

77-195-A 1977-1978 #77-195-A **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONERS OF BALTIMORE COUNTY:

William K. Burkhardt, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit 2 accessory structures (sheds) to be located in the front yard in lieu of the required rear yard.

(Waterfront property) Also, to permit an accessory structure to be located 9 inches from the side property line and 2 feet from the front property line in lieu of the required 7.5 feet in an R-1, 20.5 feet.

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

The two (2) sheds are already erected on concrete foundations. The rear part of the property has the septic system consisting of one (1) 1,000 gallon septic tank and two (2) 750 gallon dry wells including connecting pipes. The County states there should be no buildings or trees on or near the septic system. Also, the County gave permission for these sheds to be erected where they are now located.

See attached description

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: William K. Burkhardt
Petitioner's Attorney: Robert J. Romadica
Protestant's Attorney: John W. Hession, III, Esq.
ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of February, 1977, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of April, 1977, at 10:00 o'clock.

10:00 AM
4/6/77
OFFICE OF PLANNING & ZONING

RE: PETITION FOR VARIANCE IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. Docket No. 11 Case No. 77-195-A Folio No. 174 File No. 6724

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, Robert L. Gilland, Herbert A. Davis and William T. Hockett, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Robert J. Romadica, Esq., 809 Eastern Boulevard, Baltimore, Maryland, 21221, attorney for the Petitioner, and Harry C. Davison, Jr., Esq., 28 W. Allegheny Avenue, Towson, Maryland, 21204, attorney for the Petitioner; Mr. William K. Burkhardt, 8021 Shore Road, Baltimore, Maryland, 21222, Petitioner; Mr. William F. Elmer, 8017 Shore Road, Baltimore, Maryland, 21222, Protestor; and John W. Hession, III, Esq., County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Robert J. Romadica, Esq., 809 Eastern Boulevard, Baltimore, Maryland,

William K. Burkhardt - No. 77-195-A (#6724)

21221, and Harry C. Davison, Jr., Esq., 28 W. Allegheny Avenue, Towson, Maryland, 21204, attorneys for the Petitioner; Mr. William K. Burkhardt, 8021 Shore Road, Baltimore, Maryland, 21222, Petitioner; Mr. William F. Elmer, 8017 Shore Road, Baltimore, Maryland, 21222, Protestor; and John W. Hession, III, Esq., County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, People's Counsel for Baltimore County, on this 16th day of January, 1977.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

DESCRIPTION FOR VARIANCE PROPERTY OF WILLIAM & ROSINA BURKHARDT 12th ELECTION DISTRICT

Beginning at a point on the Southwest side of Shore Road, 1190 feet Southeast of Stratman Road and running the following bearings and distances: South 51 degrees 37 minutes 30 seconds East, 66.37 feet; thence South 36 degrees 57 minutes 30 seconds West, 183.95 feet; thence bearing along Bear Creek 76 feet, more or less; thence North 39 degrees 58 minutes 13 seconds East, 192.10 feet to the point of beginning.

Also known as 8021 Shore Road.

494-3180

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204
January 26, 1978

NOTICE OF ASSIGNMENT (Continued Hearing)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 77-195-A

WILLIAM K. BURKHARDT
for Variance from Section 400.1 - Accessory Structures
SW/S of Shore Rd. 1490' SE of Stratman Rd.
12th District
4/13/77 - Z.C. Granted Variance

ASSIGNED FOR:

cc: Harry C. Davison, Jr., Esq.
William K. Burkhardt
William F. Elmer
John W. Hession, III, Esq.
Mr. S. E. DiNenna
Mr. James E. Dyer
Mr. Leslie Groff
Mr. Gary Burt
Mr. C. L. Perkins

Helen R. Schneider
County Board of Appeals of
Baltimore County

494-3180

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204
November 9, 1977

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 77-195-A

WILLIAM K. BURKHARDT
for Variance from Section 400.1 - Accessory Structures
SW/S of Shore Rd. 1490' SE of Stratman Rd.
12th District
4/13/77 - Z.C. Granted Variance

ASSIGNED FOR:

cc: William K. Burkhardt
William F. Elmer
John W. Hession, III, Esq.
Mr. S. E. DiNenna
Mr. James E. Dyer
Mr. Leslie Groff
Mr. Gary Burt
Mr. C. L. Perkins

Muriel E. Buddemeier
County Board of Appeals of
Baltimore County

494-3180

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204
April 18, 1978

NOTICE OF ASSIGNMENT (CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 77-195-A

WILLIAM K. BURKHARDT
for Variance from Section 400.1 - Accessory Structures
SW/S of Shore Rd. 1490' SE of Stratman Road
12th District
4/13/77 - Z.C. Granted Variance

ASSIGNED FOR:

cc: Harry C. Davison, Jr., Esq.
Mr. William K. Burkhardt
Mr. William F. Elmer
John W. Hession, III, Esq.
Mr. James E. Dyer
Mr. S. E. DiNenna
Mr. Leslie Groff
Mr. Gary Burt
Mr. C. L. Perkins

Muriel E. Buddemeier
County Board of Appeals

April 26, 1977
County Board of Appeals
Room 218, Court House
Towson, Maryland 21204
April 18, 1978
William K. Burkhardt
for Variance from Section 400.1 - Accessory Structures
SW/S of Shore Rd. 1490' SE of Stratman Rd.
12th District
4/13/77 - Z.C. Granted Variance

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners, the Variances should be granted and it is further appearing that by reason of the granting of the Variances requested, not adversely affecting the health, safety and general welfare of the community, the Variances to permit two accessory structures (sheds) to be located in the front yard instead of the required rear yard and to permit an accessory structure to be located nine inches from the side property line and two feet from the front property line instead of the required 2.5 feet on a waterfront property should be granted.

ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of April, 1977, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Zoning Commissioner of Baltimore County Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

RE: PETITION FOR VARIANCE
from Section 400.1 of the
Baltimore County Zoning Regulations
SW/S of Shore Road 1490'
SE of Stratman Road
12th District
William K. Burkhardt, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 77-195-A

OPINION

This case comes before the Board on an appeal by the Petitioner, William F. Elbner, from an Order of the Zoning Commissioner granting a variance to the Petitioner, allowing two accessory buildings in the front yard in a residentially zoned area; said buildings being nine (9) inches from the property line and two (2) feet from the property line instead of the 2.5 foot setback required by law. This case was heard by this Board in two hearings, one dated January 26, 1978, and the final one on May 4, 1978.

Mr. William K. Burkhardt, Petitioner, presented his case to the Board. He stated he purchased this property in June, 1971, and built his home there in the Spring of 1972. His builder erected the first shed in June, 1972, and the second shed was erected in December, 1972. From the builder he was told that no permit was needed for an accessory building less than ten feet square and, therefore, no permits were applied for. However, according to his testimony, various County Inspectors viewed said sheds and filed no violation reports on them. He also cited the difficulty of relocating these sheds between his home and the road because of the location of his private sewerage system, driveway, small available area, etc. For all the above reasons, he requests said variances be granted.

Mr. William F. Elbner, his neighbor, presented his objections to these two accessory buildings to the Board. Photos of these sheds taken from many angles were presented. Mr. Elbner stated that the two buildings damaged his view of the waterfront, reduced his property value, have odors from the storage of crab bait, gasoline, etc., and in general are a detriment and nuisance to him and to his neighbors. For these reasons, he requests said variance be denied and these accessory buildings be removed.

William K. Burkhardt - #77-195-A

A review of the previous hearings and all of the evidence presented in these two hearings really leaves this Board no choice. The two sheds are clearly and admittedly in existence. The Circuit Court's ruling of October 21, 1976, positively locates these two buildings in the front yard of this property. Unfortunately as it may seem, the property owner is by law responsible for all structures on his property regardless of how they got there. The law also dictates the denial of any variance that adversely affects the health, safety and general welfare of the community. It is the opinion of this Board that these two buildings definitely are a specific detriment to neighboring properties, and are a detriment to the welfare of the community in general. For the above reasons, the Board will deny the requested variance to allow the two buildings in the front yard, and by so doing automatically deny the requested setback variances.

For all the above reasons, the Board will order the complete removal of these two accessory buildings within one hundred and twenty (120) days from the date of this Order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of November, 1978, by the County Board of Appeals, ORDERED that the variances petitioned for, be and the same are hereby DENIED, and it is

FURTHER ORDERED, that the two accessory buildings on the subject property be removed within one hundred and twenty (120) days from the date of this Order.

William K. Burkhardt - #77-195-A

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gifford, Vice Chairman

William T. Hockett

Herbert A. Davis

RE: PETITION FOR VARIANCE
from Section 400.1 of the
Baltimore County Zoning
Regulations
SW/S of Shore Road 1490'
SE of Stratman Road
12th District
William K. Burkhardt, Petitioner
Case No. 77-195-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

ORDER FOR APPEAL

MR. CLERK:
Please note an appeal to the Circuit Court for Baltimore County from the Opinion and Order of the County Board of Appeals for Baltimore County dated November 2, 1978 on behalf of the Petitioner, William K. Burkhardt,

Robert J. Romacka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274

ATTORNEY FOR PETITIONER

THIS IS TO CERTIFY that on this 17th day of January, 1979, copy of the foregoing Order for Appeal was mailed to the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204, and John W. Hession, III, Esq., 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

Robert J. Romacka

RE: PETITION FOR VARIANCE
from Section 400.1 of the
Baltimore County Zoning
Regulations
SW/S of Shore Road 1490'
SE of Stratman Road
12th District
William K. Burkhardt, et ux,
Petitioners
Case No. 77-195-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 6724
Misc. Docket 11
Folio 174

PETITION FOR APPEAL

Appellants, WILLIAM K. BURKHARDT and REGINA BURKHARDT, aggrieved by the Order of the Board of Appeals of Baltimore County dated November 2, 1978 in which the subject property in the above entitled proceedings was denied a Variance, respectfully represent by their attorney, Robert J. Romacka, as follows:

1. That the Petition for Zoning Variance to permit two accessory structures (sheds) to be located in front yard in lieu of the required rear yard, and a second Variance to permit said shed to be located nine inches (9") from the side property line and two feet (2') from the front property line instead of the required 2.5 feet, was heard before the Zoning Commissioner of Baltimore County and an appropriate Order dated April 13, 1977 was issued by the Zoning Commissioner of Baltimore County granting both Variances. That said Zoning Commissioner's Order further stated that strict compliance of the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners and that the granting of said Variances would not adversely affect the health, safety and general welfare of the community.
2. That the action of the Board of Appeals in denying the Appellants' Petition, for both Variances as hereinbefore referred to in Paragraph 1, was arbitrary, capricious and illegal for lack of sufficient evidence to sustain the finding of the Board for the following reasons:

(a) The Board erred when it stated in its Order that the

two sheds definitely are a specific detriment to neighboring properties and are a detriment to the welfare of the community in general. The testimony from the Petitioner stated that there were other sheds located in the front yards of neighboring properties and had introduced as Petitioner's Exhibits, several photographs showing the location of these sheds from the Petitioners' property; that the records show that many neighbors had sent letters to the Zoning Commissioner supporting the Petition; that the only testimony the Board heard objecting to the Petition was from the adjoining neighbor, William F. Elbner.

(b) There was undisputed testimony from the Petitioner that said sheds could not be located to the rear of said property since the septic tank was located in that area and the Health Department would not allow any structure to be located over said area.

(c) The Petitioner also testified that at the time he constructed his home, his contractor built said sheds, and was told by Baltimore County that a permit was not required provided the dimensions of said sheds were no larger than 10' x 10'.

3. That the Board in denying said Variances, relied solely on the testimony of the adjoining property owner, William F. Elbner. Mr. Elbner has since sold his property to Mr. and Mrs. Craig Eck, who now live on said property and who have advised the Petitioner that he did not object to the Variances.

4. A review of the record in this case presented to the Baltimore County Board of Appeals at a hearing on January 26, 1978 and May 4, 1978, should lead this Court to determine that the Order and Opinion of the Baltimore County Board of Appeals in the above entitled matter was arbitrary, capricious, not based on substantial evidence, and in contradiction of applicable law.

5. And for such other and further reasons as may be assigned at the hearing in this case
- WHEREFORE, the Appellants pray that the Order of the Board of Appeals for Baltimore County dated November 2, 1978 be reversed and that the Order of the Zoning Commissioner dated April 13, 1977 be reinstated.

Robert J. Romacka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274
ATTORNEY FOR APPELLANTS

I HEREBY CERTIFY that on this 12th day of January, 1979, copies of the foregoing petition for Appeal were mailed to County Board of Appeals, County Office Building, Towson, Maryland 21204; John W. Hession, III, Esq., 102 W. Pennsylvania Avenue, Towson, Maryland 21204; and William F. Elbner, 8017 Shore Road, Baltimore, Maryland 21222.

Robert J. Romacka

SEP 18

Statement of Points and Authorities:

Rule 37, of the Maryland Rules of Procedure.

Peter Max Zimmerman
Peter Max Zimmerman

I HEREBY CERTIFY that on this 22nd day of May, 1979, a copy of the foregoing Motion to Dismiss was delivered to the Administrative Secretary of the County Board of Appeals of Baltimore County, Bn. 219, Courthouse, Towson, Maryland 21204; and a copy was mailed to Robert J. Romadka, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for Appellants.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR VARIANCE
from Section 400.1 of the
Baltimore County Zoning
Regulations
SW/8 of Shore Road 1490'
SE of Stratman Road
12th District
William K. Burkhardt, et ux
Petitioners - Appellants
Case No. 77-195-A
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Misc. Docket 11
Folio 174

MOTION FOR RECONSIDERATION AND REHEARING

Now come William Burkhardt and Regina Burkhardt, his wife, by and through their attorneys, Robert J. Romadka and John B. Gontum and petition this Honorable Court to reconsider and rehear the appeal from the Board of Appeals in the above-referenced case and in support thereof say:

1. That the sole Protestant before the Board of Appeals to the variance requested has now moved;
2. That the new adjoining property owner is in favor of the requested variance;
3. That there is now no individual Protestant to the variance requested by Mr. Burkhardt;
4. That there is no evidence showing that award of the variance would endanger the health, safety or general welfare of the community;
5. That numerous sheds similar to the ones for which the variance is requested are on the waterfront side of the lots in the neighborhood;
6. That the two sheds for which the variance was sought are permanent structures removal of which would entail great financial expense;
7. That relocation of the sheds on the Burkhardt property is physically impossible due to the location of septic systems and driveway;

ROBERT J. ROMADKA
ATTORNEY AT LAW
BALTIMORE, MARYLAND

8. That original placement of the sheds was in reliance on an administrative determination that the waterfront was the rear of Mr. Burkhardt's lot.

WHEREFORE, for these reasons and such further or good reasons as may be provided at the time of the hearing, your Petitioners pray:

1. That the Court reconsider the Order dated September 11, 1980;
 2. That the Court reverse the Board of Appeals decision and affirm award of the variances requested.
 3. That the Court rehear the appeal to consider the withdrawal of Protestants to the Appeal;
 4. That the Court award such other and further relief as the nature of the cause may require.
- AND, AS IN DUTY BOUND, ETC.

Robert J. Romadka

John B. Gontum
809 Eastern Boulevard
Baltimore, MD 21221
686 8274

Attorneys for Petitioners

I HEREBY CERTIFY that on this 18 day of September, '980, copies of the foregoing Appellant's Motion for Reconsideration and Rehearing were mailed to County Board of Appeals, County Office Building, Towson, Maryland 21204 and John W. Hession, III Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

John B. Gontum

RE: PETITION FOR VARIANCE
from Section 400.1 of the
Baltimore County Zoning
Regulations
SW/8 of Shore Road 1490'
SE of Stratman Road,
12th District
William K. Burkhardt, et ux,
Petitioners - Appellants
Zoning Case No. 77-195-A
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Case #6724

ANSWER TO MOTION FOR RECONSIDERATION

The People's Counsel for Baltimore County, Appellees, opposes the Motion for Reconsideration and Rehearing in the above-entitled case, and for reasons states that the decision of the Circuit Court was correct in affirming the County Board of Appeals, and that said administrative decision was not arbitrary, capricious, or clearly in error. *McLean v. Selby*, 270 Md. 208 (1973).

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Bn. 222, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 16th day of September, 1980, a copy of the foregoing Answer to Motion for Reconsideration was mailed to Robert J. Romadka, Esquire, and John B. Gontum, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorneys for Petitioners - Appellants.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR VARIANCE
from Section 400.1 of the
Baltimore County Zoning
Regulations
SW/8 of Shore Road 1490'
SE of Stratman Road
12th District
William K. Burkhardt, et ux,
Petitioners - Appellants
Case No. 77-195-A
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 6724
Misc. Docket 11
Folio 174

MOTION FOR RECONSIDERATION AND REHEARING

Now come William Burkhardt and Regina Burkhardt, his wife, by and through their attorneys, Robert J. Romadka and John B. Gontum and petition this Honorable Court to reconsider and rehear the appeal from the Board of Appeals in the above-referenced case and in support thereof say:

1. That the sole Protestant before the Board of Appeals to the variance requested has now moved;
2. That the new adjoining property owner is in favor of the requested variance;
3. That there is now no individual Protestant to the variance requested by Mr. Burkhardt;
4. That there is no evidence showing that award of the variance would endanger the health, safety or general welfare of the community;
5. That numerous sheds similar to the ones for which the variance is requested are on the waterfront side of the lots in the neighborhood;
6. That the two sheds for which the variance was sought are permanent structures removal of which would entail great financial expense;
7. That relocation of the sheds on the Burkhardt property is physically impossible due to the location of septic systems and driveway;

True Copy Test
ELMER H. RAUBER, JR., Clerk
For *Patricia*
Auditor Clerk

ROBERT J. ROMADKA
ATTORNEY AT LAW
BALTIMORE, MARYLAND

1986

EXHIBIT I

RE: PETITION FOR VARIANCE
from Section 400.1 of the
Baltimore County Zoning
Regulations
SW/8 of Shore Road 1490'
SE of Stratman Road
12th District
William K. Burkhardt, et ux
Petitioners
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 6724
Misc. Docket 11
Folio 174

11 11 11 11 11 11

1. THE UNDERSIGNED, now being owner of property known as 8017 Shore Road, Baltimore County, Maryland, formerly owned and occupied by William F. Elbner, hereby supporting to the Circuit Court for Baltimore County that I am supporting the Petition for Variance filed by William K. Burkhardt and wife to permit two sheds now located in the front yard of Mr. and Mrs. Burkhardt property instead of the required rear yard, and also to permit said shed to be located nine inches from the side property line and two feet from the front property line instead of the required 2.5 feet.

Wm. F. Elbner
Mr. Craig Eck

CASE NO. 77-195-A (Item 171)

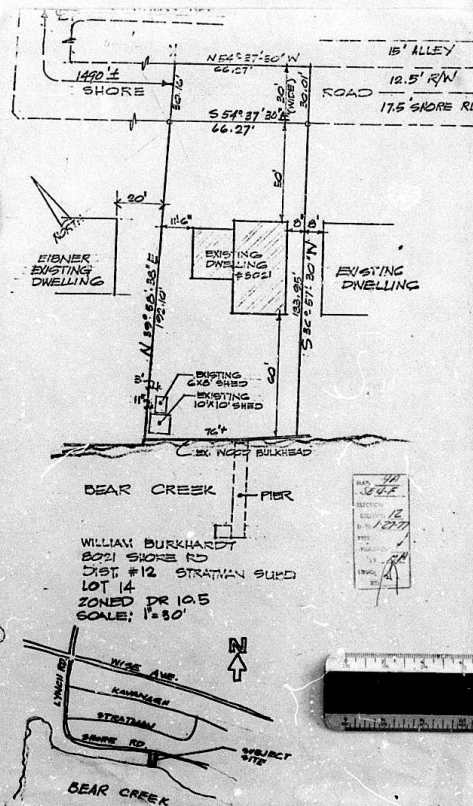
April 30, 1977

SW/8 of Shore Road 1490' E. SE of
Stratman Road
12th District
William K. Burkhardt - Petitioner

2/2/77 Copy of Petition
Copy of Description of Property
3/17/77 Copy of Certificate of Publication (Rundell Time)
3/17/77 Copy of Certificate of Publication (The Jeffersonian)
3/17/77 Copy of Certificate of Posting
3/18/77 Copy of Comments from Planning
4/5/77 Copy of Order to Enter Appearance, John W. Hession, III - People's Counsel
4/13/77 Order of the Hearing Commissioner
4/26/77 Copy of Letter of Appeal from William F. Elbner - Protestant
Copy of Plan

- 1 - Sign

William K. Burkhardt
8017 Shore Road
Baltimore, Maryland 21222
Petitioner
William F. Elbner
8017 Shore Road
Baltimore, MD 21222
Protestant
John W. Hession, III, Esq.
County Office Building
Request Notification
June 7, 1977



RE: PETITION FOR VARIANCE
SW/S of Shore Rd. 1490' SE of
Stratman Rd., 12th District
WILLIAM H. BURKHARDT, et al.,
Petitioners

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 77-195-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

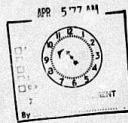
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be set hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kuntz, Jr.
Charles E. Kuntz, Jr.,
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 4th day of April, 1977, a copy of the foregoing Order was mailed to Mr. & Mrs. William H. Burkhardt, 8021 Shore Road, Baltimore, Maryland 21222, Petitioners.

John W. Hession, III
John W. Hession, III



RE: PETITION FOR VARIANCE
from Section 400.1 of the
Baltimore County Zoning
Regulations
SW/S of Shore Road 1490'
SE of Stratman Road
12th District
William K. Burkhardt, et al.,
Petitioners - Appellants
Case No. 77-195-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 6724
Misc. Docket 11
Folio 174

NOTION FOR RECONSIDERATION AND REHEARING

Now come William Burkhardt and Regina Burkhardt, his wife, by and through their attorneys, Robert J. Romadka and John B. Gontum and petition this Honorable Court to reconsider and rehear the appeal from the Board of Appeals in the above-referenced case and in support thereof say:

1. That the sole Protestant before the Board of Appeals to the variance requested has now moved;
2. That the new adjoining property owner is in favor of the requested variance;
3. That there is now no individual Protestant to the variance requested by Mr. Burkhardt;
4. That there is no evidence showing that award of the variance would endanger the health, safety or general welfare of the community;
5. That numerous sheds similar to the ones for which the variance is requested are on the waterfront side of the lots in the neighborhood;
6. That the two sheds for which the variance was sought are permanent structures removal of which would entail great financial expense;
7. That relocation of the sheds on the Burkhardt property is physically impossible due to the location of septic systems and driveway;

True Copy Test
9/22/80
Demid - all
Petition considered in order and
affirmed without basis. *JP*
FILED SEP 24 1977

For the reasons stated, and in conformity with the foregoing opinion, it is this 11th day of September 1980, by the Circuit Court for Baltimore County, ORDERED that the Order of the County Board of Appeals of Baltimore County, dated November 2, 1978, be and the same is hereby AFFIRMED.

Frank E. Cicone
JUDGE FRANK E. CICONE

RECEIVED
BALTIMORE COUNTY
SEP 24 4 07 PM '80
COUNTY CLERK
BY

The case was heard before the Board in two hearings, one dated January 26, 1978 and the final one on May 4, 1978. On November 2, 1978, the Board reversed the Order of the Zoning Commissioner and denied the requested variance. The Board found that Judge Maguire's ruling of October 21, 1978, positively located the two sheds in the front yard of Mr. Burkhardt's property and that a review of the previous hearings and all of the evidence left them no choice but to deny the requested variance.

On January 11, 1978, an appeal to the Circuit Court for Baltimore County from the Order of the County Board of Appeals dated November 2, 1978, was entered on behalf of the Petitioner, William Burkhardt.

This Court is aware that in a zoning appeal such as the case at bar, in its limited function of judicial review, it may not substitute its judgment for that of the Board; and if the evidence supporting the decision of the Board is substantial and renders the question of its action fairly debatable, the Board must be affirmed.

Taking into consideration the oral argument, the totality of the evidence and all exhibits, this Court is convinced and persuaded that there is no legal or factual basis for granting of the requested variance, but to the contrary, there was sufficient evidence before the Board to justify its decision. Accordingly, this Court finds that the Board's decision to deny the variance requested by the Petitioner was not clearly erroneous and was not arbitrary, capricious or illegal and therefore must be affirmed.

RE: PETITION FOR VARIANCE
from Section 400.1 of the
Baltimore County Zoning
Regulations
SW/S of Shore Road 1490'
SE of Stratman Road
12th District
WILLIAM BURKHARDT
Petitioner
COUNTY BOARD OF APPEALS OF BALTIMORE
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
Docket 11 Folio 174
Case No. 6724

MEMORANDUM OPINION AND ORDER

This story in the proverbial tea cup began when a complaint was filed alleging that the Defendant, William Burkhardt, was carrying on commercial activities and maintaining two accessory structures (sheds) on his residential property known as 8201 Shore Road. In an order dated June 4, 1974, the Zoning Commissioner of Baltimore County held that the sale of crabs and any other commercial activities must cease immediately; and held a decision on the alleged violation of accessory structures being located in the front yard sub curia. On February 4, 1976, the Zoning Commissioner ruled that the Defendant was guilty of violating Section 400.1 of the Baltimore County Zoning Regulations which provides for accessory buildings to be located only in the rear yard and ordered that the two accessory structures be removed immediately from the subject property.

The Defendant appealed both orders of the Zoning Commissioner to the County Board of Appeals (hereinafter referred to as the Board). On July 1, 1976, the Board found that the Defendant was not in violation of operating a commercial

SEP 26 10 AM
RECEIVED
BALTIMORE COUNTY
COUNTY CLERK
BY

Appealed 1/11/77

RE: PETITION FOR VARIANCE
from Section 400.1 of the
Baltimore County Zoning
Regulations
SW/S of Shore Road 1490'
SE of Stratman Road
12th District
William K. Burkhardt
Petitioner - Appellant
Case No. 77-195-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 174
File No. 6724

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, Robert L. Gilland, Herbert A. Davis and William T. Hockett, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it: namely, Robert J. Romadka, Esq., 809 Eastern Boulevard, Baltimore, Maryland, 21221, attorney for the Petitioner, and Harry C. Davison, Jr., Esq., 28 W. Allegheny Avenue, Towson, Maryland, 21204, attorney for the Petitioner; Mr. William K. Burkhardt, 8021 Shore Road, Baltimore, Maryland, 21222, Petitioner; Mr. William F. Elmer, 8017 Shore Road, Baltimore, Maryland, 21222, Protestor; and John W. Hession, III, Esq., County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Budemeyer
Muriel E. Budemeyer
County Board of Appeals of Baltimore County
Room 219 Court House, Towson, MD 21204
Telephone - 494-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Robert J. Romadka, Esq., 809 Eastern Boulevard, Baltimore, Maryland,

enterprise and reversed the order of the Zoning Commissioner. The Board held that while there had been some sales of crabs on the subject property, they were of a "casual" or occasional basis rather than that of a regularly operated business. The Board also found that there was no violation as regards the accessory buildings and based their decision on their finding, as a fact, that the sheds were located in the rear yard of the subject property.

Baltimore County subsequently entered an appeal to the Circuit Court for Baltimore County on July 21, 1976, from the Opinion and Order of the Board dated July 1, 1976. The Honorable John M. Maguire found that the Board erred in both instances and reversed the Board's Order. Judge Maguire found that the evidence presented before the Board was crystal clear that William Burkhardt was engaged in commercial crabbing and the sale thereof at 8201 Shore Road and that the Zoning Regulations do not make any distinction as to the sales being casual or not. Judge Maguire also found that Mr. Burkhardt erected two sheds on the waterfront area of his property and, determined that, based on testimony before the Board and photographs, it was the front yard. Accordingly, Judge Maguire held the Defendant in violation of Section 400.1 of the Baltimore County Zoning Regulations.

William Burkhardt did not appeal from the judicial determination that the waterfront area of his property was his front yard. Rather, he filed a petition for a variance from Section 400.1 for his property on February 2, 1977. The variance was granted by the Zoning Commissioner on April 13, 1977 and an Order of Appeal to the County Board of Appeals from the Order of the Zoning Commissioner was filed on April 26, 1977.

William K. Burkhardt - No. 77-195-A (#6724)

21221, and Harry C. Davison, Jr., Esq., 28 W. Allegheny Avenue, Towson, Maryland, 21204, attorneys for the Petitioner; Mr. William K. Burkhardt, 8021 Shore Road, Baltimore, Maryland, 21222, Petitioner; Mr. William F. Elmer, 8017 Shore Road, Baltimore, Maryland, 21222, Protestor; and John W. Hession, III, Esq., County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, People's Counsel for Baltimore County, on this 16th day of January, 1979.

Muriel E. Budemeyer
Muriel E. Budemeyer
County Board of Appeals of Baltimore County
Room 219 Court House, Towson, MD 21204
Telephone - 494-3180

RE: PETITION FOR VARIANCE
from Section 400.1 of the
Baltimore County
Zoning Regulations
CW/S of Shore Road 1490'
SE of Stratman Road
12th District
William K. Burkhardt, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 77-195-A

OPINION

This case comes before the Board on an appeal by the Petitioner, William F. Elbner, from an Order of the Zoning Commissioner granting a variance to the Petitioner, allowing two accessory buildings in the front yard in a residentially zoned area; said buildings being nine (9) inches from the property line and two (2) feet from the property line instead of the 2.5 foot setback required by law. This case was heard by this Board in two hearings, one dated January 26, 1978, and the final one on May 4, 1978.

Mr. William K. Burkhardt, Petitioner, presented his case to the Board. He stated he purchased this property in June, 1971, and built his home there in the Spring of 1972. His builder erected the first shed in June, 1972, and the second shed was erected in December, 1972. From the builder he was told that no permit was needed for an accessory building less than ten feet square and, therefore, no permits were applied for. However, according to his testimony, various County Inspectors viewed said shed and filed no violation reports on them. He also cited the difficulty of relocating these sheds between his home and the road because of the location of his private sewerage system, driveway, small available area, etc. For all the above reasons, he requests said variances be granted.

Mr. William F. Elbner, his neighbor, presented his objections to these two accessory buildings to the Board. Photos of these sheds taken from many angles were presented. Mr. Elbner stated that the two buildings damaged his view of the waterfront, reduced his property value, have odors from the storage of crab bait, gasoline, etc., and in general are a detriment and nuisance to him and to his neighbors. For these reasons, he requests said variance be denied and these accessory buildings be removed.

Another shed was erected some six months later. Neither shed contains 100 square feet of floor space.

Mr. Burkhardt's lot is approximately 183 to 192 feet deep with a frontage of 76 feet along Bear Creek and a road frontage of approximately 66 feet. The rear yard is 50 feet deep and includes a driveway. The front yard (on the water) is 60 feet deep. Side yards are 11 1/2 feet and 8 feet wide respectively. A bulkhead exists along the water. (See Pet. Exhibits #3, 4).

Both sheds were intended to be permanent accessory structures and were built upon concrete pads. One shed is made of vinyl-covered wood frame; the other shed is metal. There is electricity running to one shed. Testimony was introduced before the Board of Appeals that the sheds, when built, cost \$1,150.00 and that the electrical work cost \$200.00 (T. 33-34).

At the time the sheds were erected, no clear definition of front and rear yards existed for waterfront property. Section 400 of the Baltimore County Zoning Regulations requires that accessory structures be located in the rear yard of property. A complaint of a zoning violation was filed with respect to the two sheds. The Board of Appeals ruled that there was no violation and that the sheds were located in the rear of this property. (Peop's Counsel Exhibit A). Judge John W. Maguire in an Order dated October 21, 1976 (Pet. Ex. 7) in Misc. 5981 reversed the Board of Appeals and held that the front yard of waterfront property was the yard located on the water and that, consequently, the two sheds were in violation of applicable zoning regulations.

The shoreline of Bear Creek is comprised of varying uses. Boatyards dot the shoreline. One such boatyard is located only one property over from the Petitioner's lot. Numerous accessory structures are located on the water side of the lots along Bear Creek. Petitioner's Exhibits 5A, 5B, and 5C graphically illustrate the varied uses of properties and the large number of waterfront accessory structures along both sides of Bear Creek. Testimony

William K. Burkhardt - #77-195-A

2.

A review of the previous hearings and all of the evidence presented in these two hearings really leaves this Board no choice. The two sheds are clearly and admittedly in existence. The Circuit Court's ruling of October 21, 1976, positively locates these two buildings in the front yard of this property. Unfortunately as it may seem, the property owner is by law responsible for all structures on his property regardless of how they got there. The law also dictates the denial of any variance that adversely affects the health, safety and general welfare of the community. It is the opinion of this Board that these two buildings definitely are a specific detriment to neighboring properties, and are a detriment to the welfare of the community in general. For the above reasons, the Board will deny the requested variance to allow the two buildings in the front yard, and by so doing automatically deny the requested setback variances.

For all the above reasons, the Board will order the complete removal of these two accessory buildings within one hundred and twenty (120) days from the date of this Order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of November, 1978, by the County Board of Appeals, ORDERED that the variances petitioned for, be and the same are hereby DENIED, and it is

FURTHER ORDERED, that the two accessory buildings on the subject property be removed within one hundred and twenty (120) days from the date of this Order.

before the Board of Appeals indicates that over 47 such structures exist. (T. 36).

The Petitioner and his wife applied for a zoning variance with the Zoning Commissioner of Baltimore County. The Zoning Plans Advisory Committee filed an evaluation on the site plans. No site planning comments were made. The Report indicated that, although public water was available to the property, only private sewage facilities existed. These facilities currently consist of a septic tank and drainage field to the Shore Road side of the Petitioner's house.

Health Department Regulations forbid location of structures over such facilities.

The Zoning Commissioner's Opinion and Order found that the granting of the variance requested would not adversely affect the health, safety and general welfare of the community. The Zoning Commissioner further found that strict compliance with the Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner.

Throughout the proceedings, there has been but one individual Protestant, Mr. William F. Elbner. Mr. Elbner was the adjoining lot owner on the West side of the Burkhardt property. Mr. Elbner has sold his lot to Mr. Craig Eck and is no longer a party. Mr. Eck has no objection to the location of the sheds next to his property. (See attachment A). Consequently, at this time, there is no individual protestant to the variance requested by Mr. Burkhardt.

ISSUES

Did The Board of Appeals Err By Disregarding And Failing To Evaluate Testimony On The Practical Difficulty Of Removing The Sheds?

Testimony And Evidence Before The Zoning Commissioner And The Board of Appeals Clearly Indicated That Strict Compliance With The

William K. Burkhardt - #77-195-A

3.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gifford, Vice Chairman

William T. Hackett

Herbert A. Davis

RE: PETITION FOR VARIANCE
from Section 400.1 of the
Baltimore County Zoning
Regulations
CW/S of Shore Road 1490'
SE of Stratman Road
12th District
William K. Burkhardt, et ux,
Petitioners - Appellants
Case No. 77-195-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 6724
Misc. Docket 11
Folio 174

APPELLANTS' MEMORANDUM OF LAW

STATEMENT OF THE CASE

On February 2, 1977, William and Regina Burkhardt filed with the Zoning Commission of Baltimore County a Petition For Zoning Variance From Area and Height Regulations. Permission was sought to allow location of two accessory structures (sheds) in the front yard of waterfront property instead of location in the backyard and to permit an accessory structure to be located 9 inches from the side property line and 2 feet from the front property line instead of the 2.5 feet required by Section 400 of the Baltimore County Zoning Regulations.

On April 13, 1977, the Zoning Commissioner granted the variances requested. An appeal was taken to the County Board of Appeals of Baltimore County, and the Board of Appeals reversed the order of the Zoning Commissioner by Order dated November 2, 1978. The Petitioner William K. Burkhardt has appealed the Order of the Board of Appeals of Baltimore County to the Circuit Court for Baltimore County.

STATEMENT OF FACTS

Petitioner's property is located at 8021 Shore Road on the north side of Bear Creek, also known to local residents as Lynch Cove. Mr. Burkhardt purchased the property in June, 1971 and in June, 1972 he built his present home and one of two sheds.

Zoning Regulations Of Baltimore County Would Result In Practical Difficulty And Unreasonable Hardship, And The Board Of Appeals Improperly Disregarded Such Testimony And Evidence.

II

Was There Substantial Basis In The Record For The Board To Find Substantial Injury To Public Health, Safety, And General Welfare?

There Is No Substantial Evidence In The Record Of Substantial Injury To The Public Health, Safety, And General Welfare.

III

Was The Action Of The Board Of Appeals In Reversing The Zoning Commissioner And Denying The Variances Arbitrary And Capricious?

The Board Of Appeals Acted Arbitrarily And Capriciously And In Disregard Of The Spirit And Intent Of The Baltimore County Zoning Regulations.

DISCUSSION

I

Testimony and evidence before the Zoning Commissioner and the Board of Appeals clearly indicated that strict compliance with the zoning regulations of Baltimore County would result in practical difficulty and unreasonable hardship, and the Board of Appeals improperly disregarded such testimony and evidence. It is clear from the evidence that Mr. Burkhardt's two sheds are not readily removable. At the very least, the wooden frame shed would have to be torn down, the wiring removed, the concrete pads torn up and the ground re-sodded. These actions would entail considerable expense and practical hardship.

Removal of the two sheds also would deprive Mr. Burkhardt of needed storage space for his freezer and his yard and boating implements. Storage space is sorely needed on the water for the necessities necessary and appropriate to shoreline residence.

It is not possible to remove the sheds to another location on Mr. Burkhardt's property. Unless the variance sought is obtained,

the sheds can not be located in the present front yard. The backyard of the lot consists of a driveway; and the lot's septic system. Regulations prohibit placement of structures over septic systems and drainage fields. Consequently, unless the variance is granted, there will be, in addition to the expense of removal of the sheds, a loss of useful storage and of the money put into their construction. That these facts constitute a practical difficulty or unreasonable hardship can not be denied.

What the Burkhardts are seeking in this case is an "area variance." This variance should be distinguished from a "use variance" for which stricter determining criteria apply. *Zengerle v. Board of County Commissioners For Frederick County*, 262 Md. 1, 276 A. 2d 646 (1971). Only the "practical difficulty" of strict compliance with zoning regulations is closely examined where area variances are sought. *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28, 322 A. 2d 220 (1974). *Anderson* noted that the term "practical difficulty" is used in a disjunctive phrase with such terms as "undue hardship" or "unnecessary hardship." *Id.* at 227. The latter terms usually are applied in cases of "use" variances. Cf. *Olson v. Newick Improvement Association*, 197 Md. 46, 78 A. 2d 164 (1951).

Section 307 of the Baltimore County Zoning Regulations (attachment B) contains the guiding language in this case. Section 307 states that variances should be granted "only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship." This phrase has been interpreted in two cases: *Lovely Loan Association v. Bushman*, 227 Md. 43, 176 A. 2d 35 (1961) and *McLean v. Soley*, 170 Md. 208, 110 A. 2d 783 (1973).

In *McLean* the Court pointed out that Section 307 was applicable to area variances and that emphasis should be placed on the criteria used to determine "practical difficulty." The Court quoted 2 *Kathopf, The Law of Zoning and Planning*, (3d ed. 1972)

400

January 16, 1979

BILLED TO: Robert J. Romadka, Esq.
807 Eastern Blvd.
Baltimore, Md. 21221

Cost of certified documents in Case No. 77-195-A \$11.00
William K. Burkhardt
SW/5 of Shore Rd. 1490' SE
of Stratton Road
12th District

MAKE CHECKS PAYABLE TO: Baltimore County, Md.

REMIT TO: County Board of Appeals
Rm. 219 Court House
Towson, Md. 21204

October 31, 1978

Mr. William F. Elmer
8017 Shore Road
Baltimore, Md. 21222

Re: Case No. 77-195-A
William K. Burkhardt

Dear Mr. Elmer:

Enclosed herewith is a copy of the Opinion and Order
passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

With 1. Elmerhart
Administrative Sec. May

Encl.

cc: Harry C. Davidson, Jr., Esquire
Mr. William K. Burkhardt
John W. Hession, III, Esquire
Mr. James E. Dyer
Mr. S. E. Dillman
Mr. L. H. Gross
Mr. J. Howell

January 16, 1979

Mr. William F. Elmer
8017 Shore Road
Baltimore, Md. 21222

Re: File 77-195-A
William K. Burkhardt

Dear Mr. Elmer:

Notice of Appeal

Muriel E. Burkhardt

cc: John W. Hession, III, Esq.
Mr. James E. Dyer
Mr. M. Compagno
Mr. James Howell

January 16, 1979

BILLED TO: Robert J. Romadka, Esq.
807 Eastern Blvd.
Baltimore, Md. 21221

Cost of certified documents in Case No. 77-195-A \$11.00
William K. Burkhardt
SW/5 of Shore Rd. 1490' SE
of Stratton Road
12th District

MAKE CHECKS PAYABLE TO: Baltimore County, Md.

REMIT TO: County Board of Appeals
Rm. 219 Court House
Towson, Md. 21204

cc: Harry Davidson, Esq.
Mr. Burkhardt

January 16, 1979

Robert J. Romadka, Esq.
807 Eastern Boulevard
Baltimore, Md. 21221

Re: File No. 77-195-A
William K. Burkhardt

Dear Mr. Romadka:

Appeal letter

Muriel E. Burkhardt

cc: Harry C. Davidson, Jr., Esq.
Mr. William K. Burkhardt



JOHN W. HESSIAN, III
People's Counsel
PETER MAX ZIMMERMAN
Deputy People's Counsel

Baltimore County, Maryland
PEOPLE'S COUNSEL
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

TEL. 404-2188

May 23, 1979

Elmer H. Kahline, Jr., Clerk
Circuit Court for Baltimore County
Courthouse Building
Towson, Maryland 21204

Re: Misc. Case #6724
William Burkhardt, et al., Petitioners

Dear Mr. Kahline:

Mr. Hession has instructed me to request that our Motion to Dismiss filed May
22, 1979 in the above-entitled case be withdrawn.

Thank you for your assistance in this matter.

Sincerely,

Shirley M. Hession
Shirley M. Hession
Legal Assistant

sh

cc: Robert J. Romadka, Esq.
County Board of Appeals

JOSE ADAMS
44-280
Assignment—Sentimental Ct.
FRANK MOSE
44-281
Assignment—New Jury
KATY BURTON
44-282
Assignment—New Jury

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 North Avenue
Towson, Maryland 21204
June 23, 1979



OFFICE OF LAW

RE: New-Jury Law - Misc. 6724 Burkhardt vs Baltimore County Board of Appeals

HEARING DATE: Friday, September 21, 1979 at 9:30 A.M.
ON THE FOLLOWING: "Veritas" (1/2 hour)

UNION REPORT OF THIS NOTICE: Counsel shall appear at each other immediately to conform calendars. Claim of not receiving notice will not constitute cause for postponement.

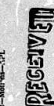
POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to the County Board of Appeals. If the request is NOT granted, counsel will be considered by the Assignment Office.

ALL REQUESTS FOR POSTPONEMENTS WITHIN 15 DAYS BEFORE TRIAL MUST BE MADE TO THE DIRECTOR OF THE ASSIGNMENT OFFICE—MR. GRAYZEL

If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately.

JOSE ADAMS
44-280
Assignment—Sentimental Ct.
FRANK MOSE
44-281
Assignment—New Jury
KATY BURTON
44-282
Assignment—New Jury

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 North Avenue
Towson, Maryland 21204
June 23, 1979



OFFICE OF LAW

RE: Robert J. Romadka, Esquire
Leonard S. Jacobson, Esquire
John V. Hession, III, Esquire
Peter Max Zimmermann, Esquire

RE: New-Jury Law - Misc. 6724 Burkhardt vs Baltimore County Board of Appeals

HEARING DATE: Wednesday, November 7, 1979 at 9:30 A.M.

ON THE FOLLOWING: "Veritas" (1/2 hour)

UNION REPORT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute cause for postponement.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to the County Board of Appeals. If the request is NOT granted, counsel will be considered by the Assignment Office.

ALL REQUESTS FOR POSTPONEMENTS WITHIN 15 DAYS BEFORE TRIAL MUST BE MADE TO THE DIRECTOR OF THE ASSIGNMENT OFFICE—MR. GRAYZEL

If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately.

RE: Petition for Variance
No. 77-195-A
William Burkhardt
8021 Shore Road
Baltimore, Maryland 21222

Dear Sir:

I have been a resident in the Bear Creek area for the past 35 years and have visited Mr. Burkhardt's home on several occasions. Let me say that his home and land are by far the most attractive and well kept properties that border on Bear Creek. The sheds situated on his land are well placed and exceptionally well kept. In my estimation, his neighbors would do well to follow Mr. Burkhardt's example with respect to the upkeep of properties adjacent to his home.

Again, may I state that Mr. Burkhardt's property (home, sheds and land) greatly enhance the immediate surrounding area. The sheds are extremely well placed and attractive and certainly do not obstruct the view of any of the surrounding shore properties. For anyone to request that the sheds be removed from their present position can serve no practical purpose.

I am in favor of granting Mr. Burkhardt a Variance.

Very truly yours,

Harriet A. Brown
7709 Bayfront Drive
Baltimore, Maryland 21219

March 24, 1977



RE: Petition for Variance
No. 77-195-A

William Burkhardt
8021 Shore Road
Baltimore, Maryland 21222

Dear Sir:

I have known William Burkhardt and his family for several years, and we are familiar with his property on Shore Road. He has up-graded that community by building a very beautiful brick home and two accessory buildings on his property, which previously was a run-down lot with an old wooden "black" on it.

The home, as well as the two accessory buildings, are always kept neat, clean and fit for use. The two accessory buildings do not block the view of anyone, nor do they down-grade the community in any way.

We think Mr. Burkhardt has been harassed long enough with what seems to be a very "fitty" problem.

Sincerely,
Richard L. Doggo
4055 St. Augustine Lane



March 23, 1977



RE: Variance # 77-195-A
William Burkhardt

In our opinion, any community would welcome the Burkhardts, since they have put in a lot of time with the upkeep of their property and surrounding grounds.

My husband and I are both topographers who spend having our top surveying practice. We believe, without further delay, the Variance should be granted in favor of Mr. William Burkhardt.

Very truly yours,

Catherine J. Zwickel
Daniel J. Zwickel
427 Westfield Road
Baltimore, Md. 21222
285-3767

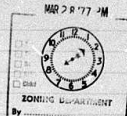
Dear Sir,

I am writing in reference to case 77-195-A - Property of Mr. and Mrs. William Burkhardt, 8021 Shore Rd, Baltimore, Md. 21222.

The Burkhardts have been a member of our lot for almost four years. They have removed a very bad eyesore from our neighborhood. Before the Burkhardt home was once a shack, open well over 2-3 ft high. This property belonged to a lady who was a very heavy drinker, she even went as far to welcome in front of our children.

We were overjoyed when the Burkhardt purchased the land. He has done the house and put up a beautiful home, along with the home a shed was built to go on contact with his house. The Burkhardt later put up a 10x10 aluminum shed. These sheds are on no one's way, they are very clean and neat. (You could just fly over them in your plane or car.)

The Burkhardt structure was approved



3101 Station Rd.
Baltimore, Md. 21222
March 24, 1977

by Baltimore Building Dept. The roof of the problem can be seen from your two deck looking against each other - along with our neighbor who so plan mean.

The Burkhardts saved for twenty-six years to build their home that has yet to enjoy one out of four years due to the costly error of Baltimore County.

May I stress again that this shed on no way looks but one from out of the entire neighborhood. They are neat - clean - and cause no hardship to any one - except the Burkhardts who have paid the dues in constant hardship - and harassment.

Please grant this variance, so our neighborhood can return to normal -

Miss Eulyn Shulley

RE: Petition for Variance
No. 77-195-A
William Burkhardt
8021 Shore Road
Baltimore, Maryland 21222

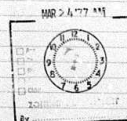
Dear Sir,

We have known William Burkhardt and his family for several years and are very familiar with the property in question. He has taken a run-down lot and built a beautiful new home with two accessory buildings on it which are neat and clean and attractive to the property and these buildings do not block anyone's vision. In our opinion, the two buildings upgrade the community to a very large extent.

My husband and I are both in favor of granting a variance to Mr. Burkhardt's favor. More families in the area should put as much effort in upgrading their property as the Burkhardt family did.

Very truly yours,

Mr. & Mrs. Kenneth Alexander
7709 Bayfront Drive
Baltimore, Maryland 21222



March 22, 1977

To Mr. Sam. Oct May Concern 77-185-A
 I like letter as to let you know that Mr. & Mrs. William Burkhardt are our neighbors and have been for many years. They are good and upright people who tend their own business and never interfere with anyone. With reference to the sheds on the water, Oh, cant say anything wrong about them. They are I guess and neat and took up very little room.

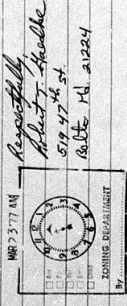
Margaret R. Bogan



(2)

neighbors residents concerning the construction and placement of the outbuildings at that time. I feel that it would be a great injustice to Mr. Burkhardt to be forced to remove his outbuildings after some living in this present location for several years and with no prior complaint.

In conclusion, I would add my hope that Mr. Burkhardt will be granted the requested variance by the Balto. County zoning board to keep his outbuildings in their present location.



Town, Md
 Please Sir

I am a neighbor of Mrs. & Mrs. William Burkhardt on Shore Rd. We have been friends for many years and live in the same road in Hurdle. Since they have moved here they have improved the neighbor hood 100%. With reference to the shed in question they are in no way a hindrance or unsightly to anyone living on the road.



MR 7/24/77 MR 205 SHORE RD

Yours Truly
 Joseph E. Burkhardt

75-185-A
 I think it may concern
 I, Joseph E. Burkhardt, do find that in no way, any ob. lgs. on said property 8021 Shore Rd ARE A HINDRANCE OF ANY KIND, ANY THING THAT HAS BEEN BUILT ON THESE PREMISES IS AN ASSET TO THIS COMMUNITY.
 Yours Truly
 Joseph E. Burkhardt

Dear Sir,

We are residents of 8021 Shore Rd. We are under stand it some one has made a complaint of Mr. & Mrs. William Burkhardt of 8021 Shore Rd. concerning the two so called sheds on the water front. They are not unsightly. They are beautiful and they have a place in our neighborhood.



Dear Sir,

I am writing this letter in reference to a petition for variance 77-185-A, filed by Mr. William H. Burkhardt of 8021 Shore Rd., Baltimore, Md. 21222.

I have known Mr. William H. Burkhardt and family for approximately many years and I am familiar with his residence and property at 8021 Shore Rd. Mr. Burkhardt's residence and outbuildings are well kept structures and do not present an "eyesore" to the neighborhood.

Dear Sir,

I would like to note for the variance # 77-185-A, the name of William Burkhardt 8021 Shore Rd. Baltimore 22, Md. I am a neighbor living at the same way and find that the Burkhardt is like a family, clean nice home and grounds, including the sheds on the property. These sheds are in no way unsightly and are very nicely painted and well kept. I think you for your consideration on this matter.

Sincerely,
 George & Anne Berg
 807 Shore Road,
 21222

I would like to note in favor of the variance to have the sheds remain in their present location.

Yours Truly
 Albert L. Spilke
 8015 Shore Rd
 Balto. Md 21224

RE: Petition for Variance # 77-185-A
 William Burkhardt
 8021 Shore Rd
 Balto. Md 21222

Dear Sir,
 On regard to the variance mentioned herein, I live two doors away from Mr. & Mrs. Burkhardt & I can see no reason why they should be forced to move their sheds. Their property is clean and well kept. The storage sheds are not an eyesore and actually one do not block anyone's view.

77-185-A

March 25, 1977

Dear Sir,

I live at 8011 Shore Rd. the third house from Mr. & Mrs. Burkhardt. I was told there is an objection as to the way they keep their premises. I don't know of any reason why about object of them having the sheds, as far as I can see, the sheds, their home and grounds are very well kept.

Yours truly
 Mrs. Emma Woods



3-22-77

Sir,

Please very much in favor of the Petition for Variance # 77-185-A of Mr. William Burkhardt
 Apt Mrs. William Burkhardt
 8021 Shore Rd
 Balto. Md 21222

Mr. Mrs. Vernon C. Piquel



The man pushes on the people in Towson are people who settle their things there or neighbor who broken a couple of laws and not put you for nothing. I think it should be granted the variance.

Signed
 Charles Taylor Jr.

Dear Sir,

In reference to case 77-185-A - owner Bill Burkhardt. I'm 69 yrs old. I have kept my front yard clean to the property in question for over 35 yrs. I have been coming down to Shore Rd over 40 yrs.

The property was in bad shape at the time Mr. Burkhardt purchased it. The house was falling down - the yard was very tall, the lady who owned the place, never took care of it.

Mr. Burkhardt got up a beautiful home - that shed in question are very neat and clean - they are in no way ugly. The man's wife has become a nuisance with over the whole thing.

From the people I know in the neighborhood only one does not get along with people - the people who live there are in complete harmony and only something of this sort has happen. I feel Mr. Burkhardt should be granted this variance because he has improved the property over 100%. The



7319 Holabird Ave
 Balto. Md 21222

sheds in question are no handicap to anyone.
They are well kept and clean.

Walter J. Deaver

Re: Petition for Variance
#77-195-A
William H. Burkhardt
8021 Shore Road
Baltimore, Md. 21222

Dear Sirs:
I am writing in reference to the above case.

In past years my property now owned by Mr. Burkhardt, that has been an enormous improvement, such as a beautiful home, compared to the run down shack that used to be there. The sheds in question are not a eyesore to anyone but one person. I feel any improvement to property has helped and benefited the community. I feel that this is no question that sheds shall be left as is.

Yours truly,
Mrs. Mrs. Deborah H. H. H.
8049 Shattman Rd.
Baltimore, Md. 21222

77-195-A
Re: Petition for Variance
#77-195-A
William H. Burkhardt
8021 Shore Rd.
Baltimore, Md. 21222

Dear Sirs:
I am writing in reference to the above case.

In Past years a property in question above now owned by Mr. Wm. Burkhardt, there has been an enormous improvement, such as a beautiful home, compared to the run down shack that used to be there.

Also sheds in question, are not in any way an eyesore to anyone but "one person".

77-195-A
Dear Sirs:
I am writing you asking that a variance be given to W. Burkhardt Shore Road. These people have a beautiful new home and the grounds are kept lovely. The two sheds in question are clean, nicely painted and in no way unsightly.

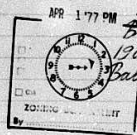
I have three doors away and these sheds in no way bother me. Since these homes are right on the water it is necessary to have some place to keep tools, fishing equipment, etc. I think a variance should be granted - Thank you

Mrs. Wm. Burkhardt, Jr.

RE: Petition for Variance #77-195-A
William H. Burkhardt
8021 Shore Rd. Baltimore, Md. 21222

Dear Sirs:
I am writing on behalf of the trouble Mr. Burkhardt is having with one of his neighbors. I live across the creek from him and everybody around here thinks that Mr. Burkhardt has a beautiful well kept piece of property. We think he should be allowed to keep the two small sheds which look nice and should not be in anybody's way.

Sincerely yours
Barth E. Hend
1300 Wilks St.
Baltimore, Md. 21222



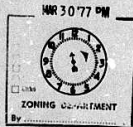
RE: Petition For Variance
#77-195-A
William Burkhardt
8021 Shore Road
Baltimore, Maryland 21222

To Whom It May Concern:

In regard to the above Petition For Variance, I have been an acquaintance of William Burkhardt and his family for a period of time, and I am familiar with his property and would like to express my opinion. How can Mr. William Burkhardt be subjected to such harassment over his two (2) sheds? It is quite evident there are many other waterfront owners with the same violation and not even an eyebrow is being raised regarding them. Mr. William Burkhardt has built a beautiful home and sheds on his lot which has greatly enhanced the community. His property is always more than presentable at all times, and his sheds do not block the view of any neighbor. This opinion is shared by many others in our community. To move these sheds would serve no concrete purpose to anyone. To state my opinion, no one person or family should go through this type of harassment over such a minor detail.

I, for one, am in complete favor of granting this Variance for Mr. William Burkhardt. Thank You.

Very Truly Yours,
Andrea L. Palmisano
Andrea L. Palmisano



Re: Petition for Variance
#77-195-A
William H. Burkhardt
8021 Shore Road
Baltimore, Md. 21222

I am writing in regard to the variance. Mr. Burkhardt and family are good people. They do not bother anyone. I cannot understand why it is not possible that he can not be so harassed over his own property. I think that is taking away his

April 30, 1977
Baltimore City Office of Planning and Zoning

I am writing in reference to the petition for variance #77-195-A in the name of William H. Burkhardt 8021 Shore Road Baltimore, Md. 21222. I have no objection to this variance. Mr. Burkhardt says he used when the sheds were next to him. I see no reason for him to have to take his sheds down.

Respectfully,
Mrs. R. R. McCall
8045 Shattman Rd.
Baltimore, Md. 21222



8045 Shattman Rd.
Baltimore, Md. 21222
March 29, 1977

Gentlemen:
I am writing this letter in reference to the Petition for Variance case #77-195-A to be held April 6th. This property is owned by Mr. & Mrs. William Burkhardt of Shore Rd. Since to them purchasing this land it had been a well respected lot with a detached summer home plus an open well ground level, that the owner should be entitled in except to cut the weeds once or twice a year. Immediately after purchasing the land Mr. Burkhardt had built a beautiful home which would be an asset to any neighborhood. Along with the house was built a shed which was attractively covered with the same siding as the house. Shortly thereafter another smaller shed was erected next to the first one. This too is very neat and not at all unsightly. These sheds certainly do not block the view of the water nor hinder access to the water. The yards themselves are very

wide and long as the space they occupy cover hinder no view of the water, trees and flowers - all very neat, clean and attractive. In view of the fact a petition with well over 100 signatures was signed by all neighboring residents in the area supporting the Burkhardt this past summer which was turned over to the proper authorities I ask you to decide in favor of Mr. and Mrs. Burkhardt that their sheds may remain as they are now.

Sincerely,
Mrs. Mrs. John Bryant
8045 Shattman Rd.
Baltimore, Md. 21222



I feel any improvement to property has helped our neighborhood enormously. I also feel there is no question that the sheds should be left as is.

Mrs Shirley Driver
8037 Stratman Rd
Baltimore, Md. 21222



April 26, 1977

Mr. William H. Burkhardt
8021 Shore Road
Baltimore, Maryland 21222

Re: Petition for Variance
SW/8 Shore Road, 1490' SE of
Stratman Road
77-195-A (Item No. 171)

Dear Sir:

Please be advised that an appeal has been filed by William F. Elbeor, 8017 Shore Road, protestant, from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

cc: Mr. William F. Elbeor
8017 Shore Road
Baltimore, Maryland 21222

John W. Hession, 3rd, Esq.
People's Counsel

Very truly yours,
S. ERIC DINENNA

ZONING COMMISSIONER

Dear Mr. Commissioner,
In this letter it is important for
of my intention to appeal your decision regarding
a petition for variance, 77-195-A (Item No. 171),
concerning sheds on front of property.
Enclosed, please find my check
for appeal fee.

Waiting to hear from you.
William F. Elbeor
8017 Shore Road
Baltimore, Md. 21222



private rights as a person.
He takes care of his land. He
begins it clean and never
disturbs us or anyone that
I know of. I feel that
on your own property you
have the right to do what it
is your wish. You are paying
for your property and you have
the right to do it. Please meet
him in the night. Thank you.
Mr. William F. Elbeor
8017 Shore Road
Baltimore, Md. 21222



Re-Petition for Variance
77-195-A
William H. Burkhardt
8021 Shore Road
Baltimore, Md. 21222

Dear Sir:
I am a neighbor of Mr.
William H. Burkhardt and Mrs.
Regina Burkhardt. I would like
very much for the Petition for
Variance # 77-195-A being granted
in their favor. Prior to the Burkhardt's
buying this property it was a
total disaster. It was a run down
shack which was used possibly
2-3 weekends a year, by an
alcoholic for her drinking sprees.
Teenagers used it for drinking and
other purposes. The grass and or
weeds was 2-3 feet high that
most of the time you couldn't
see the house. Upon buying the
property, the Burkhardt's cleared
up the grounds and after 1 year or
time, the shack was razed and
a beautiful house was built.

Bea

8041 Stratman Road
Baltimore, MD 21222

March 29, 1977

Baltimore County Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Petition for Variance
877-195-A
William H. Burkhardt
8021 Shore Road
Baltimore, MD 21222

Gentlemen:

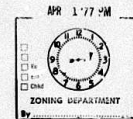
This letter is to inform you of the previous
condition of the above stated property at 8021 Shore
Road. This property had previously been owned and
partially abandoned by the parents of a fellow
employee of mine, D.J. Childs.

At the time, the property was neglected, and
the neighbors threatened to notify the Health
Department. I communicated with him, and thus avoided
the encounter with the health department.

At this time, the property is no longer neglected
and is an asset to the community.

I am in favor of the Petition for Variance
877-195-A relating to the structures involved.

Sincerely,
L.A. Rossbach
L.A. Rossbach



March 30, 1977

Mr. William H. Burkhardt
8021 Shore Road
Baltimore, Md. 21222

Re: Petition for Variance
77-195-A

Dear Sir:

This is to advise you that \$10.00 is due for advertising
and posting of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson
Room 113 County Office Building, before the hearing.

Very truly yours,
S. ERIC DINENNA

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Dinenna, Zoning Commissioner Date: March 18, 1977

FROM: Norman R. Serber, Acting Director of Planning

SUBJECT: Petition 77-195-A... Petition for Variance for Accessory Structures.
Southwest side of Shore Road 1490 Feet Southeast of Stratman Road
Petitioner - William H. Burkhardt and Regina Burkhardt

12th District

HEARING: Wednesday, April 6, 1977 (10:00 A.M.)

There are no comprehensive planning factors requiring comment on this
petition.

Norman R. Serber
Acting Director of Planning

NRS:JSH:rw

Their new house was an asset to all of our families. It is a beautiful house that is well taken care of. These "sheds" that are at this time in question are in no way interfering with my view of the water.

I am disgusted with Baltimore County for its constant harassment of the Burkhardts as well as the heavy money burden that has been put upon them. Baltimore County approach the "sheds" in the beginning trying to be a good neighbor and a concerned citizen of Baltimore County.

Mrs. Barbara Schoppell
8961 Stratman Road
Baltimore, Md. 21222



October 31, 1978

Mr. William F. Elmer
8017 Shore Road
Baltimore, Md. 21222

Re: Case No. 77-195-A
William K. Burkhardt

Dear Mr. Elmer:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

John T. Elmer
Administrative Secretary

Enc. to: Harry C. Devine, Jr., Member
Mr. William K. Burkhardt
John W. Henson, III, Member
Mr. James E. Dyer
Mr. S. E. O'Hara
Mr. L. H. Gouff
Mr. J. H. Howell



Mr. William K. Burkhardt
8021 Shore Road
Baltimore, Md. 21222

NOTICE OF HEARING

Re: Petition for Variance
977-195-A

TIME: 10:00 A.M.

DATE: Wednesday, April 6, 1977

PLACE: ROOM 106, COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE

TOWNSHIP, MARYLAND

Eric D. Elmer
ZONING COMMISSIONER OF
BALTIMORE COUNTY

PETITION FOR A VARIANCE

12th ELECTION DISTRICT

LOCATION: Southeast side of Shore Road 1450 feet Northwest of Stratman Road.

DATE & TIME: WEDNESDAY, APRIL 6, 1977 at 10:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing

Petition for Variance from the Zoning Regulations of Baltimore County to permit two (2) accessory structures (sheds) to be located on the front yard instead of the required rear yard and to provide an accessory structure to be located 7 feet from the side property line and 3 feet from the front property line instead of the required 2.5 feet in an R-1.5 zone. (Unsubstantiated property).

The Zoning Regulation to be accepted as follows:

Section 100.1 - Accessory Structures - Shall be located only in the rear yard and shall occupy not more than 10% thereof. Side and Rear Yards 2 1/2 feet.

Re: All that parcel of land in the Twelfth District of Baltimore County

Being the property of William K. Burkhardt and Regina Burkhardt, as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, April 6, 1977 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. ERIC D. ELMER
ZONING COMMISSIONER OF
BALTIMORE COUNTY

DESCRIPTION FOR VARIANCE PROPERTY OF WILLIAM A. REGINA BURKHARDT 12th ELECTION DISTRICT

Beginning at a point on the Southwest side of Shore Road, 1490 feet So. East of Stratman Road and running the following bearings and distances: South 54 degrees 37 minutes 30 seconds East, 66.77 feet; thence South 36 degrees 57 minutes 30 seconds West, 183.95 feet; thence bearing along Bear Creek 76 feet, more or less; thence North 39 degrees 58 minutes 38 seconds East, 192.10 feet to the point of beginning.

Also known as 8021 Shore Road.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#77-195-A

District: 12th Date of Posting: 3-17-77

Posted for: Harry K. Burkhardt 1977 A. 10:00 A.M.

Petitioner: William K. Burkhardt

Location of property: 1418 1/2 Shore Road 1490 ft. of Stratman Rd.

Location of Sign: Sign posted on back yard of 1418 1/2 Shore Rd.

Remarks: Mark H. Elmer

Posted by: Mark H. Elmer Date of return: 3-24-77

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 20th day of December 1976. Filing Fee \$ 25.00 Received ☒ Check ☐ Cash ☐ Other

S. Eric D. Elmer
S. Eric D. Elmer
Zoning Commissioner

Petitioner: Regina & William Burkhardt Submitted by: Regina Burkhardt
Petitioner's Attorney: Reviewed by: *Smith*

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map	Original	Duplicate	Tracing	SDO Sheet
	date by	date by	date by	date by	date by
Descriptions checked and outline plotted on map					
Petition number added to outline					
Denied					
Granted by ZC, BA, CC, CA					
Reviewed by: <i>Dave Elmer</i>					
Revised Plans: Change in outline or description					
Previous case: 74-142V					
Map #					

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#77-195-A

District: 12th Date of Posting: 5-5-77

Posted for: William K. Burkhardt

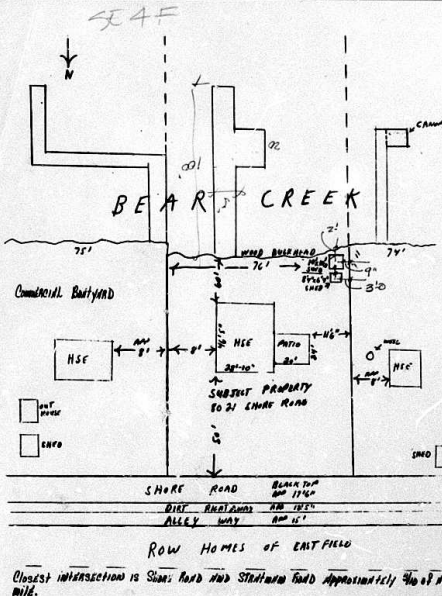
Petitioner: William K. Burkhardt

Location of property: 1418 1/2 Shore Road 1490 ft. of Stratman Rd.

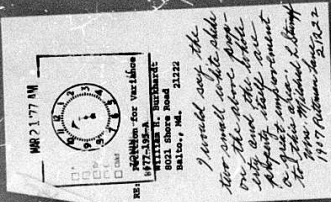
Location of Sign: Sign posted on back yard of 1418 1/2 Shore Rd.

Remarks: Mark H. Elmer

Posted by: Mark H. Elmer Date of return: 5-12-77



Closest intersection is Shore Road and Stratman Road approximately 1/4 of a mile.



P^{S^d} I have known the Buckhardt
 family for a long time. I know
 that they are neat and orderly people.
 Their house and shade have only been
 built recently. Their shade do not
 block anyone's view and are not
 an expense to the neighborhood in any
 way. I would like to see a
 variance for William H. Buckhardt.
 77-196-A
 Franklin P. Sirochak

THE BUILDINGS IN PETITION
DO NOT MAKE A EYE SORE
TURNING ON THE WATERFRONT

THERE ARE OTHER BUILDINGS
ON WATER FRONT SIDE
HIS LAWN-BUILDING ETC.
ARE KEPT IN GOOD & CLEAN
CONDITION RESPECTABLE WOULD
BE MORE LIKE IT.

Calvin A. Kernen
8101 Shore Rd
Baltimore MD

PETITION FOR VARIANCE
 #77-195-A
 H. BURKHARDT,
 8021 SHORWOOD
 CATO MD
 21222
 COLIN O. KENNEDY

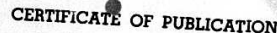
My Dear Sir

I have our friends of the
Burkhardt family for years. I
am familiar with their property
and I know they are very neat
and clean people. Their house
is newly erected as well as their
sheds. The sheds do not block
the view of any neighbor
they do not deteriorate the
look of the community. I am
in favor of a variance for
William H. Burkhardt

Naive Doehle
2402 Publ. Ave.
77-195-A

These two friends of William Burkhardt
and his family for several years.
He has a beautiful home and his
two kids are really instructed.
They do not obstruct the view of
neighbors and as far as I can
remember there has always been
shade on waterfront houses. There are
owned waterfront property in Ball's Co.
are had shade on the property.
In my opinion, I think a variance
should be granted to William Burkhardt's
house.

Mrs. Marynell Grief
4332 E. Joppa Rd.
Perry Hall, Md. 2128
Baltimore County



TOWSON, MD. March 17 19.77

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on ~~one time~~ ~~one time~~ before the 6th day of April 19.77, the ~~next~~ publication appearing on the 17th day of March 19.77.

THE JEFFERSONIAN
L. Lusk, Jr.
Manager

Cost of Advertisement, \$_____



TOWSON, MD. 21204 Mar. 17, 1977

THIS IS TO CERTIFY, that the annexed advertisement of
Petition for a Variance-- Burkhardt
was inserted in the following:

- ☐ Catonsville Times
☒ Dundalk Times
☐ Essex Times
☐ Suburban Times East
☐ Towson Times
☐ Arbutus Times
☐ Community Times
☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 16th day of April 19 77, that is to say, the same was inserted in the issues of Mar. 17, 1977.

STROMBERG PUBLICATIONS, INC.

BY Pat. Smith

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

DATE 1/26/79 ACCOUNT 01.712
Robert J. Romadka, Esq.
809 Eastern Blvd.
Baltimore, Md. 21221 AMOUNT \$11.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Cost of certified documents in Case #77-195-A
SW/S Shore Rd. 1490¹ SE of Stratman Rd.
12th District
William K. Burkhardt

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 46527

DATE April 5, 1977 ACCOUNT 01-562
AMOUNT \$13.00

RECEIVED William H. Burthardt, 8021 Shore Road
FROM Walto., Md. 21222
FOR Advertising and posting of property
#77-195-A

NOV 7 8 1964 5 49.00 MS

VALIDATION OR SIGNATURE OF CASHIER

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

No. 51674

DATE April 28, 1977 ACCOUNT 01-662
AMOUNT \$35.00

RECEIVED
FROM William F. Ribner, 8017 Shore Rd., Belto., Md.
21222
FOR Court of Appeal for William K. Burkhardt
#77-195-A

10107 APR 29 35.00 HSD
VALIDATION OR SIGNATURE OF CASHIER

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

DATE Mar. 14, 1977 ACCOUNT 01-662
AMOUNT 125.00

RECEIVED FROM William E. Burkhardt 8021 Shore Rd., Balt., Md. 21222 FOR Petition For Variance #77-195-d

NOV 9 7 42PM '15 25.00 MIO

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND No. 51682

MISCELLANEOUS CASH RECEIPT

DATE May 2, 1977 ACCOUNT 01-662

AMOUNT \$5.00

RECEIVED William F. Eihner, 8017 Shore Road., Balto., Md.
FROM 21222 For
FOR Cost of Printing of Appeal #77-195-A

5.00 PER

777-775-A
200/5 of Stone Road 1400 SE of Mountain Road
William K. Riddick, Publisher
1 - 1954

