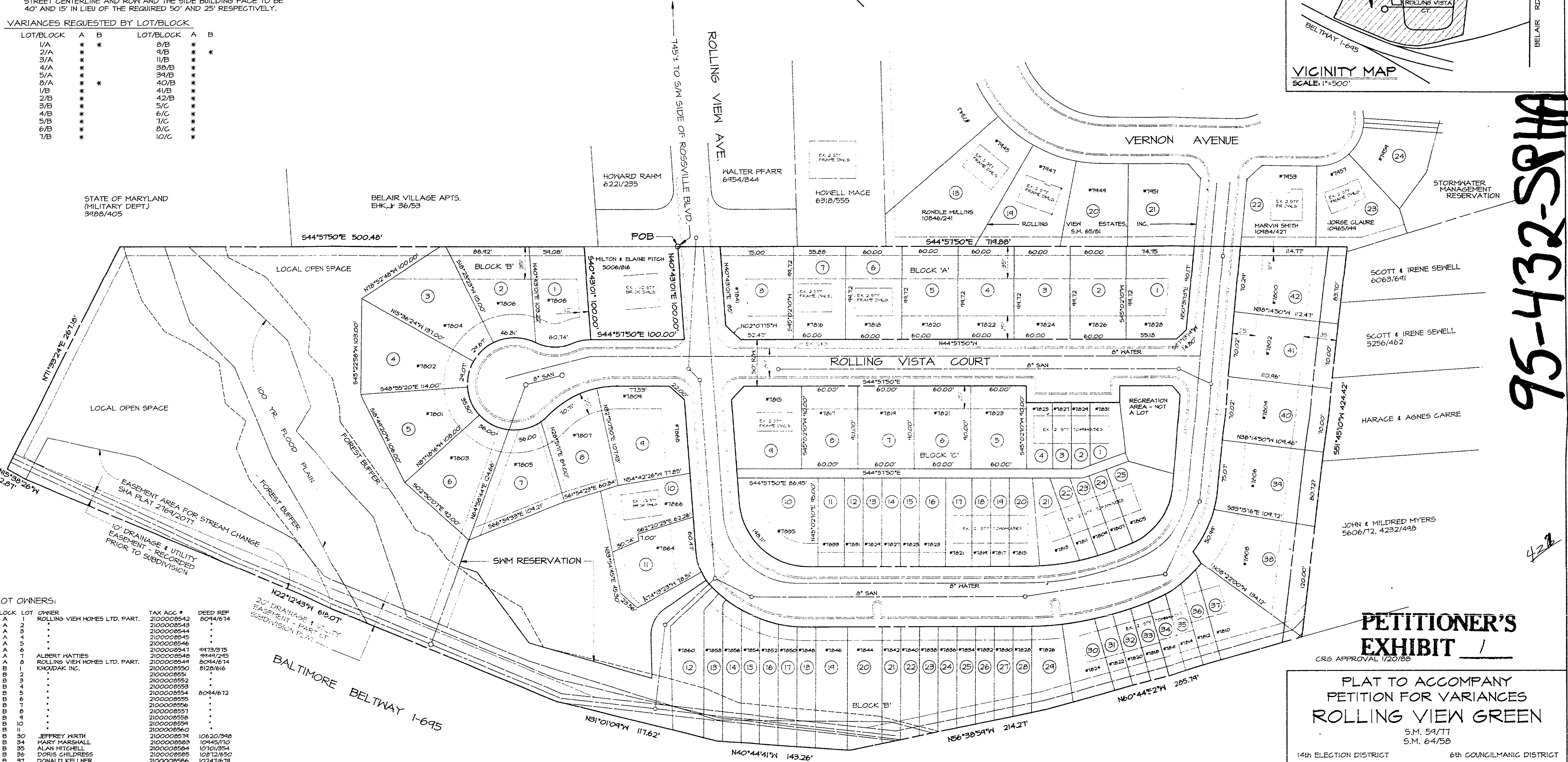
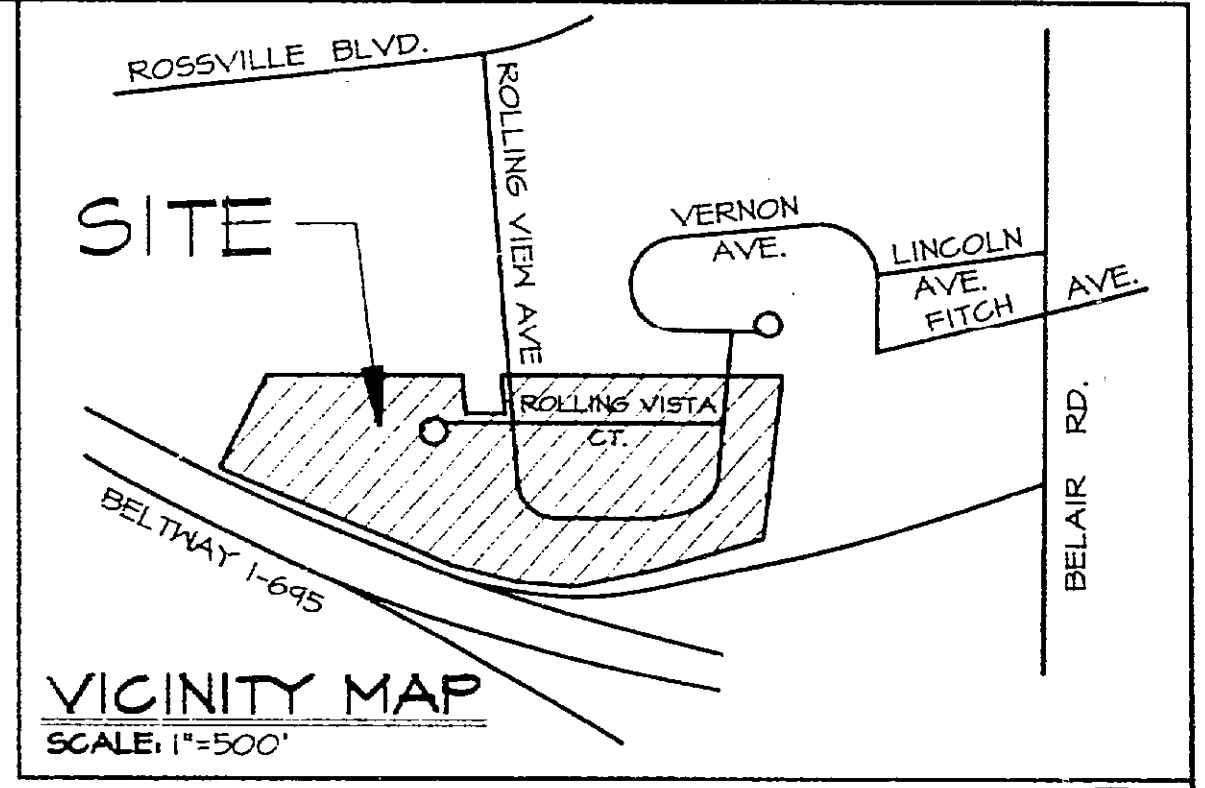
VARIANCES REQUESTED BY LOT/BLOCK

LOT/BLOCK	A	B	LOT/BLOCK	A	B
1/A	*	*	8/B	*	*
2/A	*	*	9/B	*	*
3/A	*	*	11/B	*	*
4/A	*	*	30/B	*	*
5/A	*	*	31/B	*	*
6/A	*	*	40/B	*	*
1/B	*	*	41/B	*	*
2/B	*	*	42/B	*	*
3/B	*	*	5/C	*	*
4/B	*	*	6/C	*	*
5/B	*	*	7/C	*	*
6/B	*	*	8/C	*	*
7/B	*	*	10/C	*	*

CONTRACT PURCHASER OF LOTS REQUESTING VARIANCES:
ROLLING VIEW LLC
1616 REISTERSTOWN RD.
ORINGES MILLS, MD 21117
356-4312

SITE DATA:

SITE AREA 13.7 AC± GROSS
13.7 AC± NET
EXISTING ZONING DR 5.5
ZONING AT TIME OF CRG APPROVAL - DR 3.5



LOT OWNERS:

BLOCK	LOT	OWNER	TAX AC.	DEED REF.
A	1	ROLLING VIEW HOMES LTD. PART.	2100008542	8044/614
A	2	...	2100008543	...
A	3	...	2100008544	...
A	4	...	2100008545	...
A	5	...	2100008546	...
A	6	...	2100008547	...
A	7	ALBERT KATTIES	9413/315	...
A	8	ROLLING VIEW HOMES LTD. PART.	2100008548	8444/245
A	9	KHOUZAK INC.	2100008549	8044/614
A	10	...	2100008550	8126/616
B	1	...	2100008551	...
B	2	...	2100008552	...
B	3	...	2100008553	...
B	4	...	2100008554	8044/612
B	5	...	2100008555	...
B	6	...	2100008556	...
B	7	...	2100008557	...
B	8	...	2100008558	...
B	9	...	2100008559	...
B	10	...	2100008560	...
B	11	JEFFREY WIRTH	2100008561	10620/348
B	12	MARY MARSHALL	2100008562	10445/110
B	13	ALAN MITCHELL	2100008563	10701/354
B	14	DORIS CHILDRESS	2100008564	10812/650
B	15	DONALD KELLNER	2100008565	10241/674
B	16	ROLLING VIEW HOMES LTD. PART.	2100008566	8044/614
B	17	...	2100008567	...
B	18	...	2100008568	...
B	19	...	2100008569	...
B	20	...	2100008570	...
B	21	...	2100008571	...
B	22	...	2100008572	...
B	23	...	2100008573	...
B	24	...	2100008574	...
B	25	...	2100008575	...
B	26	...	2100008576	...
B	27	...	2100008577	...
B	28	...	2100008578	...
B	29	...	2100008579	...
B	30	...	2100008580	...
B	31	...	2100008581	...
B	32	...	2100008582	...
B	33	...	2100008583	...
B	34	...	2100008584	...
B	35	...	2100008585	...
B	36	...	2100008586	...
B	37	...	2100008587	...
B	38	...	2100008588	...
B	39	...	2100008589	...
B	40	...	2100008590	...
B	41	...	2100008591	...
B	42	...	2100008592	...
B	43	...	2100008593	...
B	44	...	2100008594	...
B	45	...	2100008595	...
B	46	...	2100008596	...
B	47	...	2100008597	...
B	48	...	2100008598	...
B	49	...	2100008599	...
B	50	...	2100008600	...
B	51	...	2100008601	...
B	52	...	2100008602	...
B	53	...	2100008603	...
B	54	...	2100008604	...
B	55	...	2100008605	...
B	56	...	2100008606	...
B	57	...	2100008607	...
B	58	...	2100008608	...
B	59	...	2100008609	...
B	60	...	2100008610	...
B	61	...	2100008611	...
B	62	...	2100008612	...
B	63	...	2100008613	...
B	64	...	2100008614	...
B	65	...	2100008615	...
B	66	...	2100008616	...

ALL OTHER LOTS REMAIN IN THE OWNERSHIP OF FITCH AVENUE LIMITED PARTNERSHIP

PETITIONER'S EXHIBIT

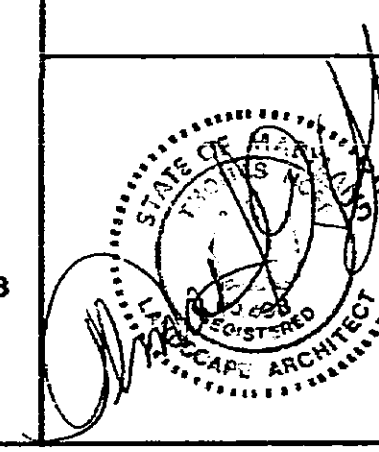
CRG APPROVAL 1/20/88
PLAT TO ACCOMPANY
PETITION FOR VARIANCES
ROLLING VIEW GREEN

S.M. 54/77
S.M. 64/58

14th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

	REVISIONS:	SCALE: 1"=50'
		DATE: 5/22/95
		JOB NO.: 250-01
		DESIGNED: TJH
	DRAWN: TJH/DCB	
	CHECKED:	
	DRAWING NUMBER:	
		Z-1
		SHEET 1 OF 1

1717 York Rd., Suite 1B
Lutherville, Md. 21093
410-628-9225



ZONING HISTORY:

CASE #84-350-A
VARIANCE TO PERMIT A WINDOW TO TRAC' BOUNDARY SETBACK OF 10' IN LIEU OF THE MINIMUM REQUIRED 35' FOR LOTS 1 & 42, BLOCK 'B' GRANTED, 4/13/89.

CASE # 90-444-A
SIDE YARD VARIANCE REQUESTED BETWEEN LOTS 21 & 30, DENIED.
SIDE YARD VARIANCES REQUESTED BETWEEN LOTS 10 & 11, 16 & 17, 4 & 5, AND 20 & 21, GRANTED, 6/12/90.

95-432-SPH

VARIANCES REQUESTED:

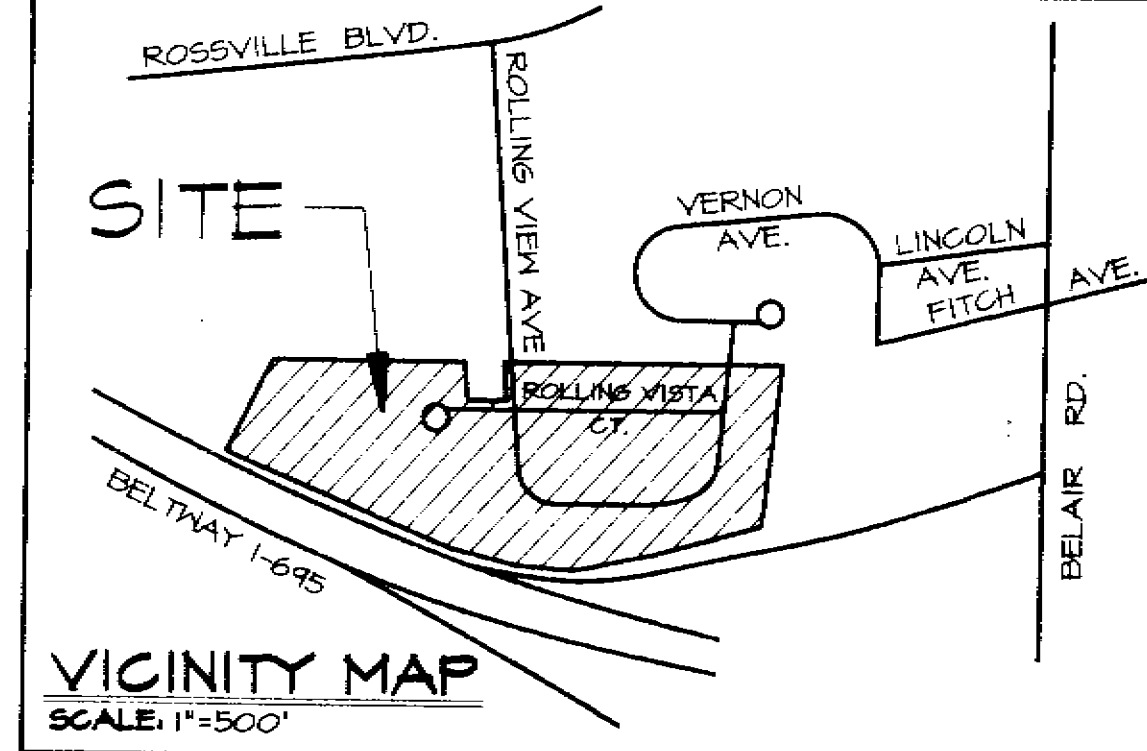
KEY TO VARIANCE TYPES

- A - VARIANCE FROM BCZR SECTION 1801.2.C.1 & 504 AND FROM CMDF SECTION V.B.3 TO ALLOW A MINIMUM HORIZONTAL DISTANCE BETWEEN ELEVATIONS OF BUILDINGS NOT MUTUALLY ATTACHED OF 20' FOR BUILDING ELEVATIONS GREATER THAN 25', BUT NOT MORE THAN 30', IN LIEU OF THE REQUIRED 30'.
- B - VARIANCE FROM BCZR SECTION 1801.2.C.3 & 504 AND FROM CMDF SECTION V.B.4 TO ALLOW A SIDE YARD SETBACK FROM AN EXISTING STREET CENTERLINE AND ROW AND THE SIDE BUILDING FACE TO BE 40' AND 15' IN LIEU OF THE REQUIRED 50' AND 25' RESPECTIVELY.

CONTRACT PURCHASER OF LOTS
REQUESTING VARIANCES:
ROLLING VIEW LLC
9616 REISTERSTOWN RD.
OWINGS MILLS, MD 21117
356-4372

SITE DATA:

SITE AREA 13.1 AC ± GROSS
13.7 AC ± NET
EXISTING ZONING DR 5.5
ZONING AT TIME OF CRG APPROVAL - DR 3.5



VARIANCES REQUESTED BY LOT/BLOCK

LOT/BLOCK	A	B	LOT/BLOCK	A	B
1/A	*	*	8/B	*	*
2/A	*	*	9/B	*	*
3/A	*	*	11/B	*	*
4/A	*	*	30/B	*	*
5/A	*	*	39/B	*	*
6/A	*	*	40/B	*	*
1/B	*	*	41/B	*	*
2/B	*	*	42/B	*	*
3/B	*	*	5/C	*	*
4/B	*	*	6/C	*	*
5/B	*	*	7/C	*	*
6/B	*	*	8/C	*	*
1/B	*	*	10/C	*	*

STATE OF MARYLAND
(MILITARY DEPT.)
3488/405

BELAIR VILLAGE APTS.
EHK, R 36/53

HOWARD RAHM
622/235

ROLLING VIEW AVE.

WALTER PFARR
6454/844

HOWELL MAGE
6318/555

VERNON AVENUE

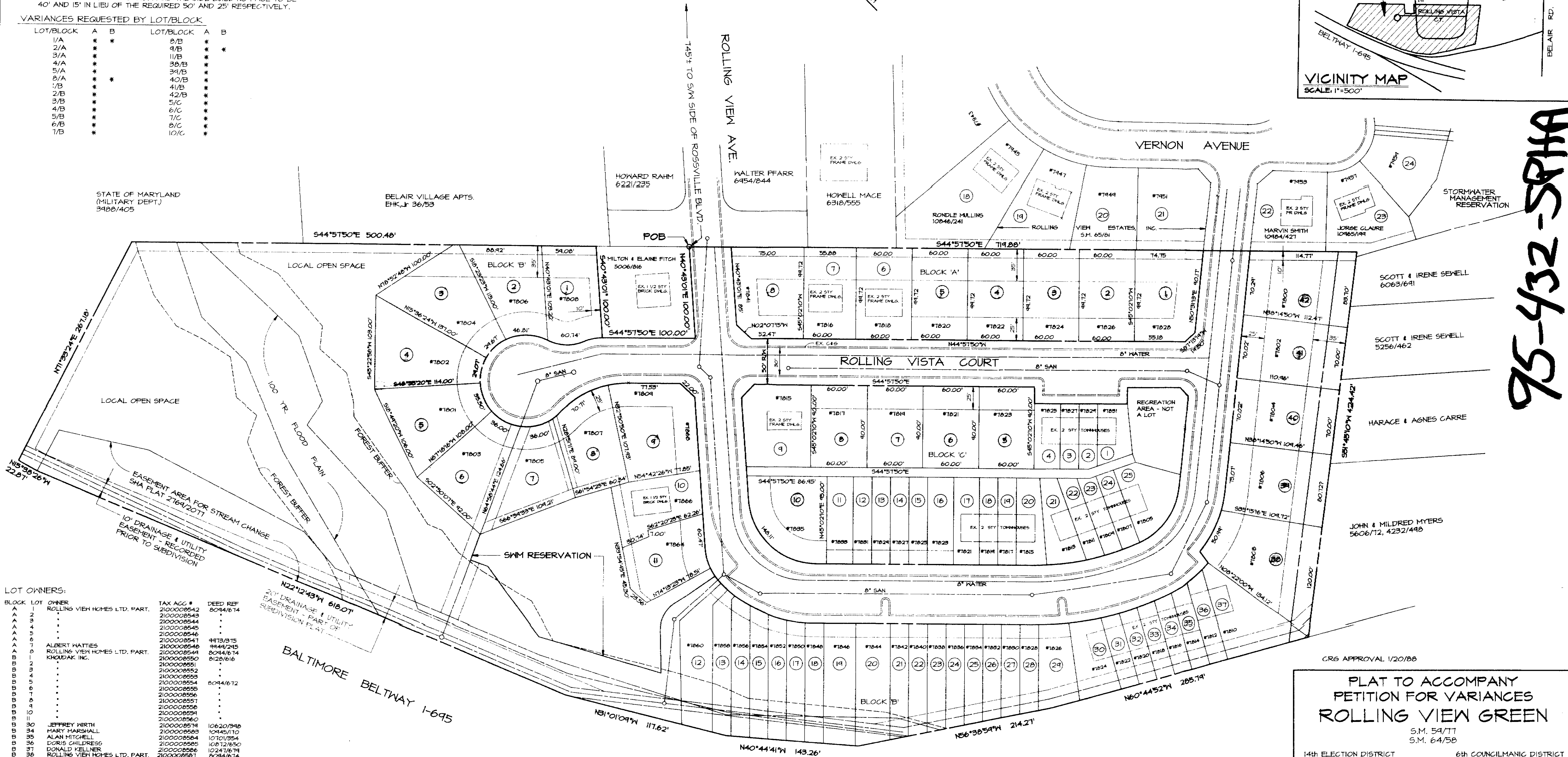
STORMWATER
MANAGEMENT
RESERVATION

SCOTT & IRENE SEWELL
6063/691

SCOTT & IRENE SEWELL
5256/462

HARACE & AGNES GARRE

JOHN & MILDRED MYERS
5606/12, 4232/498



LOT OWNERS:

BLOCK	LOT	OWNER	TAX AGG #	DEED REF
A	1	ROLLING VIEW HOMES LTD. PART.	2100008542	8094/614
A	2	...	2100008543	...
A	3	...	2100008544	...
A	4	...	2100008545	...
A	5	...	2100008546	...
A	6	...	2100008547	...
A	7	ALBERT WATTIES	2100008548	9473/315
A	8	ROLLING VIEW HOMES LTD. PART.	2100008549	9444/245
A	9	KHOUDAK INC.	2100008550	8094/614
A	10	...	2100008551	8128/616
A	11	...	2100008552	...
A	12	...	2100008553	...
A	13	...	2100008554	8094/612
A	14	...	2100008555	...
A	15	...	2100008556	...
A	16	...	2100008557	...
A	17	...	2100008558	...
A	18	...	2100008559	...
A	19	...	2100008560	...
A	20	JEFFREY NIRTH	2100008561	10620/348
A	21	MARY MARSHALL	2100008562	10448/110
A	22	ALAN MITCHELL	2100008563	10101/354
A	23	DORIS CHILDRESS	2100008564	10612/650
A	24	DONALD KELLNER	2100008565	10241/674
A	25	ROLLING VIEW HOMES LTD. PART.	2100008566	8094/614
A	26	...	2100008567	...
A	27	...	2100008568	...
A	28	...	2100008569	...
A	29	...	2100008570	...
A	30	...	2100008571	...
A	31	...	2100008572	...
A	32	...	2100008573	...
A	33	...	2100008574	...
A	34	...	2100008575	...
A	35	...	2100008576	...
A	36	...	2100008577	...
A	37	...	2100008578	...
A	38	...	2100008579	...
A	39	...	2100008580	...
A	40	...	2100008581	...
A	41	...	2100008582	...
A	42	...	2100008583	...
A	43	...	2100008584	...
A	44	...	2100008585	...
A	45	...	2100008586	...
A	46	...	2100008587	...
A	47	...	2100008588	...
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A	54	...	2100008595	...
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A	68	...	2100008609	...
A	69	...	2100008610	...
A	70	...	2100008611	...
A	71	...	2100008612	...
A	72	...	2100008613	...
A	73	...	2100008614	...
A	74	...	2100008615	...
A	75	...	2100008616	...

ALL OTHER LOTS REMAIN IN THE OWNERSHIP OF FITCH AVENUE LIMITED PARTNERSHIP

CRG APPROVAL 1/20/88

PLAT TO ACCOMPANY PETITION FOR VARIANCES ROLLING VIEW GREEN

S.M. 54/77
S.M. 64/58

14th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

HOFF & ANTONUCCI
ASSOCIATES

Land Development
Consultants
and Landscape
Architects

1717 York Rd., Suite 18
Lutherville, Md. 21093
410-628-9225

REVISIONS:

SCALE: 1"=50'

DATE: 5/22/95

JOB NO.: 250-01

DESIGNED: TJH

DRAWN: TJH/DCB

CHECKED:

DRAWING NUMBER:

MICROFILMED

Z-1

SHEET 1 OF 1

ZONING HISTORY:

CASE #89-350-A
VARIANCE TO PERMIT A WINDOW TO TRACT BOUNDARY SETBACK OF 10' IN LIEU OF THE MINIMUM REQUIRED 35' FOR LOTS 1 & 42, BLOCK 'B' GRANTED, 4/13/89.

CASE # 90-444-A
SIDE YARD VARIANCE REQUESTED BETWEEN LOTS 24 & 30, DENIED.
SIDE YARD VARIANCES REQUESTED BETWEEN LOTS 10 & 11, 16 & 17, 4 & 5, AND 20 & 21, GRANTED, 6/12/90.

95-432-SRHA

VARIANCES REQUESTED:

KEY TO VARIANCE TYPES

- A - VARIANCE FROM BCZR SECTION 1801.2.C.1 & 504 AND FROM CNDP SECTION V.B.3 TO ALLOW A MINIMUM HORIZONTAL DISTANCE BETWEEN ELEVATIONS OF BUILDINGS NOT MUTUALLY ATTACHED OF 20' FOR BUILDING ELEVATIONS GREATER THAN 25', BUT NOT MORE THAN 30', IN LIEU OF THE REQUIRED 30'.
- B - VARIANCE FROM BCZR SECTION 1801.2.C.3 & 504 AND FROM CNDP SECTION V.B.4 TO ALLOW A SIDE YARD SETBACK FROM AN EXISTING STREET CENTERLINE AND ROW AND THE SIDE BUILDING FACE TO BE 40' AND 15' IN LIEU OF THE REQUIRED 50' AND 25' RESPECTIVELY.

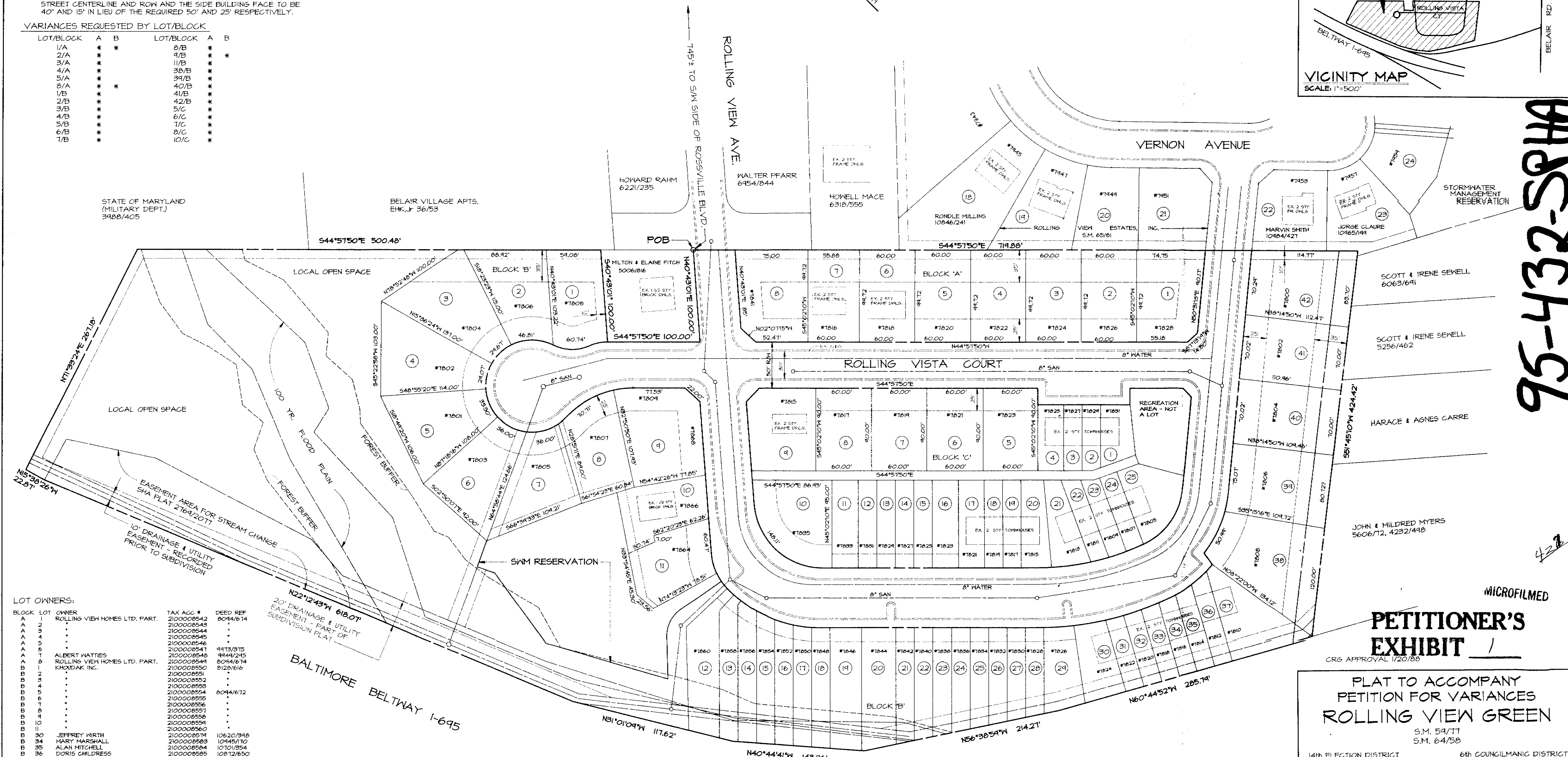
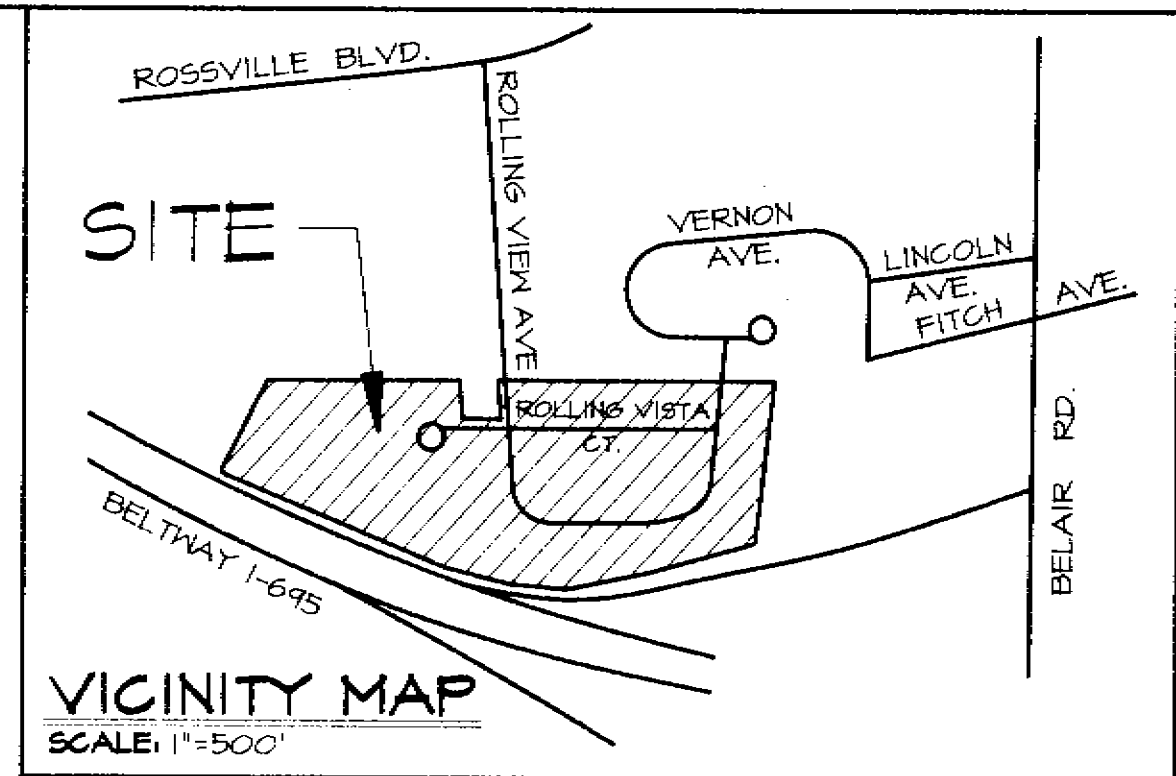
CONTRACT PURCHASER OF LOTS REQUESTING VARIANCES: ROLLING VIEW LLC 9616 REISTERSTOWN RD. OWINGS MILLS, MD 21117 356-4372

VARIANCES REQUESTED BY LOT/BLOCK

LOT/BLOCK	A	B	LOT/BLOCK	A	B
1/A	*	*	8/B	*	*
2/A	*	*	9/B	*	*
3/A	*	*	11/B	*	*
4/A	*	*	38/B	*	*
5/A	*	*	39/B	*	*
6/A	*	*	40/B	*	*
1/B	*	*	41/B	*	*
2/B	*	*	42/B	*	*
3/B	*	*	5/C	*	*
4/B	*	*	6/C	*	*
5/B	*	*	7/C	*	*
6/B	*	*	8/C	*	*
7/B	*	*	10/C	*	*

SITE DATA:

SITE AREA 13.7 AC± GROSS
13.7 AC± NET
EXISTING ZONING DR 5.5
ZONING AT TIME OF CRG APPROVAL - DR 3.5



LOT OWNERS:

BLOCK	LOT	OWNER	TAX AGG. #	DEED REF
A	1	ROLLING VIEW HOMES LTD. PART.	2100008542	8044/614
A	2		2100008543	
A	3		2100008544	
A	4		2100008545	
A	5		2100008546	
A	6		2100008547	
A	7	ALBERT WATTIES	4113/315	9444/245
A	8	ROLLING VIEW HOMES LTD. PART.	2100008548	8044/614
A	9	KHOUDAK INC.	2100008549	8126/616
B	1		2100008550	
B	2		2100008551	
B	3		2100008552	
B	4		2100008553	
B	5		2100008554	
B	6		2100008555	
B	7		2100008556	
B	8		2100008557	
B	9		2100008558	
B	10		2100008559	
B	11		2100008560	
B	12	JEFFREY WIRTH	2100008561	10620/348
B	13	MARY MARSHALL	2100008562	10445/110
B	14	ALAN MITCHELL	2100008563	10101/254
B	15	DORIS CHILDRESS	2100008564	10812/650
B	16	DONALD KELLNER	2100008565	10241/614
B	17	ROLLING VIEW HOMES LTD. PART.	2100008566	8044/614
B	18		2100008567	
B	19		2100008568	
B	20		2100008569	
B	21		2100008570	
B	22		2100008571	
B	23		2100008572	
B	24		2100008573	
B	25		2100008574	
C	1	DONALD RUSHING	2100008575	9224/112
C	2	THEODORE ZARNOCH	2100008576	8425/164
C	3	ARTHUR PHANIEF	2100008577	8866/340
C	4	AARON GREEN	2100008578	8881/622
C	5		2100008579	
C	6		2100008580	
C	7		2100008581	
C	8		2100008582	
C	9		2100008583	
C	10	JOSEPH FRAZIER	2100008584	4113/361
C	11	ROLLING VIEW HOMES LTD. PART.	2100008585	8044/614
C	12	TILE TRONK	2100008586	10545/250
C	13	KEVIN SIGLER	2100008587	10045/46
C	14	EVERETT WHITE	2100008588	4113/311
C	15	CARL GREEK	2100008589	4113/314
C	16	ZAM DEVELOPMENT INC.	2100008590	8114/331
C	17		2100008591	8114/324
C	18		2100008592	8114/321
C	19		2100008593	8114/325
C	20		2100008594	8114/323

ALL OTHER LOTS REMAIN IN THE OWNERSHIP OF FITCH AVENUE LIMITED PARTNERSHIP

ZONING HISTORY:

CASE #84-350-A
VARIANCE TO PERMIT A WINDOW TO TRACT BOUNDARY SETBACK OF 10' IN LIEU OF THE MINIMUM REQUIRED 35' FOR LOTS 1 & 42, BLOCK 'B' GRANTED, 4/13/89.

CASE #40-449-A
SIDE YARD VARIANCE REQUESTED BETWEEN LOTS 24 & 30, DENIED
SIDE YARD VARIANCES REQUESTED BETWEEN LOTS 10 & 11, 16 & 17, 4 & 5, AND 20 & 21, GRANTED, 6/12/90.

PETITIONER'S EXHIBIT

CRG APPROVAL 1/20/88

PLAT TO ACCOMPANY PETITION FOR VARIANCES ROLLING VIEW GREEN

S.M. 59/11
S.M. 64/58

14th ELECTION DISTRICT

6th COUNCILMANIC DISTRICT

REVISIONS:	SCALE: 1"=50'
	DATE: 5/22/95
	JOB NO.: 250-01
	DESIGNED: TJH
	DRAWN: TJH/DCB
	CHECKED:
	DRAWING NUMBER:
	Z-1
	SHEET 1 OF 1

HOFF & ANTONUCCI ASSOCIATES

Land Development Consultants and Landscape Architects

1717 York Rd., Suite 18
Lutherville, Md. 21093
410-628-9225

95-432-SHA

MICROFILMED