IN RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road (4112 and 4114 Link Avenue); and, S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road (4109 and (4111 Silver Spring Road)
11th Election District
6th Councilmanic District

Kenneth J. Goeller, Jr., et ux and Francis D. Kemp, Jr. - Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Cases Nos. 97-21-A, 97-22-A 97-23-A, and 97-24-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 4112 and 4114 Link Avenue and 4109 and 4111 Silver Spring Road, located in the vicinity of Joppa Road and Belair Road in Perry Hall. The Petitions were filed by Kenneth J. Goeller, Jr., and his wife, Charlene J. Goeller, owners of 4114 Link Avenue and 4111 Silver Spring Road, and Francis D. Kemp, Jr., owner of 4112 Link Avenue and 4109 Silver Spring Road. In all four cases, relief is sought from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements. The subject properties and relief requested are more particularly described on the respective site plans submitted with each Petition filed, which were accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions were Kenneth and Charlene Goeller, Francis Kemp, Jr., and Alexander P. Ratych, Registered Land Surveyor who prepared the site plans for each case. There were no Protestants present.

Testimony and evidence offered revealed that the properties known

ORDER RECEIVED FOR FILING
Date
By

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as 4112 and 4114 Link Avenue are located adjacent to one another in the subdivision known as Fullerton Farms. The two properties are 50 feet wide and nearly 400 feet deep and abut Link Avenue in the front and Silver Spring Road in the rear. The Goellers and the Kemps have been neighbors for many years. The Petitioners now wish to subdivide their respective properties to create a second building lot which will front on Silver Spring Road. They then propose to develop that lot with a new single family dwelling for their respective families and either rent or sell their current homes. Due to the narrow width of the properties and the location of existing improvements thereon, the requested variances to lot width and setback requirements are necessary to legitimize existing conditions and to proceed with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

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

After due consideration of the testimony and evidence presented,

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

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of August, 1996 that the Petitions for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements at 4112 and 4114 Link Avenue, and 4109 and 4111 Silver Spring Road, in accordance with Petitioner's Exhibits 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date 8/20/96
By

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 22, 1996

Mr. & Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, Maryland 21236

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, Maryland 21236

RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road
(4112 and 4114 Link Avenue); and,
S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road
(4109 and 4111 Silver Spring Road)
Kenneth J. Goeller, Jr., et ux, and Francis D. Kemp, Jr. - Petitioners
Cases Nos. 97-21-A, 97-22-A, 97-23-A, and 97-24-A

Dear Mr. & Mrs. Goeller and Mr. Kemp:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234

People's Counsel

File

MICROFILMED

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4112 Link Avenue

97-22-A

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 Variance from Section(s) 1B02.3.C.1

To allow the creation of a 50' lot in lieu of the required 55' and a side yard setback of 8' in lieu of the required 10'.

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

The Lots, 50' feet wide, were created on the Plat of Fullerton Farms, dated May 1922, and cannot meet the present zoning required of 55' feet in width.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

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

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Francis D. Kemp, Jr.
(Type or Print Name)

Signature

(Type or Print Name)

Signature

Tel: (410) 256-8859

4112 Link Avenue
Address Phone No

Baltimore, Maryland 21234
City State Zipcode

Name, Address and phone number of representative to be contacted

Alexander P. Ratych
APR Associates, Inc.
Name

7427 Harford Road 444-4312
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 1/2

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER

REVIEWED BY: CAM DATE 18 July 96

schedule with 23, 24, 25

#23

ORDER RECEIVED FOR FILING
Date 8/22/96
By

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Zoning Administration & Development Management

MICROFILMED

APR ASSOCIATES, INC.
ENGINEERS · SURVEYORS

ZONING DESCRIPTION FOR
4112 LINK AVENUE

97-22-A

BEGINNING FOR THE SAME at a point on the Northerly side of Link Avenue as widened to a width of 50' feet and on which the property fronts at the distance of 524' feet more or less Northwesterly from the centerline of Belair Road and being also on the division line between Lots 64 and 65 as shown on the plat of Fullerton Farms, recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7, Folio 52; thence binding along the Northerly side of Link Avenue (1) North 55 degrees 18 minutes 30 seconds West 50.00 feet to a point on the division line between Lots 65 and 66 on said plat; thence leaving Link Avenue and binding along a part of said division line (2) North 34 degrees 41 minutes 30 seconds East 180.00 feet to a point; thence crossing said Lot 65 (3) South 55 degrees 18 minutes 30 seconds East 50.00 feet to intersect the division line between Lots 64 and 65 thence binding thereon (4) South 34 degrees 41 minutes 30 seconds East 180.00 feet to the point of beginning; containing 0.2066 acres more or less. Also known as 4114 Link Avenue and located in the 11th Election District and 6th Councilmanic District of Baltimore County.

07/03/96

STATE OF MARYLAND
ALBERT FEDER
No. 3-33
REGISTERED
LAND SURVEYOR

7/10/1996

MICROFILMED

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

23

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

97-72-A

District 1st

Posted for: Variance

Date of Posting 8/5/96

Petitioner: Francis A Kemp, Jr

Location of property: 4112 Lisk Ave

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by [signature]
Signature

Number of Signs: 1

Date of return: 8/12/96

MICROFILMED

NOTICE OF HEARING

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

Case: [illegible]
(Item 25)
4112 Link Avenue
N/S Link Avenue, [illegible] NWly of c/l Belair Road
11th Election District
6th Councilmanic
Legal Owner(s):
Francis D. Kemp, Jr.
Variance: to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.
Hearing: Tuesday, August 20, 1996 at 9:30 a.m. in Rm. 118, Old Courthouse.

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.

8/032 August 1, C70564

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/1, 1996

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 8/1, 1996.

THE JEFFERSONIAN,

A. Henrikson

LEGAL AD. - TOWSON

[redacted]

MICROFILMED

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 23 Petitioner: KENNETH J. GOELLER & CHARLENE J.

Location: 4112 LINK AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: APR ASSOCIATES, INC

ADDRESS: 7427 HARFORD RD

BALTIMORE, MD 21234

PHONE NUMBER: 410-444-4312

MICROFILMED

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Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

August 17, 1995

Mr. Ben Bronstein, Esquire
Evans, George and Bronstein
29 West Susquehanna Avenue
Suite 205
Towson, MD 21204

Re: DRC Approval
Villa Julie College
S/s Greenspring
Valley Road
0' E of Nacirema Lane
1521 Greenspring
Valley Road
8th Election District
3rd Councilmanic District
DRC No. 06195K

Dear Mr. Bronstein:

Please be advised that an appeal of the above-referenced case was filed in this office on August 9, 1995 by John Bernstein, Esquire on behalf of Richard B. Buck, and the Valley's Planning Council. All materials relative to the case have been forwarded to the Baltimore County Board of appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

cc: J. Carroll Holzer, Esq.

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on Recycled Paper

TO: PUTUXENT PUBLISHING COMPANY
August 1, 1996 Issue - Jeffersonian

Please foward billing to:

APR Associates, Inc.
7427 Harford Road
Baltimore, Maryland 21234
444-4312

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: 97-22-A (Item 23)
4112 Link Avenue
N/S Link Avenue, 524' NWly of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Francis D. Kemp, Jr.

Variance to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

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.

MICROFILMED

APPLICATION FOR MASSAGE ESTABLISHMENT MANAGER LICENSE OR A MASSAGE TECHNICIAN LICENSE
(continued)

****

NO YES Has any license to administer massages or manage or operate a massage establishment been previously denied, suspended, or revoked? If YES, include the circumstances and dates of any suspension, revocation or denial of any permit or license in relation to massage establishments.

_____

_____

_____

_____

_____

****

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THE FOREGOING APPLICATION IS TRUE AND CORRECT. IF THERE ARE ANY VIOLATIONS OF THIS LAW, I UNDERSTAND THAT MY LICENSE MAY BE SUSPENDED, REVOKED OR DENIED. THIS LICENSE IS NOT TRANSFERABLE AND THE FEES MAY NOT BE PRORATED OR REFUNDED.

APPLICANT'S SIGNATURE _____

****

REPORT OF THE BALTIMORE COUNTY POLICE DEPARTMENT: VICE UNIT, INVESTIGATION OF BACKGROUND AND CHARACTER:

_____

_____

_____

_____

_____

_____

_____

_____

_____

POLICE DEPARTMENT: VICE UNIT SIGNATURE TITLE DATE

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 26, 1996

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: 97-22-A (Item 23)
4112 Link Avenue
N/S Link Avenue, 524' NWly of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Francis D. Kemp, Jr.

Variance to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Francis D. Kemp, Jr.
APR Associates, Inc.

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

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on Recycled Paper

APPLICATION FOR MASSAGE ESTABLISHMENT MANAGER LICENSE OR A MASSAGE TECHNICIAN LICENSE
(continued)

****

NO YES Has any license to administer massages or manage or operate a massage establishment been previously denied, suspended, or revoked? If YES, include the circumstances and dates of any suspension, revocation or denial of any permit or license in relation to massage establishments.

_____

_____

_____

_____

_____

****

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THE FOREGOING APPLICATION IS TRUE AND CORRECT. IF THERE ARE ANY VIOLATIONS OF THIS LAW, I UNDERSTAND THAT MY LICENSE MAY BE SUSPENDED, REVOKED OR DENIED. THIS LICENSE IS NOT TRANSFERABLE AND THE FEES MAY NOT BE PRORATED OR REFUNDED.

APPLICANT'S SIGNATURE _____

****

REPORT OF THE BALTIMORE COUNTY POLICE DEPARTMENT: VICE UNIT, INVESTIGATION OF BACKGROUND AND CHARACTER:

_____

_____

_____

_____

_____

_____

_____

_____

_____ TITLE DATE S

POLICE DEPARTMENT: VICE UNIT SIGNATURE

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 19, 1996

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, MD 21234

RE: Item No.: 23
Case No.: 97-22-A
Petitioner: Francis D. Kemp, Jr.

Dear Mr. Kemp:

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 July 18, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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on Recycled Paper

Warner Fire Protection Services, Inc.

1938 Deer Park Road Suite #3 (410) 861-8784

COMPUTERIZED HYDRAULIC CALCULATIONS COVER SHEET

FOR: BALTIMORE COUNTY FULLERTON WASTERWATER PROJECT
ADDRESS: BUCK SCHOOLHOUSE ROAD
CONTRACTOR: DESIGN-PLUS
DATE: 1/25/96 JOB #: 96-003
CONSTRUCTION: NON-COMBUSTIBLE OCCUPANCY: ORDINARY HAZARD II

DESIGN CRITERIA

NFPA 13 ORD. HZD. GRP. 2
WET SYSTEM 120 SQ. FT. PER SPRINKLER
1/2 in. ORIFICE SPKLR'S. K-FACTOR 5.6
TEMP. RATING 165 DEG. F
THIS SPRINKLER SYSTEM WILL DELIVER A DENSITY OF .2 gpm/sq ft
FOR A DESIGN AREA OF 1500 SQ. FT. OF FLOOR AREA WHEN FLOWING 346.62 gpm
AT A PRESSURE OF 57.7 psi AT THE BASE OF THE RISER
INSIDE HOSE 0 gpm OUTSIDE HOSE 250 gpm
RACK SPKLR'S 0 gpm

WATER SUPPLY DATA

WATER FLOW TEST
DATE OF TEST 1/18/96 TIME OF TEST 1:30 PM
STATIC (psi) 101 RESIDUAL (psi) 39 FLOW (gpm) 1500
ELEV. OF RESIDUAL TEST GAGE 0
LOCATION OF FLOW TEST BUCK SCHOOLHOUSE ROAD - 3RD F.H. EAST OF RIDGE ROAD
TEST CONDUCTED BY
BALTIMORE COUNTY WATER & WASTE WATER FACILITIES DIVISION
TEST DATA FURNISHED BY BALTO. CNTY.

GENERAL REMARKS: MAINTENANCE BUILDING EQUIPMENT STORAGE AREA (MNT1)
:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: July 30, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 22, 23, 24 and 25.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kess

PK/JL/lw

ITEM22/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

DATE: April 1, 1996

TO: Joanne Famolaro

FROM: Julie A. Winiarski

RE: Itemized Call Detail Report/BAC Charges

As a result of a recent audit of the telephone charges for the department of permits and development management, attached are some detail reports that have been erroneously charged to this department. I have indicated on each detail report the person and/or department that utilizes the telephone line.

It would greatly appreciated if a credit could be issued to our budget number for the attached reports and all future billing of these numbers directed to the proper agencies. Thank you for your assistance in this regard. Should you have any questions, contact me on extension 3353.

Attachments

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

7-30-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 023 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS

MICROFILMED

My telephone number is _____

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

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: August 2, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 5, 1996
Item Nos. 017, 019, 020, 021, 022, 023, 024, and 025

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE20

MICROFILMED

RE: PETITION FOR VARIANCE 4112 Link Avenue, N/S Link Avenue, 524' NWly of c/l Belair Road 11th Election District, 6th Councilmanic Francis D. Kemp, Jr. Petitioners	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 97-22-A

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

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

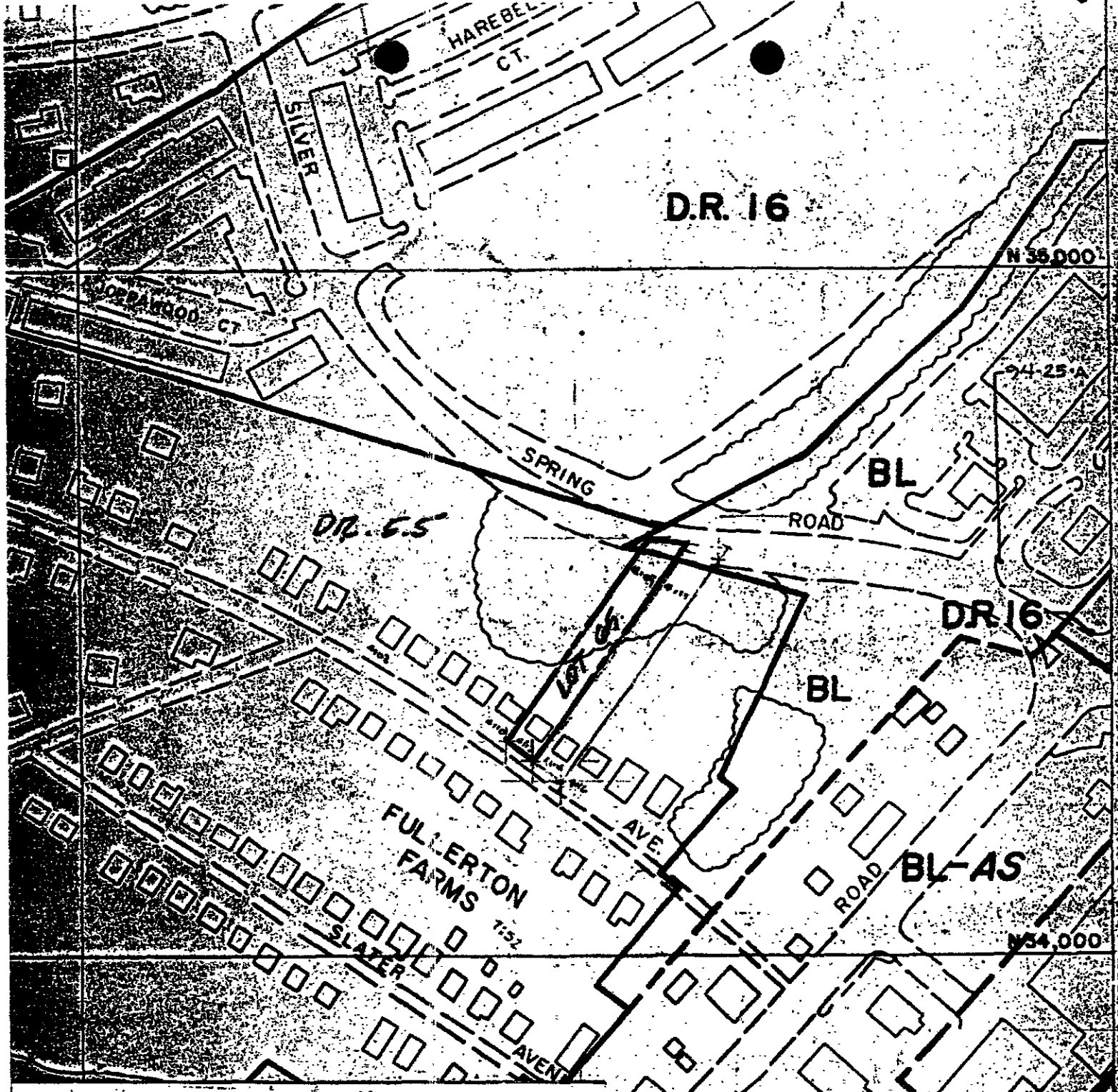
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Alexander P. Ratych, APR Associates, Inc. 7427 Harford Road, Baltimore, MD 21234, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED



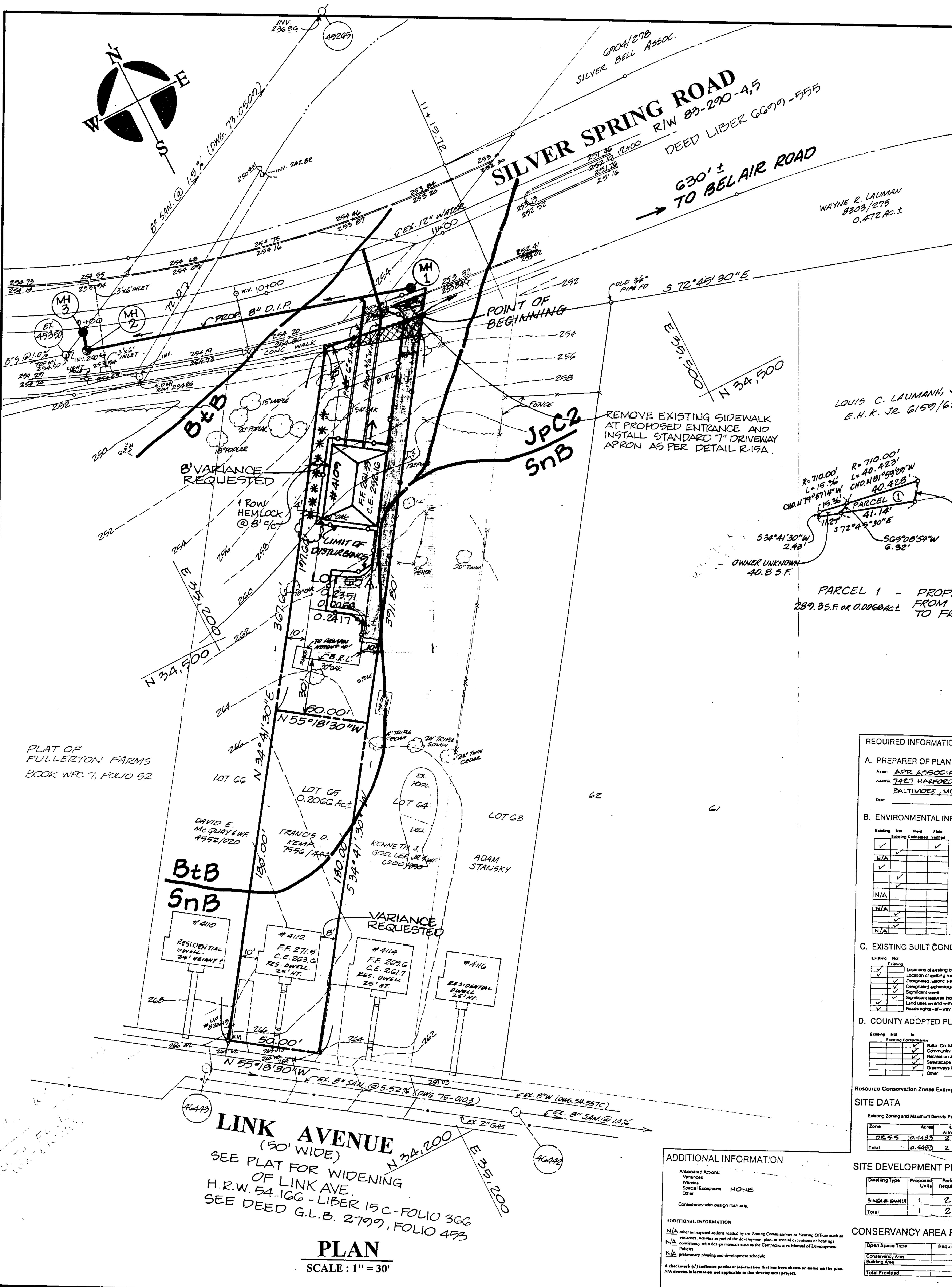
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

SCALE	LOCATION	SHEET
1" = 200'±	97-22-A	
DATE OF PHOTOGRAPHY JANUARY	PERRY HALL	N.E. 9-F

23

MICROFILMED



PLAN
SCALE : 1" = 30'

26. A WAIVER HAS BEEN REQUESTED FOR THE REQUIRED LOCAL OPEN SPACE.

27. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 12 / 19 / 1922. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THESE PROPERTIES AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.

28. DENSITY CALCULATIONS :
A. LOTS ALLOWED =ZONING DENSITY x GROSS ACRES=5.5x0.4483=2.5
B. LOTS PROPOSED = 2

29. THERE ARE NO EXISTING WELLS , SEPTICS OR UNDERGROUND STORAGE TANKS ON SITE OR ANY OTHER STRUCTURE EXCEPT AS SHOWN.

30. NO ZONING APPLICATION HAS BEEN FILED ON THIS PROPERTIES. NO ZONING CHANGE WITHING 200 FEET OF THE PROPERTIES. NO ZONING HISTORY

31. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30 PERCENT OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.

32. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORM WATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

33. PROPERTIES ARE SERVED BY PUBLIC SEWER , WATER BG&E AND ELECTRIC LINES.

34. UNDERGROUND UTILITIES ARE SHOWN ON THIS DRAWING ONLY FOR THE CONVENIENCE OF THE USER OF THE DRAWING AND THERE IS NO WARRANTY OR GUARANTEE OF THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION GIVEN . THE USER OF THE DRAWING MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION.

35. THERE ARE NO WETLANDS ON THIS PROPERTY

36. THIS PROPERTY IS EXEMPT FROM FOREST CONSERVATION REGULATIONS BECAUSE TOTAL AREA IS UNDER 20,000 S.F.

37. ALL CONSTRUCTION DRAWINGS AND CONSTRUCTION FOR PUBLIC USE SHALL CONFORM WITH BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS AND STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION

38. THE RESPONSIBILITIES OF THE DEVELOPER INVOLVING PUBLIC IMPROVEMENTS SHALL INCLUDE THE INSPECTION FEES , BURDEN AND FRINGE COSTS INCURRED CURRENTLY THESE CHARGES ARE 3 TIMES PAYROLL FOR METROPOLITAN DISTRICT PROJECTS AND 2 TIMES PAYROLL FOR THE CAPITAL IMPROVEMENT FUND.

39. A PUBLIC WORKS AGREEMENT MUST BE EXECUTED BY THE OWNER AND BALTIMORE COUNTY FOR THE REQUIRED PUBLIC IMPROVEMENTS , AFTER WHICH A BUILDING PERMIT MAY BE APPROVED.

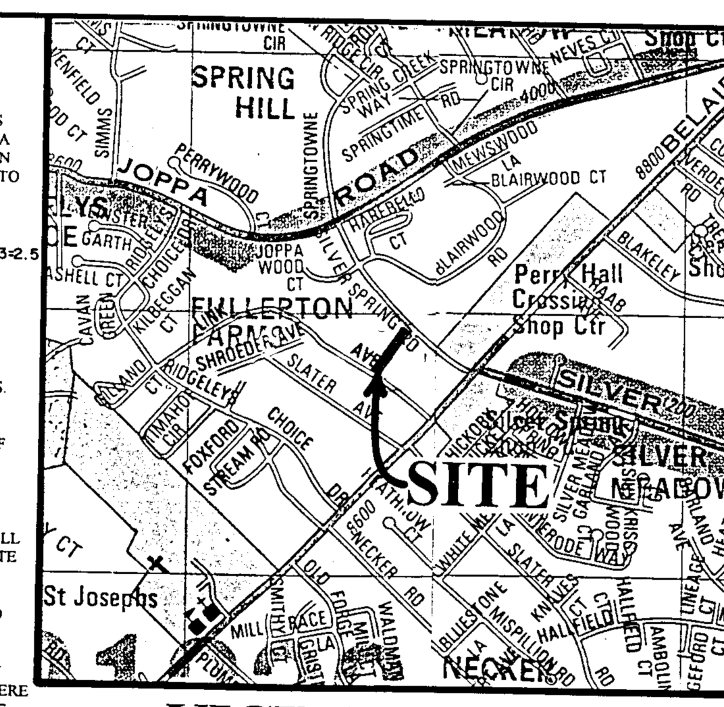
40. THE DEVELOPER SHALL BE RESPONSIBLE FOR DAMAGES TO THE COUNTY'S FACILITIES , SUCH AS WATER METERS , MANHOLES , CURBS AND GUTTERS AND INLETS WITHIN HIS SUBDIVISION. OCCUPANCY PERMITS WILL BE WITHHELD UNTIL SUCH DAMAGES HAVE BEEN CORRECTED.

41. OFFSITE RIGHTS-OF-WAY ARE NECESSARY FOR ROADS ,STORM DRAINS OR OTHER UTILITIES. THE DEVELOPER IS HEREBY ADVISED THAT THE FINAL PLAT AND/OR BUILDING PERMITS WILL NOT BE APPROVED UNTIL THE OFFSITE RIGHT-OF-WAY IS ACQUIRED. THE COUNTY RESERVES THE RIGHT TO MAKE THE NECESSARY CONTACTS FOR ACQUISITION OF RIGHTS-OF-WAY.

42. THE DEVELOPER'S ENGINEER SHALL INVESTIGATE THE NEED AND OBTAIN THE NECESSARY PERMITS FOR THE FACILITIES SERVING THIS SITE THAT MAY REQUIRE A "CORPS OF ENGINEER'S PERMIT", A "WATER RESOURCES PERMIT", A "WATER QUALITY CERTIFICATION", AND ANY OTHER FEDERAL OR STATE PERMITS. THESE FACILITIES CANNOT BE SENT TO CONTRACT UNTIL SUCH PERMITS HAVE BEEN RECEIVED

43. SILVER SPRING ROAD IS AN EXISTING ROAD WHICH SHALL ULTIMATELY BE IMPROVED AS A 50' STREET CROSS SECTION ON A 70' RIGHT-OF-WAY. LINK AVENUE IS AN EXISTING AVENUE WHICH SHALL ULTIMATELY BE IMPROVED AS A 30' STREET CROSS SECTION ON A 50' RIGHT-OF-WAY.

44. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT **PROPERTIES , ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH** MAY RESULT , DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER



VICINITY MAP
SCALE : 1" = 1,000'

GENERAL NOTES:

1. TOATAL AREA LOT 65 A — GROSS = 0.4483 Ac. NET = 0.4483 Ac. = 10,528.4 S.F. or 0.2417 Ac.±
2. EXISTING ZONING = DR 5.5; 200' SCALE MAP-FULLERTON 35 NE 24
3. LOTS PERMITTED = 2
4. LOTS PROPOSED = 2
5. DEED REFERENCES = 7556/444
6. ADJACENT ZONING = DR 5.5
7. EXISTING USE = 1 SINGLE FAMILY DWELLINGS
8. PROPOSED USE = 2 SINGLE FAMILY DWELLINGS
9. OWNERS : LOT 65 - FRANCIS D. KEMP, 4112 LINK AVENUE, BALTIMORE,MD 21236, (410) 256-8859, DEED 7556 / 444, TAX ACCT. 11-11 - 016870

PETITIONER'S EXHIBIT 1

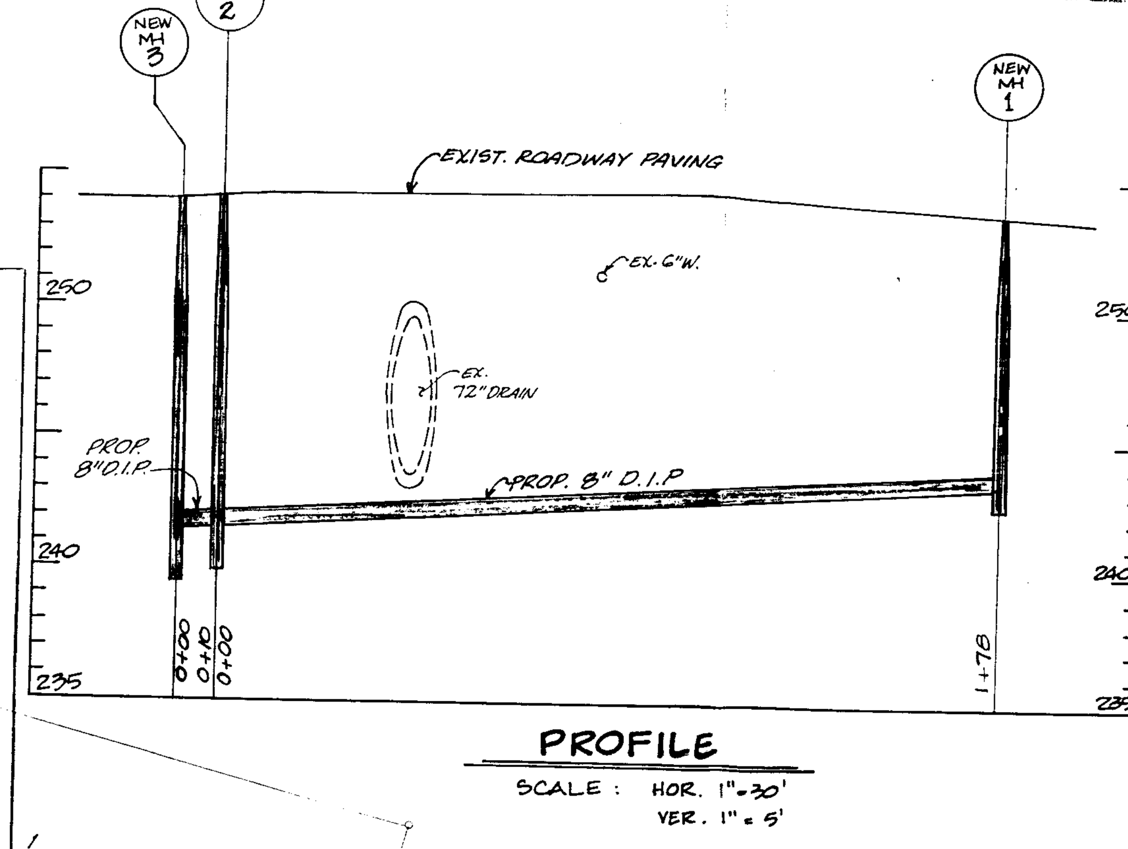
10. TAX PLAT / BLOCK / PARCEL = 71 / 18 / 1175
11. COUNCILMANIC DISTRICT = 6
12. CENSUS TRACT = 4114.02
13. REGIONAL PLANNING DISTRICT = 317 A
14. ELEMENTARY SCHOOL DISTRICT = 97 PERRY HALL
15. WATERSHED = 6
16. SUBSEWERSHED = 22
17. PARKING : REQUIRED = 4 P.S.; TO BE PROVIDED = 4 P.S.
18. THERE ARE NO KNOWN CRITICAL AREAS ,ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, HISTORICAL BUILDINGS, HAZARDOUS MATERIALS SITES NOR STORAGE ON THIS TRACT.
19. COORDINATES AND BEARING SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS :

STATION	NORTH	EAST
10653	35,970.43	37,452.22
10654	35,745.50	37,742.72

20. ANY FURTHER SUBDIVISION ON THIS PROPERTY WILL REQUIRE A MAJOR SUBDIVISION. THE DEVELOPER AND HIS ASSIGNS RETAIN THE RIGHT TO UTILIZE UNUSED DENSITY IN THE FUTURE IN ACCORDANCE WITH REGULATIONS IN EFFECT AT THE TIME.
21. ACCEPTANCE OF THIS PLAN IN NO WAY BINDS BALTIMORE COUNTY INTO REFUSE COLLECTION OF THIS DEVELOPMENT AT THE TIME OF CONSTRUCTION AND AFTER ALL REQUIREMENTS (REFUSE COLLECTION PADS) HAVE BEEN MET ,A REPRESENTATIVE OF THE BUREAU WILL MEET WITH THE DEVELOPER OR HIS REPRESENTATIVE TO DISCUSS DETAILS OF REFUSE COLLECTION.
22. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY , WATERCOURSE , WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
23. AREA OTHER THAN 1 HOUSE ,1 DRIVE AND 1 SHED TO REMAIN UNDISTURBED , TOTAL AREA OF DISTURBANCE = 4,156 S.F.
24. HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRYWELLS , WHERE FEASIBLE.
25. MINIMUM YARD SETBACKS: FRONT = 25'; REAR = 30'; SIDE = 10'

THIS PROPERTY IS NOT LOCATED IN FLOOD PLAIN

97-22-A



PROFILE
SCALE : HOR. 1" = 30' VER. 1" = 5'

REQUIRED INFORMATION

A. PREPARER OF PLAN
Name: APR ASSOCIATES INC.
Address: 7427 HARFORD ROAD, BALTIMORE, MD. 21234
Date: 1996

DEVELOPER/OWNER
Name: FRANCIS D. KEMP
Address: 4112 LINK AVE. BALTIMORE, MD. 21236
Tax Account Number: 11-11-016870

B. ENVIRONMENTAL INFORMATION

Existing	Not Existing	Field Delineated	Field Verified	Item
✓			✓	Topography and street grades (minimum 5 ft. contour appropriately labeled)
✓				Slopes greater than 25%
N/A				100 year floodplain
✓				Soils mapped according to Soil Survey, Baltimore County, Maryland
		✓		Streams, seeps, ponds or other water bodies shown on site and within 200 ft. of site boundaries
		✓		Wetlands
N/A				Forest buffer limits including adjustments for steep slopes and/or erodible soils
				Land cover on and within 200 ft. of site
N/A		✓		Significant regulated plant or wildlife communities
		✓		Wells on site and within 100 ft. of site
		✓		Septic on site and within 100 ft. of site
		✓		Underground fuel tanks on site and within 100 ft. of site
N/A				Soil evaluation tests (perc tests) performed

REMARKS

C. EXISTING BUILT CONDITIONS

Existing	Not Existing	Item
✓		Locations of existing buildings within 200 ft. of site boundaries
✓		Location of existing roads within 200 ft. of site boundaries
	✓	Designated historic sites
	✓	Designated archeological sites
	✓	Significant views
	✓	Significant features (specimen trees, buildings, streetscape, etc.)
✓		Land uses on and within 200 ft. of site
✓		Roads rights-of-way and easements

REMARKS

D. COUNTY ADOPTED PLANS

Existing	Not in Conformance	Item
✓		Balto. Co. Master Plan 1989 - 2000
✓		Community or Revitalization Plan(s)
✓		Recreation and Parks Plan
✓		Streetscape Plan
✓		Greenways Plan
		Other:

REMARKS

Resource Conservation Zones Example:

SITE DATA

Existing Zoning and Maximum Density Permitted

Zone	Acres	Units Allowed	Units Proposed
DR 5.5	0.4483	2	2
Total	0.4483	2	2

SITE DEVELOPMENT PROPOSAL

Dwelling Type	Proposed Units	Parking Required	Parking Provided	Average Daily Trips	Phase	Development Schedule
SINGLE FAMILY	1	2	2	25		
Total	1	2	2	25		

CONSERVANCY AREA PROPOSAL (RC-4)

Open Space Type	Required	Provided
Conservancy Area		
Building Area		
Total Provided		

N/A

12.4 ADT x 2 = 24.8

ADDITIONAL INFORMATION

Anticipated Actions: Variances, Waivers, Special Exceptions NONE, Other

Consistency with design manuals.

ADDITIONAL INFORMATION

N/A other anticipated actions needed by the Zoning Commissioner or Hearing Officer such as variances, waivers as part of the development plan, or special exceptions or hearings
N/A consistency with design manuals such as the Comprehensive Manual of Development Policies
N/A preliminary phasing and development schedule

A checkmark (✓) indicates pertinent information that has been shown or noted on the plan. N/A denotes information not applicable to this development project.

PDM FILE # XI-763

MICROFILMED

23

DATE	REVISION	BY
6-27-96	VARIANCE	C.O.P.

STATE OF MARYLAND — ALEXANDER PETER BATYCKI — REGISTERED LAND SURVEYOR

APR ASSOCIATES, INC. ENGINEERS · SURVEYORS
7427 Harford Road • Baltimore, Maryland 21234 • (410) 444-4312 FAX: (410) 444-1647

96056 M

MINOR SUBDIVISION OF KEMP PROPERTY
96-056-M
11TH ELECTION DISTRICT
BALTIMORE COUNTY , MARYLAND

SCALE : AS SHOWN
DATE: APRIL 12, 1996

95013

CAD ONE, INC. 301-595-1120 081299

IN RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road (4112 and 4114 Link Avenue); and, S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road (4109 and (4111 Silver Spring Road)
11th Election District
6th Councilmanic District

Kenneth J. Goeller, Jr., et ux and Francis D. Kemp, Jr. - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Cases Nos. 97-21-A, 97-22-A 97-23-A, and 97-24-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 4112 and 4114 Link Avenue and 4109 and 4111 Silver Spring Road, located in the vicinity of Joppa Road and Belair Road in Perry Hall. The Petitions were filed by Kenneth J. Goeller, Jr., and his wife, Charlene J. Goeller, owners of 4114 Link Avenue and 4111 Silver Spring Road, and Francis D. Kemp, Jr., owner of 4112 Link Avenue and 4109 Silver Spring Road. In all four cases, relief is sought from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements. The subject properties and relief requested are more particularly described on the respective site plans submitted with each Petition filed, which were accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions were Kenneth and Charlene Goeller, Francis Kemp, Jr., and Alexander P. Ratych, Registered Land Surveyor who prepared the site plans for each case. There were no Protestants present.

Testimony and evidence offered revealed that the properties known

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Date 8/22/96
By [signature]

---

as 4112 and 4114 Link Avenue are located adjacent to one another in the subdivision known as Fullerton Farms. The two properties are 50 feet wide and nearly 400 feet deep and abut Link Avenue in the front and Silver Spring Road in the rear. The Goellers and the Kemps have been neighbors for many years. The Petitioners now wish to subdivide their respective properties to create a second building lot which will front on Silver Spring Road. They then propose to develop that lot with a new single family dwelling for their respective families and either rent or sell their current homes. Due to the narrow width of the properties and the location of existing improvements thereon, the requested variances to lot width and setback requirements are necessary to legitimize existing conditions and to proceed with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

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

After due consideration of the testimony and evidence presented,

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

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 1996 that the Petitions for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements at 4112 and 4114 Link Avenue, and 4109 and 4111 Silver Spring Road, in accordance with Petitioner's Exhibits 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

[signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/22/96
By [signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 22, 1996

Mr. & Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, Maryland 21236

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, Maryland 21236

RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road
(4112 and 4114 Link Avenue); and,
S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road
(4109 and 4111 Silver Spring Road)
Kenneth J. Goeller, Jr., et ux, and Francis D. Kemp, Jr. - Petitioners
Cases Nos. 97-21-A, 97-22-A, 97-23-A, and 97-24-A

Dear Mr. & Mrs. Goeller and Mr. Kemp:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

[signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234

People's Counsel

File

Printed with Soybean Ink on Recycled Paper

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4114 Link Avenue

97-21-A

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 Variance from Section(s) 1B02.3.C1
To allow the creation of a smaller 50' wide lot in lieu of the required 55' and an exististing 8' side yard in lieu of the required 10'.

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

The Lots, 50' feet wide, were created on the Plat of Fullerton Farms, dated May 1922, and cannot meet the present zoning required of 55' feet in widdth.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

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

Legal Owner(s):
Kenneth J. Goeller, Jr.
(Type or Print Name)
Signature [signature]
Charlene A. Goeller
(Type or Print Name)
Signature [signature]
Tel: (410) 256-2807
4114 Link Avenue
Address / Phone No.
Baltimore, Maryland 21236
City / State / Zipcode
Name, Address and phone number of representative to be contacted.
Alexander P. Ratych
APR Associates, Inc.
Name
7427 Harford Road 444-4312
Address / Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1/2
unavailable for Hearing
the following dates ____ Next Two Months
ALL ✓ OTHER ____
REVIEWED BY: CAM DATE 18 July

Schedule with 23,24+25 22

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By [signature]

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APR ASSOCIATES, INC.
ENGINEERS • SURVEYORS

ZONING DESCRIPTION FOR
4114 LINK AVENUE

97-21-A

BEGINNING FOR THE SAME at a point on the Northerly side of Link Avenue as widened to a width of 50' feet and on which the property fronts at the distance of 474' feet more or less Northwesterly from the centerline of Belair Road and being also on the division line between Lots 63 and 64 as shown on the plat of Fullerton Farms, recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7, Folio 52; thence binding along the Northerly side of Link Avenue (1) North 55 degrees 18 minutes 30 seconds West 50.00 feet to a point on the division line between Lots 64 and 65 on said plat; thence leaving Link Avenue and binding along a part of said division line (2) North 34 degrees 41 minutes 30 seconds East 180.00 feet to a point; thence crossing said Lot 64 (3) South 55 degrees 18 minutes 30 seconds East 50.00 feet to intersect the division line between Lots 63 and 64 thence binding thereon (4) South 34 degrees 41 minutes 30 seconds East 180.00 feet to the point of beginning; containing 0.2066 acres more or less. Also known as 4114 Link Avenue and located in the 11th Election District and 6th Councilmanic District of Baltimore County.

07/03/96

[signature and seal: State of Maryland, Registered Land Surveyor] 7/16/96

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

22

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 97-21-A
Towson, Maryland

District 11th Date of Posting 8/5/96
Posted for: Variance
Petitioner: Kenneth J. & Charlene A. Goeller
Location of property: 4114 Link Ave.
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by [signature] (Signature) Date of return: 8/12/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/1, 1996

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 8/1, 1996.

THE JEFFERSONIAN,
[signature]
LEGAL AD. - TOWSON

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: #97-21-A
(Item 22)
4114 Link Avenue
N/S Link Avenue, 474' NWly of c/l Belair Road
11th Election District
6th Councilmanic
Legal Owner(s):
Kenneth J. Goeller, Jr. and Charlene A. Goeller
Variance: to allow the creation of a smaller 50 foot wide lot in lieu of the required 55 feet and an existing 8 foot side yard in lieu of the required 10 feet.
Hearing: Tuesday, August 20, 1996 at 9:30 a.m. in Rm. 118, Old Courthouse.
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.
8/031 August 1. C70561

Baltimore County
Department of Permits and Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 22 Petitioner: FRANCIS D. KEMP, JR
Location: 4114 LINK AVE
PLEASE FORWARD ADVERTISING BILL TO:
NAME: APR ASSOCIATES, INC.
ADDRESS: 7427 HARFORD ROAD
BALTIMORE, MD 21234
PHONE NUMBER: 410-444-4312

Printed with Soybean Ink on Recycled Paper

12

IN RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road (4112 and 4114 Link Avenue); and, S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road (4109 and (4111 Silver Spring Road)
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Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented,

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

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 1996 that the Petitions for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements at 4112 and 4114 Link Avenue, and 4109 and 4111 Silver Spring Road, in accordance with Petitioner's Exhibits 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

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

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 22, 1996

Mr. & Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, Maryland 21236

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, Maryland 21236

RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road
(4112 and 4114 Link Avenue); and,
S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road
(4109 and 4111 Silver Spring Road)
Kenneth J. Goeller, Jr., et ux, and Francis D. Kemp, Jr. - Petitioners
Cases Nos. 97-21-A, 97-22-A, 97-23-A, and 97-24-A

Dear Mr. & Mrs. Goeller and Mr. Kemp:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

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

TMK:bjs

cc: Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234

People's Counsel

✓File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4111 Silver Spring Road

97-24-A

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 Variance from Section(s) 1B02.3.C1

To allow the creation of a 50' lot in lieu of the required 55' and a side yard setback of 8' in lieu of the required 10'.

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

The Lots, 50' feet wide, were created on the Plat of Fullerton Farms, dated May 1922, and cannot meet the present zoning required of 55' feet in width.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

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

Legal Owner(s):
Kenneth J. Goeller, Jr.
(Type or Print Name)
Signature: Kenneth J. Goeller Jr.
Charlene A. Goeller
(Type or Print Name)
Signature: Charlene A. Goeller
Tel: (410) 256-2807
4114 Link Avenue
Address Phone No.
Baltimore, Maryland 21236
City State Zipcode
Name, Address and phone number of representative to be contacted.
Alexander P. Ratych
APR Associates, Inc.
Name
7427 Harford Road 444-4312
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1½ hr
unavailable for Hearing
the following dates ______ Next Two Months
ALL ✓ OTHER ______
REVIEWED BY: CAM DATE 18 Jul 96

ORDER RECEIVED FOR FILING
Date 8/22/96
By

(schedule w/ items 22,23+24) item #25

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APR ASSOCIATES, INC.
ENGINEERS • SURVEYORS

ZONING DESCRIPTION FOR
4111 SILVER SPRING ROAD 97-24-A

BEGINNING FOR THE SAME at a point on the Southerly side of Silver Spring Road, 70' feet wide, on which the property fronts, and at the distance of 580' feet more or less Westerly from the centerline of Belair Road and being also in line with the division line between Lot 63 and 64 as shown on the Plat of Fullerton Farms, recorded in Plat Book WPC 7, Folio 52; thence leaving Silver Spring Road and running 1) South 34 degrees 41 minutes 30 seconds West 252.23 feet to a point; thence crossing Lot 65 2) North 55 degrees 18 minutes 30 seconds West 50.00 feet to a point on the division line between Lots 64 and 65; thence binding thereon and continuing the same course 3) North 34 degrees 41 minutes 30 seconds East 224.94 feet to intersect the Southerly side of Silver Spring Road; thence 4) binding thereon by a curve to the left having a radius of 710.00 feet for an arc length of 52.98 feet and thence 5) South 89 degrees 05 minutes 17 seconds East 54.04 feet to the point of beginning; containing 0.2456 acres more or less.

ALSO to be known as 4111 Silver Spring Road and located in the 11th Election District and 6th Councilmanic District of Baltimore County.

07/08/96

Alexander P. Ratych 7/18/96
(Seal: State of Maryland, Registered Land Surveyor)

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

#25

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 97-24-A
Towson, Maryland

District: 11th Date of Posting: 8/5/96
Posted for: Variance
Petitioner: Kenneth + Charlene Goeller
Location of property: 4111 Silver Spring Rd
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by: [signature] Date of return: 8/10/96
Signature
Number of Signs: 1

CERTIFICATE OF PUBLICATION

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: #97-24-A
(Item 25)
4111 Silver Spring Road
S/S Silver Spring Road, 580' W of c/l Belair Road
11th Election District
6th Councilmanic
Legal Owner(s):
Kenneth J. Goeller, Jr. and Charlene A. Goeller
Variance: to allow the creation of a smaller 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.
Hearing: Tuesday, August 20, 1996 at 9:30 a.m. in Rm. 118, Old Courthouse.

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.

8/039 August 1. C70806

TOWSON, MD., 8/1, 1996

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 8/1, 1996.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 25 Petitioner: FRANCIS D. KEMP, JR
Location: 4111 SILVER SPRING ROAD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: APR ASSOCIATES, INC.
ADDRESS: 7427 HARFORD ROAD
BALTIMORE, MD 21234
PHONE NUMBER: 410 444-4312

Printed with Soybean Ink on Recycled Paper

12

TO: PATUXENT PUBLISHING COMPANY
August 1, 1996 Issue - Jeffersonian

Please foward billing to:

APR Associates, Inc.
7427 Harford Road
Baltimore, MD 21234
4444-4312

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: 97-24-A (Item 25)
4111 Silver Spring Road
S/S Silver Spring Road, 580' W of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Kenneth J. Goeller, Jr. and Charlene A. Goeller

Variance to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 26, 1996

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: 97-24-A (Item 25)
4111 Silver Spring Road
S/S Silver Spring Road, 580' W of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Kenneth J. Goeller, Jr. and Charlene A. Goeller

Variance to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Kenneth and Charlene Goeller, Jr.
APR Associates, Inc.

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

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 19, 1996

Mr. and Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, MD 21236

RE: Item No.: 25
Case No.: 97-24-A
Petitioner: Kenneth Goeller, et ux

Dear Mr. Goeller:

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 July 18, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: July 30, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 22, 23, 24 and 25.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Evans

PK/JL/lw

ITEM22/PZONE/ZAC1

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

7-30-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 025 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS

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

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 2, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 5, 1996
Item Nos. 017, 019, 020, 021, 022,
023, 024, and 025

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE20

RE: PETITION FOR VARIANCE
4111 Silver Spring Road, S/S Silver
Spring Road, 580' W of c/l Belair Road
11th Election District, 6th Councilmanic

Kenneth J. and Charlene A. Goeller, Jr.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-24-A

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

ENTRY OF APPEARANCE

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

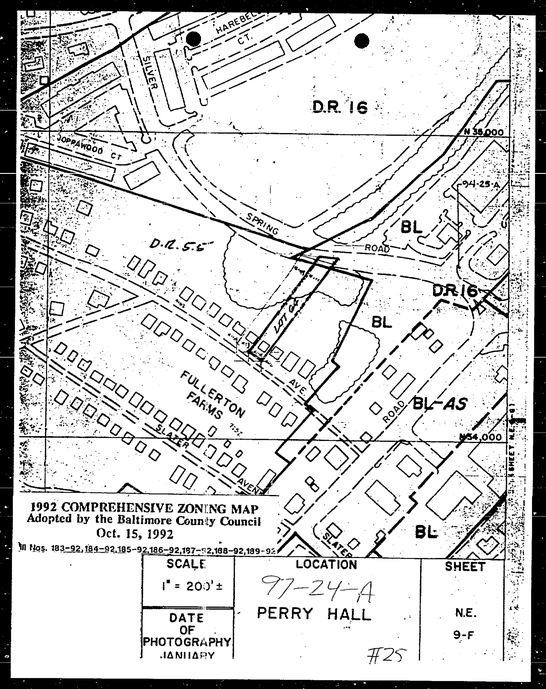
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

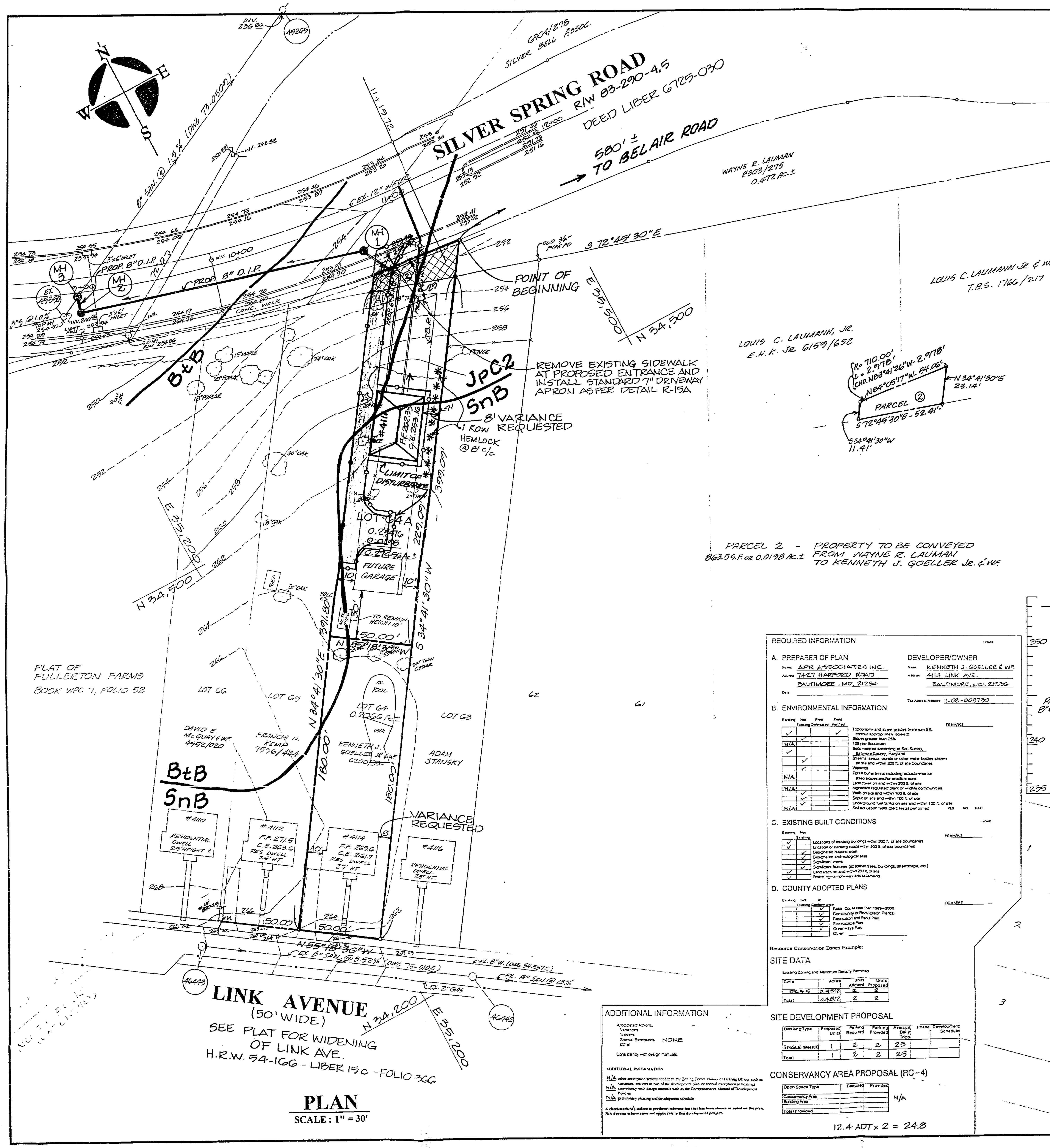
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Alexander P. Ratych, APR Associates, Inc. 7427 Harford Road, Baltimore, MD 21234, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN





PLAN

SCALE : 1" = 30'

41. OFFSITE RIGHTS-OF-WAY ARE NECESSARY FOR ROADS, STORM DRAINS OR OTHER UTILITIES. THE DEVELOPER IS HEREBY ADVISED THAT THE FINAL PLAT AND OR BUILDING PERMITS WILL NOT BE APPROVED UNTIL THE OFFSITE RIGHT-OF-WAY IS ACQUIRED. THE COUNTY RESERVES THE RIGHT TO MAKE THE NECESSARY CONTACTS FOR ACQUISITION OF RIGHTS-OF-WAY.

42. THE DEVELOPER'S ENGINEER SHALL INVESTIGATE THE NEED AND OBTAIN THE NECESSARY PERMITS FOR THE FACILITIES SERVING THIS SITE THAT MAY REQUIRE A "CORPS OF ENGINEER'S PERMIT", A "WATER RESOURCES PERMIT", A "WATER QUALITY CERTIFICATION", AND ANY OTHER FEDERAL OR STATE PERMITS. THESE FACILITIES CANNOT BE SENT TO CONTRACT UNTIL SUCH PERMITS HAVE BEEN RECEIVED.

43. SILVER SPRING ROAD IS AN EXISTING ROAD WHICH SHALL ULTIMATELY BE IMPROVED AS A 50' STREET CROSS SECTION ON A 70' RIGHT-OF-WAY. LINK AVENUE IS AN EXISTING AVENUE WHICH SHALL ULTIMATELY BE IMPROVED AS A 30' STREET CROSS SECTION ON A 50' RIGHT-OF-WAY.

44. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT **PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH** MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.

26. A WAIVER HAS BEEN REQUESTED FOR THE REQUIRED LOCAL OPEN SPACE.

27. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 12 / 19 / 1922. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THESE PROPERTIES AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.

28. DENSITY CALCULATIONS :
A. LOTS ALLOWED = ZONING DENSITY x GROSS ACRES = 5.5 x 0.4483 = 2.5
B. LOTS PROPOSED = 2

29. THERE ARE NO EXISTING WELLS, SEPTICS OR UNDERGROUND STORAGE TANKS ON SITE OR ANY OTHER STRUCTURE EXCEPT AS SHOWN.

30. NO ZONING APPLICATION HAS BEEN FILED ON THIS PROPERTIES. NO ZONING CHANGE WITHING 200 FEET OF THE PROPERTIES. NO ZONING HISTORY

31. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30 PERCENT OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.

32. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORM WATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

33. PROPERTIES ARE SERVED BY PUBLIC SEWER, WATER BG&E AND ELECTRIC LINES.

34. UNDERGROUND UTILITIES ARE SHOWN ON THIS DRAWING ONLY FOR THE CONVENIENCE OF THE USER OF THE DRAWING AND THERE IS NO WARRANTY OR GUARANTEE OF THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE USER OF THE DRAWING MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION.

35. THERE ARE NO WETLANDS ON THIS PROPERTY

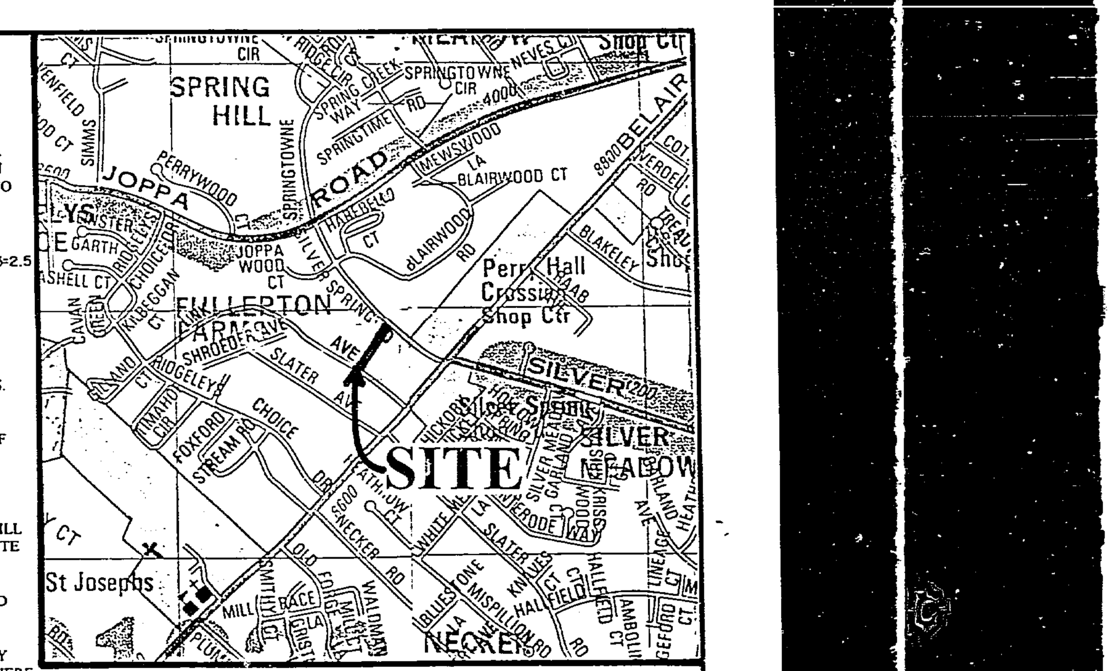
36. THIS PROPERTY IS EXEMPT FROM FOREST CONSERVATION REGULATIONS BECAUSE TOTAL AREA IS UNDER 20,000 S.F.

37. ALL CONSTRUCTION DRAWINGS AND CONSTRUCTION FOR PUBLIC USE SHALL CONFORM WITH BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS AND STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION

38. THE RESPONSIBILITIES OF THE DEVELOPER INVOLVING PUBLIC IMPROVEMENTS SHALL INCLUDE THE INSPECTION FEES, BURDEN AND FRINGE COSTS INCURRED. CURRENTLY THESE CHARGES ARE 3 TIMES PAYROLL FOR METROPOLITAN DISTRICT PROJECTS AND 2 TIMES PAYROLL FOR THE CAPITAL IMPROVEMENT FUND

39. A PUBLIC WORKS AGREEMENT MUST BE EXECUTED BY THE OWNER AND BALTIMORE COUNTY FOR THE REQUIRED PUBLIC IMPROVEMENTS, AFTER WHICH A BUILDING PERMIT MAY BE APPROVED

40. THE DEVELOPER SHALL BE RESPONSIBLE FOR DAMAGES TO THE COUNTY'S FACILITIES, SUCH AS WATER METERS, MANHOLES, CURBS AND GUTTERS AND INLETS WITHIN HIS SUBDIVISION. OCCUPANCY PERMITS WILL BE WITHHELD UNTIL SUCH DAMAGES HAVE BEEN CORRECTED



VICINITY MAP

SCALE : 1" = 1,000 '

GENERAL NOTES:

1. TOATAL AREA GROSS = 0.4483 AC. NET = 0.4483 AC.
LOT 64 A = 11,960 S.F. or 0.27456 AC.±
2. EXISTING ZONING = DR 5.5
200' SCALE MAP-FULLERTON
35 NE 24
3. LOTS PERMITTED = 2
4. LOTS PROPOSED = 2
5. DEED REFERENCES = 6200/390
6. ADJACENT ZONING = DR 5.5
7. EXISTING USE = 1 SINGLE FAMILY DWELLINGS
8. PROPOSED USE = 2 SINGLE FAMILY DWELLINGS
9. OWNERS

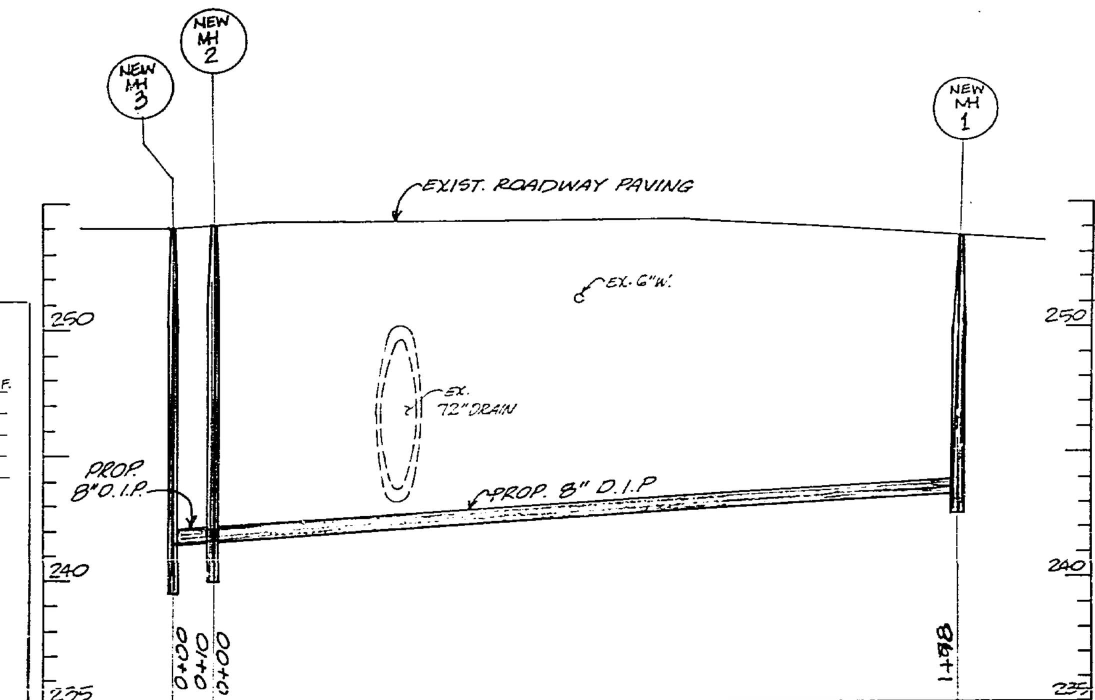
LOT 64 - KENNETH J. GOELLER, Jr AND WF.
4114 LINK AVENUE
BALTIMORE, MD 21236
(410) 256-2807
DEED 6200 / 390
TAX ACCT. 11-08-005730

10. TAX PLAT / BLOCK / PARCEL = 71 / 18 / 1175
11. COUNCILMANIC DISTRICT = 5
12. CENSUS TRACT = 4114 02
13. REGIONAL PLANNING DISTRICT = 317 A
14. ELEMENTARY SCHOOL DISTRICT = 97 PERRY HALL
15. WATERSHED = 6
16. SUBSEWERSHED = 22
17. PARKING:
REQUIRED = 4 P.S.
TO BE PROVIDED = 4 P.S.
18. THERE ARE NO KNOWN CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, HISTORICAL BUILDINGS, HAZARDOUS MATERIALS SITES NOR STORAGE ON THIS TRACT.
19. COORDINATES AND BEARING SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS :

STATION	NORTH	EAST
10653	35,970.43	37,452.22
10654	35,745.50	37,742.72

20. ANY FURTHER SUBDIVISION ON THIS PROPERTY WILL REQUIRE A MAJOR SUBDIVISION. THE DEVELOPER AND HIS ASSIGNS RETAIN THE RIGHT TO UTILIZE UNUSED DENSITY IN THE FUTURE IN ACCORDANCE WITH REGULATIONS IN EFFECT AT THE TIME.
21. ACCEPTANCE OF THIS PLAN IN NO WAY BINDS BALTIMORE COUNTY INTO REFUSE COLLECTION OF THIS DEVELOPMENT. AT THE TIME OF CONSTRUCTION AND AFTER ALL REQUIREMENTS (REFUSE COLLECTION PADS) HAVE BEEN MET, A REPRESENTATIVE OF THE BUREAU WILL MEET WITH THE DEVELOPER OR HIS REPRESENTATIVE TO DISCUSS DETAILS OF REFUSE COLLECTION.
22. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
23. AREA OTHER THAN 1 HOUSE, 1 DRIVE, POOL AND 1 SHED TO REMAIN UNDISTURBED. TOTAL AREA OF DISTURBANCE = 4,156 S.F.
24. HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRYWELLS, WHERE FEASIBLE.
25. MINIMUM YARD SETBACKS: FRONT = 25'
REAR = 30'
SIDE = 10'

THIS PROPERTY IS NOT LOCATED IN FLOODPLAIN



PROFILE

SCALE : HOR. 1" = 30'
VER. 1" = 5'

REQUIRED INFORMATION

A. PREPARER OF PLAN
Name: APR ASSOCIATES INC.
Address: 7427 HARFORD ROAD
BALTIMORE, MD. 21234
Date:

DEVELOPER/OWNER
Name: KENNETH J. GOELLER & WF.
Address: 4114 LINK AVE.
BALTIMORE, MD. 21236
Tax Account Number: 11-08-005730

B. ENVIRONMENTAL INFORMATION

Existing	Not Existing	Field Delineated	Field Verified		REMARKS
✓			✓	Topography and street grades (minimum 5 ft. contour appropriately labeled)	
	✓			Slopes greater than 25%	
N/A				100 year floodplain	
✓				Soils mapped according to Soil Survey, Baltimore County, Maryland	
	✓			Streams, seeps, ponds or other water bodies shown on site and within 200 ft. of site boundaries	
	✓			Wetlands	
N/A				Forest buffer limits including adjustments for steep slopes and/or erodible soils	
				Land cover on and within 200 ft. of site	
N/A				Significant regulated plant or wildlife communities	
	✓			Wells on site and within 100 ft. of site	
	✓			Septic on site and within 100 ft. of site	
	✓			Underground fuel tanks on site and within 100 ft. of site	
N/A				Soil evaluation tests (perc tests) performed YES NO DATE	

C. EXISTING BUILT CONDITIONS

Existing	Not Existing		REMARKS
✓		Locations of existing buildings within 200 ft. of site boundaries	
✓		Location of existing roads within 200 ft. of site boundaries	
	✓	Designated historic sites	
	✓	Designated archeological sites	
	✓	Significant views	
	✓	Significant features (specimen trees, buildings, streetscape, etc.)	
✓		Land uses on and within 200 ft. of site	
✓		Roads rights-of-way and easements	

D. COUNTY ADOPTED PLANS

Existing	Not Existing	In Conformance		REMARKS
		✓	Balto. Co. Master Plan 1989 - 2000	
		✓	Community or Revitalization Plan(s)	
		✓	Recreation and Parks Plan	
		✓	Streetscape Plan	
		✓	Greenways Plan	
			Other	

Resource Conservation Zones Example:

SITE DATA

Existing Zoning and Maximum Density Permitted

Zone	Acres	Units Allowed	Units Proposed
DR5.5	0.4812	2	2
Total	0.4512	2	2

SITE DEVELOPMENT PROPOSAL

Dwelling Type	Proposed Units	Parking Required	Parking Provided	Average Daily Trips	Phase	Development Schedule
SINGLE FAMILY	1	2	2	25		
Total	1	2	2	25		

CONSERVANCY AREA PROPOSAL (RC-4)

Open Space Type	Required	Provided
Conservancy Area		
Building Area		
Total Provided		

N/A

12.4 ADT x 2 = 24.8

ADDITIONAL INFORMATION

Anticipated Actions:
Variances
Waivers
Special Exceptions NONE
Other

Consistency with design manuals

ADDITIONAL INFORMATION

N/A other anticipated actions needed by the Zoning Commissioner or Hearing Officer such as variances, waivers as part of the development plan, or special exceptions or hearings
N/A consistency with design manuals such as the Comprehensive Manual of Development Policies
N/A preliminary phasing and development schedule

A checkmark (✓) indicates pertinent information that has been shown or noted on the plan. N/A denotes information not applicable to this development project.

PDM FILE # XI-763

PETITIONER'S EXHIBIT 1

97-24-A

DATE	REVISION	BY
6-27-96	VARIANCE	C.O.P.

STATE OF MARYLAND REGISTERED LAND SURVEYOR

APR ASSOCIATES, INC.
ENGINEERS - SURVEYORS
7427 Harford Road • Baltimore, Maryland 21234 • (410) 444-4312
FAX: (410) 444-1547

25 **96055 M**

MINOR SUBDIVISION OF GOELLER PROPERTY
96 - 055 - M
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: AS SHOWN DATE APRIL 12, 1996

95013

TO: PUTUXENT PUBLISHING COMPANY
August 1, 1996 Issue - Jeffersonian

Please foward billing to:

APR Associates, Inc.
7427 Harford Road
Baltimore, MD 21234
444-4312

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: 97-21-A (Item 22)
4114 Link Avenue
N/S Link Avenue, 474' NWly of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Kenneth J. Goeller, Jr. and Charlene A. Goeller

Variance to allow the creation of a smaller 50 foot wide lot in lieu of the required 55 feet and an existing 8 foot side yard in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 26, 1996

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: 97-21-A (Item 22)
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HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Kenneth and Charlene A. Goeller, Jr.
APR Associates, Inc.

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.

Printed with Soybean Ink on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 19, 1996

Mr. and Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, MD 21236

RE: Item No.: 22
Case No.: 97-21-A
Petitioner: Kenneth Goeller, et ux

Dear Mr. and Mrs. Goeller:

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 July 18, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: July 30, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 22, 23, 24 and 25.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long
Division Chief: Carl L. Kess

PK/JL/lw

ITEM22/PZONE/ZAC1

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

7-30-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 022 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: August 2, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 5, 1996
Item Nos. 017, 019, 020, 021, 022, 023, 024, and 025

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE20

RE: PETITION FOR VARIANCE
4114 Link Avenue, N/S Link Avenue, 474' NWly of c/l Belair Road, 11th Election District, 6th Councilmanic
Kenneth J. and Charlene A. Goeller, Jr.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-21-A

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

ENTRY OF APPEARANCE

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

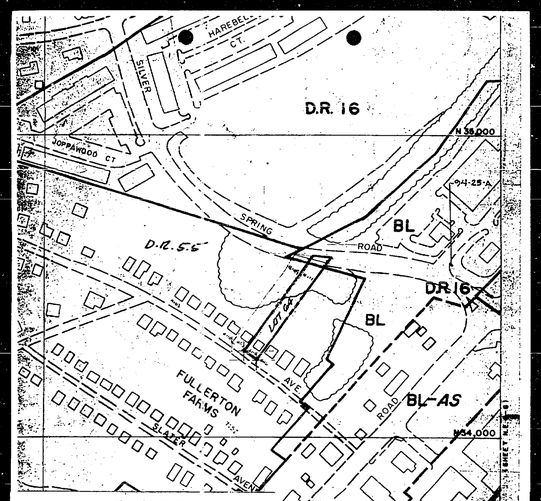
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Alexander P. Ratych, APR Associates, Inc. 7427 Harford Road, Baltimore, MD 21234, representative for Petitioners.

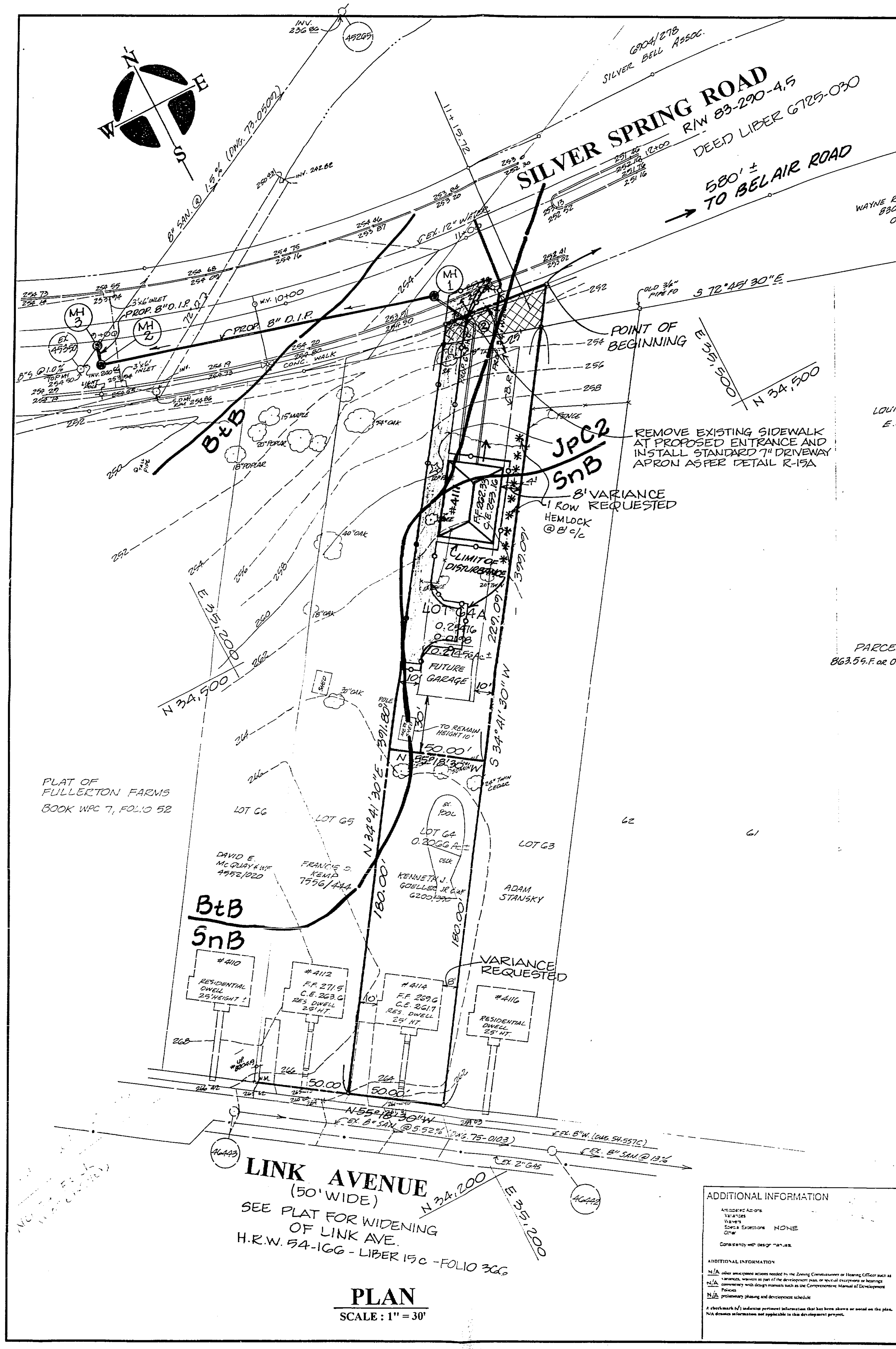
PETER MAX ZIMMERMAN



1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 199-92

SCALE	LOCATION	SHEET
1" = 200'±	97-21-A PERRY HALL	N.E. 9-F
DATE OF PHOTOGRAPHY JANUARY		

22

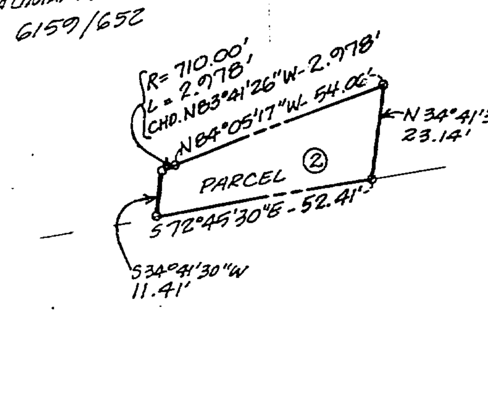


PLAN

SCALE : 1" = 30'

LOUIS C. LAUMANN JR. & WF T.B.S. 1766/217

LOUIS C. LAUMANN, JR. E.H.K. JR 6159/652



PARCEL 2 - PROPERTY TO BE CONVEYED FROM WAYNE R. LAUMAN TO KENNETH J. GOELLER JR. & WF.
863.5 S.F. or 0.0198 Ac.±

41. OFFSITE RIGHTS-OF-WAY ARE NECESSARY FOR ROADS, STORM DRAINS OR OTHER UTILITIES. THE, THE DEVELOPER IS HEREBY ADVISED THAT THE FINAL PLAT AND OR BUILDING PERMITS WILL NOT BE APPROVED UNTIL THE OFFSITE RIGHT-OF-WAY IS ACQUIRED. THE COUNTY RESERVES THE RIGHT TO MAKE THE NECESSARY CONTACTS FOR ACQUISITION OF RIGHTS-OF-WAY.

42. THE DEVELOPER'S ENGINEER SHALL INVESTIGATE THE NEED AND OBTAIN THE NECESSARY PERMITS FOR THE FACILITIES SERVING THIS SITE THAT MAY REQUIRE A "CORPS OF ENGINEER'S PERMIT", A "WATER RESOURCES PERMIT", A "WATER QUALITY CERTIFICATION", AND ANY OTHER FEDERAL OR STATE PERMITS. THESE FACILITIES CANNOT BE SENT TO CONTRACT UNTIL SUCH PERMITS HAVE BEEN RECEIVED.

43. SILVER SPRING ROAD IS AN EXISTING ROAD WHICH SHALL ULTIMATELY BE IMPROVED AS A 50' STREET CROSS SECTION ON A 70' RIGHT-OF-WAY. LINK AVENUE IS AN EXISTING AVENUE WHICH SHALL ULTIMATELY BE IMPROVED AS A 30' STREET CROSS SECTION ON A 50' RIGHT-OF-WAY.

44. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT **PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH** MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.

26. A WAIVER HAS BEEN REQUESTED FOR THE REQUIRED LOCAL OPEN SPACE

27. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 12 / 19 / 1922. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THESE PROPERTIES AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.

28. DENSITY CALCULATIONS :
A. LOTS ALLOWED = ZONING DENSITY x GROSS ACRES = 5.5 x 0.4483 = 2.5
B. LOTS PROPOSED = 2

29. THERE ARE NO EXISTING WELLS, SEPTICS OR UNDERGROUND STORAGE TANKS ON SITE OR ANY OTHER STRUCTURE EXCEPT AS SHOWN.

30. NO ZONING APPLICATION HAS BEEN FILED ON THIS PROPERTIES. NO ZONING CHANGE WITHING 200 FEET OF THE PROPERTIES. NO ZONING HISTORY

31. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30 PERCENT OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.

32. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORM WATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

33. PROPERTIES ARE SERVED BY PUBLIC SEWER, WATER BG&E AND ELECTRIC LINES.

34. UNDERGROUND UTILITIES ARE SHOWN ON THIS DRAWING ONLY FOR THE CONVENIENCE OF THE USER OF THE DRAWING AND THERE IS NO WARRANTY OR GUARANTEE OF THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE USER OF THE DRAWING MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION.

35. THERE ARE NO WETLANDS ON THIS PROPERTY

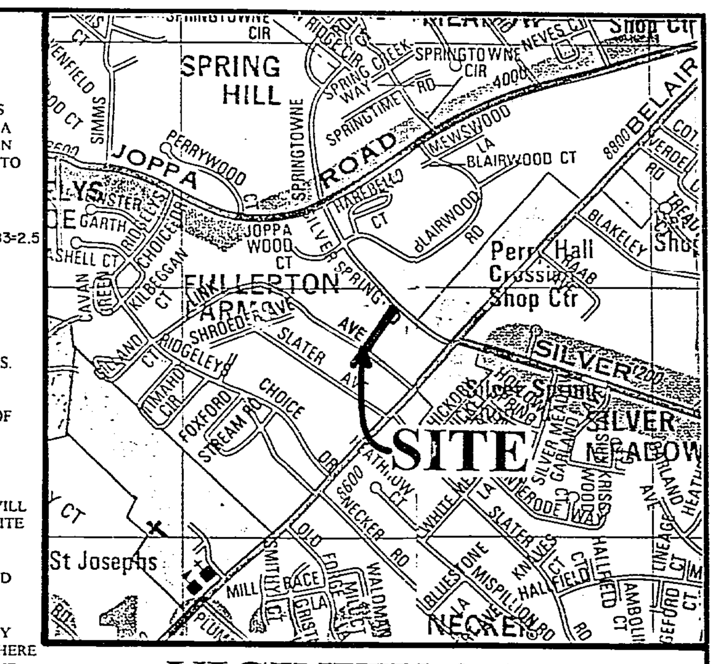
36. THIS PROPERTY IS EXEMPT FROM FOREST CONSERVATION REGULATIONS BECAUSE TOTAL AREA IS UNDER 20,000 S.F.

37. ALL CONSTRUCTION DRAWINGS AND CONSTRUCTION FOR PUBLIC USE SHALL CONFORM WITH BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS AND STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION

38. THE RESPONSIBILITIES OF THE DEVELOPER INVOLVING PUBLIC IMPROVEMENTS SHALL INCLUDE THE INSPECTION FEES, BURDEN AND FRINGE COSTS INCURRED. CURRENTLY THESE CHARGES ARE 3 TIMES PAYROLL FOR METROPOLITAN DISTRICT PROJECTS AND 2 TIMES PAYROLL FOR THE CAPITAL IMPROVEMENT FUND.

39. A PUBLIC WORKS AGREEMENT MUST BE EXECUTED BY THE OWNER AND BALTIMORE COUNTY FOR THE REQUIRED PUBLIC IMPROVEMENTS, AFTER WHICH A BUILDING PERMIT MAY BE APPROVED.

40. THE DEVELOPER SHALL BE RESPONSIBLE FOR DAMAGES TO THE COUNTY'S FACILITIES, SUCH AS WATER METERS, MANHOLES, CURBS AND GUTTERS AND INLETS WITHIN HIS SUBDIVISION. OCCUPANCY PERMITS WILL BE WITHHELD UNTIL SUCH DAMAGES HAVE BEEN CORRECTED.



VICINITY MAP

SCALE : 1" = 1,000 '

GENERAL NOTES:

1. TOATAL AREA — GROSS = 0.4483 AC. NET = 0.4483 AC.
LOT 64 A = 11,960 S.F. or 0.27456 Ac.±
2. EXISTING ZONING = DR 5.5, 200' SCALE MAP-FULLERTON 35 NE 24
3. LOTS PERMITTED = 2
4. LOTS PROPOSED = 2
5. DEED REFERENCES = 6200/390
6. ADJACENT ZONING = DR 5.5
7. EXISTING USE = 1 SINGLE FAMILY DWELLINGS
8. PROPOSED USE = 2 SINGLE FAMILY DWELLINGS
9. OWNERS .

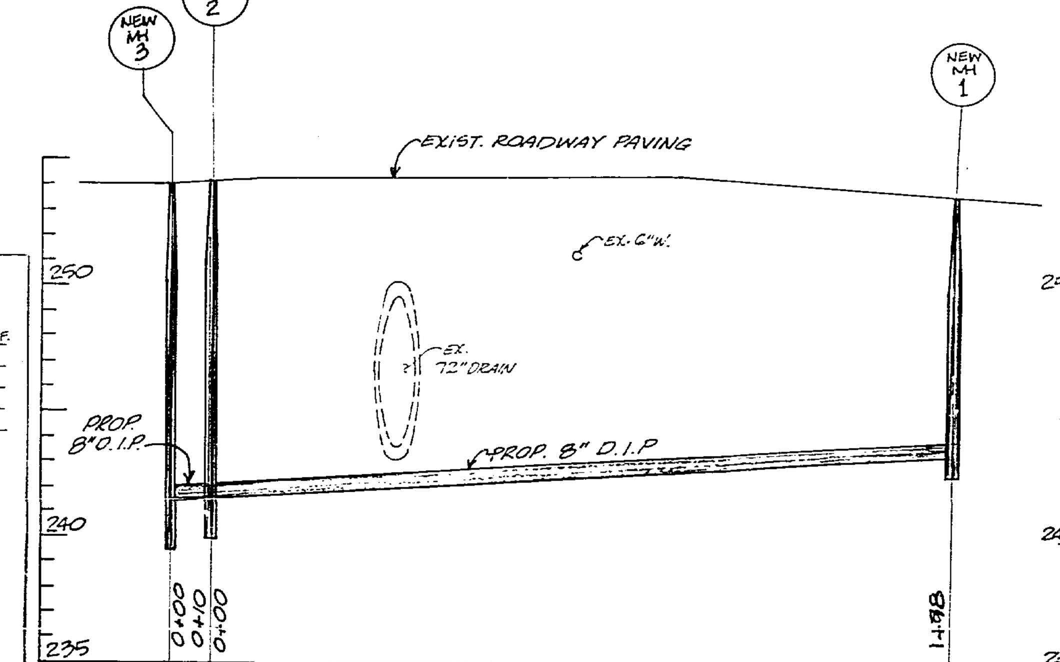
LOT 64 - KENNETH J. GOELLER, Jr AND WF.
4114 LINK AVENUE
BALTIMORE, MD 21236
(410) 256-2807
DEED 6200 / 390
TAX ACCT. 11-08-005730

10. TAX PLAT / BLOCK / PARCEL = 71 / 18 / 1175
11. COUNCILMANIC DISTRICT = 6
12. CENSUS TRACT = 4114.02
13. REGIONAL PLANNING DISTRICT = 317 A
14. ELEMENTARY SCHOOL DISTRICT = 97 PERRY HALL
15. WATERSHED = 6
16. SUBSEWERSHED = 22
17. PARKING
REQUIRED = 4 P.S.
TO BE PROVIDED = 4 P.S.
18. THERE ARE NO KNOWN CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, HISTORICAL BUILDINGS, HAZARDOUS MATERIALS SITES NOR STORAGE ON THIS TRACT.
19. COORDINATES AND BEARING SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS :

STATION	NORTH	EAST
10653	35,970.43	37,452.22
10654	35,745.50	37,742.72

20. ANY FURTHER SUBDIVISION ON THIS PROPERTY WILL REQUIRE A MAJOR SUBDIVISION. THE DEVELOPER AND HIS ASSIGNS RETAIN THE RIGHT TO UTILIZE UNUSED DENSITY IN THE FUTURE IN ACCORDANCE WITH REGULATIONS IN EFFECT AT THE TIME.
21. ACCEPTANCE OF THIS PLAN IN NO WAY BINDS BALTIMORE COUNTY INTO REFUSE COLLECTION OF THIS DEVELOPMENT. AT THE TIME OF CONSTRUCTION AND AFTER ALL REQUIREMENTS (REFUSE COLLECTION PADS) HAVE BEEN MET, A REPRESENTATIVE OF THE BUREAU WILL MEET WITH THE DEVELOPER OR HIS REPRESENTATIVE TO DISCUSS DETAILS OF REFUSE COLLECTION.
22. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
23. AREA OTHER THAN 1 HOUSE, 1 DRIVE, POOL AND 1 SHED TO REMAIN UNDISTURBED. TOTAL AREA OF DISTURBANCE = 4,156 S.F.
24. HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRYWELLS, WHERE FEASIBLE.
25. MINIMUM YARD SETBACKS: FRONT = 25', REAR = 30', SIDE = 10'

THIS PROPERTY IS NOT LOCATED IN FLOODPLAIN



PROFILE

SCALE : HOR. 1" = 30'
VER. 1" = 5'

97-21-A

DEVELOPER'S EXHIBIT NO. 1

REQUIRED INFORMATION

A. PREPARER OF PLAN
Name: APR ASSOCIATES INC.
Address: 7427 HARFORD ROAD
BALTIMORE, MD. 21234

DEVELOPER/OWNER
Name: KENNETH J. GOELLER & WF.
Address: 4114 LINK AVE.
BALTIMORE, MD. 21236
Tax Account Number: 11-08-005730

B. ENVIRONMENTAL INFORMATION

Existing	Not Existing	Field Delineated	Field Verified	Item
✓			✓	Topography and street grades (minimum 5 ft. contour appropriately labeled)
	✓			Slopes greater than 25%
N/A				100 year floodplain
✓				Soil mapped according to Soil Survey, Baltimore County, Maryland
	✓			Streams, seeps, ponds or other water bodies shown on site and within 200 ft. of site boundaries
	✓			Wetlands
N/A				Forest buffer limits including adjustments for steep slopes and/or erodible soils
				Land cover on and within 200 ft. of site
N/A				Significant regulated plant or wildlife communities
	✓			Wells on site and within 100 ft. of site
	✓			Septic on site and within 100 ft. of site
	✓			Underground fuel tanks on site and within 100 ft. of site
N/A				Soil evaluation tests (perc tests) performed

C. EXISTING BUILT CONDITIONS

Existing	Not Existing	Item
✓		Locations of existing buildings within 200 ft. of site boundaries
✓		Location of existing roads within 200 ft. of site boundaries
	✓	Designated historic sites
	✓	Designated archeological sites
	✓	Significant views
	✓	Significant features (specimen trees, buildings, streetscape, etc.)
✓		Land uses on and within 200 ft. of site
✓		Roads rights-of-way and easements

D. COUNTY ADOPTED PLANS

Existing	Not Existing	In Conformance	Item
		✓	Balto. Co. Master Plan 1989-2000
		✓	Community or Revitalization Plan(s)
		✓	Recreation and Parks Plan
		✓	Streetscape Plan
		✓	Greenways Plan
			Other

Resource Conservation Zones Example:

SITE DATA

Existing Zoning and Maximum Density Permitted

Zone	Acres	Units Allowed	Units Proposed
DR5.5	0.4812	2	2
Total	.04812	2	2

SITE DEVELOPMENT PROPOSAL

Dwelling Type	Proposed Units	Parking Required	Parking Provided	Average Daily Trips	Phase	Development Schedule
SINGLE FAMILY	1	2	2	25		
Total	1	2	2	25		

CONSERVANCY AREA PROPOSAL (RC-4)

Open Space Type	Required	Provided
Conservancy Area		
Building Area		
Total Provided		

N/A

12.4 ADT x 2 = 24.8

ADDITIONAL INFORMATION

Anticipated Actions: Variances, Waivers, Special Exceptions NONE, Other

Consistency with design manuals.

ADDITIONAL INFORMATION

N/A other anticipated actions needed by the Zoning Commissioner or Hearing Officer such as variances, waivers as part of the development plan, or special exceptions or hearings
N/A consistency with design manuals such as the Comprehensive Manual of Development Policies
N/A preliminary phasing and development schedule

A checkmark (✓) indicates pertinent information that has been shown or noted on the plan. N/A denotes information not applicable to this development project.

BELAIR ROAD

PDM FILE # XI-763

DATE	REVISION	BY
6-27-96	VARIANCE	C.O.P.

STATE OF MARYLAND — REGISTERED LAND SURVEYOR

APR ASSOCIATES, INC.
ENGINEERS - SURVEYORS
7427 Harford Road • Baltimore, Maryland 21234 • (410) 444-4312 FAX: (410) 444-1647

22 96055 M

MINOR SUBDIVISION OF GOELLER PROPERTY

96-055-M
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE : AS SHOWN — DATE. APRIL 12, 1996

IN RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road (4112 and 4114 Link Avenue); and, S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road (4109 and (4111 Silver Spring Road)
11th Election District
6th Councilmanic District

Kenneth J. Goeller, Jr., et ux and Francis D. Kemp, Jr. - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Cases Nos. 97-21-A, 97-22-A 97-23-A, and 97-24-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 4112 and 4114 Link Avenue and 4109 and 4111 Silver Spring Road, located in the vicinity of Joppa Road and Belair Road in Perry Hall. The Petitions were filed by Kenneth J. Goeller, Jr., and his wife, Charlene J. Goeller, owners of 4114 Link Avenue and 4111 Silver Spring Road, and Francis D. Kemp, Jr., owner of 4112 Link Avenue and 4109 Silver Spring Road. In all four cases, relief is sought from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements. The subject properties and relief requested are more particularly described on the respective site plans submitted with each Petition filed, which were accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions were Kenneth and Charlene Goeller, Francis Kemp, Jr., and Alexander P. Ratych, Registered Land Surveyor who prepared the site plans for each case. There were no Protestants present.

Testimony and evidence offered revealed that the properties known

ORDER RECEIVED FOR FILING
Date 8/22/96
By [signature]

as 4112 and 4114 Link Avenue are located adjacent to one another in the subdivision known as Fullerton Farms. The two properties are 50 feet wide and nearly 400 feet deep and abut Link Avenue in the front and Silver Spring Road in the rear. The Goellers and the Kemps have been neighbors for many years. The Petitioners now wish to subdivide their respective properties to create a second building lot which will front on Silver Spring Road. They then propose to develop that lot with a new single family dwelling for their respective families and either rent or sell their current homes. Due to the narrow width of the properties and the location of existing improvements thereon, the requested variances to lot width and setback requirements are necessary to legitimize existing conditions and to proceed with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented,

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

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 1996 that the Petitions for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements at 4112 and 4114 Link Avenue, and 4109 and 4111 Silver Spring Road, in accordance with Petitioner's Exhibits 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

[signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 22, 1996

Mr. & Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, Maryland 21236

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, Maryland 21236

RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road
(4112 and 4114 Link Avenue); and,
S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road
(4109 and 4111 Silver Spring Road)
Kenneth J. Goeller, Jr., et ux, and Francis D. Kemp, Jr. - Petitioners
Cases Nos. 97-21-A, 97-22-A, 97-23-A, and 97-24-A

Dear Mr. & Mrs. Goeller and Mr. Kemp:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

[signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234

People's Counsel

File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4112 Link Avenue
which is presently zoned DR. 5.5

97-22-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1
To allow the creation of a 50' lot in lieu of the required 55' and a side yard setback of 8' in lieu of the required 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
The Lots, 50' feet wide, were created on the Plat of Fullerton Farms, dated May 1922, and cannot meet the present zoning required of 55' feet in width.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

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

Legal Owner(s):
Francis D. Kemp, Jr.
(Type or Print Name)
[signature]
Signature
(Type or Print Name)
Signature
Tel: (410) 256-8859
4112 Link Avenue
Address Phone No.
Baltimore, Maryland 21234
City State Zipcode
Name, Address and phone number of representative to be contacted.
Alexander P. Ratych
APR Associates, Inc.
Name
7427 Harford Road 444-4312
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1/2
unavailable for Hearing
the following dates ______ Next Two Months
ALL ✓ OTHER ______
REVIEWED BY: CAM DATE 18 July 96
schedule with 22, 24, 25
#23

ORDER RECEIVED FOR FILING
Date 8/22/96
By [signature]

Printed with Soybean Ink on Recycled Paper

APR ASSOCIATES, INC.
ENGINEERS - SURVEYORS

ZONING DESCRIPTION FOR
4112 LINK AVENUE 97-22-A

BEGINNING FOR THE SAME at a point on the Northerly side of Link Avenue as widened to a width of 50' feet and on which the property fronts at the distance of 524' feet more or less Northwesterly from the centerline of Belair Road and being also on the division line between Lots 64 and 65 as shown on the plat of Fullerton Farms, recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7, Folio 52; thence binding along the Northerly side of Link Avenue (1) North 55 degrees 18 minutes 30 seconds West 50.00 feet to a point on the division line between Lots 65 and 66 on said plat; thence leaving Link Avenue and binding along a part of said division line (2) North 34 degrees 41 minutes 30 seconds East 180.00 feet to a point; thence crossing said Lot 65 (3) South 55 degrees 18 minutes 30 seconds East 50.00 feet to intersect the division line between Lots 64 and 65 thence binding thereon (4) South 34 degrees 41 minutes 30 seconds East 180.00 feet to the point of beginning; containing 0.2066 acres more or less. Also known as 4114 Link Avenue and located in the 11th Election District and 6th Councilmanic District of Baltimore County.

07/03/96

[seal and signature] 7/15/1996

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1547

23

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 97-22-A
Towson, Maryland

District: 11th Date of Posting: 8/5/96
Posted for: Variance
Petitioner: Francis D. Kemp, Jr.
Location of property: 4112 Link Ave
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by [signature] Date of return: 8/12/96
Signature
Number of Signs: 1

CERTIFICATE OF PUBLICATION

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: #97-22-A
(Item 23)
4112 Link Avenue
N/S Link Avenue, 524' NWly of c/l Belair Road
11th Election District
6th Councilmanic
Legal Owner(s):
Francis D. Kemp, Jr.
Variance: to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.
Hearing: Tuesday, August 20, 1996 at 9:30 a.m. in Rm. 118, Old Courthouse.

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.

8/032 August 1. C70564

TOWSON, MD., 8/1, 1996

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 8/1, 1996.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 23 Petitioner: Kenneth J. Goeller & Charlene J.
Location: 4112 Link Ave
PLEASE FORWARD ADVERTISING BILL TO:
NAME: APR Associates, LLC
ADDRESS: 7427 Harford Rd
Baltimore, MD 21234
PHONE NUMBER: 410-444-4312

Printed with Soybean Ink on Recycled Paper

12

TO: PUTUXENT PUBLISHING COMPANY
August 1, 1996 Issue - Jeffersonian

Please foward billing to:

APR Associates, Inc.
7427 Harford Road
Baltimore, Maryland 21234
444-4312

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: 97-22-A (Item 23)
4112 Link Avenue
N/S Link Avenue, 524' NWly of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Francis D. Kemp, Jr.

Variance to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 26, 1996

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: 97-22-A (Item 23)
4112 Link Avenue
N/S Link Avenue, 524' NWly of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Francis D. Kemp, Jr.

Variance to allow the creation of a 50 foot lot in lieu of the required 55 feet and a side yard setback of 8 feet in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Francis D. Kemp, Jr.
APR Associates, Inc.

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

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 19, 1996

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, MD 21234

RE: Item No.: 23
Case No.: 97-22-A
Petitioner: Francis D. Kemp, Jr.

Dear Mr. Kemp:

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 July 18, 1996.

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 Roslyn Bubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: July 30, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 22, 23, 24 and 25.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long
Division Chief: Carl L. Lewis

PK/JL/lw

ITEM22/PZONE/ZAC1

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

7-30-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 023 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: August 2, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 5, 1996
Item Nos. 017, 019, 020, 021, 022, 023, 024, and 025

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE20

RE: PETITION FOR VARIANCE 4112 Link Avenue, N/S Link Avenue, 524' NWly of c/l Belair Road 11th Election District, 6th Councilmanic Francis D. Kemp, Jr. Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 97-22-A

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

ENTRY OF APPEARANCE

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

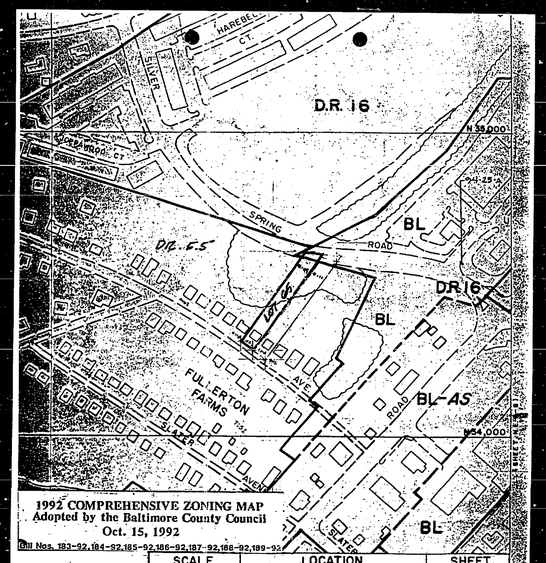
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

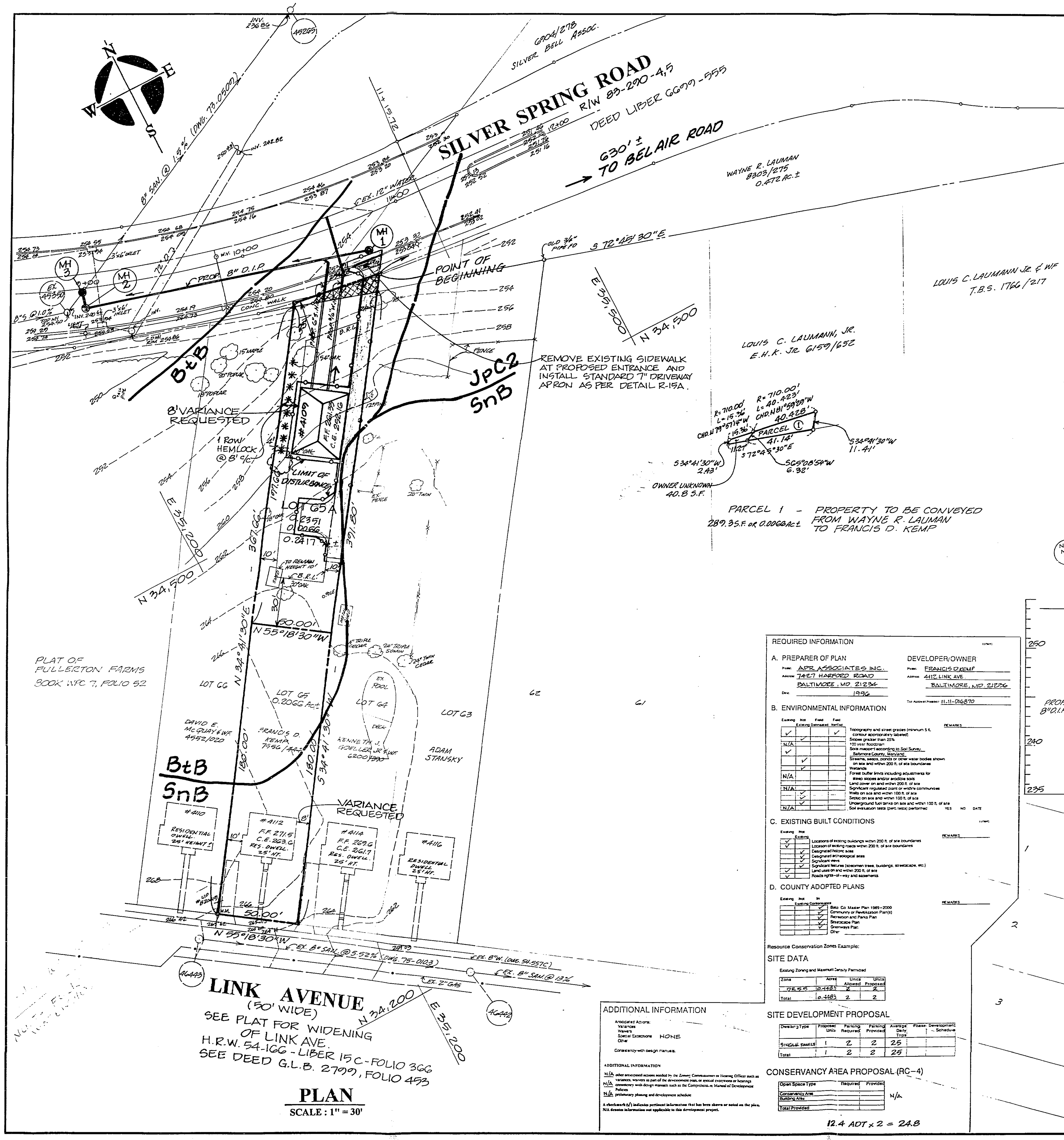
I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Alexander P. Ratych, APR Associates, Inc. 7427 Harford Road, Baltimore, MD 21234, representative for Petitioners.

PETER MAX ZIMMERMAN



1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

SCALE	LOCATION	SHEET
1" = 200'±	97-22-A PERRY HALL 23	N.E. 9-F
DATE OF PHOTOGRAPHY JANUARY		



41. OFFSITE RIGHTS-OF-WAY ARE NECESSARY FOR ROADS, STORM DRAINS OR OTHER UTILITIES. THE DEVELOPER IS HEREBY ADVISED THAT THE FINAL PLAT AND OR BUILDING PERMITS WILL NOT BE APPROVED UNTIL THE OFFSITE RIGHT-OF-WAY IS ACQUIRED. THE COUNTY RESERVES THE RIGHT TO MAKE THE NECESSARY CONTACTS FOR ACQUISITION OF RIGHTS-OF-WAY.

42. THE DEVELOPER'S ENGINEER SHALL INVESTIGATE THE NEED AND OBTAIN THE NECESSARY PERMITS FOR THE FACILITIES SERVING THIS SITE THAT MAY REQUIRE A "CORPS OF ENGINEER'S PERMIT", A "WATER RESOURCES PERMIT", A "WATER QUALITY CERTIFICATION", AND ANY OTHER FEDERAL OR STATE PERMITS. THESE FACILITIES CANNOT BE SENT TO CONTRACT UNTIL SUCH PERMITS HAVE BEEN RECEIVED.

43. SILVER SPRING ROAD IS AN EXISTING ROAD WHICH SHALL ULTIMATELY BE IMPROVED AS A 50' STREET CROSS SECTION ON A 70' RIGHT-OF-WAY. LINK AVENUE IS AN EXISTING AVENUE WHICH SHALL ULTIMATELY BE IMPROVED AS A 30' STREET CROSS SECTION ON A 50' RIGHT-OF-WAY.

44. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT **PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH** MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.

26. A WAIVER HAS BEEN REQUESTED FOR THE REQUIRED LOCAL OPEN SPACE.

27. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 12/19/1922. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THESE PROPERTIES AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.

28. DENSITY CALCULATIONS:
A. LOTS ALLOWED = ZONING DENSITY x GROSS ACRES = 5.5x0.4483 = 2.5
B. LOTS PROPOSED = 2

29. THERE ARE NO EXISTING WELLS, SEPTICS OR UNDERGROUND STORAGE TANKS ON SITE OR ANY OTHER STRUCTURE EXCEPT AS SHOWN.

30. NO ZONING APPLICATION HAS BEEN FILED ON THIS PROPERTIES. NO ZONING CHANGE WITHING 200 FEET OF THE PROPERTIES. NO ZONING HISTORY

31. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30 PERCENT OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.

32. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORM WATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

33. PROPERTIES ARE SERVED BY PUBLIC SEWER, WATER BG&E AND ELECTRIC LINES.

34. UNDERGROUND UTILITIES ARE SHOWN ON THIS DRAWING ONLY FOR THE CONVENIENCE OF THE USER OF THE DRAWING AND THERE IS NO WARRANTY OR GUARANTEE OF THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE USER OF THE DRAWING MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION.

35. THERE ARE NO WETLANDS ON THIS PROPERTY

36. THIS PROPERTY IS EXEMPT FROM FOREST CONSERVATION REGULATIONS BECAUSE TOTAL AREA IS UNDER 20,000 S.F.

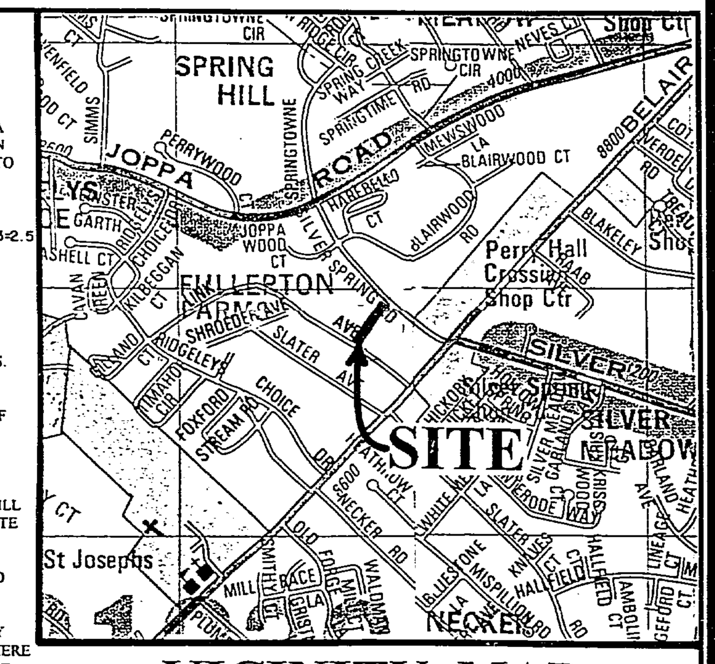
37. ALL CONSTRUCTION DRAWINGS AND CONSTRUCTION FOR PUBLIC USE SHALL CONFORM WITH BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS AND STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION

38. THE RESPONSIBILITIES OF THE DEVELOPER INVOLVING PUBLIC IMPROVEMENTS SHALL INCLUDE THE INSPECTION FEES, BURDEN AND FRINGE COSTS INCURRED. CURRENTLY THESE CHARGES ARE 3 TIMES PAYROLL FOR METROPOLITAN DISTRICT PROJECTS AND 2 TIMES PAYROLL FOR THE CAPITAL IMPROVEMENT FUND

39. A PUBLIC WORKS AGREEMENT MUST BE EXECUTED BY THE OWNER AND BALTIMORE COUNTY FOR THE REQUIRED PUBLIC IMPROVEMENTS, AFTER WHICH A BUILDING PERMIT MAY BE APPROVED

40. THE DEVELOPER SHALL BE RESPONSIBLE FOR DAMAGES TO THE COUNTY'S FACILITIES, SUCH AS WATER METERS, MANHOLES, CURBS AND GUTTERS AND INLETS WITHIN HIS SUBDIVISION. OCCUPANCY PERMITS WILL BE WITHHELD UNTIL SUCH DAMAGES HAVE BEEN CORRECTED

PETITIONER'S EXHIBIT 1



VICINITY MAP

SCALE : 1" = 1,000'

GENERAL NOTES:

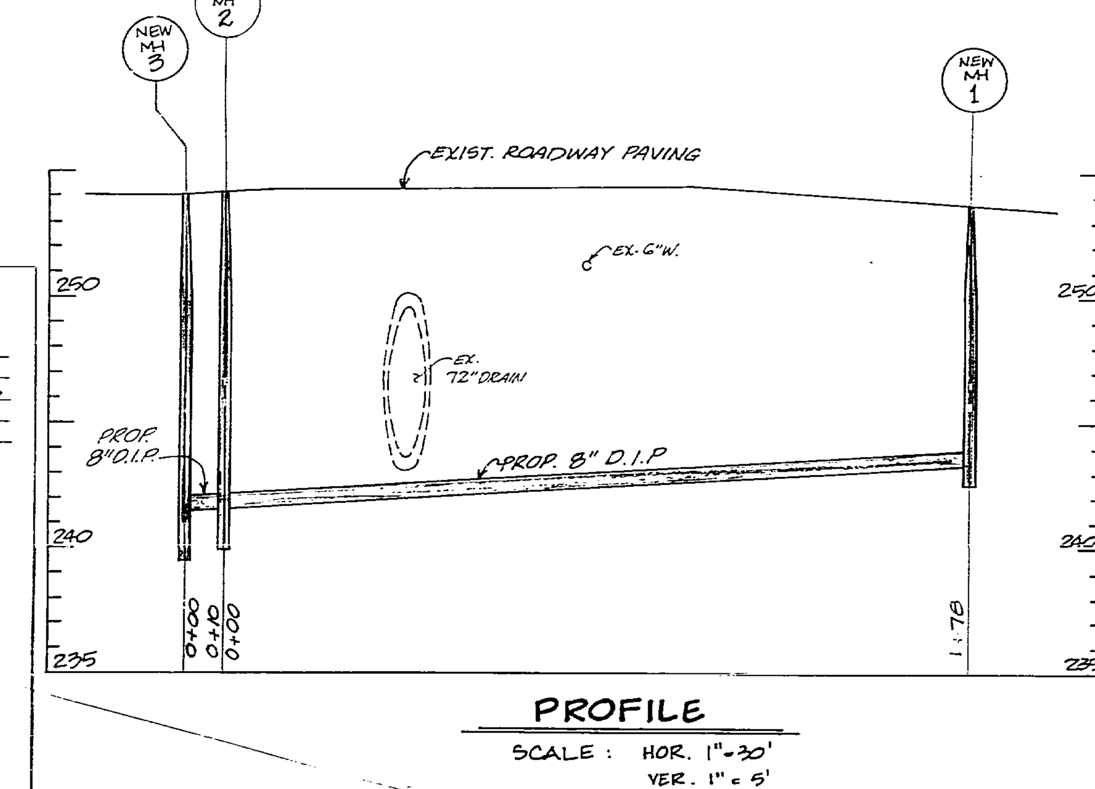
1. TOATAL AREA GROSS = 0.4483 Ac. NET = 0.4483 Ac.
   LOT 65 A = 10,528.4 S.F. or 0.2417 Ac.±
2. EXISTING ZONING = DR 5.5, 200' SCALE MAP-FULLERTON 35 NE 24
3. LOTS PERMITTED = 2
4. LOTS PROPOSED = 2
5. DEED REFERENCES = 7556/444
6. ADJACENT ZONING = DR 5.5
7. EXISTING USE = 1 SINGLE FAMILY DWELLINGS
8. PROPOSED USE = 2 SINGLE FAMILY DWELLINGS
9. OWNERS:
   LOT 65 - FRANCIS D. KEMP, 4112 LINK AVENUE, BALTIMORE, MD 21236, (410) 256-8859, DEED 7556/444, TAX ACCT. 11-11-016870
10. TAX PLAT / BLOCK / PARCEL = 71 / 18 / 1175
11. COUNCILMANIC DISTRICT = 6
12. CENSUS TRACT = 4114.02
13. REGIONAL PLANNING DISTRICT = 317 A
14. ELEMENTARY SCHOOL DISTRICT = 97 PERRY HALL
15. WATERSHED = 6
16. SUBSEWERSHED = 22
17. PARKING:
    REQUIRED = 4 P.S.
    TO BE PROVIDED = 4 P.S.
18. THERE ARE NO KNOWN CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, HISTORICAL BUILDINGS, HAZARDOUS MATERIALS SITES NOR STORAGE ON THIS TRACT.
19. COORDINATES AND BEARING SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:

STATION	NORTH	EAST
10653	35,970.43	37,452.22
10654	35,745.50	37,742.72

20. ANY FURTHER SUBDIVISION ON THIS PROPERTY WILL REQUIRE A MAJOR SUBDIVISION. THE DEVELOPER AND HIS ASSIGNS RETAIN THE RIGHT TO UTILIZE UNUSED DENSITY IN THE FUTURE IN ACCORDANCE WITH REGULATIONS IN EFFECT AT THE TIME.
21. ACCEPTANCE OF THIS PLAN IN NO WAY BINDS BALTIMORE COUNTY INTO REFUSE COLLECTION OF THIS DEVELOPMENT. AT THE TIME OF CONSTRUCTION AND AFTER ALL REQUIREMENTS (REFUSE COLLECTION PADS) HAVE BEEN MET, A REPRESENTATIVE OF THE BUREAU WILL MEET WITH THE DEVELOPER OR HIS REPRESENTATIVE TO DISCUSS DETAILS OF REFUSE COLLECTION.
22. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
23. AREA OTHER THAN 1 HOUSE, 1 DRIVE AND 1 SHED TO REMAIN UNDISTURBED. TOTAL AREA OF DISTURBANCE = 4,156 S.F.
24. HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRYWELLS, WHERE FEASIBLE.
25. MINIMUM YARD SETBACKS: FRONT = 25', REAR = 30', SIDE = 10'

THIS PROPERTY IS NOT LOCATED IN FLOOD PLAIN

97-22-A



PROFILE

SCALE: HOR. 1" = 30', VER. 1" = 5'

REQUIRED INFORMATION

A. PREPARER OF PLAN
Name: APR ASSOCIATES INC.
Address: 7427 HARFORD ROAD, BALTIMORE, MD. 21234
Date: 1996

DEVELOPER/OWNER
Name: FRANCIS D. KEMP
Address: 4112 LINK AVE., BALTIMORE, MD. 21236
Tax Account Number: 11-11-016870

B. ENVIRONMENTAL INFORMATION

Existing	Not Existing	Field Delineated	Field Verified		REMARKS
✓			✓	Topography and street grades (minimum 5 ft. contour appropriately labeled)	
	✓			Slopes greater than 25%	
N/A				100 year floodplain	
✓				Soils mapped according to Soil Survey, Baltimore County, Maryland	
	✓			Streams, seeps, ponds or other water bodies shown on site and within 200 ft. of site boundaries	
	✓			Wetlands	
N/A				Forest buffer limits including adjustments for steep slopes and/or erodible soils	
				Land cover on and within 200 ft. of site	
N/A				Significant regulated plant or wildlife communities	
	✓			Wells on site and within 100 ft. of site	
	✓			Septic on site and within 100 ft. of site	
	✓			Underground fuel tanks on site and within 100 ft. of site	
N/A				Soil evaluation tests (perc tests) performed	YES NO DATE

C. EXISTING BUILT CONDITIONS

Existing	Not Existing		REMARKS
✓		Locations of existing buildings within 200 ft. of site boundaries	
✓		Location of existing roads within 200 ft. of site boundaries	
	✓	Designated historic sites	
	✓	Designated archeological sites	
	✓	Significant views	
	✓	Significant features (specimen trees, buildings, streetscape, etc.)	
✓		Land uses on and within 200 ft. of site	
✓		Roads rights-of-way and easements	

D. COUNTY ADOPTED PLANS

Existing	Not Existing	In Conformance		REMARKS
		✓	Balto. Co. Master Plan 1989-2000	
		✓	Community or Revitalization Plan(s)	
		✓	Recreation and Parks Plan	
		✓	Streetscape Plan	
		✓	Greenways Plan	
			Other	

Resource Conservation Zones Example:

SITE DATA

Existing Zoning and Maximum Density Permitted

Zone	Acres	Units Allowed	Units Proposed
DR 5.5	0.4483	2	2
Total	0.4483	2	2

SITE DEVELOPMENT PROPOSAL

Dwelling Type	Proposed Units	Parking Required	Parking Provided	Average Daily Trips	Phase	Development Schedule
SINGLE FAMILY	1	2	2	25		
Total	1	2	2	25		

CONSERVANCY AREA PROPOSAL (RC-4)

Open Space Type	Required	Provided
Conservancy Area		
Building Area		
Total Provided		

N/A

12.4 ADT x 2 = 24.8

ADDITIONAL INFORMATION

Anticipated Actions:
Variances
Waivers
Special Exceptions NONE
Other

Consistency with design manuals.

ADDITIONAL INFORMATION

N/A other anticipated actions needed by the Zoning Commissioner or Hearing Officer such as variances, waivers as part of the development plan, or special exceptions or hearings
N/A consistency with design manuals such as the Comprehensive Manual of Development Policies
N/A preliminary phasing and development schedule

A checkmark (✓) indicates pertinent information that has been shown or noted on the plan. N/A denotes information not applicable to this development project.

PDM FILE # XI-763

DATE	REVISION	BY
5-27-96	VARIANCE	C.O.P.

STATE OF MARYLAND — REGISTERED LAND SURVEYOR (seal)

APR ASSOCIATES, INC.
ENGINEERS - SURVEYORS
7427 Harford Road • Baltimore, Maryland 21234 • (410) 444-4312 FAX: (410) 444-1647

23 **96056 M**

MINOR SUBDIVISION OF KEMP PROPERTY

96-056-M

11TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

SCALE: AS SHOWN DATE: APRIL 12, 1996

95013

CAD ONE, INC. 301-595-1120 081299

IN RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road (4112 and 4114 Link Avenue); and, S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road (4109 and (4111 Silver Spring Road)
11th Election District
6th Councilmanic District

Kenneth J. Goeller, Jr., et ux and Francis D. Kemp, Jr. - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Cases Nos. 97-21-A, 97-22-A 97-23-A, and 97-24-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 4112 and 4114 Link Avenue and 4109 and 4111 Silver Spring Road, located in the vicinity of Joppa Road and Belair Road in Perry Hall. The Petitions were filed by Kenneth J. Goeller, Jr., and his wife, Charlene J. Goeller, owners of 4114 Link Avenue and 4111 Silver Spring Road, and Francis D. Kemp, Jr., owner of 4112 Link Avenue and 4109 Silver Spring Road. In all four cases, relief is sought from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements. The subject properties and relief requested are more particularly described on the respective site plans submitted with each Petition filed, which were accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions were Kenneth and Charlene Goeller, Francis Kemp, Jr., and Alexander P. Ratych, Registered Land Surveyor who prepared the site plans for each case. There were no Protestants present.

Testimony and evidence offered revealed that the properties known

ORDER RECEIVED FOR FILING
Date 8/22/96
By

as 4112 and 4114 Link Avenue are located adjacent to one another in the subdivision known as Fullerton Farms. The two properties are 50 feet wide and nearly 400 feet deep and abut Link Avenue in the front and Silver Spring Road in the rear. The Goellers and the Kemps have been neighbors for many years. The Petitioners now wish to subdivide their respective properties to create a second building lot which will front on Silver Spring Road. They then propose to develop that lot with a new single family dwelling for their respective families and either rent or sell their current homes. Due to the narrow width of the properties and the location of existing improvements thereon, the requested variances to lot width and setback requirements are necessary to legitimize existing conditions and to proceed with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

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

After due consideration of the testimony and evidence presented,

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

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 1996 that the Petitions for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 8 feet in lieu of the required 10 feet for existing and proposed improvements at 4112 and 4114 Link Avenue, and 4109 and 4111 Silver Spring Road, in accordance with Petitioner's Exhibits 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

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

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 22, 1996

Mr. & Mrs. Kenneth J. Goeller, Jr.
4114 Link Avenue
Baltimore, Maryland 21236

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, Maryland 21236

RE: PETITIONS FOR VARIANCE
N/S Link Avenue, 474' & 524' NW of the c/l Belair Road
(4112 and 4114 Link Avenue); and,
S/S Silver Spring Road, 630' & 580' W of the c/l Belair Road
(4109 and 4111 Silver Spring Road)
Kenneth J. Goeller, Jr., et ux, and Francis D. Kemp, Jr. - Petitioners
Cases Nos. 97-21-A, 97-22-A, 97-23-A, and 97-24-A

Dear Mr. & Mrs. Goeller and Mr. Kemp:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

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

TMK:bjs

cc: Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234

People's Counsel

File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4109 Silver Spring Road

97-23-A

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 Variance from Section(s) 1B02.3.C1

To allow the creation of a smaller 50' wide lot in lieu of the required 55' and an existing 8' side yard in lieu of the required 10'.

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

The Lots, 50' feet wide, were created on the Plat of Fullerton Farms, dated May 1922, and cannot meet the present zoning required of 55' feet in width.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

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

Legal Owner(s):
Francis D. Kemp, Jr.
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Tel: (410) 256-8859
4112 Link Avenue
Address Phone No
Baltimore, Maryland 21236
City State Zipcode
Name, Address and phone number of representative to be contacted.
Alexander P. Ratych
APR Associates, Inc.
Name
7427 Harford Road 444-4312
Address Phone No

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1/2
unavailable for Hearing
the following dates Next Two Months
ALL ✓ OTHER
REVIEWED BY: CAM DATE 18/Jul/96

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Schedule w 22, 23, 25

24

ORDER RECEIVED FOR FILING
Date 8/22/96
By

APR ASSOCIATES, INC.
ENGINEERS · SURVEYORS

ZONING DESCRIPTION FOR
4109 SILVER SPRING ROAD

97-23-A

BEGINNING FOR THE SAME at a point on the Southerly side of Silver Spring Road, 70' feet wide, on which the property fronts, and at the distance of 630' feet more or less Westerly from the centerline of Belair Road and being also in line with the division line between Lot 64 and 65 as shown on the Plat of Fullerton Farms, recorded in Plat Book WPC 7, Folio 52; thence leaving Silver Spring Road and running 1) South 34 degrees 41 minutes 30 seconds West 223.21 feet to a point; thence crossing Lot 65 2) North 55 degrees 18 minutes 30 seconds West 50.00 feet to a point on the division line between Lots 65 and 66; thence binding thereon and continuing the same course 3) North 34 degrees 41 minutes 30 seconds East 209.00 feet to intersect the Southerly side of Silver Spring Road; thence 4) binding thereon by a curve to the left having a radius of 710.00 feet for an arc length of 55.59 feet to the point of beginning; containing 0.2417 acres more or less.

ALSO to be known as 4109 Silver Spring Road and located in the 11th Election District and 6th Councilmanic District of Baltimore County.

07/08/96

STATE OF MARYLAND · REGISTERED LAND SURVEYOR · No. 3-33
7/11/96

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

24

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 97-23-A
Towson, Maryland

District: 11th
Date of Posting: 8/5/96
Posted for: Variance
Petitioner: Francis Kemp Jr
Location of property: 4109 Silver Spring Rd
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by: [signature] (Signature)
Date of return: 8/12/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/1, 1996

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 8/1, 1996.

THE JEFFERSONIAN,
A. Henrikson
LEGAL AD. - TOWSON

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: #97-23-A
(Item 24)
4109 Silver Spring Road
S/S Silver Spring, 680' W of c/l Belair Road
11th Election District
6th Councilmanic
Legal Owner(s):
Francis D. Kemp, Jr.
Variance: to allow the creation of a smaller 50 foot wide lot in lieu of the required 55 feet and an existing 8 foot side yard in lieu of the required 10 feet.
Hearing: Tuesday, August 20, 1996 at 9:30 a.m. in Rm. 118, Old Courthouse.

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.

8/033 August 1. C70569

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 24 Petitioner: KENNETH J. & CHARLENE A. GOELLER

Location: 4109 SILVER SPRING ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: APR ASSOCIATES, INC

ADDRESS: 7427 HARFORD ROAD
BALTIMORE, MD 21234

PHONE NUMBER: 410-444-4312

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12

TO: PATUXENT PUBLISHING COMPANY
August 1, 1996 Issue - Jeffersonian

Please foward billing to:

APR Associates, Inc.
7427 Harford Road
Baltimore, MD 21234
444-4312

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: 97-23-A (Item 24)
4109 Silver Spring Road
S/S Silver Spring, 680' W of c/l Belair Road
11th Election District -6th Councilmanic
Legal Owner(s): Francis D. Kemp, Jr.

Variance to allow the creation of a smaller 50 foot wide lot in lieu of the required 55 feet and an existing 8 foot side yard in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 26, 1996

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: 97-23-A (Item 24)
4109 Silver Spring Road
S/S Silver Spring, 680' W of c/l Belair Road
11th Election District -6th Councilmanic
Legal Owner(s): Francis D. Kemp, Jr.

Variance to allow the creation of a smaller 50 foot wide lot in lieu of the required 55 feet and an existing 8 foot side yard in lieu of the required 10 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Francis D. Kemp, Jr.
APR Associates, Inc.

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

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 19, 1996

Mr. Francis D. Kemp, Jr.
4112 Link Avenue
Baltimore, MD 21234

RE: Item No.: 24
Case No.: 97-23-A
Petitioner: Francis D. Kemp, Jr.

Dear Mr. Kemp:

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 July 18, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: July 30, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 22, 23, 24 and 25.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Carl Kess

PK/JL/lw

ITEM22/PZONE/ZAC1

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

7-30-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 024 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: August 2, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 5, 1996
Item Nos. 017, 019, 020, 021, 022, 023, 024, and 025

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE20

RE: PETITION FOR VARIANCE
4109 Silver Spring Road, S/S Silver Spring, 680' W of c/l Belair Road
11th Election District, 6th Councilmanic

Francis D. Kemp, Jr.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-23-A

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

ENTRY OF APPEARANCE

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

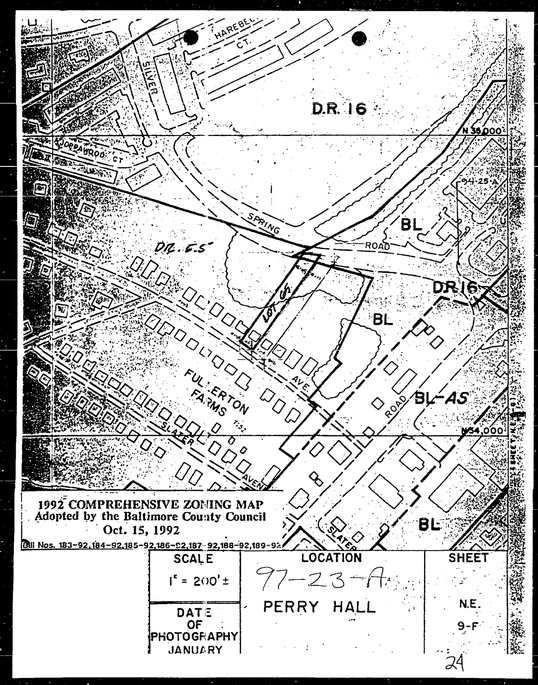
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

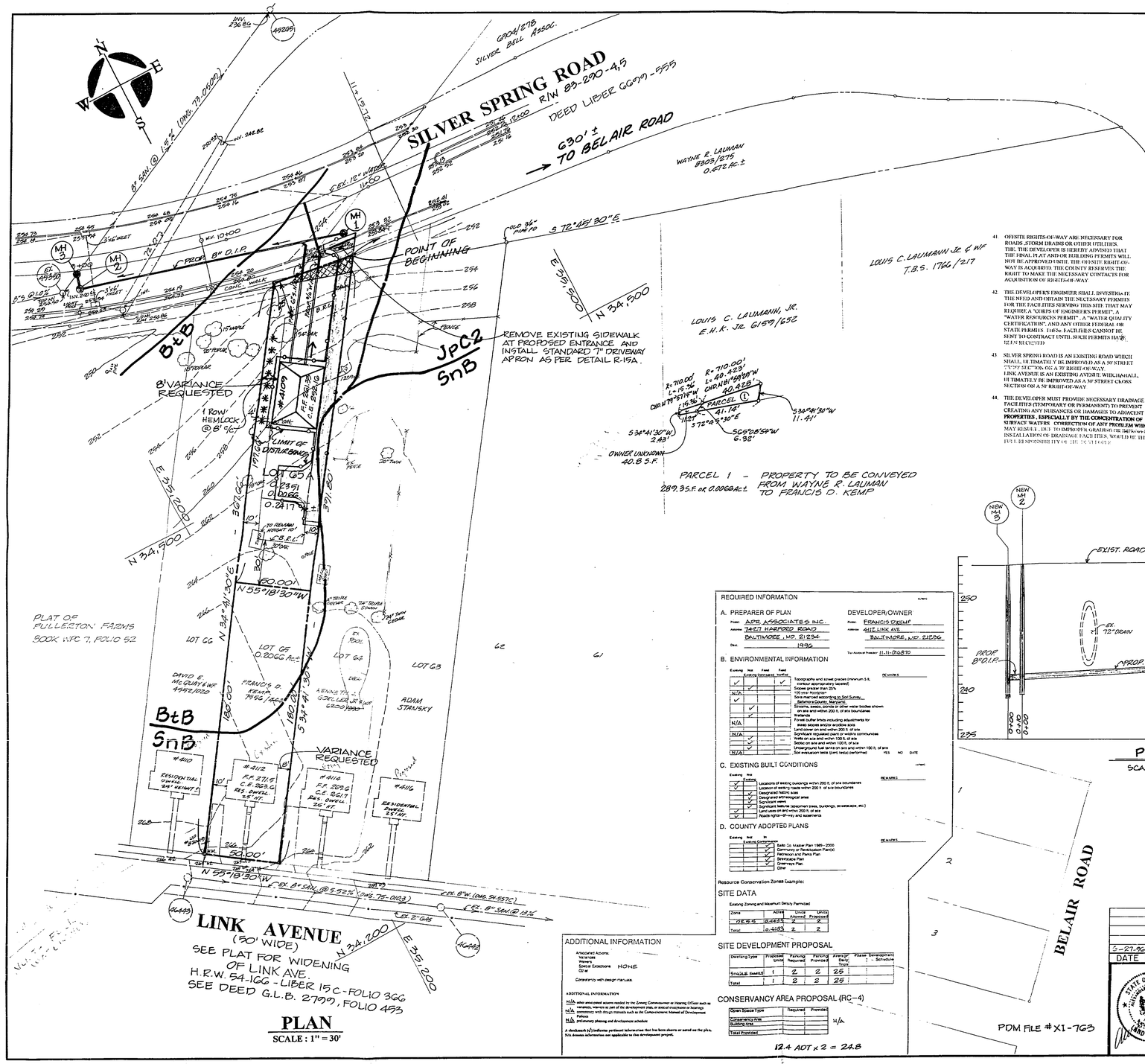
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Alexander P. Ratych, APR Associates, Inc. 7427 Harford Road, Baltimore, MD 21234, representative for Petitioners.

PETER MAX ZIMMERMAN



24



PLAN

SCALE : 1" = 30'

26. A WAIVER HAS BEEN REQUESTED FOR THE REQUIRED LOCAL OPEN SPACE

27. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 12/19/1922 - THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THESE PROPERTIES AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.

28. DENSITY CALCULATIONS :
A. LOTS ALLOWED =ZONING DENSITY x GROSS ACRES=5.5x0.4483=2.5
B. LOTS PROPOSED = 2

29. THERE ARE NO EXISTING WELLS , SEPTICS OR UNDERGROUND STORAGE TANKS ON SITE OR ANY OTHER STRUCTURE EXCEPT AS SHOWN.

30. NO ZONING APPLICATION HAS BEEN FILED ON THIS PROPERTIES. NO ZONING CHANGE WITHING 200 FEET OF THE PROPERTIES. NO ZONING HISTORY

31. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30 PERCENT OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.

32. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORM WATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

33. PROPERTIES ARE SERVED BY PUBLIC SEWER , WATER BG&E AND ELECTRIC LINES.

34. UNDERGROUND UTILITIES ARE SHOWN ON THIS DRAWING ONLY FOR THE CONVENIENCE OF THE USER OF THE DRAWING AND THERE IS NO WARRANTY OR GUARANTEE OF THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION GIVEN . THE USER OF THE DRAWING MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION.

35. THERE ARE NO WETLANDS ON THIS PROPERTY

36. THIS PROPERTY IS EXEMPT FROM FOREST CONSERVATION REGULATIONS BECAUSE TOTAL AREA IS UNDER 20,000 S.F.

37. ALL CONSTRUCTION DRAWINGS AND CONSTRUCTION FOR PUBLIC USE SHALL CONFORM WITH BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS AND STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION

38. THE RESPONSIBILITIES OF THE DEVELOPER INVOLVING PUBLIC IMPROVEMENTS SHALL INCLUDE THE INSPECTION FEES , BENEFITS AND FRINGE COSTS INCURRED CHARGEABLE THESE CHARGES ARE 1 TIMES PAYROLL FOR METROPOLITAN DISTRICT PROJECTS AND 2 TIMES PAYROLL FOR THE CAPITAL IMPROVEMENT FUND

39. A PUBLIC WORKS AGREEMENT MUST BE EXECUTED BY THE OWNER AND BALTIMORE COUNTY FOR THE REQUIRED PUBLIC IMPROVEMENTS , AFTER WHICH A BUILDING PERMIT MAY BE APPROVED.

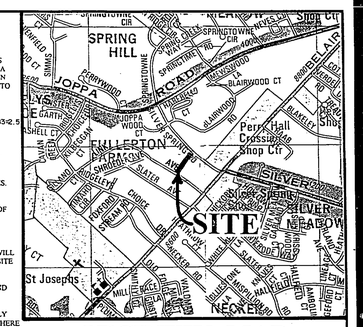
40. THE DEVELOPER SHALL BE RESPONSIBLE FOR DAMAGES TO THE COUNTY'S FACILITIES , SUCH AS WATER METERS , MANHOLES , CURBS AND GUTTERS AND FILES WITHIN HIS SUBDIVISION OCCUPANCY PERMITS WILL BE WITHHELD UNTIL SUCH DAMAGES HAVE BEEN CORRECTED

41. OFFSITE RIGHTS-OF-WAY ARE NECESSARY FOR ROADS ,STORM DRAINS OR OTHER UTILITIES THE THE DEVELOPER IS HEREBY ADVISED THAT THE FINAL PLAT AND OR BUILDING PERMITS WILL NOT BE APPROVED UNTIL THE OFFSITE RIGHT-OF-WAY IS ACQUIRED. THE COUNTY RESERVES THE RIGHT TO MAKE THE NECESSARY CONTACTS FOR ACQUISITION OF RIGHTS-OF-WAY

42. THE DEVELOPER'S ENGINEER SHALL INVESTIGATE THE NEED AND OBTAIN THE NECESSARY PERMITS FOR THE FACILITIES SERVING THIS SITE THAT MAY REQUIRE A "CORPS OF ENGINEERS PERMIT", A "WATER RESOURCES PERMIT" , A "WATER QUALITY CERTIFICATION", AND ANY OTHER FEDERAL OR STATE PERMITS . THESE FACILITIES CANNOT BE SENT TO CONTRACT UNTIL SUCH PERMITS HAVE BEEN RECEIVED

43. SILVER SPRING ROAD IS AN EXISTING ROAD WHICH SHALL ULTIMATELY BE IMPROVED AS A 50' STREET CROSS SECTION OR A 70' RIGHT-OF-WAY. LINK AVENUE IS AN EXISTING AVENUE WHICH SHALL ULTIMATELY BE IMPROVED AS A 30' STREET CROSS SECTION OR A 50' RIGHT-OF-WAY

44. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT **PROPERTIES , ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS CORRECTION OF ANY PROBLEM WHICH** MAY RESULT , DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER



VICINITY MAP

SCALE : 1" = 1,000 '

GENERAL NOTES

1. TOATAL AREA LOT 65 A — GROSS =0.4483 AC. NET=0.4483 AC. = 10,528.4 S.F. OR 0.2417 AC.±
2. EXISTING ZONING = DR 5.5 200' SCALE MAP-FULLERTON 35 NE 24
3. LOTS PERMITTED = 2
4. LOTS PROPOSED = 2
5. DEED REFERENCES = 7556/444
6. ADJACENT ZONING = DR 5.5
7. EXISTING USE = 1 SINGLE FAMILY DWELLINGS
8. PROPOSED USE = 2 SINGLE FAMILY DWELLINGS
9. OWNERS : LOT 65 - FRANCIS D. KEMP 4112 LINK AVENUE BALTIMORE,MD 21236 (410) 256-8859 DEED 7556 / 444 TAX ACCT 11-11 - 016570
10. TAX PLAT / BLOCK / PARCEL = 71 / 18 / 1175
11. COUNCILMANIC DISTRICT = 6
12. CENSUS TRACT = 4114.02
13. REGIONAL PLANNING DISTRICT = 317 A
14. ELEMENTARY SCHOOL DISTRICT = 97 PERRY HALL
15. WATERSHED = 6
16. SUBSEWERSHED = 22
17. PARKING : REQUIRED = 4 P.S. TO BE PROVIDED = 4 P.S.
18. THERE ARE NO KNOWN CRITICAL AREAS ,ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, HISTORICAL BUILDINGS, HAZARDOUS MATERIALS SITES NOR STORAGE ON THIS TRACT.
19. COORDINATES AND BEARING SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS :

STATION	NORTH	EAST
10653	35,970.43	37,452.22
10654	35,745.50	37,742.72

20. ANY FURTHER SUBDIVISION ON THIS PROPERTY WILL REQUIRE A MAJOR SUBDIVISION THE DEVELOPER AND HIS ASSIGNS RETAIN THE RIGHT TO UTILIZE UNUSED DENSITY IN THE FUTURE IN ACCORDANCE WITH REGULATIONS IN EFFECT AT THE TIME.
21. ACCEPTANCE OF THIS PLAN IN NO WAY BINDS BALTIMORE COUNTY INTO REFUSE COLLECTION OF THIS DEVELOPMENT .AT THE TIME OF CONSTRUCTION AND AFTER ALL REQUIREMENTS (REFUSE COLLECTION PADS) HAVE BEEN MET , A REPRESENTATIVE OF THE BUREAU WILL MEET WITH THE DEVELOPER OR HIS REPRESENTATIVE TO DISCUSS DETAILS OF REFUSE COLLECTION.
22. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY ,WATERCOURSE ,WETLAND,STORM DRAIN OR ADJACENT PROPERTY.
23. AREA OTHER THAN 1 HOUSE ,1 DRIVE AND 1 SHED TO REMAIN UNDISTURBED , TOTAL AREA OF DISTURBANCE = 4,156 S.F.
24. HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRYWELLS ,WHERE FEASIBLE.
25. MINIMUM YARD SETBACKS: FRONT = 25' REAR = 30' SIDE = 10'

THIS PROPERTY IS NOT LOCATED IN FLOOD PLAIN

REQUIRED INFORMATION

A. PREPARER OF PLAN
Name: APR ASSOCIATES INC.
Address: 7427 HARFORD ROAD
BALTIMORE , MD. 21234
Date: 1996

DEVELOPER/OWNER
Name: FRANCIS KEMP
Address: 4112 LINK AVE
BALTIMORE , MD. 21236
Tax Account Number: 11-11-016870

B. ENVIRONMENTAL INFORMATION

Existing	Not Existing	Field Delineated	Field Verified	
✓			✓	Topography and street grades (minimum 5 ft. contour elevations labeled)
	✓			Slopes greater than 25%
N/A				100 year floodplain
✓				Soils mapped according to Soil Survey, Baltimore County, Maryland.
	✓			Streams, lakes, ponds or other water bodies shown on site and within 200 ft. of site boundaries
✓				Tidal wetlands
N/A				Forest buffer limits including adjustments for steep slopes and/or erodible soils
N/A				Land cover on and within 200 ft. of site
	✓			Significant regulated plant or wildlife communities
	✓			Wells on site and within 100 ft. of site
	✓			Septic on site and within 100 ft. of site
N/A				Underground fuel tanks on site and within 100 ft. of site
				Soil evaluation tests (perc tests) performed

REMARKS: YES NO DATE

C. EXISTING BUILT CONDITIONS

Existing	Not Existing	
✓		Locations of existing buildings within 200 ft. of site boundaries
✓		Location of existing roads within 200 ft. of site boundaries
	✓	Designated historic sites
	✓	Designated archeological sites
	✓	Significant views
	✓	Significant features (specimen trees, buildings, streetscape, etc.)
	✓	Land uses on and within 200 ft. of site
	✓	Roads rights-of-way and easements

REMARKS:

D. COUNTY ADOPTED PLANS

Existing	Not Existing	In Conformance	
			Baltimore County Master Plan 1989 - 2000
			Community or Revitalization Plan(s)
			Recreation and Parks Plan
			Bikeways Plan
			Greenways Plan
			Other

REMARKS:

Resource Conservation Zones Example:

SITE DATA

Existing Zoning and Maximum Density Permitted

Zone	Acres	Units Allowed	Units Proposed
DR 5.5	0.4483	2	2
Total	0.4483	2	2

SITE DEVELOPMENT PROPOSAL

Dwelling Type	Proposed Units	Parking Required	Parking Provided	Average Daily Trips	Phase	Development Schedule
SINGLE FAMILY	1	2	2	25		
Total	1	2	2	25		

CONSERVANCY AREA PROPOSAL (RC-4)

Open Space Type	Required	Provided
Conservancy Area		
Building Area		N/A
Total Provided		

12.4 ADT x 2 = 24.8

ADDITIONAL INFORMATION

Associated Actions:
Variances
Waivers
Special Exceptions NONE
Other

Consistency with design manuals:

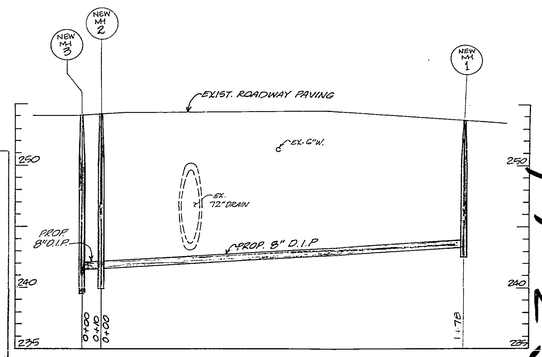
ADDITIONAL INFORMATION

N/A other anticipated actions needed by the Zoning Commissioner or Hearing Officer such as variances, waivers as part of the development plan, or special exceptions or hearings

N/A consistency with design manuals such as the Comprehensive Manual of Development Policies

N/A preliminary phasing and development schedule

A checkmark (✓) indicates pertinent information that has been shown or noted on the plan. N/A denotes information not applicable to this development project.



PROFILE

SCALE : HOR. 1"=30'
VER. 1" = 5'

97-23-A

PETITIONER'S EXHIBIT 1

DATE	REVISION	BY
5-27-96	VARIANCE	C.O.P.

PDM FILE # X1-763

24 **96056 M**

MINOR SUBDIVISION OF KEMP PROPERTY

96-056-M

11TH ELECTION DISTRICT

BALTIMORE COUNTY , MARYLAND

SCALE : AS SHOWN — DATE : APRIL 12 , 1996

APR ASSOCIATES, INC. ENGINEERS · SURVEYORS 7427 Harford Road • Baltimore, Maryland 21234 • (410) 444-4212 FAX: (410) 444-1947

STATE OF MARYLAND PROFESSIONAL REGISTERED LAND SURVEYOR

5-7-96

9501