April 17, 1968

BALTIMORE COUNTY OFFICE OF PLANNING AND IONING COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

William O. Jensen, Jr., Esq., Duncan Building Tomson, Maryland 21204

SUBJECT: Side and front yard variances for Theodore L. Ronnenburg, Jr., . located on the NM/S Ridge Road E of Greenspring Avenue 8th District (Item 144, April 9, 1968)

The Zoning Advisory Committee has reviewed the subject petition and has the following comments to offer:

BUREAU OF ENGINEERING: Public utilities are not evel/able to this site. Ridge Road is to be developed on

HEALTH DEPARTMENT: The corner must comply with Article III - Housing and Sale of Animals.

ZONTHE ADMINISTRATION SIVISION:

If the patition is granted, no occupancy may be made until such time as plans have
been submitted and approved and the property inspected for compliance to the approved
plan.

The above comments are not intended to indicate the apprepriateness of the tening action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director all the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

Project Planning Division Suresu of Traffic Engineering Suresu of Fire Prevention State Boads Commission Build ng Engineer Board of Education Industrial Development

Very truly yours,

JAMES E. DYER, Zoning Supervisor

cc: Carlyle Brown-Bur. of Engr.; William Greenwelt-Mealth Dept.

Rethkopf. The Law of Zonino and Planning. 3rd Edition, Volume 2,

Chapter 45, Section I, distinguishes between a "use" variance and a "non-use"

The two types of variances with which the cases customarily concern themselves are "use" variances and 'non-use variances. The letter consist mostly of variances of bulk restrictions, of area. Beight, density, set back, set limited so and restrictions covering piscellaneous subjects including the right to entary energe non-conforming uses or to alter non-conforming structures.

As the name indicates, a 'use' variance is one which parmits a use other than that prescribed by the soning ordinance in the particular district; it permits a use which the ordinance prohibits.

An area variance, on the other hand, he s no relation is a chance of use; it is primarily a grant to seed; alter or use a structure for a semultied use in a manner other than that prescribed by the restrictions of the soning ordinance.

Use variances are outomarily ocnormed with 'hardship', i.e., that the land cannot yield a reasonable return if used only in accordance with the use restrictions contained in the ordinance. Consequently, a use not permitted by the ordinance will under such circumstances, be permitted by the board of appeals in order that the ordinance will not operate in such manner as to confiscate the value of the land.

Area vertances are customarily concerned with 'eractical stifficative, i.e., that the ground yet a injecture thereon cannot, as a secretar partie of a semitted was reliable to a semitted was reliable to the interest of the control control

It is the opinion of the Court that the definition of a "non-use

velence " is applicable to the variance being requested in the instant case.

Applicant is not seeking a variation from the uses to which property in an $R\!-\!40$

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Theodore 1. Roumenburg, Jr. 4.

L or weZaklarian Roumenburg, McKepal ewrerE of the property situate in Baltimore
County and which is described in the description and plat attached hereto and made a part breed. hereby petition for a Variance from Section 421, 1, 6, 421, 2, of this Baltimora Canaly

Zaming Reculations to serait side yards of 168.5 & 141.5 instead of the required 200 feet, and a front yard of 1721

instead of the required 200 feet. of the Zoning Regulations of Baltimore Ceanty, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The strict compliance with the zoning regulations would result in practical difficulty and unreasonable lardship and the granting of the variance would not substantially injure the public health, safety or general welfare. The Petitioners property is only 376.3 feet

in width but contains 7.2 acres of land more or less. See attached description

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

From the 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 property of the petition, and further agree to and are to be bound by the property of the petition and restrictions of Rimore County adopted pursuant to the Zoning Law For Paltimate County.

xx Hader of Remember) Contract purchaser XX Californ Contract purchaser Legal Owner Address Hox 91 Soute 1.

Millian C. former forme ORDERED By The Zoning Commissioner of Ba timore County, this 9th day

ibe Zoning Law of Baltimore County, in two newspapers of general circulation through-te County, that property be posted, and that the public we had before the Zoning or of Baltimore County in Room 108, County Office, Building, in Townsen, Baltimore of Baltimore County in Room 108, County Office, Building, in Townsen, Baltimore of

DATE Of The State Company Communicationer of Bal imore Count

zone may be put; section 200.12b of the Zoning Regulation specifically permits an "animal boarding place, Class A and Kennel" in said zone. ever, this permitted use must be in accordance with section 421 [Bil No. 85, 1967] which provides: "Where an animal boarding place or kennel is allowed in a residential zone...as a permitted use, no part of any such use shall be located within 200 feet of the nearest property line." This is clearly a restriction pertaining to the area which must exist between the anima! boarding place and the nearest property line. The requested variance has no relation to a change of use, but is primarily to utilize an existing structure for a permitted use in a manner other than that prescribed by the restrictions of section 421.

The case of Stacy v. Montgomery County, 239 Md 189 is cuite similar to the case before this Court. In Stacy, the Court of Appeals affirmed the action of the Board which granted a variance of four (4) (set from an ordinance which permitted a use as a child care home as a Special Exception in an R-60 zone provided the structure had a set-back of twenty-five (25) feet from all property lines. The Board found by reason of the extraordinary

THEODORE L. RONNENBURG, et al IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Misc. #4143 8/399 COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MEMORANDUM OPINION AND ORDER

The above case is on appeal to this Court, the appeal having been taken by the Applicant, Theodore L. Ronnenburg. Ronnenburg purchased a tract of land zoned R-40 of approximately 7.29 acres measuring approximately 396 feet in width and approximately 1265 feet in depth improved by a dwelling house, garage and stone stable. On March 7, 1967, Applicant filed a petition for a Special Exception to use his property for an animal boarding place pursuant to Section 200.15, effective at that time, of the Baltimore County Zoning Regulations which provided that an animal boarding place was permitted in an R--40zone as a Special Exception but not on a lot of less than three acres and not closer than fifty feet to a property line. The Zoning Commissioner granted the Special Exception subject only to certain prerequisites which Ronnenber could readily meet. The protestants appealed this decision but before this appeal was heard Council Bill 85 became effective allowing an animal boarding place as a permitted use in an R-40 zone, subject to Section 421, of the Zoning Regulations. The Board ruled that the question of the Special Exception

Thereupon, on March 4, 1968, Ronnenburg filed a petition requesting a variance from Section 421.1 of the Zoning Regulations to permit side yards of 168.5 feet and 141.5 feet instead of the required 200 feet and a front yard of 172 feet instead of the required 200 feet. The petition alleges

located, the strict application of the zoning regulations would result in exceptional hardship to the owner of the property. The Board of Appeal therefore, in this case granted an area variance even though the ordinance was primarily concerned with the use of property for child care homes, which action was aifirmed by the Court of Appeals.

It has been consistently stated that the courts may not substitute their judgment for that of the Board when the Board's decision is supported by substantial evidence and the issue before the Board was fairly debatable. Bosley v. Hospital for Consumptives, 246 Md 197, 227 A 2d 746 (1967). However, in this case, it is the opinion of the Court that the Board improperly determined the request for a variance to be from a "use", rather than an "area" restriction the use being permitted in the R-40 zoning classification.

The Board therefore held as a matter of law that this was a request for a use variance and refused to consider testimony relating to a request for an area variance for a permitted use in an R-40 zoning classification. As Section 307 of the Zoning Regulations of Saltimore County grants to the Board the power to grant variances from height and area regulations, the Court must conclude that the Board was in error

the impossibility of meeting the 200 foot side yard set-back require ents because of the narrow shape of the lot. The testimony before the County Board of Appeals revealed that Ronnenburg purchased this property with the intention of utilizing the existing barn as an animal boarding place and that the 200 foot set-back requirement could not be met. The Zoning Commissioner

However, on January 22, 1969, the Board denied the variance and stated "that this distance requirement (in Section 421.1) is not a yard setback requirement but, in effect, is a use regulation which does not allow an animal boarding place unless it is at least 200 feet from the nearest residential zone." To support their finding the Board cited dicta from the case of Donald O. King, Board File No. 65-176-RA in which the Board said it "feels that section 207 of the Zoning Regulations specifically prohibits the granting of a variance from a 'use' regulation." In denying the Ronnenburg petition, the Board concludes by stating "Since the Board is of the opinion that it cannot legally grant the variance requested by the Petitioner, it is useless to go foto the testimony produced by the Patitioner at the hearing.

been "given the power to grant variance from height and area regulations, from off-street parking regulations and from sign regulations... (and) no nower to grant any other variances." In light of this section of the Regulation the finding of the Board would have to be affirmed if this petition is considered this petition is considered to be a request for a variance from an area regulation then the court would have to reverse the Board's determination and remand

case be and is hereby remanded to the Board of Appeals for a consideration of the evidence and testimony in this case and to make its determination to either grant or deny the requested variance which is a matter of the discretion knowledge and expertise of the Board.

August 29, 1969

Tudo

o (1) Pobrusry 10, 1960- Petitioners Order for Appeal from the Order entered Annuary 22, 1969 by the County Read of Appeals of Balthore County read and fa. Appeal of William O. Jonsen, Fr. for the Petitioner. William O. Jensen THEODOPE L. RCKNEBURG, et al 4143 (2) February 10, 1969 - Appellants Petition fd. SE.00 merk 10.00 GUNTER W. SONNTAG PASQUEL J. POSSIDENT (Intervenere) A. Cwen Hennegan * (3 February 14, 1969- Certificate of THE COUNTY BOARD OF APPEALS OF BALTIMOPE COUNTY (4) March 4. 1969- plaintiff's Petition to extend time for transmittal of Feord and Order of Court granting same fd. (LLB (5) March 6, 1969 intervener's answer to Petition for Appeal Id. App. of A. Orec Hennegan and John H. Garmer for the Interveners. (o) April 10, 1969 Transcript of Record fd. (7) June 17, 1969- Correspondence from Judge Barrett fd. (8) June 17, 1969- Petitioner's Petition for extension of time for transmittal of Memorandum and Order of ourt greating same fd. (LLB) (9) July 7,1969- Petitioners Hemorendum of Law fd. (10) August 8, 1969- Appelles's Memorandum of Law fd. Aug. 28, 1909 Hon. Lester L. Barrett, Hearing had. Case held Sub Curia by the Court, Opinion to be filed. (11) Sept. 2, 169. Memorandum dolution and Order of Court that the case be and is hereby remainded to the Board of Appeals for a consideration of the "widened is hereby remainded to the Board of Education of the farmit or and testions to this case and to make its determination to either grant or and testions attend wartance which is a matter of the discretion, knowledge and demy the requested wartance which is a matter of the discretion, knowledge and expertise of the Board fd. (LLB) (12) Sapt. 29, 1969 Original case from the Board of Appeals of Beltimore County rec'd and filed.

Onden of Count fd

Sept. 29, 1969 Supplementary Opinion Amended Order of the Board of Appeals granting the requested variances. S.pt. 29, 1969 Record of Proceedings filed in the Circuit Court for Baltimore County (Copy of Supplementary Opinion and America Order, and Court file) COUNTY BOARD OF APPRAIS. etal * * * * * * * * * * * * (/3) Oct. 29, 1969- Notice of Appeal the Circuit Court of Beltimore County rec'd and fd. (11.) Non 1. 1969- Camtiffeets of Motios Ed. (15) Dec. 15, 1969 Petitioner's (Ronneburg) Motion to Dismiss and Show Cause

(16) Pab. 2, 1970- Order of Court that the case be dismissed with prejudice id.

RE: PETITION FOR VARIANCES from Sections 421.1 and 421.2 of the Baltimore County Zoning 0-66-3 CIRCUIT SOURT 3jr:hch 2/10/69 Regulations Rorthwest Side of Ridge Road 1200 . Fort East of Greenspring Avenue BALTIMORE COUNTY Bth. District Theodore L. Ronnenburg, Jr. AT 1 M Misc. Docket No. Zonina File No. 69 261-A 399 Folio No. 4143 File No. MOTION TO 015MISS THEODORE L. RONNENBURG, JR., Petitioner, by William O. Jensen, Jr. of Gomborov, Steinberg & Schlachman, his Attorney, moves that the Appea filed November 4, 1969 in the above entitled case be dismissed with prejudice and for his reasons says: THAT the Protestant/Appellent has failed to join with his order for appeal or file with the Clerk of the Court within ten (10) days after filing the order, a petition setting forth the action appealed from, the error committed by the agency in taking such action and the relief sought Rule B2E, of the Maryland Rules of Practice and Procedure. MITT YAM O. JENSEN, JR. WILLIAM O. JENSEN, JR.
of Gombarov, Steinberg & Schlechman
112 East Lexington Street
Baltimore, Maryland 21202
Attorney for Theodore L. Ronnenburg, BOROV, STEINBERG & SCHLACHMAN HLACHMAN TOP: MD. 21202 • TELEPHONE 539-2711 ATTORNEYS AT LAW . 112 E. LEXINGTON STREET . BALTIM

TO 115

PP. PETTERN PRO MISTARCES from Sections h21.1 and h21.2 of the Baltimore County Zoning CIRCUIT COURT of the Baltimore County Zening Regulation Northweet Side of Ridge Read 1200 feet East of Greenspring Avenue 8th. District Theodore L. Ronnenburg, Jr. Petitioner BAISTMON, COUNTY AT LAW Zoning File No. 68-261-4 Miss Doolest No. Polito II 100 101/13 *** ORDER IT IS HEREBY ORDERED this day of . 1969 by the Circuit Court of Baltimore County, At Inw that the Appeal in the above entitled case be dismissed with projudice for failure on the part of the Appellant to comply with Rule B&E, Maryland Rules of Practice and Procedures with costs to be paid by the Appellant. TORES GOMBOROV, STEINE RG & SCHLACHMAN
ATTORNEYS AT LAW * 112 EL LEXINGTO 1 STREET * BALTIMORE, MD, 21202 * TELEPHONE 535-2711

MCA

Bil 3/9/20

Na., Baltimore, No. 21204, Tel. 301, 823-0900

DESCRIPTION

OF PROPERTY OF THEODORE L. RONNENBURG, JR., MORTHWEST SIDE OF RIDGE ROAD, EAST OF GREENSPRING AVENUE, E'GHTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

PROPOSED ZONING: R-40 WITH SPECIAL EXCEPTION & YARD VARIANCES

Beginning for the same at a point in the center of Ridge Road, at the distance of 1200 feet, more or less, as measured northeasterly along said center of Ridge Road from its intersection with the center of Dicemspring Avenue and running thence, binding on the center of said Ridge Road, (1) N 63° 01' E -329.0 feet, and (2) N 69* 06' E - 47.3 feet, thence leaving raid Ridge Road and running (3) N 22" 41' 30" W - 554.1 feet, '4) N 84" 42' 30" W - 255.8 feet, (5) N 22° 41' 30" W - 413.4 feet, (6) N 84° 44' W - 170 feet, and (7) S 22" 44' ε - 1190.4 feet to the place of beginning.

Containing 7.2 acres of land, more or less.

Water Supply ■ Sowerage ● Drainage ▶ Highways ■ Structures ● Developments ▶ Hanning



PRESENT ZONING: R-40

HGW:ml

1.0. #67003

3/18/18

6 LAW OFFICES

A. OWEN HENNEGAN

TOWSON, MARYLAND 21204

June 17, 1968

Honorable John G. Rose Zoning Commissioner for Baltimore County County Office Building Towson, Maryland - 21204

Re: Petition for Variance NW/S of Ridge Road, 1200° E of Greenspring Avenue 8th District - Theodore L. Ronnenborg, Jr., Petitioner No. 68-261-A

A DREN HENNESAN

Please enter an appeal to the Baltimore County Board of Appeals on behalf of the Protestants in the above matter, from your decision and Order of May 20, 1968.

Very truly yours.

Encl. (Check in the amount of \$70.00)

William O. Jensen, Esq. Duacan Building Towson, Maryland - 21204

. BN 18 68

1..

. BALTIMORE COUNTY

Misc.: 3/399/4143

NOTICE OF APPEAL

Please note an appeal to the Circuit Court for Baltimore County in the above entitled case

John W. Moyer Loyola Federal Building 22 W. Pennsylvania Avenu Towson, Maryland 21204

I OFFICEN CARCIEV that a conv of this Notice of Appeal was maries to the County Spare of Appeals at it's office in the Bultimore County Office Building, Towson, Maryland 21204 this 23th, day of

Jerome W. Tavior

RE: PETITION FOR VARIANCE from Section 421.1 and 421.2 of the Zoning Regulations NW/S of Ridge Road 1200' E. of Greenspring Avenue 8th District Theodore L. Rannenberg, et al REFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 68-261-A

OPINION

The petitioner in this case is the owner of a tract of land, approximately 7.2 acres, presently zoned R-40, situated on the northwest side of Ridge Road 1200 feet east of Greenspring Avenue, in the Eighth Election District of Baltimore County

The property is long and narrow, and is only 376 feet in width. The petitioner seeks a variance from Sections 421.1 and 421.2 of the Zoning Regulations to permit a side yard setback of 168.5 feet and 141.5 feet respectively, instead of the required 200 foot setback. The petitioner proposes to use the property for an Animal Boarding Place, a permitted use in an R-40 zone provided no part of such use shall be located within 200 feer of the nearest residential zone (Section 421.2 of the Zoning

It is the opinion of the Board that this distance requirement is not a "yard setback requirement" but, in effect, is a use regulation which does not allow an Animal Boarding Place unless it is at least 200 feet from the nearest residential zone. The Board feels that it should refer to a prior decision of the Board in the case of Donald O. King, et al., File 66-176-RA, which the Board decided or January 3, 1967 under the Regulations as they existed at that time. The petitioner sought a reclassification from an R-10 zone to a B.R. zone and a variance from the Zoning Regulations to permit side and rear yard setbacks less than that required by the Regulations.

— In that decision the Board used the following language

> "Although our denial of the reclassification alleviates the necessity for any ruling on the requested variances, we would like to point out that it is the feeling of the Board that, even if the proposed out that it is the feeling of the Board that, even it the proposes reclassification were greated, the patition for variance could not possibly be greated. Section 233.2 of the Baltimore County Zoning Regulations, which is incorporated by reference into Section 296.1 of the Use Regulations for 8-8 zones, contains (as a permitted use in a 8-8 zone) the following: "Animal baptied, when 100 feet from a residential zone." The Board of the proposed to the section of hospital, when 100 feet from a residential zone." The Board feels that the 100 foot buffer requirement is a "use" regulation feets that the 100 tool butter requirement as a section after than an "area" regulation, and further feets that Section 307 of the Zoning Regulations specifically prohibits the granting of a variance from a "use" regulation."

ON REMAND FROM THE RE: PETITION FOR VARIANCES from Section 421.1 and 421.2 of the Baltimere County CIRCUIT COURT FOR RAITIMORE COUNTY Zoning Regulations NW/S of Ridge Road 1200 feet AT LAW 8th District Theodore L. Ronnenburg, Jr., Misc. Docket No. Ealia No Zoning File No. 68-261-A File No

SUPPLEMENTARY OPINION AND AMENDED ORDER

399

1:43

This case involves an appeal from the decision of the Zoning Commissioner granting variances from Section 421.1 and 421.2 of the Baltimore County Zoning Regulations, which Order granted the petitioner side and front yard setback variances. Board heard the case on appeal, and by its Order of January 22, 1969, following a previous decision of the Board, ruled that the variance requested by the petitioner was a "use variance" rather than an "area variance" and, therefore, could not be legally In view of this ruling of the Board, the Board in its Opinion did not consider the merits of the core.

The Board's Order was subsequently appealed to the Circuit Court for Baltimore County, and by a Memorandum Opinion and Order of Chief Judge Barrett, dated August 29, 1969, the Court reversed the Board's legal ruling, and in its Opinion ruled that the petitioner's request for a variance is in fact a request for a variance from the crea regulations, and ruled that under Section 307 the Board has the power to grant the requested variance and, therefore, the Court remanded the case to the Board for consideration on the evidence produced.

In compliance with the Order of Remand by the Circuit Court, the Board has met and considered the entire transcript, exhibits, and testimony given in the case to determine whether or not the petitioner has a "practical difficulty or unreason that would entitle him to the requested variance.

- 2 -

Theodore L. Ronnenberg, et al - #68-261-A

The granting of variances by the Board is controlled by Section 307 of the Zoning Regulations. Section 307 says in part: ". . . any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking, or sign regulations, . . . ". It is the opinion of the Board that the granting of a variance that would permit a use of the property that is not permitted without the variance would certainly not be in strict harmony with the spirit and intent of the

Since the Board is of the opinion that it cannot legally grant the variance requested by the petitioner, it is useless to go into the testimony produced by the petitioner at the hearing

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 22nd day of January, 1969 by the County Buard of Appeals, ORDERED that the variances petitioned for, be and the same are hereby DENIED.

Any appeal from this secision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Colo A Mille

Theodore L. Ronnenburg, Jr. - *68-261-A (Court File *4143)

The petitioner in this case is the owner of a tract of land approximately 7.2 acres, presently zoned R-40, situated on the northwest side of Ridge Road 1200 feet east of Greenspring Avenue, in the Eighth Election District of Baltimore County. The petitioner proposes to use the property for an animal boarding place, a permitted use in an R-40 zone, provided no part of such use shall be located within 200 feet of the nearest residential zone (Section 421.2 of the Zoning Regulations)

- 2 -

the property is long and narrow, and is only 376 feet in width. petitioner seeks a variance from Sections 421.1 and 421.2 of the Zoning Regulations to permit a side yard setback of 168.5 feet and 141.5 feet respectively, instead of the required 200 foot setback; and a front yard setback of 172 feet instead of 200 feet. The premises are improved by a substantial barn, a garage, and a shed. Considerable fencing and other valuable on-site improvements are located on this tract. The surrounding area is rural in nature, although some recent single lot development has taken

Considerable testimony was heard regarding the hardship and difficulty that would be experienced by the petitioner if these variences were not granted. Emphasis was placed on the tact that the petitioner would be using existing buildings, which would in fact have little other practical value to him if he could not operate the animal boarding It is impossible for him to use the existing buildings, and still meet the 2JO foot setback requirements. The protestants' testimony seemed to be basically directed toward the nuisance aspect of this use, which, of course, would be controlled by other authority.

Without going into greater detail reviewing this testimony and evidence, the Board finds as a fact that compelling the petitioner in this case to strictly comply with the setback regulations would result in practical difficulty and unreasonable hardship. Granting the requested variances will not injure the public health, sofety, and general For these reasons, it is the judgment of this Board that the variances as requested be granted

RE: PETITION FOR VARIANCE BEFORE THE NW/S of Ridge Road 1250 of Greenspring Avenue 8th District 2 ZONING COMMISSIONER seodore L. Konnenburg, Jr., . OF NO. 68-261-A : BALTIMORE COUNTY 200 1877

40

The Petitioner has requested a Variance from Section 421, and 421, 2 of the Baltimore County Zoning Regulations to permit side yards of 16s, 5° and 41, 5° instead of the required 200 feet, and a front yard of 172° instead of the required 200 feet.

On April 3, 1967, the Petitioners in accordance with On April 3, 1967, the Pelitioners in accordance with the then requirements of the Baltimore Coenty Zonna Regulation petitioned for a Special Exception for z kennel. This was granted by the Zoning Commissioner on April 12, 1967. The Zoning Com-missioner limited the use of the Special Exception to the follow-

- "1. That the Petitioner must sound-proof the kennel and the kennel must be inspected and approved by the Office of Planning and Zoning.
- That the number of dogs, subject to this special exception, shall be not more than 25 dogs, and
- That this special exception shall not com-mence until Items I and 2 of this Order lave been complied with,"

On January 19, 1968, the County Board of Appeals of On January 19, 1968, the County Board of Appeals of Baltimore County took judicial notice of the fact that Bull No. 85, which took effect on Nove sher 20, 1967, changed the Zoning Regulations or that the sobject property met the requirements of the Baltimore County Zoning Regulations for use as a kennel without the measuring that was a second of the property of th

Under the present law Section 421 requires a setback of 200° of the nearest property line instead of 50°, 41 would be impossible for the Petitioners to meet the requirement of 200°,

The restrioners have planned to use an existing earn as a kennel and by reason of change in the Regulations, the property owners now find themselves in the position wherein the Zoning Com-missioner can no longer restrict them as he did in the obginal Zoning

Theodore L. Ronnenburg, Jr. - *68-261-A (Court File *4143)

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 29th day of September , 1969, by the County Board of Appeals OR DERED, that the Order of the Zoni ig Dommissioner dated May 20, 1968 is hereby affirmed, and that the variances petitioned for, be and the same a e hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS

John A. Slowik Action Chairm

Walter A. Reiter, Jr.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 200 day of Mry. 1948, that the herein Petition for a Variance to permit side yards of 16.5, "and 14.5" instead of the required 200 feet, and a front yard of 172' instead of the required 200 should be and the same is granted, from and after the date of this Order, subject to approval of the site pians by the Bureau of Public Services and the Office of Planning and Zening

CENTRICATE OF BOSTONS ARTMENT OF BALTIMORE COUNTY

11	_
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District	Date of Posting 4-25-65
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Petitioner TA NEWNAR AND	14 ⁻
Location of property: NACA H. Butger R.	1.13:21 £ 0/ Lecusping Dre
Location of Signs: 1359. Fellow PENAPLING.	Act on was of Ridge KI
Remarks	
Posted by Signature	Date of return. 5-2-68

BALLIMORE COUNTY, MARYL .ND

INTER,OFFICE CORRESPONDENCE

TO... Mr. John G. Rose, Zoning Commissioner Date... May J., 1968. FROM George E. Gavrells, Director of Planning

STUDE: Petition 163-261-A. Variance to permit side yords of 165, 5 feat and 141.5

Situated of the respired 200 feet, National permit a front and of 172 feet

East of Greenping Avenue. Seing the property of Theodore L. Somenburg, Jr.

HEARING: Wednesday, May 15, 1968 (11:00 A.M.)

The planning staff of the Office of Planning and Zanung has reviewed the subject petition and offers the following comments:

Section 307 of the Zoning Requisitions allows "variances from height and area regulations, from off-street parking regulations and from sign regulations and provides that no other variances are allowed."

"Area regulations" in zoning are dimensional and areal requirements and limitation, satisfying distributions with the intent of providing for adequate light and air and preventing of population, of population, and in the providing of individuals of population.

Not all dimensional limitations and requirements are "area regulations," however, a requirement that a specific size (or group of size) by located a min hum distance from 3 property line to preset the existing or potentia. Use of adjacent property as the regulation.

Subsection 42), I of the Zoning Regulations is at follows: "Where an animal boarding place or kennel is allowed in a residential const, either as a special exception or as permitted use, no part you've use that is a located within 200 let of the necessary substitution of the constitution of the constituti Accordingly, it does not appear that the requested variance could be allowed.

68-261-A

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DRE COUNTY, MA	RYLAND 16. 56235
C. ICE OF FINAN	VCE DAY18/20/68
Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	Mireo
A. Owen Helmegan, Esq., 406 Jefferson Bldg., Towson, Md. 21204	il9 County Office Bidg., Towson, Md. 2204

543.	ACCOUNT NO. 1)1-622 RETURN THIS PORTION WITH YOUR SEMITTANCE	\$5. 6 AHOUN
MANTITY	ACCOUNT NO. 171-022 RETURN THIS PORTION WITH THOSE RESULTING	COST
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MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

THE TOWSON TIMES May 2. THIS IS TO CERTIFY, that the annexed advertisement of John G. Roze, coning commissioner of Balto. Co. THE TONSON TIMES paper published in Baltimore County, Maryland, once a week seasons weeks before the May, 2nd day of the same was inserted in the issues of April 25, 1968.

as a permusate use, no part of any such use shall be located within 200 feet of the nearest property line. Section 121.2 Where an ani-nat boarding place, kennel, or per shop is allowed in abusiness or industrial zone, either as a special Facepision or as a per-mitted use, no part of such use shall be located within 200 feet of the nearest residential zone.

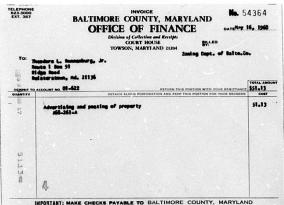
Containing 7.2 acres of land,

ORIGINAL

STROMBERG PUBLICATIONS, Inc.

By Suth Morgan

Publisher.



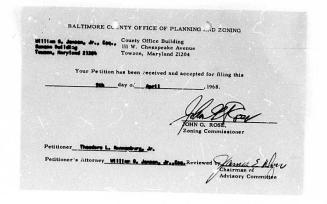
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE UZ3-3000 EXT. 387 BAI IMORE COUNTY, MATYLAND No. 54313 OFFICE OF FINANCE DATE April 22, 1968 Dirision of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

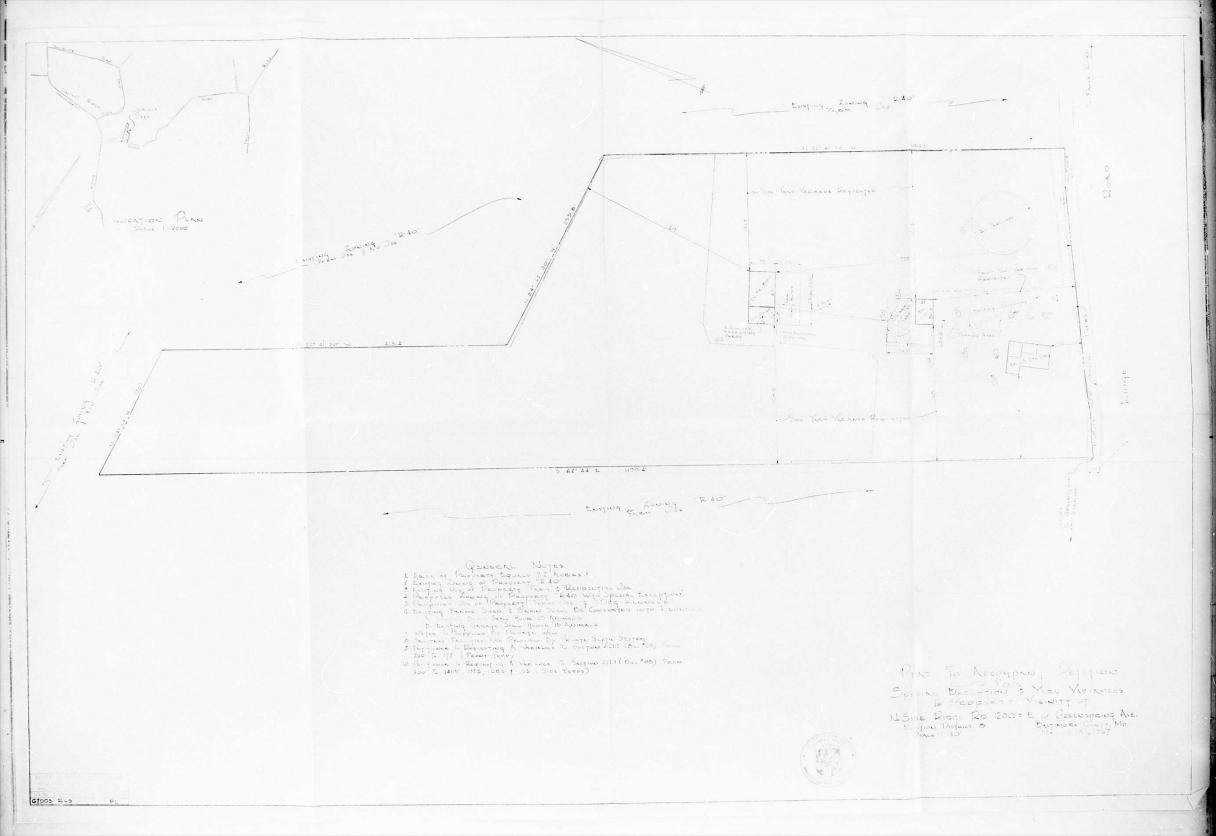
823-3000 EXT. 387 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Ma. 54431 DATE 6/19/68 A. Owen Hennegan, Esq., 406 Jolierson Building Towron, Md. 21204 Office of Planning & Zoning 119 County Office Bldg., Towson, Md. 2:204 DEPOSIT TO ACCOUNT NO. 01-622 DETACH ALONG PERFORATE Cost of appeal - Property of Theodore L. Runnenberg, Jr. No. 68-261-A \$70. 00 SMFORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS. COURT HOUSE, TOWSON, MARYLAND 21204

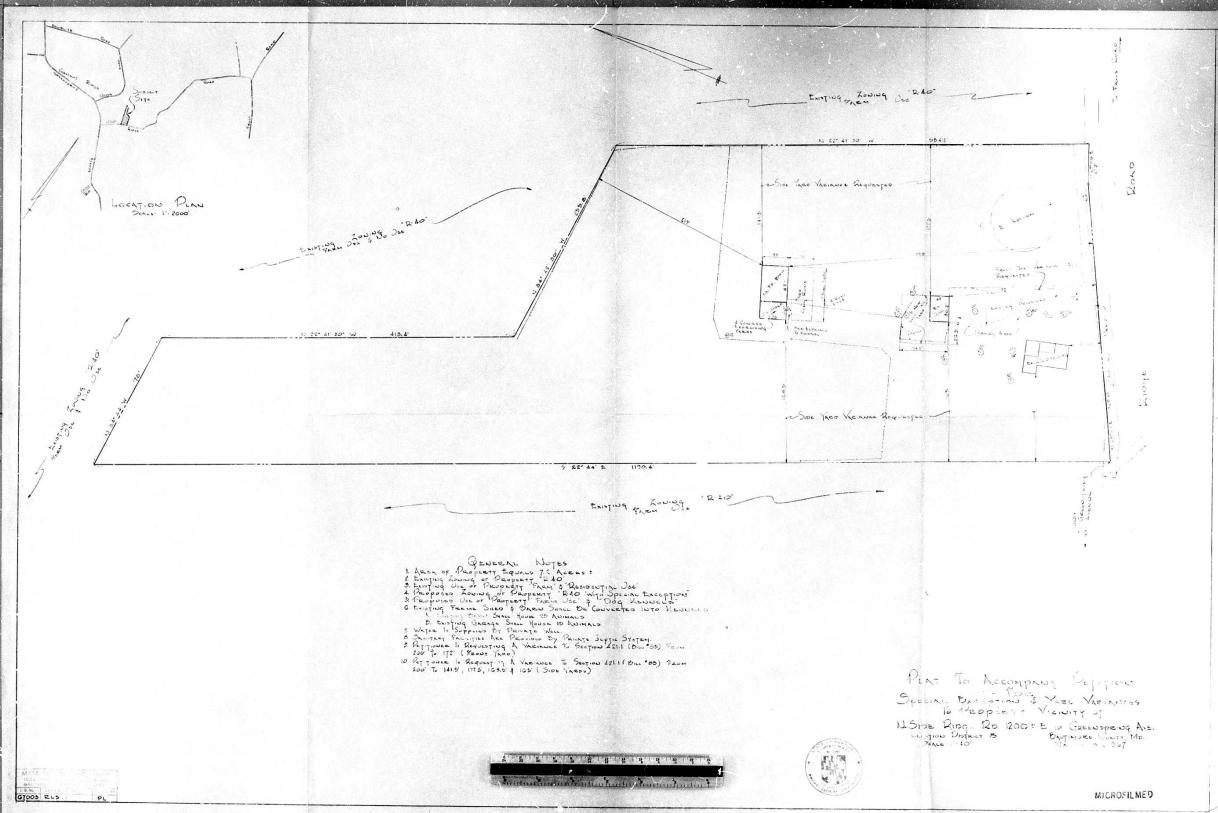
200	OFFICE OF FINANCE Ditains of Calculum and Receipts COURT HOLDS TOWNON, MARYLAND 21204 Mr. Theodore L. Remembrang, Jr. (Zondag) Receive S. Bar 91, Ridge Read Relationshown, Md. 21126	
DEPOSIT TO	2 ACCOUNT NO. 01.712 DETACH ALONG PERCONANCE THIS POSICION WITH YOUR REMITTANCE	SP.O
0.000	DETACH ALONG PENDRATION AND KEPTING POTTON WITH YOUR REMITTANCE DETACH ALONG PENDRATION AND KEPTING PCT. NON FOR YOUR RECORDS Cost of contilled documents - Cose No. 68-261-A	co
u	Theodore L. Ronnenburg, Jr. NW/S Ridge Rd. 1200° E. of Geo.repring Avenue 8th Ulstrict	\$9.00
0000	4	



PETITIO	N FOR A VARIAN	CE
Bide and LOCATION Read 12 spring A DATE A 15, 1945 PUBLIC NO	retition for Variants I Front Yards. Northwest elde of 1 to feet East of 6 renus. TIME: Wednesday, at 1100 A.M. CARING: Room 108, 6 Retiting, 111 W. C. renus, Towson, Mary	May
mere Cout Zoning Act	ng Commissioner of i ity, by authority of and Regulations of i y, will held a public	the Balts-
Petition Zening Re- County to 165.3 feet of the req yermit a instead of The Zon	for Vatiance from guistiens of Bailti permit side yarded and 1s1.d feet into juilted 200 feet; and freet yard of 172 the required 200 sing Reputation to a follows: sill.—Where an at acce or kennel is all acce or kennel is all ential rone, either yellow of any such use within 100 feet of feet of the within 100 feet of feet of the sill.	the nors of dead feet feet. be
Section boarding p is allowed dustrial so Exception no part of	ill.I.—Where an an lace, kennel, or pet in a business or ne, either as a Sp or as a permitted such use shall be los	in- ectal use.
All that Eighth I County	feet of the ne- zone. parcel of land in parcels of Balti-	the more
section to the distance along said	NG for the Lame or center of Ridge vance of 1700 feet, immediated northeast center of Edge lessestion with the cetting Avenue, and a building on the return the result of the Road, (1) N 132 ret, and (2) N 60 the return of the Road, (1) N 60 the return of Road, (2) N 60 the Road, (3) N 60 the Road, (4) N 60 the Road, (5) N 60 the Road, (6) N 60 the Road,	terty Road
Ridge Road	respection with the central Avenue, and r. binning as Car vige Road, (1) N 52 ret, and (2) N 69 ret, and (2) N 69 ret, and (2) N 69 ret, then e leaving and remning (3) N 50 ret, (4) N 7 20.5 feet, (6) N 9 feet, and (7) 8 feet, and (7) 8 feet to the pise	
	g 1.2 acres of land, a property of Theo	
Rossesburg Dal with	e property of Theoryte, Jr. and Cethe, as shown on plat the Zening Departs Date: Wednesday, 11:00 A.M.	plan sent. Ma

CERTIFICATE OF PUBLICATION TOWSON, MD. APR 1 5 1968 19.... THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson. Baltimore County, Md., once in each of one the conserve weeks before the 15th day of ________ 19.55_, the first publication appearing on the 15th day of 1711 19 55 THE JEFFERSONIAN. D. Junk Avertin Cost of Advertisement, \$....





68 - 261 A