IN RE: PETITION FOR SPECIAL HEARING

NW/S Farmfield Court, 1100' NE of the c/l

Dairydale Road

(4308 Farmfield Court)

10<sup>th</sup> Election District

3<sup>rd</sup> Council District

Richard & Candice Kidwell Legal Owners and Petitioners BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-227-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Richard P. Kidwell, and his wife, Candice A. Kidwell, through their attorneys, Jennifer R. Busse, Esquire, and John B. Gontrum, Esquire. The Petitioners request a special hearing to approve the continued use of an existing second living unit by family members. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the request were Candice Kidwell, coowner of the subject property, and Jennifer R. Busse, Esquire, of Whiteford, Taylor & Preston, LLP. Also appearing were Anthony Bartlett, Esquire, and Lauri Bartlett, Contract Purchasers of the subject property. There were no Protestants or other interested present at the hearing. The file indicates that the required posting and advertising of this hearing was done in accordance with County requirements.

On behalf of the Petitioners, Ms. Busse proffered the evidence presented at the hearing, and this Zoning Commissioner accepted the proffer. Additional testimony was provided by Mr. Bartlett. The property at issue is located east of Dairydale Court on the northwest side of Farmfield Court, a cul-de-sac that dead-ends at the Gunpowder Falls State Park in the Baldwin

ORDER RECEIVED FOR FILING

Date

A 2/3/1/3/1/4

area of Baltimore County. The property contains a gross area of 3.174 acres, more or less, zoned R.C.5, and is improved with a single-family dwelling.

The property was the subject of prior zoning Case No. 87-88-SPHA in which the then Zoning Commissioner, Arnold Jablon, granted approval for the Petitioners to construct an addition to their existing dwelling for use as a second living unit by a then living family member. By his Order dated September 16, 1986, Mr. Jablon approved the Petitioners' request, which included a provision that the addition contain a kitchen so that the family member could live independently. Mr. Jablon also approved a variance to allow a side yard setback of 42 feet in lieu of the required 50 feet. As a condition of his approval, Mr. Jablon ordered that "no subsequent purchaser shall maintain the second kitchen for any reason or purpose without a subsequent special hearing". Another condition imposed by Mr. Jablon was that the Kidwells add a Covenant to their Deed and record it among the Land Records of Baltimore County to restrict the use of the second living unit in accordance with Mr. Jablon's Order. A copy of that Covenant was accepted as Petitioners Exhibit 4.

The Petitioners are now moving and have contracted to sell the subject property to Mr. and Mrs. Bartlett who wish to retain the addition and second kitchen for normal day to day living activities. Mr. Bartlett explained that he plans to use the second kitchen for family holiday entertaining. I find nothing offensive from such use of the second kitchen. The Bartletts do not intend to lease the addition as a separate living unit and do not currently have plans to allow any specific family member to utilize the addition as a second living unit; however, wish to retain the option to do so in the future. The common wall between the original house and the addition has already been opened up to provide through access as required by former Zoning Commissioner lablon's Order of September 16, 1986. (Petitioner's Exhibit 2) In support of their request, the Petitioners note that the existence of the second living unit has not detrimentally impacted the heighborhood. Pictures of the subject property were accepted as Petitioners' Exhibit 3. These pictures demonstrate that the addition to the original dwelling compliments the architecture and style of the original dwelling

Furthermore, the potential future use of the addition as a second living unit for a family member has already been determined by this office as being a permitted accessory use to the principal use of a one-family detached dwelling and as a use permitted as a matter of right by Section 1A04.2.A.11 of the Baltimore County Zoning Regulations. *See*, Mr. Jablon's decision in Case 87-88-SPHA at page 4. As Mr. Jablon stated, "It is hoped and expected in our society that children return to their parents the love and security that parents initially provide to them." *Id.* 

I agree with Mr. Jablon and for the reasons stated above, will approve the continued use of the existing living unit for so long as it is not leased to anyone, and for so long as it is utilized by family members only. For the purposes of this decision and my Order below, the term "family members" means persons related by blood or marriage.

After due consideration of the testimony and evidence presented, I find that the requested relief should be granted. I find that no detrimental impact to the public health, safety, and general welfare of the surrounding area has resulted from the existence of the second living unit, nor will any such detrimental impact result from the continued existence of the second living unit. Due to the fact that the Covenant entered into by the Kidwells will no longer be in force or effect once the property is sold to the Bartletts, I will impose the below listed conditions to my approval.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 13 day of December, 2004, that the Special Hearing to approve the continued use of the existing second living unit as represented on Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following conditions:

The Petitioners are hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein could be rescinded, thereby requiring removal of the second kitchen.

- 2. The existing second kitchen may remain in the separate living unit; however, the separate living unit may not be leased to anyone and may only be utilized by family members, as described herein.
- 3. Should the Bartletts sell the subject property, no subsequent purchaser shall maintain the second kitchen for any reason or purpose without a subsequent special hearing.
- 4. The Commissioner rescinds the prior requirement that a covenant be recorded in the Land Records of Baltimore County restricting the use of the addition as set forth in the September 18, 1986 Order by then Zoning Commissioner Arnold Jablon.
- 5. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this Order shall be taken in accordance with Baltimore County Code

Section 32-3-401.

VILLIAM JAMSEMAN, I

Zoning Commissioner for Baltimore County

WJW:bjs

OHOME KINDER

### **Zoning Commissioner**

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468

RE:



# Baltimore County

James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

December 13, 2004

Jennifer R. Busse, Esquire John B. Gontrum, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue, 4<sup>th</sup> Floor Towson, Maryland 21204

PETITION FOR SPECIAL HEARING
NW/S Farmfield Court, 1100' NE of the c/l Dairydale Road
(4308 Farmfield Court)
10<sup>th</sup> Election District – 3<sup>rd</sup> Council District
Richard P. Kidwell, et ux - Petitioners
Case No. 05-227-SPH

Dear Ms. Busse & Mrs. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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 Department of Permits and Development Management office at 887-3391.

WNLIAM J. WISEMAN, III
Zoning Commissioner

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Richard P. Kidwell
4308 Farmfield Court, Baldwin, Md. 21013
Mr. & Mrs. Tony Bartlett, 5007 Sweet Air Road, Baldwin, Md. 21013
People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	4308	Farmfield	Court	<u> </u>
which is	s pres	ently zoned	R.C.	5

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

continued use of existing second living unit for use by family members

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

		I/We do solemnly declare and perjury, that I/we are the legal is the subject of this Petition.	affirm, under the owner(s) of the	e penalties of property which
Contract Purchaser/Lessee:		Legal Owner(s):		
N/A	<u></u>	Richard P. Kidwell		
Name - Type or Print		Name Type or Plint	) [X	(الراحين
Signature	<del></del>	Signature	, , , , , , , , , , , , , , , , , , , ,	
Address	hone No.	Name Type or Print	1.00	
City	Zip Code	Signature Signature	well	<del></del>
Attorney For Petitioner:		4308 Farmfield Court	(410)	832-2077
Jennifer R. Busse/John B. Gontrum	•	Address Baldwin, MD 21013		Telephone No
Name - Type or Print	<del></del>	City	State	Zlp Code
Signature	<del> </del>	Representative to be Co	ntacted;	
Whiteford, Taylor & Preston Company	<del></del>	Jennifer R. Busse	(410) 832	-2077
210 W. Pennsylvania Ave, 4th Flr		210 W. Pennsylvania	Ave, 4th F	
T I	one No.	Address		Telephone No.
Towson, MD 21204 ity State 2	Zip Code	Towson, MD 21204 City	State	Zip Code
2		OFFICE U	SE ONLY	~~~
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Case No. 05-227 SPH		UNAVAILABLE FOR HEA		
	Révie	ewed By Jah D	ate <u>//-</u> 6	4-04
REU 9/15/98				



# Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

October 18, 2004

# Zoning Description 4308 Farmfield Court

All that piece or parcel of land situate, lying and being in the Tenth Election District Of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point on the Northwest side of Farmfield Court (50 feet wide), which is 1100 feet, more or less Northeasterly along Farmfield Court from its intersection with Dairydale Road. Being Lot 14 on the "Plat of Portion of Sect. 2 And All of Sect. 3 Sweet Air Manor" and recorded among the Land Records of Baltimore County in Plat Book O.T.G. No. 35 Folio 139.

Containing 3.174 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

F.D.V.

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### NOTICE OF ZONING 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, Mary land on the property identified herein as follows:

Case: #05-227-SPH

4308 Farmfield Court
N/west side of Farmfield Court, 1,100 ft. +/- h/east of Dairydale Road
10th Election District — 3rd Councilmanic District
Legal Owners: Richard P. and Candice A. Kidwell
Special Hearing to allow the continued use of existing living unit for use by family members.
Hearing: Friday, December 3, 2004 at 2:00 p.m. in Room 497, County Courts Building, 401 Bosiay Avenue, Towson 21204.

WILLIAM WISEMAN
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handloapped Accessing, for special accommodations Please Contact the Zoning Contact the Zoning Review Office at (410) 887-3351 july Contact the Zoning Review Of

# CERTIFICATE OF PUBLICATION

11,24,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing
n 1123 ,2004.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
Dulling.

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No.: 25-227-SPH

Petitioner/Developer: RICHARD P.

BUD CANDICE A. KIDWELL Date of Hearing/Closing: 12/3/04 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 **ATTN: Kristen Matthews {(410) 887-3394}** 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: 4308 FARMFIELD CT The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) CM # 05-2273PH **SSG Robert Black** A PHRICH MARING WILL BY MIN BY THE FORMIC COMMESSIONER (Print Name) HE TOWSOR, MIT 1508 Leslie Road PANETO TO TOUTOUR ON THE SECOND (Address) THE PART OF THE REAL PROPERTY OF THE PARTY O THE STORY OF STREET STREET Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 23, 2004 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue, 4<sup>th</sup> Floor Towson, MD 21204

410-832-2055

### **NOTICE OF ZONING 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: 05-227-SPH

4308 Farmfield Court

N/west side of Farmfield Court, 1,100 ft. +/- n/east of Dairydale Road 10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Richard P. and Candice A. Kidwell

Special Hearing to allow the continued use of existing living unit for use by family members.

Hearing: Friday, December 3, 2004, at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



# Baltimore County

James T. Smith, Jr, County Executive Timothy M. Kotroco, Director

November 18, 2004

# NOTICE OF ZONING 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: 05-227-SPH

4308 Farmfield Court N/west side of Farmfield Court, 1,100 ft. +/- n/east of Dairydale Road 10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owners: Richard P. and Candice A. Kidwell

Special Hearing to allow the continued use of existing living unit for use by family members.

Hearing: Friday, December 3, 2004, at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

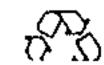
Director

TK:klm

C: Jennifer Busse, Whiteford, Taylor & Preston, 210 W. Pennsylvania Ave., 4th Fl., Towson 21204 Richard & Candice Kidwell, 4308 Farmfield Court, Baldwin 21013

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 18, 2004.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

# ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

Zoning Review will ensure that the legal requirements for advertising are satisfied However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number 05-227 SPH
Petitioner: Richard Kidwell
Address or Location: 4308 Farm field Ct.
PLEASE FORWARD ADVERTISING BILL TO
Name: Jennifer R. Busse
Address Whiteford Taylor Pneston, LCC
210 W. Pennsylvania Ave, 4th Al.
Towson, Md., 21204
Telephone Number: 410-832 - 2055

# Department of Permits Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 22, 2004

Jennifer R. Busse John B. Gontrum Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue, 4<sup>th</sup> Fl. Towson, Maryland 21204

RE: Case Number: 05-227-SPH, 4308 Farmfield Court

Dear Ms. Busse and Mr. Gontrum:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 4, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751	
Fire Department	410-887-4880	
State Highway Administration	410-545-5600	
Office of Planning	410-887-3480	
Department of Environmental Protection		
and Resource Management (DEPRM)	410-887-5859	
Recreation and Parks	410-887-3824	
Maryland Office of Planning - Chesapeake		
Bay Critical Area (CBCA)	410-767-4489	
Department of Natural Resources - Floodplain	410-631-3914	

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

U. Calling yours, Calling Office of the Calling of

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb



Visit the County's Website at www.baltimorecountyonline.info

C: People's Counsel Richard and Candice Kidwell 4308 Farmfield Court Baldwin 21013

# Department of Permand Development Management

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



# Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 24, 2004

Jennifer R. Busse John B. Gontrum 210 W. Pennsylvania Avenue Towson, Maryland 21204

Dear Ms. Busse and Mr. Gontrum:

RE: Case Number: 05-227-SPH, 4308 Farmfield Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 4, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency:

Very truly yours,

U. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Richard and Candice Kidwell 4308 Farmfield Court Baldwin 21013

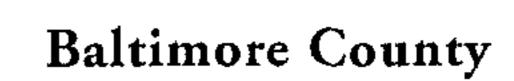


Visit the County's Website at www.baltimorecountyonline.info



700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 22, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 22, 2004

Item No.:

22)7-241, 243, 245-249

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

DATE: December 7, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 29, 2004

Item Nos. 227, 228, 229, 230, 231, 232, 233, 234, 237, 238, 239, 240, 241, 242,

243, 244, 246, and 248

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Po

**DEPRM** 

DATE:

December 10, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 22, 2004.

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-227

05-229

05-230

05-232

05-233

05-234

05-235

05-238

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05-245

05-246

05-247

05-248

Reviewers: Sue Farinetti, Dave Lykens

12/3

DATE: December 1, 2004

DEC

ZOWNG COWNISSIONER

RECEIVED

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4308 Farmfield Court

**INFORMATION:** 

**Item Number:** 

5-227

Petitioner:

Richard P. Kidwell

Zoning:

RC 5

Requested Action:

Special Hearing

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request providing the conditions that were imposed under case #87-88-SPHA continue to apply.

Prepared by:

**Division Chief:** 

AFK/LL:MAC:







Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

### Maryland Department of Transportation

Date:

11.22.04

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

RE:

Baltimore Count

Item No. 227

778

Dear. Ms. Matthews:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

f. J. Mulh

Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING \*
4308 Farmfield Court; NW/side Farmfield
Court, 1,100' NE of Dairydale Road \*
10<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts
Legal Owner(s): Richard & Candice Kidwell\*
Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

BALTIMORE COUNTY

05-227-SPH

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence and documentation filed in the case.

RECEIVED

NOV 2 1 2004

Per CA

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter MAX ZIMMERMAN

People's Counsel for Baltimore County

Whiteford, Taylor & Preston L.L.P.

210 WEST PENNSYLVANIA AVENUE Towson, Maryland 21204-4515

410 832-2000

FAX 410 832-2015

www.wtplaw.com

1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405 TELEPHONE 202 659-6800 FAX 202 331-0573

1317 KING STREET ALEXANDRIA, VIRGINIA 22314-2928 TELEPHONE 703 836-5742 PAX 704 836-0265

JENNIFER R BUSSE

SEVEN SAINT PAUL STREET

BALTIMORL, MARYLAND 21202-1626

TLLEPHONE 410 347-8700

FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER

40420 LITTLE PATUXENT PARKWAY

COLUMBIA, MARYLAND 21044-3528

TLLEPHONE 4 to 884-0700

FAX 410 884-0719

DIRECT NUMBER 410 852-2077 jbusse@wtplaw.com

November 8, 2004

### TRANSMISSION BY FAX - (410) 887-5708

Timothy M. Kotroco, Director Office of Permits & Development Management Room 111 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: 4308 Farmfield Court; Case No. 05-227-SPH

Dear Mr. Kotroco:

The Special Hearing relating to Case No. 05-227-SPH has not yet been scheduled. I am herein requesting approval to expedite the scheduling of the hearing in this matter. This is a simply matter, and I believe we only need a one hour time slot for the hearing. Your office has available a 2:00 p.m. time slot on Friday, December 3, 2004. The reason I am requesting the expedited hearing is that my clients, Mr. and Mrs. Kidwell, who currently own the property, are in the process of selling the property. Their settlement date is scheduled for Monday, December 13, 2004. My concern, and my clients' hardship, is that without my requesting an expedited hearing, the hearing may be scheduled for a date past the December 13, 2004 settlement date for the property.

Section 18 18 18 18

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I appreciate your consideration of this request. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

JRB:sll

Richard P. Kidwell, Esquire ✓Mr. Carl W. Richards, Jr. Ms. Kristen Matthews

Bruce E. Doak, L.S.

NOV - 9 2004

CASE NAME Kidwell
CASE NUMBER 05-227-SI

# PETTIONER'S SIGN-IN SHEET

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Case No.: $05-227$ SPH	
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# Exhibit Sheet

# Petitioner/Developer

# Protestant

NT 1		<u>" " " " " " " " " " " " " " " " " " " </u>
No. 1	Site Platz	•
No. 2	ORDER B7-88 SPHA	
No. 3	PHOTO OF SUBJECT ROPERLY	
No. 4	Restrictivé Covenant	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		•
No. 10		
No. 11		•
No. 12		
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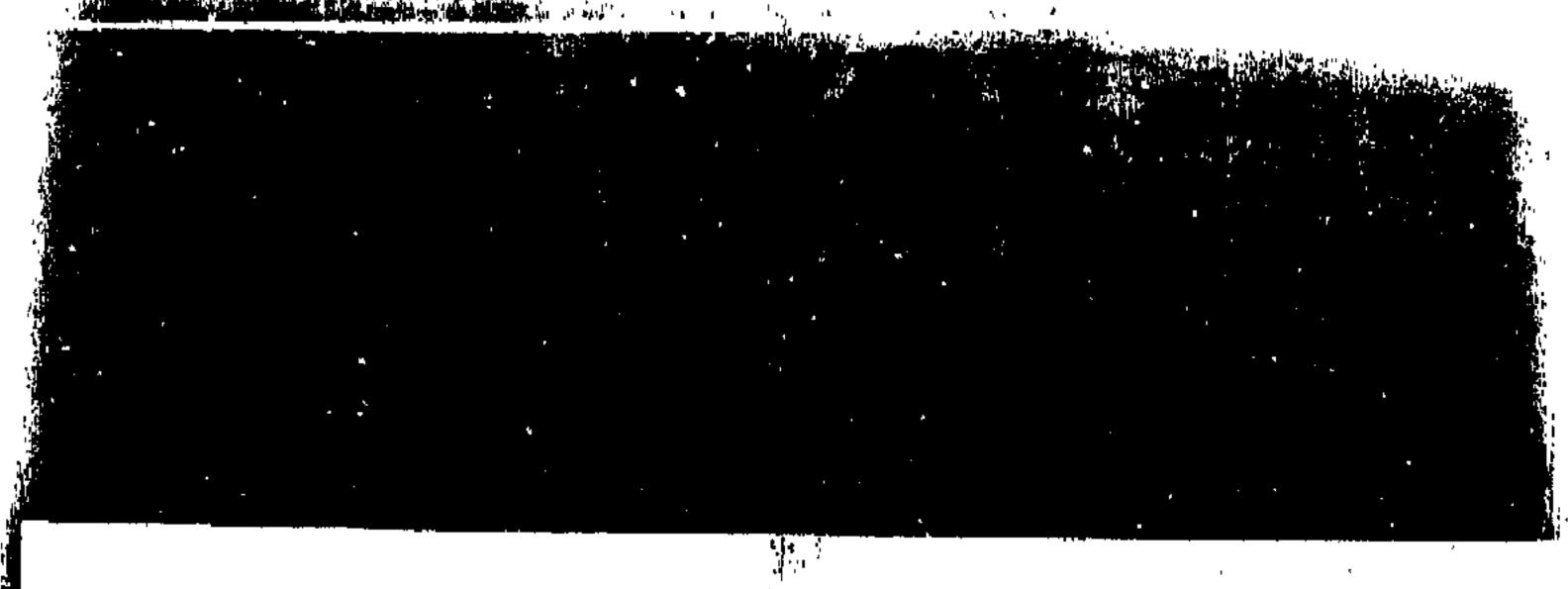
### COVENANT

By Richard P. Kidwell and Candice A. Kidwell.

WHEREAS, in the petition for a special hearing and variance before the Zoning Commission of Baltimore County, Case No. 87-88-SPHA, the aforesaid Richard F. Kidwell and Candice A. Kidwell, the Petitioners in said hearing, requested a permit for a second kitchen to be installed in an addition to their home, and additionally, a variance to permit a side yard set back of forty-two feet in lieu of the required fifty feet, and the Zoning Commissioner, by Order dated . September 16, 1986, granted the permit providing the following covenant be added to their Deed, which Deed was recorded in the Land Records of Baltimore County at EHK, Jr., Liber 7166, Folio 577.

Richard P. Kidwell and Candice A. Kidwell hereby ARC F covenant that the addition shall be used as living quarters T for Mrs. Kidwell's mother and no other, and that such use TRANCE COOS shall terminate either at the death of Mrs. Kidwell's mother or upon the sale of the property, or if she should reside elsewhere, whichever occurs first. No subsequent purchaser shall maintain the second kitchen for any reason or purpose without a subsequent special hearing which shall be subject to the terms and conditions contained herein.

Exploit 4



RE: PERITIONS SPECIAL MEARING
AND VARIANCE
NW/S of Farmfield Court, of
1,101' NE of the E/S of
Dairydale Court \*\*
10th Election District

Richard P. Kidwell, et ux,

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Cape No. 87-88-8911A

FINDINGS OF FACTOMED CONCLUSIONS OF LAW

The Petitioners herein request approval by the Zoning Commissioner to permit a second living unit to be added to their home and, additionally, a variance to permit a side yard setback of 42 feet in lieu of the required 50 feet, as more particularly described on Petitioners' Exhibit 1.

The Patitioners appeared and testified. John Rommel, the contractor, also testified. William Beschorner, an adjacent property owner, appeared in opposition.

Testimony indicated that the subject property, zoned R.C.5 and measuring 260' x 560' x 266' x 504', is improved with a single-family dwelling. The Petitioners propose to construct a 26' x 38' addition to the north side to be used by Mrs. Kidwell's mother, Lucille Kelley. The addition would contain a separate kitchen and living unit.

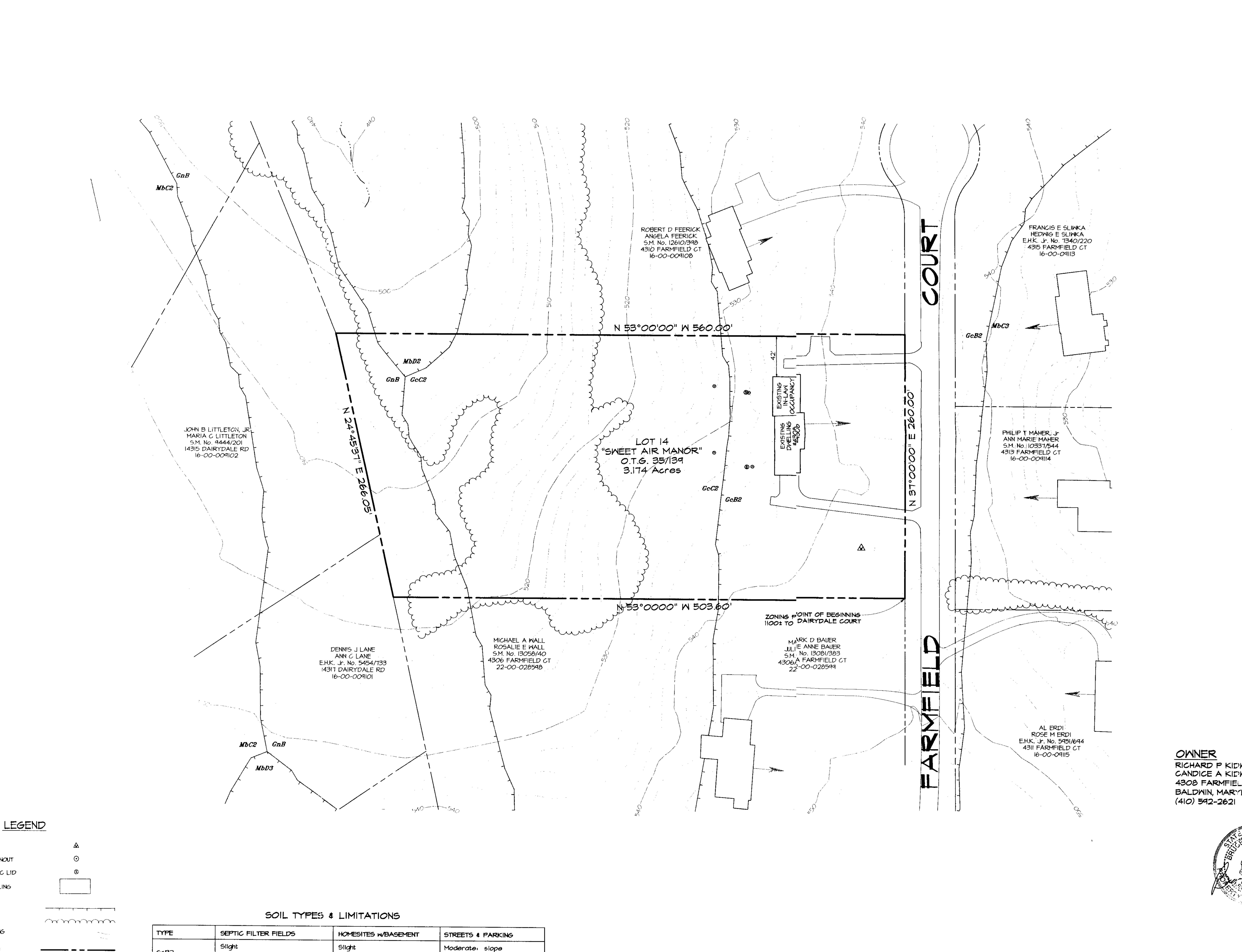
Mrs. Kelley would like to live with her daughter and son-in-law but only lift she could have some semblance of independence, as is common with the elderly. The Petitioners have no intent of creating a permanent second living unit in fact, the purpose of it is solely for use by Mrs. Kelley. Upon her death, if she should reside elsewhere, or if the property is sold, the Petitioners will remove the kitchen and open up the addition to the rest of the house by providing access through.

Petitions!



Petitioners Galabet





EXISTING WELL

EXISTING CLEANOUT

EXISTING SEPTIC LID

EXISTING DWELLING

SOIL LINE

WOODS LINE

EXISTING PAVING

PROPERTY LINE

CONTOURS

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MbC3 GcC2, MbC2

MbD3 MbD2

Moderate: slope

Severe: slope

Severe: high water table; moderately slow permeability.

Moderate: slope

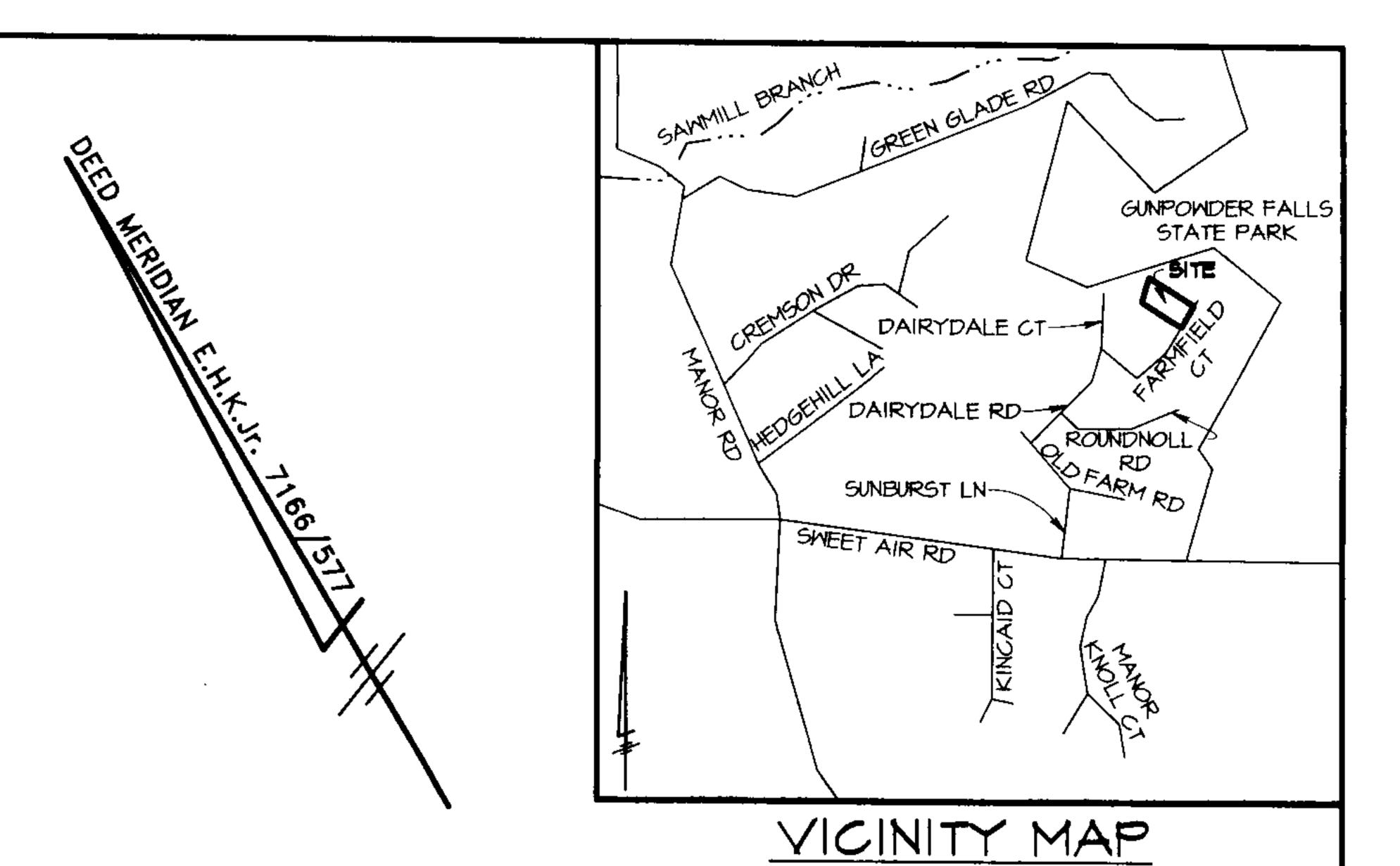
Severe: slope

Severe: high water table

Severe: slope

Severe: slope

Severe: high water table



GENERAL NOTES

I. THE BOUNDARY SHOWN HEREON IS FROM A DEED RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER E.H.K. JR. No. 7166 FOLIO 577. 2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 3683

SCHOOL DISTRICT: ELEMENTARY - CARROLL MANOR E.S.; MIDDLE - COCKEYSVILLE M.S.; HIGH - DULANEY H.S.

5. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY. 6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. 1. THE SUBJECT PROPERTY IS CURRENTLY SUBJECT TO A COVENANT BY RICHARD P. KIDWELL AND CANDICE A. KIDWELL DATED OCTOBER 7, 1986 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND.

8. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THE SUBJECTPROPERTY.

CASE No. 87-88-SPHA

PETITION FOR SPECIAL HEARING FOR CONSTRUCTION OF ADDITION TO EXISTING SINGLE-FAMILY DWELLING. SAID ADDITION TO INCLUDE ITS OWN KITCHEN, INTENDED FOR USE BY OWNER'S MOTHER-IN-LAW. NOT FOR USE AS RENTAL OR MULTI-FAMILY UNIT.

VARIANCE FROM SECTION 103.3 (1A00.3.B.3) FOR SIDE YARD SET BACK OF 42 FEET INSTEAD OF REQUIRED 50 FEET.

APPROVED SEPTEMBER 16, 1986.

PETITION FOR A SPECIAL HEARING TO ALLOW CONTINUED USE OF AN EXISTING SECOND LIVING UNIT.

RICHARD P KIDWELL CANDICE A KIDWELL 4308 FARMFIELD CT BALDWIN, MARYLAND 21013



REVISED PETITION

# PLAT TO ACCOMPANY A PETITION FOR A SPECIAL HEARING

# KIDMELL PROPERTY

4308 FARMFIELD COURT Deed Ref: E.H.K., Jr. No. 7166 folio 577 Tax Account No.: 16-00-009107 Zoned R.C.- 5; Map NE 21E Tax Map 36; Grid 21; Parcel 178 10th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Scale: 1"=50'

Date: OCTOBER 25, 2004

# GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100 320 East Towsontown Boulevard Towson, Maryland 21286 (410) 823-4470

DRAWN: K.D.B. & M.E.A. CHECKED: B.E.D. FILE:X:\Kidwell\_Farmfleid\zoneplan.pro

