

IN RE: PETITION FOR VARIANCE
E/S Kentbury Court, 185' N of
the c/l of Lyonswood Drive
(5 Kentbury Court)
2nd Election District
3rd Councilmanic District

Blackhorse Run Joint Venture
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-381-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 5 Kentbury Court, located in the vicinity of Owings Mills Boulevard in Owings Mills. The Petition was filed by the owners of the property, Blackhorse Run Joint Venture, by Edward Personette, a Partner, and the Contract Purchaser, Landcon, Inc., by Richard M. Yaffe, President. The Petitioners seek relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies {C.M.D.P.}) to permit a minimum building to building setback of 24 feet in lieu of the required 30 feet between Lots 65 and 66 for the proposed dwelling on Lot 66, and to amend the Final Development Plan for Lyonswood, Section B, Lot 66, thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David B. Abramoff, Esquire, attorney for the Petitioners, and Richard E. Matz, Professional Engineer who prepared the site plan for this property. Appearing as an interested party was Rev. Linwood Robinson, adjoining property owner. There were no Protestants present.

ORDER RECEIVED FOR FILING
Date 4/21/92
By [Signature]

RECORDED

Testimony and evidence offered revealed that the subject property consists of 0.2167 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The Petitioners are desirous of developing the property with a single family dwelling which is under Contract of Purchase with Landcon, Inc. Testimony and evidence offered shows that the proposed dwelling will be centered on the lot; however, due to the location of the existing dwelling on Lot 65, which is owned by Rev. Robinson, the relief requested is necessary in order to proceed. There were no adverse comments from any Baltimore County reviewing agency, nor any opposition from an adjoining property owner. Furthermore, Rev. Robinson, who attended the hearing, indicated that he had no objection to the proposed development.

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

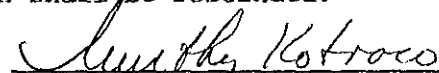
ORDER RECEIVED FOR PLANS
4/21/79
[Signature]

if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of April, 1997 that the Petition for Variance seeking relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies {C.M.D.P.}) to permit a minimum building to building setback of 24 feet in lieu of the required 30 feet between Lots 65 and 66 for the proposed dwelling on Lot 66, and to amend the Final Development Plan for Lyonswood, Section B, Lot 66, thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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 M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

April 21, 1997

Steven M. Rosen, Esquire
Abramoff, Neuberger & Linder
250 W. Pratt Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
E/S Kentbury Court, 185' N of the c/l of Lyonswood Drive
(5 Kentbury Court)
2nd Election District - 3rd Councilmanic District
Blackhorse Run Joint Venture - Petitioner
Case No. 97-381-A

Dear Mr. Rosen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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 M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Edward Personette, Blackhorse Run Joint Venture
9508 Winands Road, Owings Mills, Md. 21117

Mr. Richard M. Yaffe, President, Landcon, Inc.
8826 Orchard Tree Lane, Towson, Md. 21286

Mr. Richard E. Matz, Colbert Matz Rosenfelt, Inc.
3723 Old Court Road, Suite 206, Baltimore, Md. 21208

Rev. Linwood Robinson
3 Kentbury Court, Owings Mills, Md. 21117

People's Counsel; Case File



Petition for Variance

TO AMEND THE F.O.P. OF LYONSWOOD SEC B.
to the Zoning Commissioner of Baltimore County

for the property located at

5 Kentbury Court (Lot 66)

97-381-A

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. and DR 5.5
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.c.6 (V.B.3 CMDP) for a minimum building-to-building distance of 24 feet in lieu of the required 30 feet between Lots 65 & 66 and to amend the Final Development Plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property.

Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

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:

Richard M. Yaffe, Pres.
Landcon, Inc.

(Type or Print Name)

Richard M. Yaffe, Pres.
Signature

Legal Owner(s).

Edward Personette, PARTNER.
Blackhorse Run Joint Venture

(Type or Print Name)

Edward Personette
Signature

8826 Orchard Tree Lane

Address

Towson, MD 21286

City

State

Zipcode

(Type or Print Name)

Signature

Attorney for Petitioner

Steven M. Rosen, Esq.

(Type or Print Name)

Steven M. Rosen
Signature

Abramoff, Neuberger & Linder
250 W. Pratt St. 410-539-8300

Address

Phone No.

Baltimore, MD 21201

City

State

Zipcode

9508 Winands Road 410-321-4788

Address

Phone No

Owings Mills, MD 21117

City

State

Zipcode

Name Address and phone number of representative to be contacted

Richard E. Matz, P.E.
Colbert Matz Rosenfelt, Inc.

Name

3723 Old Court Road Suite 206

Address

Baltimore, MD 21208 410-653-3838

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JWM DATE 3-11-97



Printed with Soybean Ink on Recycled Paper

ORDER RECEIVED FOR FILING

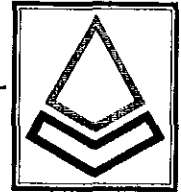
Date

By

381

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



AT-381-A

ZONING DESCRIPTION

Beginning at a point on the east side of Kentbury Court, which is 50 feet wide, at the distance of ^{105'} feet north of the centerline of the nearest improved intersecting street, Lyonswood Drive, which is 50 feet wide. Being Lot No. 66, Section B, Plat 2 in the subdivision of Lyonswood, as recorded in Baltimore County Plat Book No. 62, Folio No. 76, containing 0.2167 acres. Also known as 5 Kentbury Court and located in the 2nd Election District.

STATE OF MARYLAND
PROFESSIONAL ENGINEER
COLBERT MATZ ROSENFELT, INC.

3/10/97

381

CERTIFICATE OF PUBLICATION

97-381-A

TOWSON, MD., March 27, 1997

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 March 27, 1997.

THE JEFFERSONIAN,

A. Henriksen
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 in Towson, Maryland on the property identified herein as follows:

Case: #97-381-A
5 Kentbury Court
E/S Kentbury Court, 185' N of
c/1 Lyonswood Drive
2nd Election District
3rd Councilmanic
Legal Owner(s):
Blackhorse Run Joint Venture

Contract Purchaser:
Landcon, Inc.

Variance: for a minimum building to building distance of 24 feet in lieu of the required 30 feet between lots 65 and 66 and to amend the Final Development Plan.

Hearing: Tuesday, April 15, 1997 at 3:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Boatey Ave.

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.

3/347 March 27 C130089

MIC...

032680

No.

91-381-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 3-11-97
ACCOUNT 1001-6150

AMOUNT \$ 100.00

RECEIVED FROM: Land Research & Survey Co.

FOR: UNR (010)

DEPT #01777777777777777777
BA COLLECTOR 11-97
\$100.00

VALIDATION OR SIGNATURE OF CASHIER JCM

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER



Baltimore County
 Department of Permits and
 Development Management

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

47-381-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 381

Petitioner: BLACKHORSE RUN JOINT VENTURE

Location: 568 KENTBURY COURT, OWINGS MILLS

LYONSWOOD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: LANDCON, INC.

ADDRESS: 8826 ORCHARD TREE LANE

BALTIMORE, MD 21286

PHONE NUMBER: 410-825-4200

AJ: ggs

(Revised 09/24/96)

CERTIFICATE OF POSTING

RE: Case No.: 97-381-A

Petitioner/Developer: LANDCON, INC.
% R. MATZ

Date of Hearing/Closing: 4/15/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #5 KENTBURY COURT

The sign(s) were posted on 3/31/97 & SIGN FIXED (WIND BROKEN 4/4/97)
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 4/4/97

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354

(Telephone Number)

ZONING NOTICE

Case # 97-381-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLEASE CONTACT THE PERMITS DEPARTMENT FOR
TIME & DATE INFORMATION REGARDING YOUR
VARIANCE

FOR A MINIMUM HOLDING TO HOLDING
SCHEDULE OF 24 HOURS NOTICE OF THE
REQUIRED TO BE FOR THE PERMITS DEPARTMENT
AND TO ATTEND THE PUBLIC HEARING
11 AM - 3 PM, TUESDAY, 4/15/97

RETURN SIGN AND FEE TO: [illegible]

#5 KENTBURY CT.
HRG. APRIL 15, 1997 @ 3:00 PM

[illegible stamp]

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-381-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A PETITION FOR VARIANCE TO PERMIT
A DWELLING TO DWELLING SETBACK OF 24 FT.
IN LIEU OF THE REQUIRED 30 FT. BETWEEN
LOTS 65 & 66.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUXENT PUBLISHING COMPANY
March 21, 1997 Issue - Jeffersonian

Please forward billing to:

Landon, Inc.
8826 Orchard Tree Lane
Baltimore, MD 21286
825-4200

97-381-A

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-381-A
5 Kentbury Court
E/S Kentbury Court, 185' N of c/l Lyonswood Drive
2nd Election District - 3rd Councilmanic
Legal Owner(s): Blackhorse Run Joint Venture
Contract Purchaser: Landcon, Inc.

Variance for a *minimum* building to building distance of 24 feet in lieu of the required 30 feet between lots 65 and 66 and to amend the Final Development Plan.

HEARING: TUESDAY, APRIL 15, 1997 at 3:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.

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

97-381-A

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

March 21, 1997

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 in Towson, Maryland on the property identified herein as follows:

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5 Kentbury Court
E/S Kentbury Court, 185' N of c/1 Lyonswood Drive
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Legal Owner(s): Blackhorse Run Joint Venture
Contract Purchaser: Landcon, Inc.

Variance for a minimum building to building distance of 24 feet in lieu of the required 30 feet between lots 65 and 66 and to amend the Final Development Plan.

HEARING: TUESDAY, APRIL 15, 1997 at 3:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.

Arnold Jablon
Director

cc: Blackhorse Run Joint Venture
Landcon, Inc.
Richard E. Matz
Steven M. Rosen, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 31, 1997.
(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.





Baltimore County
Department of Permits and
Development Management

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

April 10, 1997

Steven M. Rosen, Esquire
Abramoff, Neuberger & Linder
250 W. Pratt Street
Baltimore, MD 21201

RE: Item No.: 381
Case No.: 97-381-A
Petitioner: Edward Personette

Dear Mr. Rosen:

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 March 11, 1997.

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,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

REC'D FILED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 3-21-97
Item No. 381 JCM

Dear Ms. Eubanks:

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

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

R. J. Burns
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 3/25/97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: March 24, 97

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

Item #'s:

379

388

381

389

382

390

383

393

385

394

387

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: March 21, 1997

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. 378, 380, 381, 382, 383, 385, 386, 391, and 392

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:

Carol L. Kern

PK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Date: March 31, 1997
Department of Permits & Development
Management

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

SUBJECT: Zoning Advisory Committee Meeting
for March 31, 1997
Item Nos. 378, 379, 380, (381), 382, 383, 384, 385, 386, 387 & 391

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

RWB:HJO:cab

cc: File

ZONE331.NOC

[Faint stamp]

Baltimore County Government
Fire Department



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

(410) 887-4500

March 31, 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 24, 1997

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

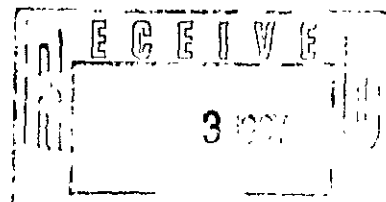
3. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

380, (381), 383, 384, 385, 386, 387, 388, 389, 390, 391, 392

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

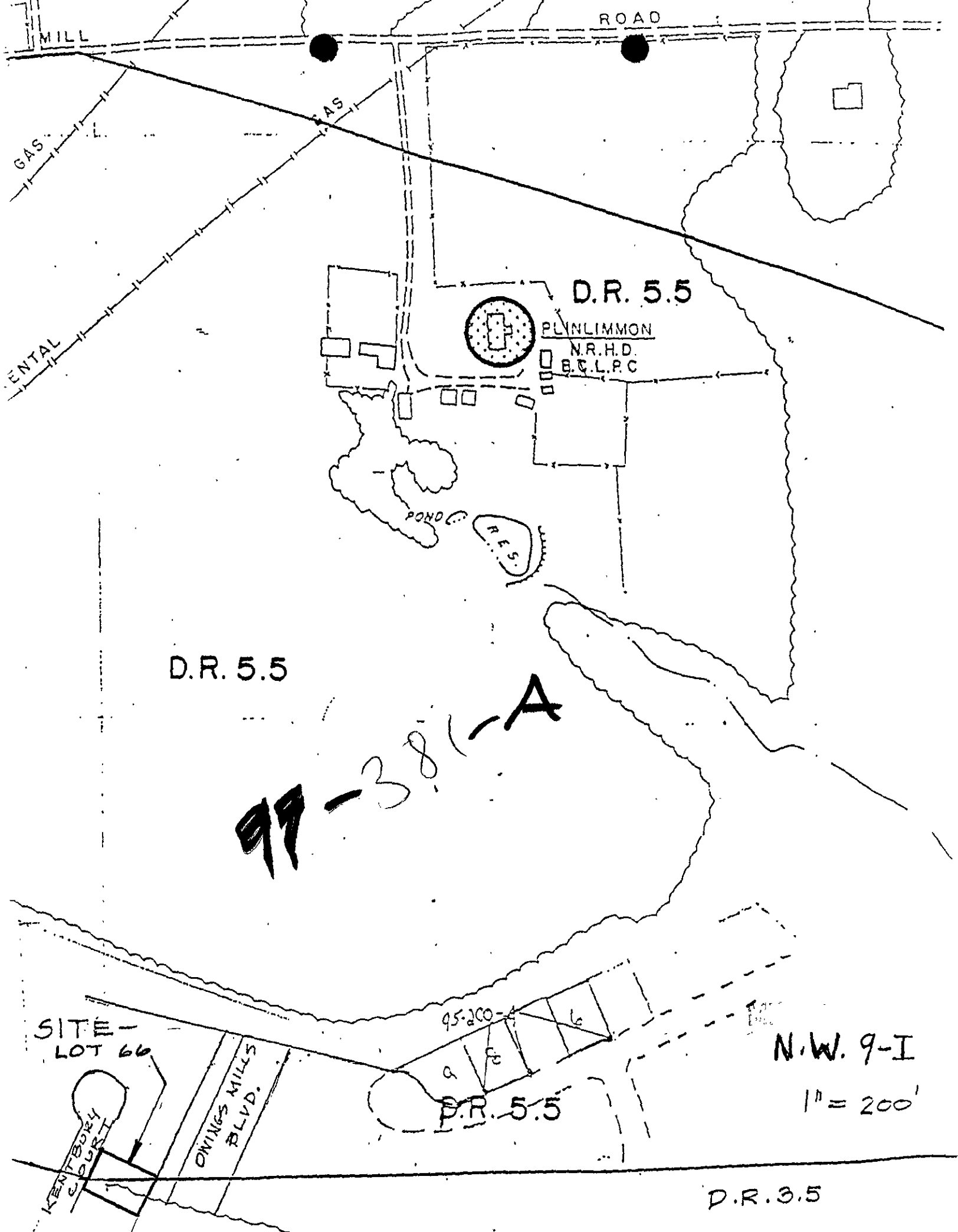
NAME

ADDRESS

Rev. Linwood Robinson

3 KENT BURY CT Lot 65
Darry Mills 21117





MILL

ROAD

GAS

WATER

D.R. 5.5

PLYMOUTH
N.R.H.D.
B.C.L.P.C.

POND

RES.

D.R. 5.5

97-381-A

SITE -
LOT 66

95-200-4

D.R. 5.5

N.W. 9-I

1" = 200'

OWINGS MILLS
BLVD.

KENTSBURY
CLUB

D.R. 3.5



Baltimore County Zoning Commissioner
 Office of Planning and Zoning
 Suite 112 Courthouse
 400 Washington Avenue
 Towson, Maryland 21204

Mr. Edward Personette
 Blackhorse Run Joint Venture
 9508 Winards Road
 Owings Mills, Md. 21117

97-381-A

PERSS06 211172010 1996 04/23/97
 PERSONETTE RETURNED TO SENDER
 MOVED LEFT TO FORWARD ST 15
 UNABLE TO FORWARD
 RETURN TO SENDER



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

September 21, 1997

Steven M. Rosen, Esquire
Abramoff, Neuberger & Linder
250 W. Pratt Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
E/S Kentbury Court, 185' N of the c/l of Lyonswood Drive
(5 Kentbury Court)
2nd Election District - 3rd Councilmanic District
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Case No. 97-381-A

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Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Edward Personette, Blackhorse Run Joint Venture
9508 Winands Road, Owings Mills, Md. 21117

Mr. Richard M. Yaffe, President, Landcon, Inc.
8826 Orchard Tree Lane, Towson, Md. 21286

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3723 Old Court Road, Suite 206, Baltimore, Md. 21208

Rev. Linwood Robinson
3 Kentbury Court, Owings Mills, Md. 21117

People's Counsel; Case File



IN RE: PETITION FOR VARIANCE
E/S Kentbury Court, 185' N of
the c/l of Lyonswood Drive
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3rd Councilmanic District

Blackhorse Run Joint Venture
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
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This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 5 Kentbury Court, located in the vicinity of Owings Mills Boulevard in Owings Mills. The Petition was filed by the owners of the property, Blackhorse Run Joint Venture, by Edward Personette, a Partner, and the Contract Purchaser, Landcon, Inc., by Richard M. Yaffe, President. The Petitioners seek relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies {C.M.D.P.}) to permit a minimum building to building setback of 24 feet in lieu of the required 30 feet between Lots 65 and 66 for the proposed dwelling on Lot 66, and to amend the Final Development Plan for Lyonswood, Section B, Lot 66, thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David B. Abramoff, Esquire, attorney for the Petitioners, and Richard E. Matz, Professional Engineer who prepared the site plan for this property. Appearing as an interested party was Rev. Linwood Robinson, adjoining property owner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.2167 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The petitioners are desirous of developing the property with a single family dwelling which is under Contract of Purchase with Landcon, Inc. Testimony and evidence offered shows that the proposed dwelling will be centered on the lot; however, due to the location of the existing dwelling on Lot 65, which is owned by Rev. Robinson, the relief requested is necessary in order to proceed. There were no adverse comments from any Baltimore County reviewing agency, nor any opposition from an adjoining property owner. Furthermore, Rev. Robinson, who attended the hearing, indicated that he had no objection to the proposed development.

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,

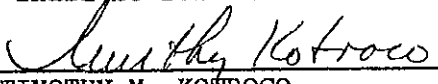
it is clear that practical difficulty or unreasonable hardship will result

if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of April, 1997 that the Petition for Variance seeking relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies {C.M.D.P.}) to permit a minimum building to building setback of 24 feet in lieu of the required 30 feet between Lots 65 and 66 for the proposed dwelling on Lot 66, and to amend the Final Development Plan for Lyonswood, Section B, Lot 66, thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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 M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

CASE NO. 07-223-A

WHEREFORE, it is ordered by the Deputy Zoning Commissioner for Baltimore County that, effective January 1, 2007, the petition for variance seeking relief from Section 1001.2.C.6 of the Baltimore County zoning regulations (B.C.Z.R.) and Section 4.0.3 of the Comprehensive Zoning Ordinance (C.Z.O.) to permit a minimum building setback of 23 feet in lieu of the required 30-foot minimum, lots 67 and 68 and to amend the final development plan for Lyonswood, Section 67, in accordance with the applicant's Exhibit 1, be and is hereby granted, subject to the following restrictions:

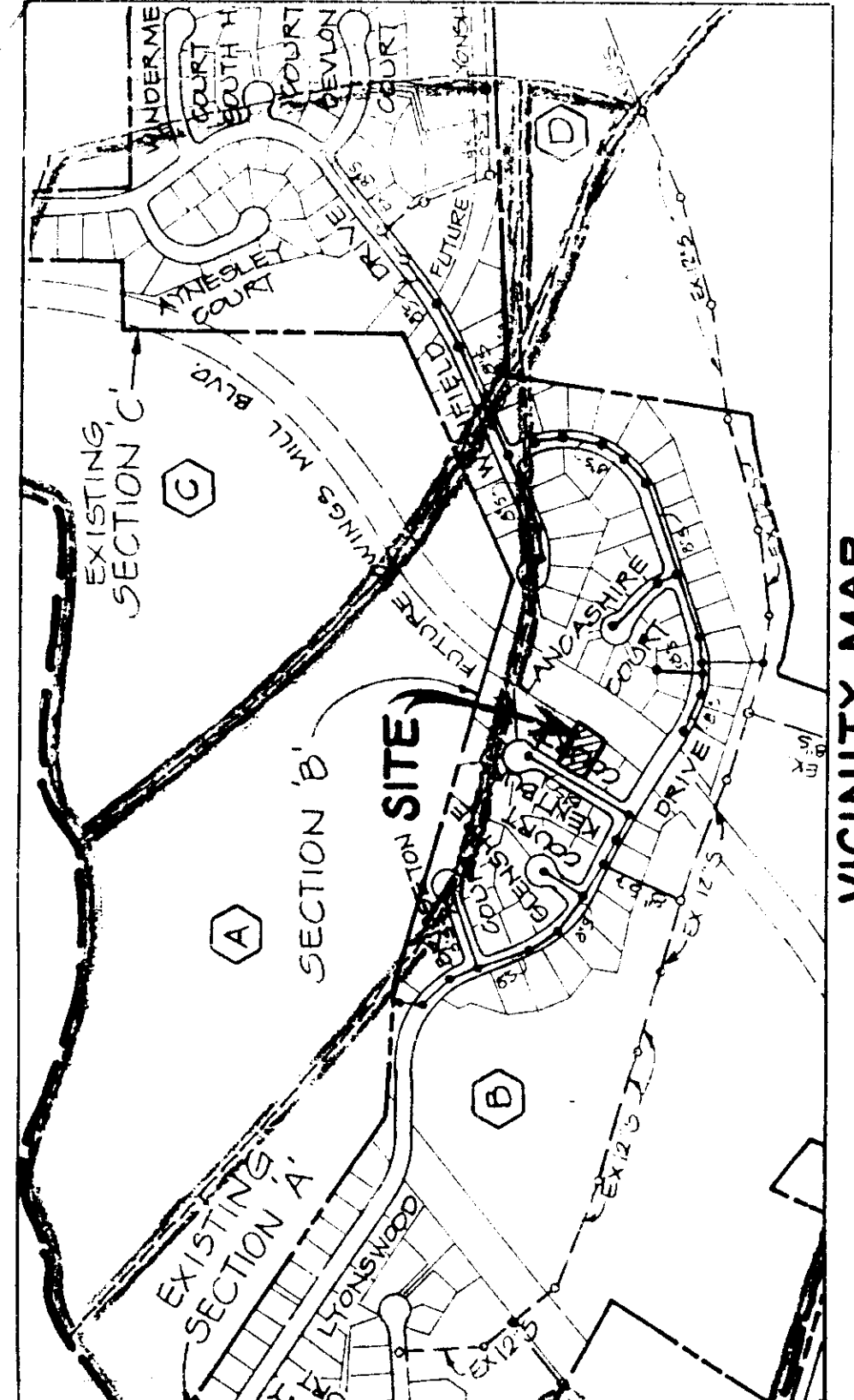
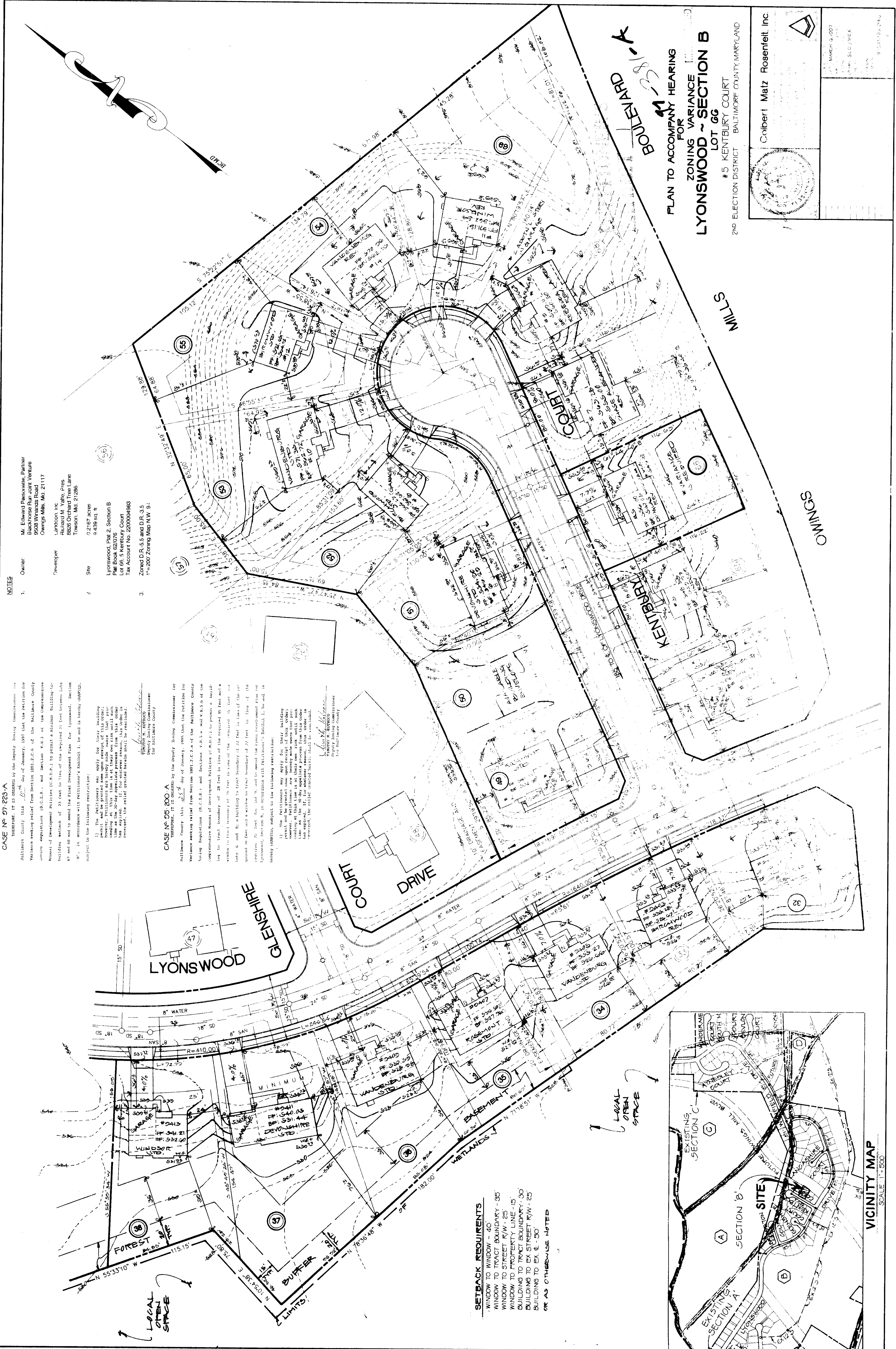
The restrictions shall apply to the building footprint, building height, building setbacks and building area. The restrictions shall apply to the building footprint, building height, building setbacks and building area. The restrictions shall apply to the building footprint, building height, building setbacks and building area.

CASE NO. 05-200-A
 WHEREFORE, it is ordered by the Deputy Zoning Commissioner for Baltimore County that, effective January 1, 2007, the petition for variance seeking relief from Section 1001.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections 4.0.3.A and 4.0.3.B of the Comprehensive Zoning Ordinance (C.Z.O.) to permit a building setback of 28 feet in lieu of the required 30 feet and a setback of 23 feet in lieu of the required 30 feet in the lot 67 and 68 and to amend the final development plan for Lyonswood, Section 67, in accordance with the applicant's Exhibit 1, be and is hereby granted, subject to the following restrictions:

The restrictions shall apply to the building footprint, building height, building setbacks and building area. The restrictions shall apply to the building footprint, building height, building setbacks and building area. The restrictions shall apply to the building footprint, building height, building setbacks and building area.

NOTES

1. Owner: Mr. Edward Perewé, Partner
Blackhorse Run Joint Venture
9508 Wireweld Road
Owings Mills, Md. 21117
2. Developer: Lannoco, Inc.
Richard M. Yaffe, P.E.
8826 Orchard Tree Lane
Towson, Md. 21286
3. Site: 0.2167-acre
9-408-011
Lyonswood, Plat 2, Section B
Plat Book 02/076
Lot 66, 5 Kentbury Court
Tax Account No. 220004983
Zoned D.R.S.6 and D.R. 3.5
1"-200' Zoning Map NW 9.



SETBACK REQUIREMENTS
 WINDOW TO WINDOW - 40'
 WINDOW TO TRACT BOUNDARY - 40'
 WINDOW TO STREET R/W - 35'
 WINDOW TO PROPERTY LINE - 15'
 BUILDING TO TRACT BOUNDARY - 30'
 BUILDING TO EX STREET R/W - 25'
 BUILDING TO EX. & 50'
 OR AS OTHERWISE NOTED

VICINITY MAP
 SCALE: 1" = 500'

PLAN TO ACCOMPANY HEARING FOR ZONING VARIANCE SECTION B LYONSWOOD LOT 66

#5 KENTBURY COURT
 BALTIMORE COUNTY, MARYLAND

Colbert Matz Rosenfelt Inc.

MARCH 9, 2007
 10:00 AM
 30 MIN. / 15 MIN. / 15 MIN.

IN RE: PETITION FOR VARIANCE
E/S Kentbury Court, 185' N of
the c/l of Lyonswood Drive
(S Kentbury Court)
2nd Election District
3rd Councilmanic District
Blackhorse Run Joint Venture
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-381-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 5 Kentbury Court, located in the vicinity of Owings Mills Boulevard in Owings Mills. The Petition was filed by the owners of the property, Blackhorse Run Joint Venture, by Edward Personette, a Partner, and the Contract Purchaser, Landcon, Inc., by Richard M. Yaffe, President. The Petitioners seek relief from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a minimum building to building setback of 24 feet in lieu of the required 30 feet between Lots 65 and 66 for the proposed dwelling on Lot 66, and to amend the Final Development Plan for Lyonswood, Section B, Lot 66, thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David B. Abramoff, Esquire, attorney for the Petitioners, and Richard E. Matz, Professional Engineer who prepared the site plan for this property. Appearing as an interested party was Rev. Linwood Robinson, adjoining property owner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.2167 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The Petitioners are desirous of developing the property with a single family dwelling which is under Contract of Purchase with Landcon, Inc. Testimony and evidence offered shows that the proposed dwelling will be centered on the lot; however, due to the location of the existing dwelling on Lot 65, which is owned by Rev. Robinson, the relief requested is necessary in order to proceed. There were no adverse comments from any Baltimore County reviewing agency, nor any opposition from an adjoining property owner. Furthermore, Rev. Robinson, who attended the hearing, indicated that he had no objection to the proposed development.

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 variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of April, 1997 that the Petition for Variance seeking relief from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a minimum building to building setback of 24 feet in lieu of the required 30 feet between Lots 65 and 66 for the proposed dwelling on Lot 66, and to amend the Final Development Plan for Lyonswood, Section B, Lot 66, thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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

TKK:bjs

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

April 21, 1997

Steven M. Rosen, Esquire
Abramoff, Neuberger & Linder
250 W. Pratt Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
E/S Kentbury Court, 185' N of the c/l of Lyonswood Drive
(S Kentbury Court)
2nd Election District - 3rd Councilmanic District
Blackhorse Run Joint Venture - Petitioner
Case No. 97-381-A

Dear Mr. Rosen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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 M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TKK:bjs

cc: Mr. Edward Personette, Blackhorse Run Joint Venture
9508 Winands Road, Owings Mills, Md. 21117

Mr. Richard M. Yaffe, President, Landcon, Inc.
8826 Orchard Tree Lane, Towson, Md. 21286

Mr. Richard E. Matz, Colbert Matz Rosenfelt, Inc.
3723 Old Court Road, Suite 206, Baltimore, Md. 21208

Rev. Linwood Robinson
3 Kentbury Court, Owings Mills, Md. 21117

People's Counsel; Case file

ORDER RECEIVED FOR FILING
Date 4/21/97
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/21/97
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/21/97
By [Signature]

Petition for Variance

TO AMEND THE C.O.P. OF LYONSWOOD SEC. B.
to the Zoning Commissioner of Baltimore County

for the property located at 5 Kentbury Court (Lot 66)
97-381-A which is presently zoned DR 3.5
and DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management and DR 5.5. 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) 1801.2.c.6 (V.B.3 C.M.D.P.) for a minimum building-to-building distance of 24 feet in lieu of the required 30 feet between Lots 65 & 66 and to amend the Final Development Plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property. Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

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

Contract Purchaser/Lessor: Richard M. Yaffe, Pres. Landcon, Inc. 8826 Orchard Tree Lane Towson, MD 21286	Legal Owner(s): Edward Personette, PARTNER, Blackhorse Run Joint Venture 9508 Winands Road Owings Mills, MD 21117
Attorney for Petitioner: Steven M. Rosen, Esq. Abramoff, Neuberger & Linder 250 W. Pratt St. Baltimore, MD 21201	Attorney for Opponent: Richard E. Matz, P.E. Colbert Matz Rosenfelt, Inc. 3723 Old Court Road Suite 206 Baltimore, MD 21208

ORDER RECEIVED FOR FILING
Date 4/21/97
By [Signature]

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

17-881-A
ZONING DESCRIPTION

Beginning at a point on the east side of Kentbury Court, which is 50 feet wide, at the distance of 100 feet north of the centerline of the nearest improved intersecting street, Lyonswood Drive, which is 50 feet wide. Being Lot No. 66, Section B, Plat 2 in the subdivision of Lyonswood, as recorded in Baltimore County Plat Book No. 62, Folio No. 76, containing 0.2167 acres. Also known as 5 Kentbury Court and located in the 2nd Election District.

[Signature]
3/10/97
381

3723 Old Court Road, Suite 206, Baltimore, Maryland 21208
Telephone: (410) 653-3838 / Fax: (410) 653-3839

CERTIFICATE OF PUBLICATION

17-381-A
TOWSON, MD. March 27, 1997

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 March 27, 1997.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County and 200A, Maryland Code, Article 21, Subtitle 2, Section 2-201, hereby gives notice of a public hearing on the following:

Case #97-381-A
5 Kentbury Court,
2nd Election District
Legal Owner(s):
Blackhorse Run Joint Venture
Contract Purchaser:
Landcon, Inc.
Petitioner for a minimum building to building distance of 24 feet in lieu of the required 30 feet between Lots 65 and 66 and to amend the Final Development Plan.
Hearing: Tuesday, April 15, 1997 at 2:00 p.m., 4th floor hearing room, County Courthouse, 401 Bayview Ave.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
I hereby certify that the above advertisement was published in accordance with the provisions of the Zoning Regulations of Baltimore County, Maryland, and that the same was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Maryland, once in each of 1 successive weeks, the first publication appearing on March 27, 1997.

Baltimore County
Department of Permits and Development Management

Development Processing
County Office Building
111 West Chesapeake Ave.
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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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

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

ARNOLD JARLON, DIRECTOR

For newspaper advertising:
Item No.: 381
Petitioner: BLACKHORSE RUN JOINT VENTURE
Location: 5 KENTBURY COURT, OWINGS MILLS, LYONSWOOD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: LANDCON, INC
ADDRESS: 8826 ORCHARD TREE LANE
BALTIMORE, MD 21286
PHONE NUMBER: 410-825-4200

AJ:ogs

(Revised 03/24/95)

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

381 No. 032680
17-381-A
DATE: 3-11-97 ACCOUNT: RCOI-6150
AMOUNT: \$ 100.00
RECEIVED FROM: Edward Personette
FOR: VPR (010)

0369180177HIDMC
BALTIMORE, MD 21208-11-97 \$100.00
VALIDATION OR SIGNATURE OF CLERK

CERTIFICATE OF POSTING

RE: Case No. 97-381-A
Petitioner/Developer: LANDCON, INC.
% R. MATZ
Date of Hearing/Closing: 4/15/97

Baltimore County Department of Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21284

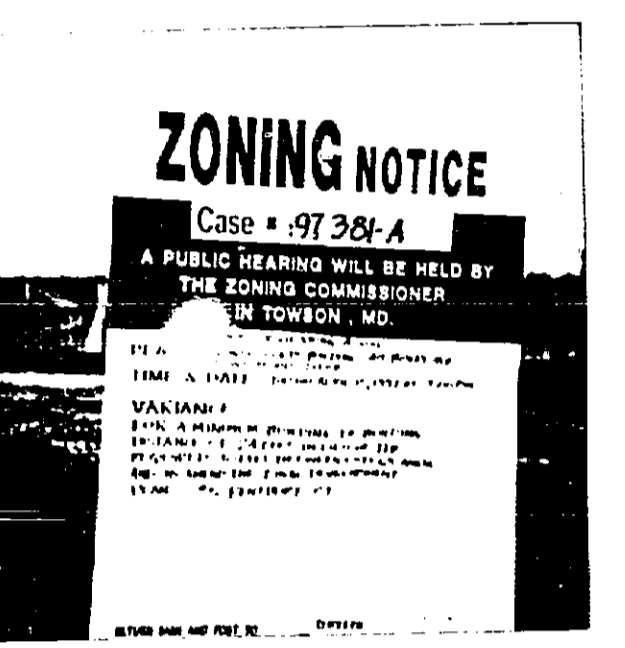
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #5 KENTUCKY COURT

The sign(s) were posted on 3/21/97 & SIGN FIXED (WIND BROKEN 4/4/97)
(Month, Day, Year)

Sincerely,
Patrick M. O'Keefe 4/4/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)
523 Penny Lane
(Address)
Hunt Valley, MD 21030
(City, State, Zip Code)
(410) 644-5366
Fax: (410) 644-8354
(Telephone Number)



#5 KENTUCKY CT.
H.R.G. APRIL 15, 1997 03:50 PM

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No. 97-381-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:
DATE AND TIME:
REQUEST: A PETITION FOR VARIANCE TO PERMIT A DWELLING TO DWELLING SETBACK OF 24 FT. IN LIEU OF THE REQUIRED 30 FT BETWEEN LOTS 65 & 66.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

996 post 4.doc

TO: PUTNEM PUBLISHING COMPANY
March 21, 1997 Issue - Jeffersonian

Please forward billing to:

London, Inc.
8826 Orchard Tree Lane
Baltimore, MD 21286
825-4200

97-381-A

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-381-A
5 Kentbury Court
E/S Kentbury Court, 185' N of c/l Lyonswood Drive
2nd Election District - 3rd Councilmanic
Legal Owner(s): Blackhorse Run Joint Venture
Contract Purchaser: Landcon, Inc.

Variance for a minimum building to building distance of 24 feet in lieu of the required 30 feet between lots 65 and 66 and to amend the Final Development Plan.

HEARING: TUESDAY, APRIL 15, 1997 at 3:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Rosley Avenue.

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

97-381-A

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

March 21, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-381-A
5 Kentbury Court
E/S Kentbury Court, 185' N of c/l Lyonswood Drive
2nd Election District - 3rd Councilmanic
Legal Owner(s): Blackhorse Run Joint Venture
Contract Purchaser: Landcon, Inc.

Variance for a minimum building to building distance of 24 feet in lieu of the required 30 feet between lots 65 and 66 and to amend the Final Development Plan.

HEARING: TUESDAY, APRIL 15, 1997 at 3:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Rosley Avenue.

Arnold Jablon
Director

cc: Blackhorse Run Joint Venture
Landcon, Inc.
Richard E. Metz
Steven M. Rosen, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 31, 1997.
(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.



Baltimore County
Department of Permits and
Development Management

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

APRIL 10, 1997

Steven M. Rosen, Esquire
Abramoff, Neuberger & Linder
250 W. Pratt Street
Baltimore, MD 21201

RE: Item No.: 381
Case No.: 97-381-A
Petitioner: Edward Personette

Dear Mr. Rosen:

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 March 11, 1997.

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 respect 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

MCR/ce
Attachment(s)



Maryland Department of Transportation
State Highway Administration

David L. Winstean
Secretary
Patrick F. Williams
Administrator

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

RE: Baltimore County 3-21-97
Item No. 381 J.C.M.

Dear Ms. Eubanks:

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

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is
Maryland Relay Service for the hearing impaired
1-800-735-6268
Mailing Address: P.O. Box 777
Street Address: 707 North Calver Street

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: 3/25/97
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: March 24, 97

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

Item #'s: 377 388
381 389
382 390
383 393
385
387

RBS:sp
BRUCEZ/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management DATE: March 21, 1997
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. 378, 380, 381, 382, 383, 385, 386, 391, and 392

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: Cathy L. Keane

PK/JL

ITEM378/PZONE/ZAC1

CASE NO. 07-223-A

WHEREAS, it is ordered by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 1997 that the Petition for Variance seeking relief from Section 1001.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Section V.B.5 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a minimum building-to-building setback of 20 feet in lieu of the required 30 feet between Lots 67 and 68 and to amend the Final Development Plan for Lyonswood, Section 'B', in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon review 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.

William J. Korman
THOMAS H. KORMAN
Deputy Zoning Commissioner
for Baltimore County

CASE NO. 05-200-A

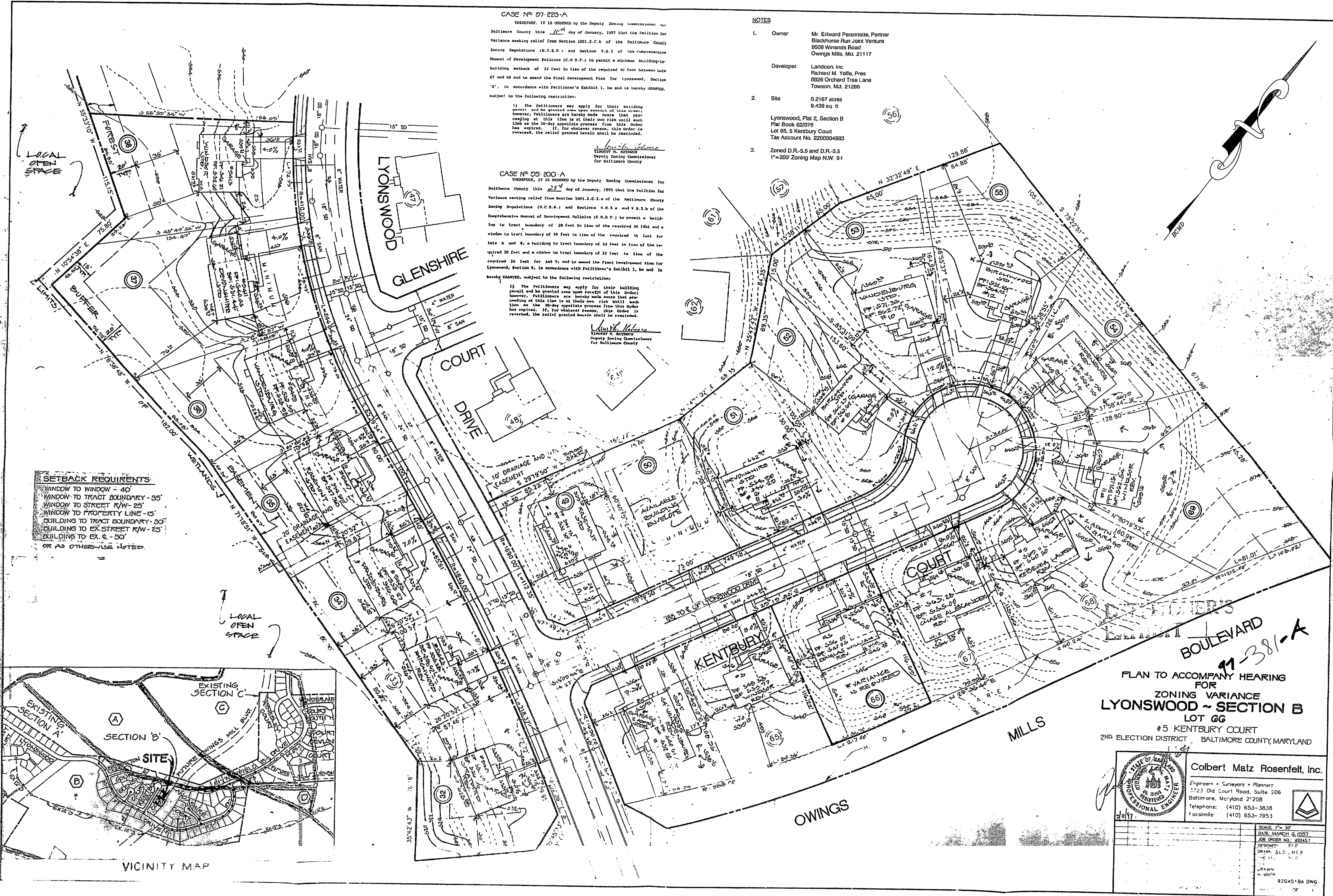
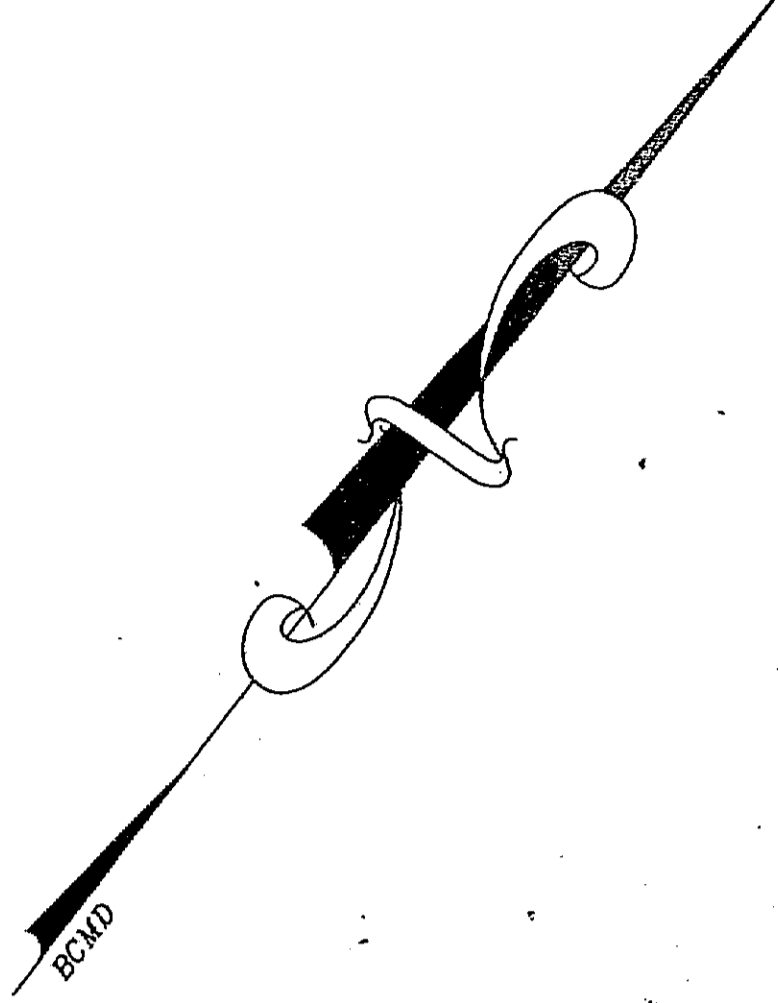
WHEREAS, it is ordered by the Deputy Zoning Commissioner for Baltimore County this 24th day of January, 1995 that the Petition for Variance seeking relief from Section 1001.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections V.B.5.a and V.B.5.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building to tract boundary of 20 feet in lieu of the required 30 feet and a window to tract boundary of 20 feet in lieu of the required 30 feet for Lots 6 and 8, a building to tract boundary of 22 feet in lieu of the required 30 feet and a window to tract boundary of 22 feet in lieu of the required 30 feet for Lot 9, and to amend the Final Development Plan for Lyonswood, Section B, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon review 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.

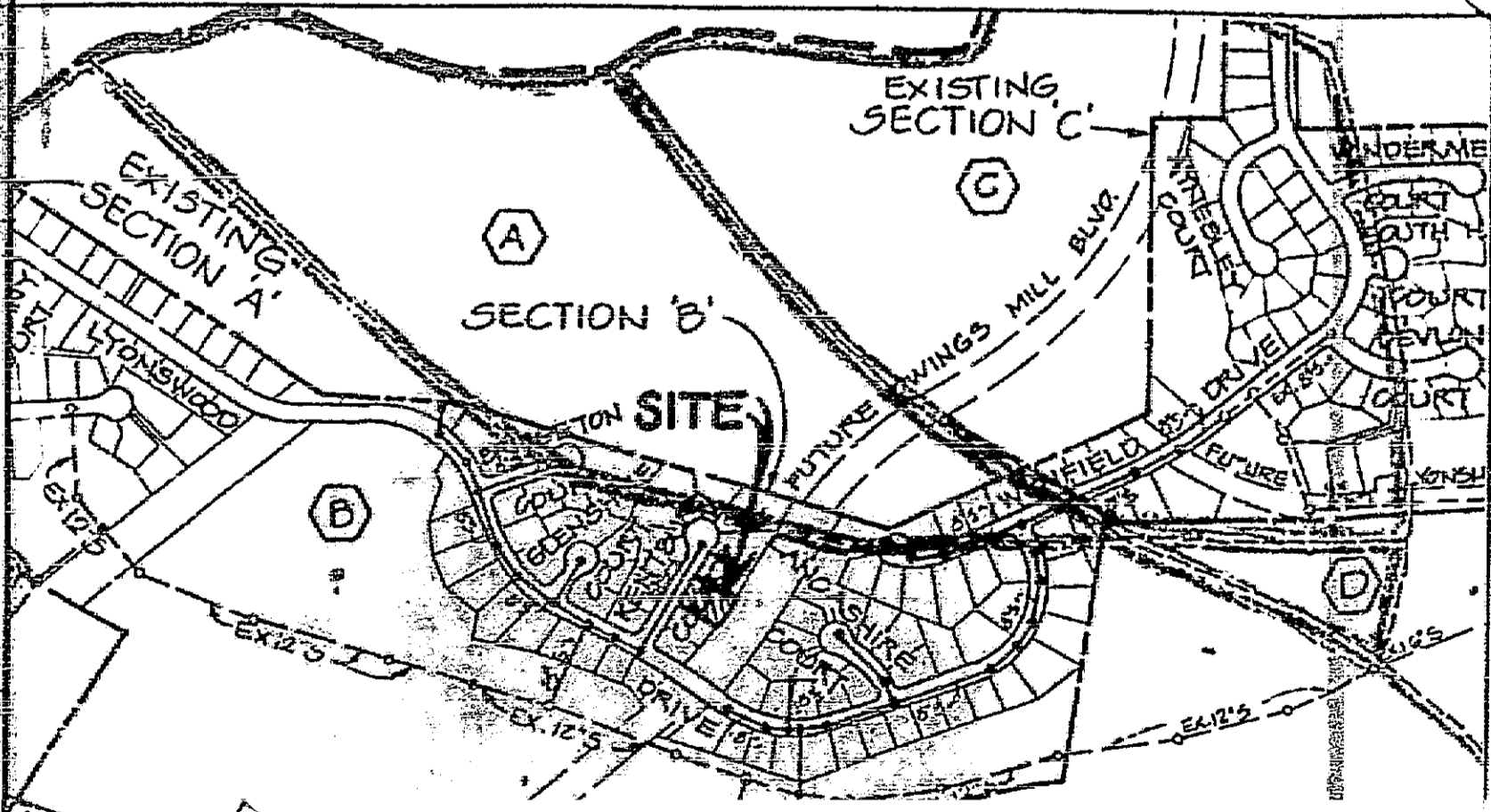
William J. Korman
THOMAS H. KORMAN
Deputy Zoning Commissioner
for Baltimore County

NOTES

- Owner: M. Edward Personette, Partner
Blackhorse Run Joint Venture
9508 Winands Road
Owings Mills, Md. 21117
- Developer: Landcon, Inc.
Richard M. Yaffe, Pres
8826 Orchard Tree Lane
Towson, Md. 21286
- Site: 0.2167 acres
9,439 sq. ft.
Lyonswood, Plat 2, Section B
Plat Book 62/078
Lot 66, S Kentbury Court
Tax Account No. 2200004983
Zoned D.R.-5.5 and D.R.-3.5
1"=200' Zoning Map N.W. 91



SETBACK REQUIREMENTS
 WINDOW TO WINDOW - 40'
 WINDOW TO TRACT BOUNDARY - 35'
 WINDOW TO STREET R/W - 25'
 WINDOW TO PROPERTY LINE - 15'
 BUILDING TO TRACT BOUNDARY - 30'
 BUILDING TO EX STREET R/W - 25'
 BUILDING TO EX. E - 50'
 OR AS OTHERWISE NOTED.



91-381-A
 PLAN TO ACCOMPANY HEARING
 FOR
 ZONING VARIANCE
LYONSWOOD - SECTION B
 LOT 66
 #5 KENTBURY COURT
 2ND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Colbert Matz Rosenfelt, Inc.
 Engineers • Surveyors • Planners
 3723 Old Court Road, Suite 206
 Baltimore, Maryland 21208
 Telephone: (410) 653-3838
 Facsimile: (410) 653-7953

SCALE: 1"=30'
DATE: MARCH 6, 1997
SUB. ORDER NO.: 92045.1
REVISION: 21.2
DRAWN: S.L.C./M.E.K.
CHECKED: S.L.C./M.E.K.
DATE: 3/5/97
PROJECT: 92045.1 BA DWG
SHEET: 3 OF 1

IN RE: PETITION FOR VARIANCE
E/S Kentbury Court, 185' N of
the c/l of Lyonswood Drive
(S Kentbury Court)
2nd Election District
3rd Councilmanic District
Blackhorse Run Joint Venture
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-381-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 5 Kentbury Court, located in the vicinity of Owings Mills Boulevard in Owings Mills. The Petition was filed by the owners of the property, Blackhorse Run Joint Venture, by Edward Personette, a Partner, and the Contract Purchaser, Landcon, Inc., by Richard M. Yaffe, President. The Petitioners seek relief from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a minimum building to building setback of 24 feet in lieu of the required 30 feet between Lots 65 and 66 for the proposed dwelling on Lot 66, and to amend the Final Development Plan for Lyonswood, Section B, Lot 66, thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David B. Abramoff, Esquire, attorney for the Petitioners, and Richard E. Matz, Professional Engineer who prepared the site plan for this property. Appearing as an interested party was Rev. Linwood Robinson, adjoining property owner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.2167 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The Petitioners are desirous of developing the property with a single family dwelling which is under Contract of Purchase with Landcon, Inc. Testimony and evidence offered shows that the proposed dwelling will be centered on the lot; however, due to the location of the existing dwelling on Lot 65, which is owned by Rev. Robinson, the relief requested is necessary in order to proceed. There were no adverse comments from any Baltimore County reviewing agency, nor any opposition from an adjoining property owner. Furthermore, Rev. Robinson, who attended the hearing, indicated that he had no objection to the proposed development.

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 variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of April, 1997 that the Petition for Variance seeking relief from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a minimum building to building setback of 24 feet in lieu of the required 30 feet between Lots 65 and 66 for the proposed dwelling on Lot 66, and to amend the Final Development Plan for Lyonswood, Section B, Lot 66, thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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

TKK:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

April 21, 1997

Steven M. Rosen, Esquire
Abramoff, Neuberger & Linder
250 W. Pratt Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
E/S Kentbury Court, 185' N of the c/l of Lyonswood Drive
(S Kentbury Court)
2nd Election District - 3rd Councilmanic District
Blackhorse Run Joint Venture - Petitioner
Case No. 97-381-A

Dear Mr. Rosen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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 M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TKK:bjs

cc: Mr. Edward Personette, Blackhorse Run Joint Venture
9508 Winands Road, Owings Mills, Md. 21117

Mr. Richard M. Yaffe, President, Landcon, Inc.
8826 Orchard Tree Lane, Towson, Md. 21286

Mr. Richard E. Matz, Colbert Matz Rosenfelt, Inc.
3723 Old Court Road, Suite 206, Baltimore, Md. 21208

Rev. Linwood Robinson
3 Kentbury Court, Owings Mills, Md. 21117

People's Counsel; Case file

ORDER RECEIVED FOR FILING
Date 4/21/97
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/21/97
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/21/97
By [Signature]



Petition for Variance

TO AMEND THE C.O.P. OF LYONSWOOD SEC. B.
to the Zoning Commissioner of Baltimore County

for the property located at 5 Kentbury Court (Lot 66)
97-381-A which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management and DR 5.5. 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) 1801.2.c.6 (V.B.3 C.M.D.P.) for a minimum building-to-building distance of 24 feet in lieu of the required 30 feet between Lots 65 & 66 and to amend the Final Development Plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property. Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

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

Contract Purchaser/Lessor: Richard M. Yaffe, Pres. Landcon, Inc.
Address: 8826 Orchard Tree Lane, Towson, MD 21286
Attorney for Petitioner: Steven M. Rosen, Esq.
Address: 250 W. Pratt St., Baltimore, MD 21201

Legal Owner(s): Edward Personette, PARTNER, Blackhorse Run Joint Venture
Address: 9508 Winands Road, Owings Mills, MD 21117
Name, address and phone number of representative to be contacted: Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 3723 Old Court Road Suite 206, Baltimore, MD 21208

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

ZONING DESCRIPTION

Beginning at a point on the east side of Kentbury Court, which is 50 feet wide, at the distance of 100 feet north of the centerline of the nearest improved intersecting street, Lyonswood Drive, which is 50 feet wide, being Lot No. 66, Section B, Plat 2 in the subdivision of Lyonswood, as recorded in Baltimore County Plat Book No. 62, Folio No. 76, containing 0.2167 acres. Also known as 5 Kentbury Court and located in the 2nd Election District.

[Signature]
3/10/97

3723 Old Court Road, Suite 206, Baltimore, Maryland 21208
Telephone: (410) 653-3838 / Fax: (410) 653-3839

CERTIFICATE OF PUBLICATION

17-381-A

TOWSON, MD. March 27, 1997

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 March 27, 1997.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County and 2001, Maryland Code, Title 200, Subtitle 10, Section 20-101, hereby gives notice that the following case is to be heard:

Case #97-381-A
5 Kentbury Court,
2nd Election District
Legal Owner(s):
Blackhorse Run Joint Venture,
Landcon, Inc.
Contract Purchaser:
Edward Personette, a partner,
Blackhorse Run Joint Venture,
8826 Orchard Tree Lane,
Towson, MD 21286
Hearing: Tuesday, April 15,
1997 at 2:00 p.m., 4th floor
hearing room, County Courthouse,
401 Bayview Ave.

APPLICANT: E. SCAMMOT
Zoning Commissioner for Baltimore County
Petitioner: [Name]
Address: [Address]
Phone: [Phone]
For information concerning the hearing, please call 887-3391.
3047 March 27 0130089



Baltimore County
Department of Permits and
Development Management

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

17-381-A

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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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

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

ARNOLD JARLON, DIRECTOR

For newspaper advertising:
Item No.: 381
Petitioner: BLACKHORSE RUN JOINT VENTURE
Location: 5 KENTBURY COURT, OWINGS MILLS, LYONSWOOD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: LANDCON, INC
ADDRESS: 8826 ORCHARD TREE LANE, BALTIMORE, MD 21286
PHONE NUMBER: 410-825-4200

AJ:ogs

(Revised 03/24/95)

ORDER RECEIVED FOR FILING
Date 4/21/97
By [Signature]

CERTIFICATE OF POSTING

RE: Case No. 97-381-A
Petitioner/Developer: LANDCON, INC.
% R. MATZ
Date of Hearing/Closing: 4/15/97

Baltimore County Department of Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21284

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #5 KENTUCKY COURT

The sign(s) were posted on 3/21/97 & SIGN FIXED (WIND BROKEN 4/4/97)
(Month, Day, Year)

Sincerely,

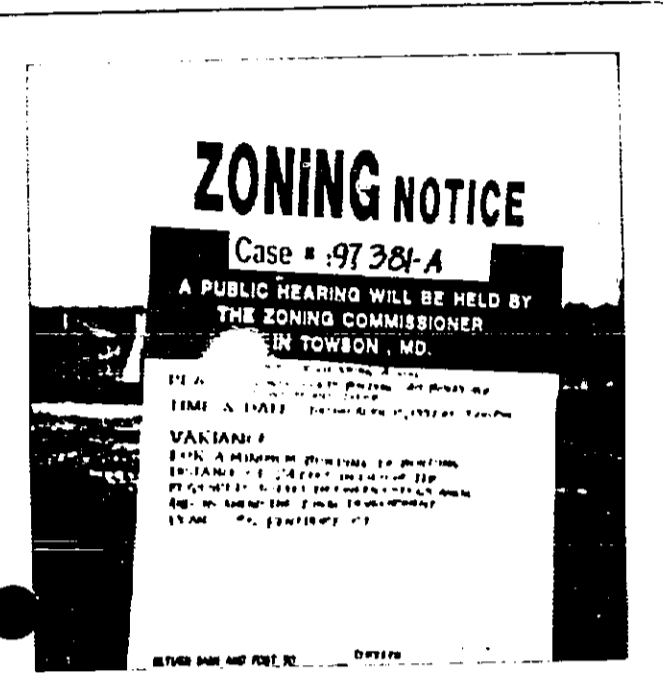
Patrick M. O'Keefe 4/4/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 644-5366 Pager (410) 644-8354
(Telephone Number)



#5 KENTUCKY CT.
H.R.G. APRIL 15, 1997 03:50 PM

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No. 97-381-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:

DATE AND TIME:

REQUEST: A PETITION FOR VARIANCE TO PERMIT A DWELLING TO DWELLING SETBACK OF 24 FT. IN LIEU OF THE REQUIRED 30 FT BETWEEN LOTS 65 & 66.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

996 post 4.doc

TO: PUTNEM PUBLISHING COMPANY
March 21, 1997 Issue - Jeffersonian

Please forward billing to:

London, Inc.
8826 Orchard Tree Lane
Baltimore, MD 21286
825-4200

97-381-A

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-381-A

5 Kentbury Court
E/S Kentbury Court, 185' N of c/l Lyonswood Drive
2nd Election District - 3rd Councilmanic
Legal Owner(s): Blackhorse Run Joint Venture
Contract Purchaser: Landcon, Inc.

Variance for a minimum building to building distance of 24 feet in lieu of the required 30 feet between lots 65 and 66 and to amend the Final Development Plan.

HEARING: TUESDAY, APRIL 15, 1997 at 3:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Rosley Avenue.

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

97-381-A

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

March 21, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-381-A
5 Kentbury Court
E/S Kentbury Court, 185' N of c/l Lyonswood Drive
2nd Election District - 3rd Councilmanic
Legal Owner(s): Blackhorse Run Joint Venture
Contract Purchaser: Landcon, Inc.

Variance for a minimum building to building distance of 24 feet in lieu of the required 30 feet between lots 65 and 66 and to amend the Final Development Plan.

HEARING: TUESDAY, APRIL 15, 1997 at 3:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Rosley Avenue.

Arnold Jablon
Director

cc: Blackhorse Run Joint Venture
Landcon, Inc.
Richard E. Metz
Steven M. Rosen, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 31, 1997.
(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.



Baltimore County
Department of Permits and
Development Management

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

April 10, 1997

Steven M. Rosen, Esquire
Abramoff, Neuberger & Linder
250 W. Pratt Street
Baltimore, MD 21201

RE: Item No.: 381
Case No.: 97-381-A
Petitioner: Edward Personette

Dear Mr. Rosen:

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 March 11, 1997.

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 respect 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

MCR/ce
Attachment(s)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Patrick F. Williams
Administrator

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

RE: Baltimore County 3-21-97
Item No. 381 J.C.M.

Dear Ms. Eubanks:

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

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is

Maryland Relay Service for Individuals with Disabilities
1-800-735-2268
Mailing Address: P.O. Box 777, Towson, MD 21286
Street Address: 707 North Calverton Road, Towson, MD 21286

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: 3/25/97
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: March 24, 97

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

Item #'s: 377 388
381 389
382 390
383 393
385
387

RBS:sp

BRUCEZ/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management DATE: March 21, 1997
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. 378, 380, 381, 382, 383, 385, 386, 391, and 392

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: Cathy L. Keane

PK/JL

ITEM378/PZONE/ZAC1

CASE NO. 07-223-A

WHEREAS, it is ordered by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 1997 that the Petition for Variance seeking relief from Section 1001.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Section V.B.5 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a minimum building-to-building setback of 20 feet in lieu of the required 30 feet between Lots 67 and 68 and to amend the Final Development Plan for Lyonswood, Section "B", in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon review 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.

William J. Wilson
THOMAS H. BIRNBOOM
Deputy Zoning Commissioner
for Baltimore County

CASE NO. 05-200-A

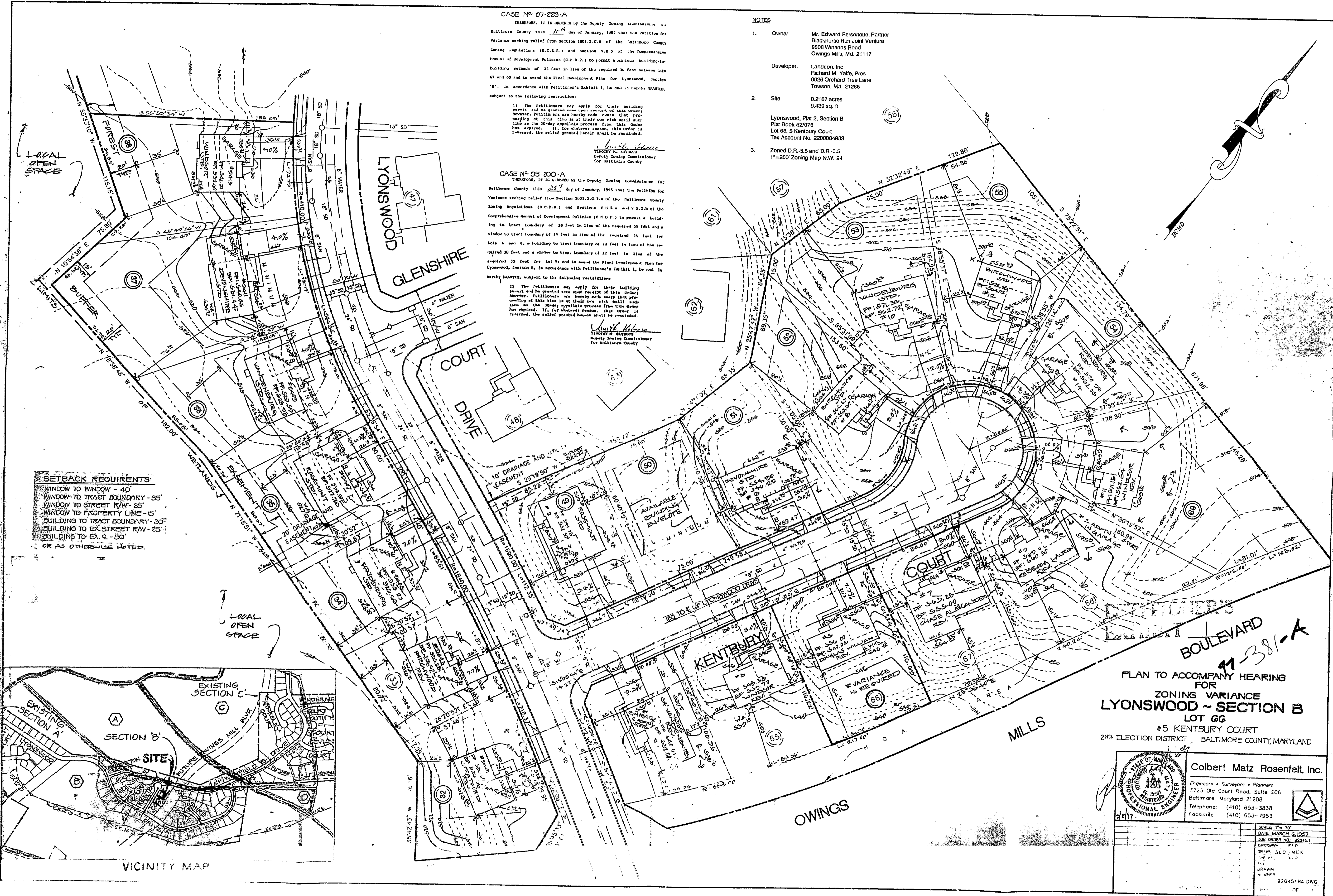
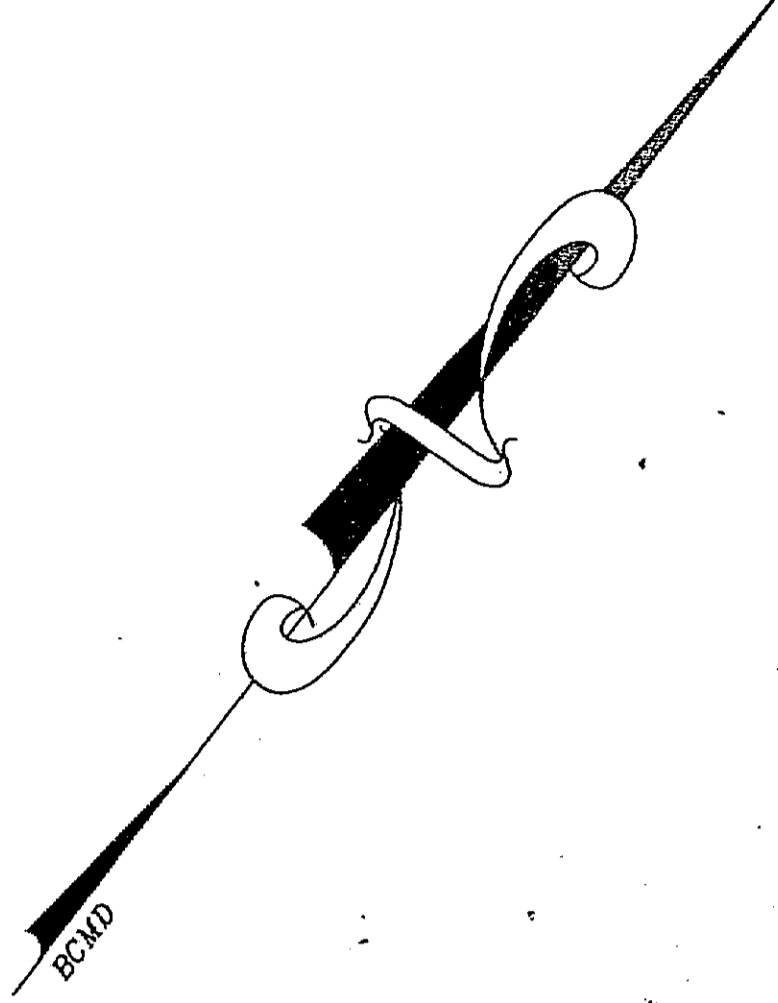
WHEREAS, it is ordered by the Deputy Zoning Commissioner for Baltimore County this 24th day of January, 1995 that the Petition for Variance seeking relief from Section 1001.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections V.B.5.a and V.B.5.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building to tract boundary of 20 feet in lieu of the required 30 feet and a window to tract boundary of 20 feet in lieu of the required 30 feet for Lots 6 and 8, a building to tract boundary of 22 feet in lieu of the required 30 feet and a window to tract boundary of 22 feet in lieu of the required 30 feet for Lot 9, and to amend the Final Development Plan for Lyonswood, Section B, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon review 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.

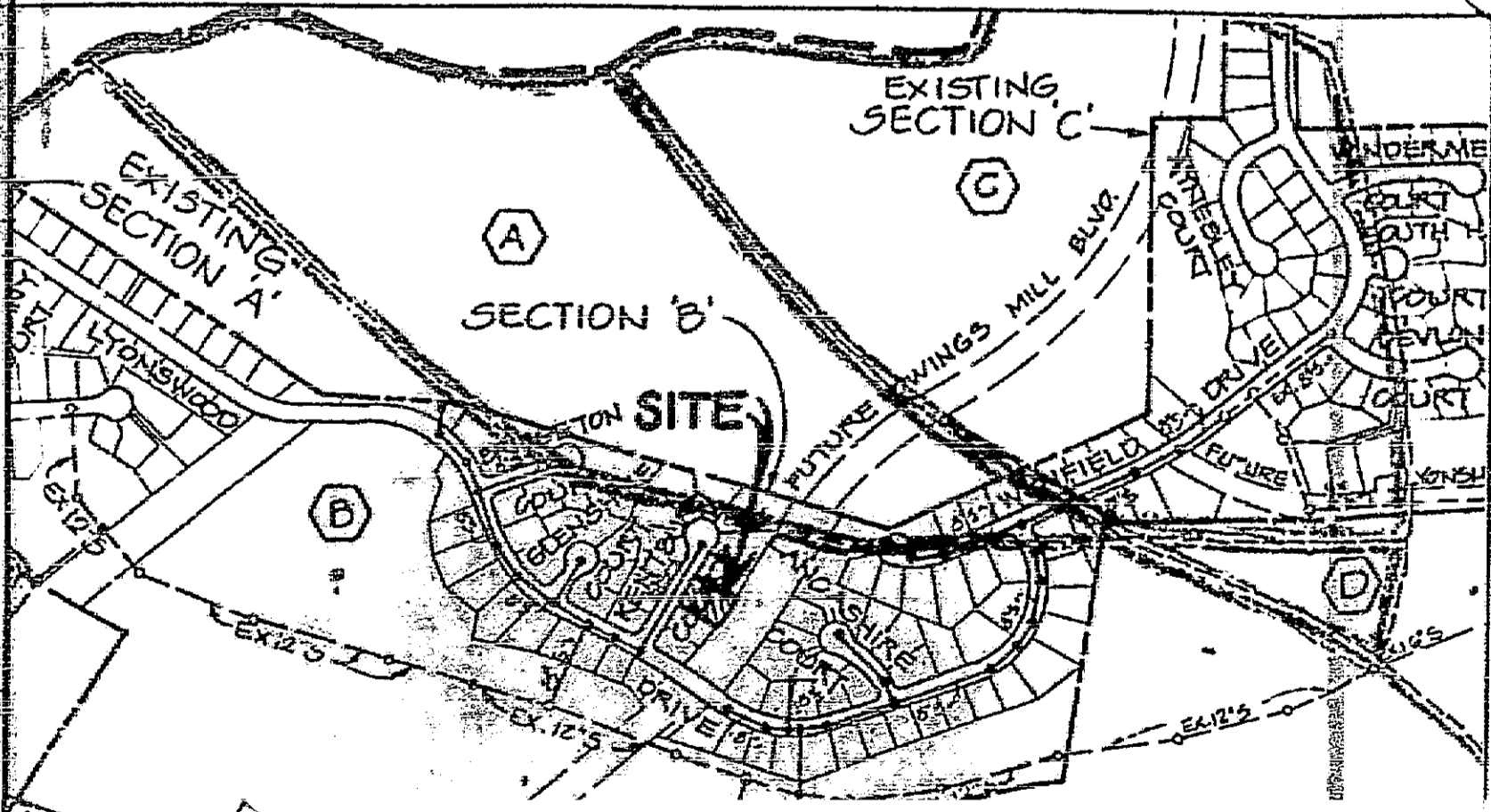
William J. Wilson
THOMAS H. BIRNBOOM
Deputy Zoning Commissioner
for Baltimore County

NOTES

- Owner: M. Edward Personette, Partner
Blackhorse Run Joint Venture
9508 Winands Road
Owings Mills, Md. 21117
- Developer: Landcon, Inc.
Richard M. Yaffe, Pres
8826 Orchard Tree Lane
Towson, Md. 21286
- Site: 0.2167 acres
9,439 sq. ft.
Lyonswood, Plat 2, Section B
Plat Book 62/078
Lot 66, S Kentbury Court
Tax Account No. 2200004983
Zoned D.R.-5.5 and D.R.-3.5
1"=200' Zoning Map N.W. 91



SETBACK REQUIREMENTS
 WINDOW TO WINDOW - 40'
 WINDOW TO TRACT BOUNDARY - 35'
 WINDOW TO STREET R/W - 25'
 WINDOW TO PROPERTY LINE - 15'
 BUILDING TO TRACT BOUNDARY - 30'
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 BUILDING TO EX. E - 50'
 OR AS OTHERWISE NOTED.



91-381-A
 PLAN TO ACCOMPANY HEARING
 FOR
 ZONING VARIANCE
LYONSWOOD - SECTION B
 LOT 66
 #5 KENTBURY COURT
 2ND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Colbert Matz Rosenfelt, Inc.
 Engineers • Surveyors • Planners
 3723 Old Court Road, Suite 206
 Baltimore, Maryland 21208
 Telephone: (410) 653-3838
 Facsimile: (410) 653-7953

SCALE: 1"=30'
DATE: MARCH 6, 1997
SUB. ORDER NO.: 92045.1
DESIGNED BY: S.L.C.
DRAWN BY: S.L.C./M.E.K.
CHECKED BY: M.H.F.
DATE: 3/2/97
92045.1BA.DWG