

13-1-A

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit an accessory structure (tennis court) to be in the front yard instead of the required rear yard of the lot.

farthest, measured from the side street.

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

The rear yard contains the septic system, is on a steep slope, and is heavily wooded in part, making construction of a tennis court impractical if not impossible. The front yard is flat, larger, and has an area in which the tennis court and fence could be placed and still would be out of neighbors' view because of existing trees and shrubs.

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 of Baltimore County.

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

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

Address

City and State

City and State

Address for Petitioner:

Address for Petitioner:

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

Address

City and State

City and State

Attorney's Telephone No.:

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day

of April 1982, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of July 1982, at 9:30 o'clock

A.M.

(over)

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

CIRCUIT COURT FOR BALTIMORE COUNTY

CATEGORY APPEAL

ATTORNEYS

IN THE MATTER OF THE APPLICATION OF NELSON H. GOLDBERG ET UX
FOR VARIANCE FROM SECTION 400.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS S/S of Hickory Hill Road 60° E. of the Centerline of Falls Rd.
8th District

Dwight C. Stone
Ste. 1112 W.R. Grace Bldg.
Charles & Baltimore Sts. (02)
752-6254

NELSON H. GOLDBERG
MARCIA GOLDBERG
Petitioners

Donald L. Allewalt
Allewalt & Murphy
805 N. Calvert St. (02) 727-6205

ZONING BOARD OF APPEALS OF BALTIMORE COUNTY
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

83-1-A
#216
JULY 1982

- (1) July 27, 1983 - Protestants Order for Appeal from the decision of the Zoning Board of Appeals of Baltimore County and Petition for Appeal fd.
- (2) July 29, 1983 Certificate of Notice fd.
- (3) Aug. 10, 1983 - App. of Donald L. Allewalt for Petitioner and Same Day Answer fd.
- (4) Aug. 22, 1983 - Protestants Request for Extension of Time to File Record and Order of Court Granting Same fd. (JSS)
- (5) Sept. 13, 1983 - Final Transcript of Record fd.
- (6) Sept. 13, 1983 - Notice of filing of record fd.
- (7) Jan. 17, 1984 - Mr. Clerk: Please dismiss the appeal in this case, with prejudice upon payment of my open Court Costs fd. (FSC)

COSTS

MISC # 63269 #
L-CLERK 60.00
B-LERY 5.00
CHD. TL 85.00
#11874 COM REC TIS:16 07/27/83

Due 300
Cont 300

Dec 11/84

83-M-269

DCS/qn
1/11/84

IN THE MATTER OF
THE APPLICATION OF
NELSON H. GOLDBERG, ET. UX.
FOR VARIANCE FROM
SECTION 400.1 OF THE
BALTIMORE COUNTY
ZONING REGULATIONS

IN THE
CIRCUIT COURT
BALTIMORE COUNTY
Law No. 83-M-269

ORDER OF DISMISSAL

Mr. Clerk:

Please dismiss the appeal in this case, with

Prejudice upon payment of my open Court Costs

DWIGHT C. STONE
1112 W. R. Grace Building
Baltimore, Maryland 21202
752-6254

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of January, 1984 a copy of the foregoing Order of Dismissal was mailed to Donald L. Allewalt, Esquire, 805 North Calvert Street, Baltimore, Maryland 21202.

FILED JAN 17 1984

DWIGHT C. STONE

753

CIRCUIT COURT FOR BALTIMORE COUNTY

CATEGORY APPEAL

ATTORNEYS

IN THE MATTER OF THE APPLICATION OF NELSON H. GOLDBERG ET UX
FOR VARIANCE FROM SECTION 400.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS S/S of Hickory Hill Road 60° E. of the Centerline of Falls Rd.
8th District

Dwight C. Stone
Ste. 1112 W.R. Grace Bldg.
Charles & Baltimore Sts. (02)
752-6254

NELSON H. GOLDBERG
MARCIA GOLDBERG
Petitioners

Donald L. Allewalt
Allewalt & Murphy
805 N. Calvert St. (02) 727-6205

ZONING BOARD OF APPEALS OF BALTIMORE COUNTY
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

83-1-A
#216
JULY 1982

- (1) July 27, 1983 - Protestants Order for Appeal from the decision of the Zoning Board of Appeals of Baltimore County and Petition for Appeal fd.
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MISC # 63269 #
L-CLERK 60.00
B-LERY 5.00
CHD. TL 85.00
#11874 COM REC TIS:16 07/27/83

Due 300
Cont 300

DOCKET 15 PAGE 304 CASE NO 83-M-269

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William C. Hammond
Zoning Commissioner

Date: June 14, 1982

FROM: Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: Zoning Petition 83-1-A
Nelson H. Goldberg, et ux

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

Norman E. Gerber per J. Howell
Norman E. Gerber
Director of Planning and Zoning

NFG:JGH:dme

Nelson H. Goldberg
12165 Falls Road
Cockeysville, Md. 21030

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 27th day of April 1982

Petitioner Nelson H. Goldberg, et ux
Petitioner's Attorney

WILLIAM E. HAMMOND
Zoning Commissioner

Reviewed by: *Nicholas B. Commolari*
Nicholas B. Commolari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 30, 1982

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc:

Nicholas B. Commolari
Chairman

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Mr. & Mrs. Nelson H. Goldberg
12165 Falls Road
Cockeysville, Maryland 21030

RE: Item No. 216
Petitioner - Nelson H. Goldberg, et ux
Variance Petition

Dear Mr. & Mrs. Goldberg:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commolari
NICHOLAS B. COMMOLARI
Chairman
Zoning Plans Advisory Committee

NEC:bac

Enclosures

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

DCS/gn
1/11/84

IN THE MATTER OF
THE APPLICATION OF
NELSON H. GOLDBERG, ET. UX.
FOR VARIANCE FROM
SECTION 400.1 OF THE
BALTIMORE COUNTY
ZONING REGULATIONS

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Law No. 83-17269

ORDER OF DISMISSAL

Mr. Clerk:

Please dismiss the appeal in this case.

DWIGHT C. STONE
1112 W. R. Grace Building
Baltimore, Maryland 21202
752-6254

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of January, 1984 a copy of the foregoing Order of Dismissal was mailed to Donald L. Allewalt, Esquire, 805 North Calvert Street, Baltimore, Maryland 21202.

FILED JAN 17 1984

DWIGHT C. STONE

DCS/lfw
8/17/83

IN THE MATTER OF
THE APPLICATION OF
NELSON H. GOLDBERG, ET UX
FOR VARIANCE FROM
SECTION 400.1 OF THE
BALTIMORE COUNTY ZONING
REGULATIONS S/S of Hickory Hill
Road 60' of the Centerline
of Falls Road 8th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Appeal from the County Board
of Appeals of Baltimore County
No. 83-1-A
CASE NO. 83-17269

REQUEST FOR EXTENSION OF
TIME TO FILE RECORD

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Now come the Protestants, by their attorney, Dwight C. Stone, and request this Honorable Court to grant an extension of time of thirty (30) days to file the record in the above-captioned case, and for reason states that the Court reporter, Carol Bevesh, is unable to file the record on time because of a heavy workload.

Respectfully submitted,

DWIGHT C. STONE
Suite 1112, W.R. Grace Building
Charles and Baltimore Streets
Baltimore, Maryland 21202
(301) 752-6254

Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1983, a copy of the foregoing Request for Extension of Time to File Record was mailed, postage pre-paid, to Donald L. Allewalt, Esquire, 805 North Calvert Street, Baltimore, Maryland 21202, Attorney for Petitioners.

DWIGHT C. STONE

DCS/lfw
8/17/83

IN THE MATTER OF
THE APPLICATION OF
NELSON H. GOLDBERG, ET UX
FOR VARIANCE FROM
SECTION 400.1 OF THE
BALTIMORE COUNTY ZONING
REGULATIONS S/S of Hickory Hill
Road 60' E. of the Centerline
of Falls Road 8th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Appeal from the County Board
of Appeals of Baltimore County
No. 83-1-A
CASE NO. 83-17269

ORDER

Upon the foregoing Request for Extension of Time to File Record, it is this _____ day of August, 1983, by the Circuit Court for Baltimore County,

ORDERED, that the Protestants are hereby granted an extension of time of thirty (30) days to file the record in the above-captioned case.

JUDGE

True Copy Test
ELMER H. KAHLINE, JR., Clerk
Deputy Clerk



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON

HARE/J. PISTEL P.E.
DIRECTOR

May 24, 1982

S-NW Key Sheet
39 & 69 NW 15 & 16
Pos. Sheets
NW 15 D Topo
50 Tax Map

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #216 (1981-1982)
Property Owner: Nelson H. & Marcia Watson Goldberg
S/E cor. Falls Rd. and Hickory Hill Rd.
Acres: 162.93/258.80 x 428.41/645.94
District: 8th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved.

Falls Road (Md. 25) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 216 (1981-1982).

Very truly yours,

ROBERT A. MORROW, P.E., Chief
Bureau of Public Services

RAM:RAM:PHR:ms

Maryland Department of Transportation

State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Caltrider
Administrator

April 28, 1982

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Att: Mr. N. Commodari

Re: ZAC Meeting of April 27, 1982
ITEM: #216
Property Owner: Nelson H. & Marcia Watson Goldberg
Location: S/E Corner Falls Road (Route 25) and Hickory Hill Road
Existing Zoning: R.C. 5
Proposed Zoning: Variance to permit an accessory structure (tennis court) to be located in the front yard in lieu of the required rear yard.
Acres: 162.93/258.80 X 428.41/645.94
District: 8th

Dear Mr. Hammond:

On review of the site plan of August 25, 1981 and field inspection, the State Highway Administration will require the plan to be revised.

The State Highway Administration Needs Inventory for 1980 - State Secondary System for Baltimore County call for highway reconstruction in this area from north of Md. Route 130, Green-spring Valley Road to Shawen Road.

The revised plan must show a proposed right of way of 120', 60' from the centerline of Falls Road.

The proposed tennis court should be relocated outside the proposed highway widening.

My telephone number is (301) 659-1350

Teletypewriter for legislative hearing or speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-425-3322 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21202 - 0717

Mr. W. Hammond

-2-

April 28, 1982

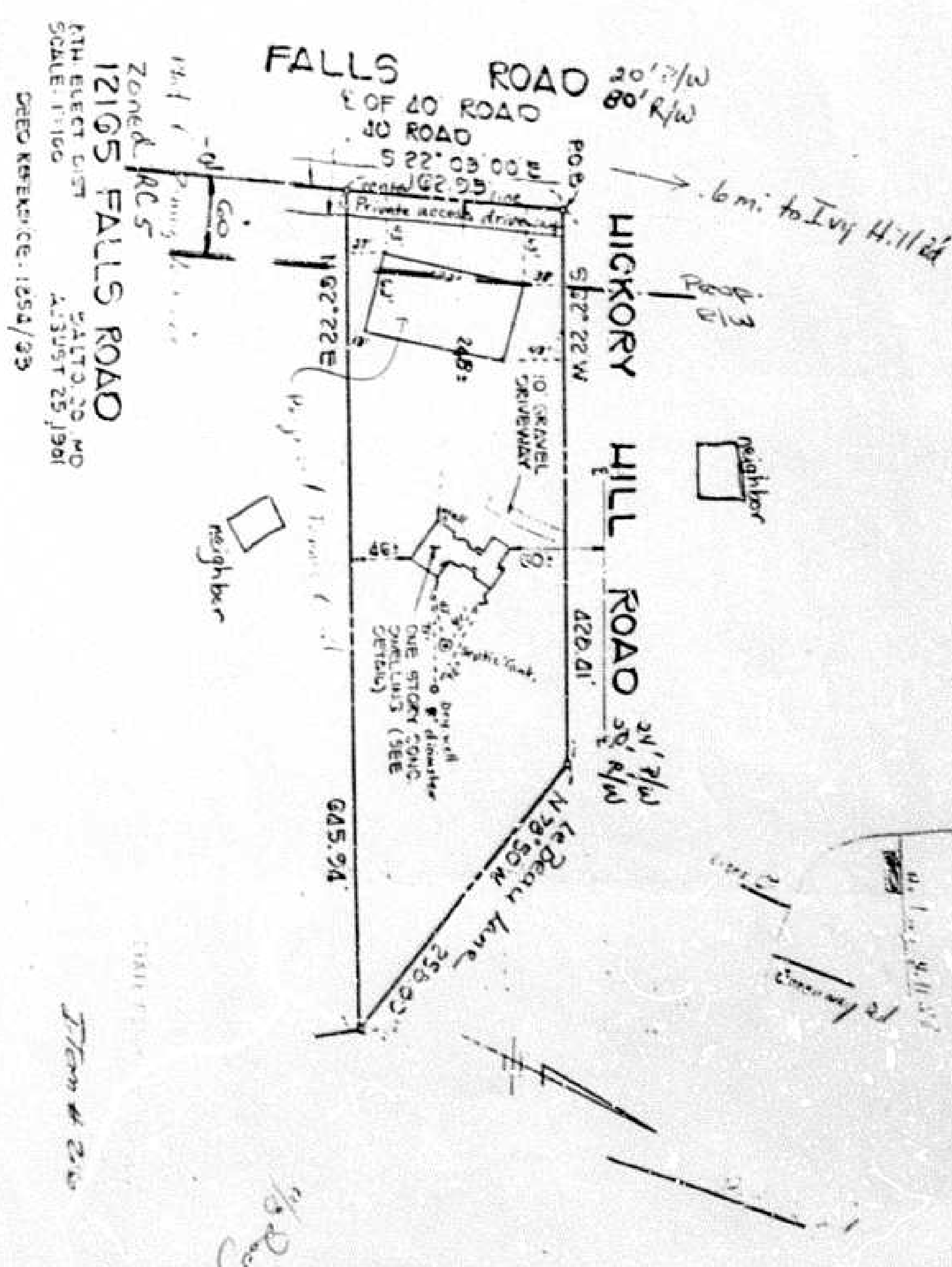
I am sending a sketch showing the proposed right of way.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:G:maw

By: George Whitman

cc: Mr. J. Wimbley



RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S of Hickory Hill Rd., 50' :
E of centerline of Falls Rd., :
3rd District : OF BALTIMORE COUNTY

NELSON H. GOLDBERG, et ux, : Case No. 83-1-A
Petitioners

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 now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2183

I HEREBY CERTIFY that on this 10th day of June, 1982, a copy of the foregoing Order was mailed to Mr. and Mrs. Nelson H. Goldberg, 12165 Falls Road, Cockeysville, Maryland 21030, Petitioners.

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

IN THE MATTER OF : IN THE
THE APPLICATION OF :
NELSON H. GOLDBERG, ET UX : CIRCUIT COURT
FOR VARIANCE FROM :
SECTION 400.1 OF THE : FOR
BALTIMORE COUNTY ZONING : BALTIMORE COUNTY
REGULATIONS S/S of Hickory Hill : AT LAW
Road 60' E. of the center line :
of Falls Road, 8th District :
Zoning File No. 83-1-A : Misc. Doc. No. 15
Folio No. 304
File No. 83-M-269

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Keith S. Franz, Patricia Phipps and Joanne L. Suder, 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, Donald L. Allewalt, Esq., 805 N. Calvert St., Baltimore, Md. 21202, Counsel for Petitioners; Nelson and Marcia Goldberg, 12165 Falls Rd., Cockeysville, Md. 21030, Petitioners; Dwight C. Stone, Esq., Suite 1112, W. R. Grace Bldg., Charles and Baltimore Sts., Baltimore, Md. 21202, Counsel for Protestants; Everett A. Tolley, 7 Hickory Hill Rd., Cockeysville, Md. 21030, Protestant; Mrs. Marie Kelly, 2 Hickory Hill Rd., Cockeysville, Md. 21030, Protestant; Conrad Boyle, 22 Hickory Hill Rd., Cockeysville, Md. 21030, Protestant; Malcolm Hudkins, c/o Hudkins Associates, Inc., 200 E. Joppa Rd., Towson, Md. 21204, Protestant; and John W. Hession, Esq., Court House, Towson, Md. 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.

June Holmen
June Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
Phone 494-3190

Nelson H. Goldberg, et ux
Case No. 83-1-A

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Donald L. Allewalt, Esq., 805 N. Calvert St., Baltimore, Md. 21202, Counsel for Petitioners; Nelson and Marcia Goldberg, 12165 Falls Road, Cockeysville, Md. 21030, Petitioners; Dwight C. Stone, Esq., Suite 1112, W. R. Grace Bldg., Charles and Baltimore Sts., Baltimore, Md. 21202, Counsel for Protestants; Everett A. Tolley, 7 Hickory Hill Rd., Cockeysville, Md. 21030, Protestant; Mrs. Marie Kelly, 2 Hickory Hill Rd., Cockeysville, Md. 21030, Protestant; Conrad Boyle, 22 Hickory Hill Rd., Cockeysville, Md. 21030, Protestant; Malcolm Hudkins, c/o Hudkins Associates, Inc., 200 E. Joppa Rd., Towson, Md. 21204, Protestant; and John W. Hession, Esq., Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 29th day of July, 1983.

June Holmen
June Holmen
County Board of Appeals of Baltimore County

IN THE MATTER OF : IN THE
THE APPLICATION OF :
NELSON H. GOLDBERG, ET UX : CIRCUIT COURT
FOR VARIANCE FROM :
SEC. 400.1 OF THE BALTIMORE : FOR
COUNTY ZONING REGULATIONS : BALTIMORE COUNTY
S/S Hickory Hill Rd., 60' E of :
the centerline of Falls Rd. : AT LAW
8th District :
Everett A. Tolley, et al, : Misc. Doc. No. 15
Protestants-Appellants : Folio No. 304
Zoning File No. 83-1-A : File No. 83-M-269

CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND THE
BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Keith S. Franz, Patricia Phipps and Joanne L. Suder, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 83-1-A	
April 27, 1982	Petition of Nelson H. Goldberg, et ux, for variance from Sec. 400.1 to permit an accessory structure (tennis court) to be in the front yard instead of the required rear 1/3 or the lot farthest removed from the side street.
" " "	Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for July 6, 1982, at 9:30 a.m.
June 17, 1982	Certificate of publication in newspaper - filed
June 20, 1982	" " posting of property - filed
June 20, 1982	Comments of Baltimore County Zoning Plans Advisory Committee - filed
June 14, 1982	" " " " Director of Planning - filed
July 6, 1982	At 9:30 a.m. hearing held on petition by Zoning Commissioner



Lowell K. Striwell
Secretary
N. S. Calhoun
Administrator

June 16, 1982

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting, 4-27-82
ITEM: #216
Property Owner: Nelson H. & Marcia Watson Goldberg
Location: S/E corner Falls Road (Route 25) and Hickory Hill Road
Existing Zoning: R.C. 5
Proposed Zoning: Variance to permit an accessory structure (tennis court) to be located in the front yard in lieu of the required rear yard.
Acres: 162.93/258.80 X 428.41/645.94
District: 8th

Dear Mr. Hammond:

On review of additional comments and clarification in the letter of May 23, 1982 from Marcia Watson Goldberg (copy attached), the State Highway Administration finds the original plan of August 25, 1981 generally acceptable.

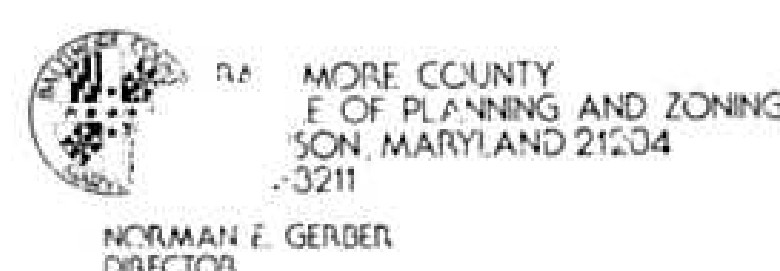
Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

Sy: George Wittman

CL:GW:vrc

cc: Mr. J. Wimbley



NORMAN E. GERBER
DIRECTOR

June 11, 1982

Mr. William E. Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #216, Zoning Advisory Committee Meeting, April 27, 1982, are as follows:

Property Owner: Nelson H. & Marcia Watson Goldberg
Location: SE corner Falls Road and Hickory Hill Road
Acres: 162.93/258.80 X 428.41/645.94
District: 8th

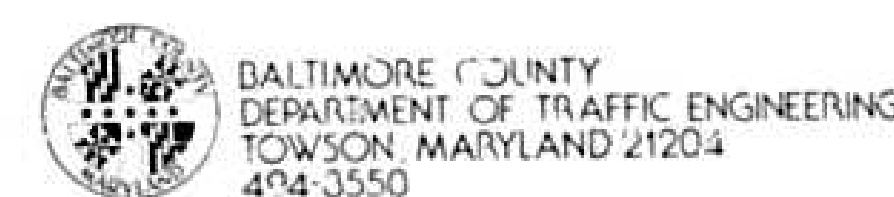
This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This petition meets the requirements of the Division of Current Planning and Development.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

JLWsh



STEPHEN E. COLLINS
DIRECTOR

June 4, 1982

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: ZAC Meeting of 4/27/82

Dear Mr. Hammond:

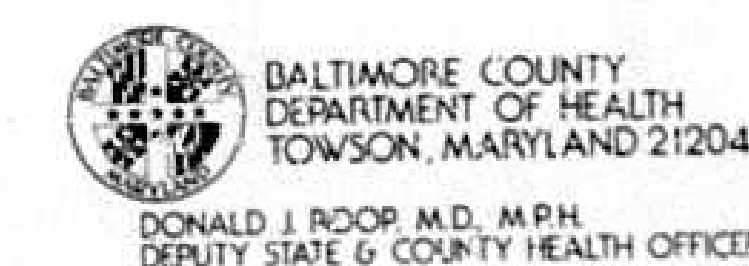
This office has no comments for items 210 through 216.

216

Sincerely,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM/GMJ/r13



DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

June 17, 1982

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item 216, Zoning Advisory Committee Meeting of April 27, 1982, are as follows:

Property Owner: Nelson H. & Marcia Watson Goldberg
Location: S/E corner Falls Road and Hickory Hill Road
Existing Zoning: R.C. 5
Proposed Zoning: Variance to permit an accessory structure (tennis court) to be located in the front yard in lieu of the required rear yard.
Acres: 162.93/258.80 X 428.41/645.94
District: 8th

The dwelling is served by a drilled well and septic system both of which appear to be functioning properly. The proposed tennis court will not interfere with the location of the well or septic system, therefore, to health hazards are anticipated.

Very truly yours,

J. Forrest
J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF:rn

Nelson H. Goldberg, et ux
Case No. 83-1-A

July 26, 1982 Order of Zoning Commissioner that the petition for variance to permit an accessory structure (tennis court) to be located in the front yard in lieu of the required rear one-third of the lot farthest removed from the side street is hereby DENIED

August 20, 1982 Order for Appeal to County Board of Appeals from Order of Zoning Commissioner

January 5, 1983 Hearing on appeal before County Board of Appeals

July 1, 1983 Order of Board of Appeals ordering that the variance petitioned for, be and the same is hereby GRANTED, subject to restrictions

July 27, 1983 Order for Appeal filed in Circuit Ct. for Baltimore County by Dwight C. Stone, Esq., counsel for protestants-appellants

" " " Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County

July 29, 1983 Certificate of Notice sent to all interested parties

September 13, 1983 Transcript of testimony filed

Petitioners' Exhibit No. 1 - Copy of contract for construction of tennis court

" " " 2 - Plat

" " " 3 - Slides, 1 thru 13

" " " 4 - Plat

" " " 5 - Plat with overlay (in Bd. of Appeals cupboard)

Protestants' Exhibit No. 1 - Letter, Jan. 2, 1983, from Falls Road Comm. Assoc.

" " " 2 - Plat showing location of neighbors

September 13, 1983 Record of proceedings filed in the Circuit Ct. for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,
June Holman
June Holman, Board of Appeals

Rec'd 7-27-83
3:05 PM

DCS/LFW
7/27/83

IN THE MATTER OF
THE APPLICATION OF
NELSON H. GOLDBERG, ET UX
FOR VARIANCE FROM
SECTION 400.1 OF THE
BALTIMORE COUNTY ZONING
REGULATIONS S/S of Hickory Hill
Road 60' E. of the Centerline
of Falls Road 8th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

Appeal from the County Board
of Appeals of Baltimore County
No. 83-1-A

NOTICE OF APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Now come the Protestants, by their attorney, Dwight C. Stone, and feeling aggrieved by the decision of the Zoning Board of Appeals of Baltimore County entered on July 1, 1983, appeal from said decision, to this Court, to the end that the said decision, may be reviewed in accordance with the Maryland Rules of Civil Procedure and the Zoning laws.

AND AS IN DUTY BOUND, etc.

Dwight C. Stone
DWIGHT C. STONE
Suite 1112, W.R. Grace Building
Charles and Baltimore Streets
Baltimore, Maryland 21202
(301) 752-6254

Attorney for Protestants

Service on Zoning Board of Appeals acknowledged this 27th day of July, 1983.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27 day of July, 1983, a copy of the foregoing Notice of Appeal was mailed, postage prepaid, to Donald L. Allessalt, Esquire, 805 North Calvert Street, Baltimore, Maryland 21202, Attorney for Petitioners.

Dwight C. Stone
DWIGHT C. STONE

DCS/LFW
7/27/83

IN THE MATTER OF
THE APPLICATION OF
NELSON H. GOLDBERG, ET UX
FOR VARIANCE FROM
SECTION 400.1 OF THE
BALTIMORE COUNTY ZONING
REGULATIONS S/S of Hickory Hill
Road 60' E. of the Centerline
of Falls Road 8th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

Appeal from the County Board
of Appeals of Baltimore County
No. 83-1-A

PETITION

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Now come the Protestants, by their attorney, Dwight C. Stone, and represent unto this Honorable Court:

1. That the Zoning Board of Appeals of Baltimore County misconstrued the Zoning Law in that it should not have granted the requested variance because the granting of said variance will result in substantial injury to the health, safety and general welfare of the community.
2. That the County Board of Appeals of Baltimore County erred because there was no evidence introduced by the Petitioners legally sufficient to permit the granting of the requested variance.
3. That the applicable Baltimore County Zoning Regulations require that a proposed tennis court be located only in the third of the owners lot farthest removed from any street and the Zoning Board of Appeals of Baltimore County erred in not properly applying this regulation so as to require the Petitioners to locate their tennis court in compliance with it.
4. That the decision of the Baltimore County Zoning Board of Appeals is not in harmony with the spirit and intent of the zoning regulations.
5. That requiring the Petitioners to properly locate their tennis court away from the street would not result in such difficulty to the Petitioners as to legally justify the granting of a variance.
6. That the placement of a tennis court adjacent to the road by the Petitioners would result in the depreciation of value of the property of the Protestants because their property would be less attractive to potential buyers.
7. The glare and noise from the tennis court would also interfere with the Protestants quiet enjoyment of their property.

WHEREFORE, having shown just cause, the Protestants pray that this Honorable Court review and reverse the findings of the County Board of Appeals and deny the requested variance.

Dwight C. Stone
DWIGHT C. STONE
Suite 1112, W.R. Grace Building
Charles and Baltimore Streets
Baltimore, Maryland 21202
(301) 752-6254

Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27 day of July, 1983, a copy of the foregoing Petition was mailed, postage prepaid, to Donald L. Allessalt, Esquire, 805 North Calvert Street, Baltimore, Maryland 21202, Attorney for Petitioners.

Dwight C. Stone
DWIGHT C. STONE

-2-

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. William Hammond, Zoning Commissioner
TO: Mr. Nick Commodari, Zoning Date: May 29th, 1982
Charles E. Burnham, Plans Review
FROM: Permits & Licenses
SUBJECT: Zoning Advisory Meeting of April 27, 1982

Item #210 Standard comments.
Item #211 Standard comments.
Item #212 See comments.
Item #213 Standard comments.
Item #214 See comments.
Item #215 Standard comments.
Item #216 Standard comments.
Item #217 Standard comments.

CEB:uo

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: April 27, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: April 27, 1982

RE: Item No: 210, 211, 212, 213, 214, 215, 216, 217
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

Mr. Arnold Jablon
Zoning Commissioner
Room 109, County Office Building
Towson, Maryland 21204

RE: Case No. 83-1, 83-M-269
Building Permit Application

8th Election District

Dear Mr. Jablon:

We, the undersigned, being the owner of the above mentioned property and the applicant for the above referenced building permit, do hereby acknowledge that we are fully aware of the Board of Appeals order granting, being appealed to the Circuit Court, but wish to go ahead with the construction of improvements on the property prior to the expiration of said appeal period.

We hereby relieve our builder, Baltimore County, Maryland and you from any liability or responsibility in this matter and agree to assume any and all financial responsibility for any consequences which might arise from an unfavorable decision by the Circuit Court.

Very truly yours,

Nelson H. Goldberg
Nelson H. Goldberg
Marcia Watson Goldberg
Marcia Watson Goldberg

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
8-5-7310

PAUL H. REMOUE
CHIEF

June 14, 1982

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Nelson H. and Marcia Watson Goldberg

Location: S/E Cor. Falls Road and Hickory Hill Road

Item No.: 216 Zoning Agenda: Meeting of April 27, 1982

Gentlemen:

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

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments, at this time.

NEVIEWED: *Paul H. Remoue* Noted and Approved: *James M. McConnell*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/mbl

7/6 83-1-A

IN THE MATTER OF THE APPLICATION OF NELSON H. GOLDBERG, ET UX FOR VARIANCE FROM SECTION 400.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS S/S of Hickory Hill Road 60' E. of the centerline of Falls Road 8th District

BEFORE COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 83-1-A

OPINION

This matter comes before the Board on appeal from the Zoning Commissioner's ruling that a variance to permit an accessory structure (tennis court) to be located in the front yard in lieu of the required rear one-third of the lot farthest removed from the street be denied.

Testimony by the Petitioners indicated that the subject property is located on the southeast corner of Falls Road and Hickory Hill Road in the Eighth Election District of Baltimore County, and is zoned R. C. 5. The length of the property is along Hickory Hill Road and the residence contained on the subject property is oriented to Hickory Hill Road. Nevertheless, it was agreed by Petitioners and People's Counsel that the front yard is that portion of the property facing Falls Road -- that portion of the subject property on which the Petitioners seek to build their proposed tennis court.

Testimony provided on behalf of Petitioners indicated that the property provided sufficient space to place the tennis court in the rear or the front yard, however, topographical conditions made placement in the rear yard impractical, extremely costly and potentially illegal. The evidence clearly indicated that the severe slope in the back yard made compliance with the zoning regulations unreasonable and impractical. Petitioners also provided photographs that showed existing screening and landscaping that

1. The Board received evidence in the form of a letter dated January 29, 1983, from Ian J. Forrest, Director of the Bureau of Environmental Services for the Baltimore County Department of Health, wherein he indicated that -- "1. Existing legislation would not allow placement of the tennis court on top of the existing sewerage system." Testimony at the hearing on this matter and manifest by the landscape architect's plan, submitted as Exhibit #2, established that placement of the tennis court in the rear yard could only be possible if permitted on top of the existing sewerage system, dry wells or septic tank.

A review of the site plan discloses the existence of a substantial area devoted to the rear yard within which, it was argued, the tennis court could be constructed. In this respect, it is difficult, without expert testimony, to understand why it cannot be constructed in the rear yard with proper contouring -- an additional cost apparently not required for construction in the front yard. The Court of Appeals, in Dahl v. County Board of Appeals of Baltimore County, 258 Md. 157, decided:

"Where the grant of a variance... would affect the 'aesthetic ambience' of the residentially zoned properties in the immediate area, such action would be in disharmony with the spirit and intent of the regulations."

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of July, 1982, that the Petition for Variance to permit an accessory structure (tennis court) to be located in the front yard in lieu of the required rear one-third of the lot farthest removed from the side street is hereby DENIED.

Zoning Commissioner of Baltimore County

NELSON H. GOLDBERG, ET UX - #83-1-A

2.

had the effect of significantly screening the area planned for the tennis court from adjacent properties. Additionally presented by Petitioners were eleven neighborhood witnesses who corroborated the statements regarding the topographical condition, screening, etc. on the subject property and who testified in their opinion that they would anticipate no noise or glare from a tennis court located as the Petitioners request, and in their opinion their own properties would not depreciate in value as a result of the placement of this tennis court where requested.

The Protestants included a number of residents of Hickory Hill Road whose opinion it was that the tennis court could be built in the rear yard with minimal additional difficulty and with significantly greater aesthetic results. This point was strongly disputed by the Petitioners, and as a practical matter was essentially negated as a possibility as a result of the letter of January 27, 1983 from the Department of Health.

After hearing the testimony and reviewing the evidence in this matter, the Board is of the opinion that strict compliance with Section 400.1 of the Baltimore County Zoning Regulations, which requires that a tennis court be located only in the third of the lot farthest removed from any street, would result in practical difficulty and unreasonable hardship for the Petitioners. We further believe that with the conditions listed below the relief that we are granting will be made without substantial injury to the public health, safety and general welfare of the community, and is thus in harmony with the spirit and intent of the zoning regulations. We will, therefore, permit a variance from Section 400.1 of the Baltimore County Zoning Regulations to permit the erection of a tennis court in the front yard of the subject property in accordance with the plans submitted as Petitioners' Exhibit #2.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 1st day of July, 1983, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby GRANTED, in accordance with the plans submitted as Petitioners' Exhibit #2 and subject to the following restrictions:

NELSON H. GOLDBERG, ET UX - #83-1-A

3.

1. The property owner must provide screening of a minimum of six (6) feet to screen from view the north and east boundaries of the tennis court. To the extent that existing shrubbery or landscaping does not meet this requirement, Petitioners are required to erect such screening before completion of the tennis court.
2. The property owners are restricted at this time, and any time in the future, from erecting lighting or other illumination to permit utilization of the tennis court at any time after dusk.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Keith S. Franz, Acting Chairman

Patricia Phipps

Joanne E. Suder

RE: PETITION FOR VARIANCE S/S of Hickory Hill Road, 60' E of the centerline of Falls Road - 8th Election District Nelson H. Goldberg, et ux - Petitioners; NO. 83-1-A (Item No. 216)

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

The petitioners herein seek a variance to permit an accessory structure (tennis court) to be located in the front yard in lieu of the required rear one-third of the lot farthest removed from the side street.

Testimony in behalf of the petitioners indicated that the subject property is located on the southeast corner of Falls and Hickory Hill Roads, is improved with a dwelling, and is zoned R.C. 5 (Rural-Residential). Further testimony indicated that the dwelling contains seven different means of entrance/exit, which raised the question as to the location of the front yard; however, it was determined, as supported by the petition, that the front yard borders on Falls Road. No special hearing request was filed to determine the correctness of this interpretation and, therefore, is not a matter of consideration in this Order. Additional testimony was to the effect that the area to the east of the improvement, herein referred to as the back yard, was not available because it is wooded, severely slopes to the rear lot line, and contains the septic tank and dry well, all as set forth on the site plan filed herein. The petitioners stated they were advised that it was "impractical, if not impossible," to locate the tennis court in the rear yard and, therefore, the front yard was the only available location. Further, they felt the existing growth and the planned screening and landscaping would conceal the tennis court from the public roads.

The protestants, however, objected to the proposed location by reason of its visibility to at least one neighbor, the depreciating effect on the existing homes in the area, the noise factor, and the possible glare of any lighting if erected later. Additionally, they feel, contrary to the testimony of the petitioners, that the tennis court could be erected in the rear yard with minimal disruption to the neighborhood, but probably at a higher cost.

ORDER RECEIVED FOR FILING

DATE July 26, 1983 BY Julie P. Shuck

RE: PETITION FOR VARIANCE S/S of Hickory Hill Road, 60' E of the centerline of Falls Road, 8th Election District Nelson H. Goldberg, et ux - Petitioners; NO. 83-1-A (Item No. 216)

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

SUBPOENA

MR. CLERK:

Please issue subpoena for the following named person to appear before the Zoning Commissioner of Baltimore County, County Board of Appeals, Room 219, Court House, Towson, Maryland 21204 on Wednesday, January 5, 1983 at 10:00 a.m. to testify for the Petitioners:

MR. & MRS. NEIL ESKRIDGE
8 Hickory Hill Road
Cockeysville, MD 21030

DONALD L. ALLEWALT
ALLEWALT & MURPHY, P.A.
805 N. Calvert Street
Baltimore, MD 21202
727-6205
Attorneys for Petitioners

Mr. Sheriff:

Please issue the above summons.

Julie Holmen, Board of Appeals

SUMMONED COST \$ 10.00

NON SUIT 12 17 10 80

COPY LEFT 19

COPY LEFT 19

COPY LEFT 19

RE: PETITION FOR VARIANCE S/S of Hickory Hill Road, 60' E of the centerline of Falls Road, 8th Election District Nelson H. Goldberg, et ux - Petitioners; NO. 83-1-A (Item No. 216)

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

SUBPOENA

MR. CLERK:

Please issue subpoena for the following named person to appear before the Zoning Commissioner of Baltimore County, County Board of Appeals, Room 219, Court House, Towson, Maryland 21204 on Wednesday, January 5, 1983 at 10:00 a.m. to testify for the Petitioners:

MR. & MRS. FRANCIS MILLER, SR.
12151 Falls Road
Cockeysville, MD 21030

DONALD L. ALLEWALT
ALLEWALT & MURPHY, P.A.
805 N. Calvert Street
Baltimore, MD 21202
727-6205
Attorneys for Petitioners

Mr. Sheriff:

Please issue the above summons.

Julie Holmen, Board of Appeals

SUMMONED COST \$ 10.00

NON SUIT 12 17 10 80

COPY LEFT 19

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SHURFF
CHARLES H. HOSLEY, JR.
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE
S/S of Hickory Hill Road,
60' E of the centerline of
Falls Road, 8th Election District
Nelson H. Goldberg, et ux -
Petitioners
NO. 83-1-A (Item No. 216)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

SUBPOENA

MR. CLERK:

Please issue subpoena for the following named person to appear before
the Zoning Commissioner of Baltimore County, County Board of Appeals,
Room 219, Court House, Towson, Maryland 21204 on Wednesday, January 5, 1983
at 10:00 a.m. to testify for the Petitioners:

DR. & MRS. FRED KAUFFMAN
12164 Falls Road
Cockeysville, MD 21030

DONALD L. ALLEWALT
ALLEWALT & MURPHY, P.A.
805 N. Calvert Street
Baltimore, MD 21202
727-6205
Attorneys for Petitioners

Mr. Sheriff:

Please issue the above summons.

June Holmen, Board of Appeals

COST \$ 10.00
SUMMONED 12-17-82
NON EST 19
NON SUIT 19
COPY LEFT 19

CHARLES H. HICKLEY, JR.
SHERIFF
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE
S/S of Hickory Hill Road,
60' E of the centerline of
Falls Road, 8th Election District
Nelson H. Goldberg, et ux -
Petitioners
NO. 83-1-A (Item No. 216)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

SUBPOENA

MR. CLERK:

Please issue subpoena for the following named person to appear before
the Zoning Commissioner of Baltimore County, County Board of Appeals,
Room 219, Court House, Towson, Maryland 21204 on Wednesday, January 5, 1983
at 10:00 a.m. to testify for the Petitioners:

DR. & MRS. WILLIAM BORRACHELLE
12135 Falls Road
Cockeysville, MD 21030

DONALD L. ALLEWALT
ALLEWALT & MURPHY, P.A.
805 N. Calvert Street
Baltimore, MD 21202
727-6205
Attorneys for Petitioners

Mr. Sheriff:

Please issue the above summons.

June Holmen, Board of Appeals

COST \$ 10.00
SUMMONED 12-17-82
NON EST 19
NON SUIT 19
COPY LEFT 19

CHARLES H. HICKLEY, JR.
SHERIFF
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE
S/S of Hickory Hill Road,
60' E of the centerline of
Falls Road, 8th Election District
Nelson H. Goldberg, et ux -
Petitioners
NO. 83-1-A (Item No. 216)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

SUBPOENA

MR. CLERK:

Please issue subpoena for the following named person to appear before
the Zoning Commissioner of Baltimore County, County Board of Appeals,
Room 219, Court House, Towson, Maryland 21204 on Wednesday, January 5, 1983
at 10:00 a.m. to testify for the Petitioners:

DR. & MRS. WAYNE BARRY
12150 Falls Road
Cockeysville, MD 21030

DONALD L. ALLEWALT
ALLEWALT & MURPHY, P.A.
805 N. Calvert Street
Baltimore, MD 21202
727-6205
Attorneys for Petitioners

Mr. Sheriff:

Please issue the above summons.

June Holmen, Board of Appeals

COST \$ 10.00
SUMMONED 12-17-82
NON EST 19
NON SUIT 19
COPY LEFT 19

CHARLES H. HICKLEY, JR.
SHERIFF
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE
S/S of Hickory Hill Road,
60' E of the centerline of
Falls Road, 8th Election District
Nelson H. Goldberg, et ux -
Petitioners
NO. 83-1-A (Item No. 216)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

SUBPOENA

MR. CLERK:

Please issue subpoena for the following named person to appear before
the Zoning Commissioner of Baltimore County, County Board of Appeals,
Room 219, Court House, Towson, Maryland 21204 on Wednesday, January 5, 1983
at 10:00 a.m. to testify for the Petitioners:

VINCE RUSSI
c/o The American Asphalt Paving Co., Inc.
4051 North Point Road
Baltimore, MD 21222

DONALD L. ALLEWALT
ALLEWALT & MURPHY, P.A.
805 N. Calvert Street
Baltimore, MD 21202
727-6205
Attorneys for Petitioners

Mr. Sheriff:

Please issue the above summons.

June Holmen, Board of Appeals

COST \$ 10.00
SUMMONED 12-17-82
NON EST 19
NON SUIT 19
COPY LEFT 19

CHARLES H. HICKLEY, JR.
SHERIFF
OF BALTIMORE COUNTY

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bowley Avenue
P.O. Box 8754
Towson, Maryland 21204-0754
September 26, 1983

RE: JUNE JUST - 83 N 269 - NELSON H. GOLDBERG, et al. vs. SUMMONED TO APPEAR BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY

HEARING DATE: Tuesday, January 17, 1984, @ 9:30 a.m.
ON THE FOLLOWING: Appeals 2 hours

TO: Donald L. Allewalt, Esq.
June Holmen, Esq.
Thomas J. Bellinger, Esq.

UNION PRECEPT OF THIS NOTICE: Counsel shall contact each other immediately to confirm calendar. Chats of not receiving notice will not constitute notice for postponement.

POSTPONEMENTS: If the above date is not suitable 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 all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignment - Joyce Grimm - 494-2497.

SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CLONE. Please direct all inquiries to the attention of John Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

Being the property of Nelson H. Goldberg, et ux, as shown on plat plan filed with the Zoning Department.
Hearing Date: Tuesday, July 6, 1982 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION FOR VARIANCE

8th Election District

ZONING: Petition for Variance
LOCATION: South side of Hickory Hill Road, 60 ft. East of the centerline of Falls Road
DATE & TIME: Tuesday, July 6, 1982 at 9:30 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 to permit an accessory structure (tennis court) to be in the front yard instead of the required rear 1/3 of the lot farthest removed from the side street

The Zoning Regulation to be excepted as follows:
Section 400.1 - Location of accessory structure

All that parcel of land in the Eighth District of Baltimore County

DESCRIPTION

Beginning at a point on the south side of Hickory Hill Road approximately 60 feet east of centerline of Falls Road and thence running south 22° 03' 00" East 162.93 feet; thence north 62° 22' East 615.94 feet; thence north 78° 50' west 258.80 feet; thence south 62° 22' west 428.41 feet to the beginning point.
Also known as 12165 Falls Road, Cockeysville, Maryland.

In the matter of the application of
Nelson H. Goldberg, et. al.

IN THE CIRCUIT COURT

FOR

VS.
Nelson H. Goldberg, et. al.

BALTIMORE COUNTY

Decret 15 Folio 304

Case No. 83 N 269

NOTICE OF FILING OF RECORD

TO: Knight C. Stone
Ste. 1112 W.E. Grace Bldg.
Charles & Baltimore Streets
Baltimore, MD 21202

Donald L. Allewalt
805 N. Calvert Street
Baltimore, MD 21202
June Holmen
N., 200 Courthouse
Towson, MD 21204

In accordance with Maryland Rule of Procedure B22, you are notified that
the record in the above entitled case was filed on September 13, 1983.

Elmer H. Kellin, Jr.
Clerk

FILED SEP 13 1983

FILED SEP 13 1983

REVISED PLANS
#216
5-27-82

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

July 29, 1983

Donald L. Allewalt, Esq.
805 N. Calvert St.
Baltimore, Md. 21202Re: Case No. 83-1-A
Nelson H. Goldberg, et ux

Dear Mr. Allewalt:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,


June Holmen, Secretary

Encl.
cc: Nelson and Marcia Goldberg
J. W. Hessian, Esq.
J. Dyer
W. Hammond
N. Gerber
J. Hoswell

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

July 29, 1983

Dwight C. Stone, Esq.
Suite 1112, W. R. Grace Bldg.
Charles and Baltimore Sts.
Baltimore, Md. 21202Re: Case No. 83-1-A
Nelson H. Goldberg, et ux

Dear Mr. Stone:

In accordance with Rule 8-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule 8-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,


June Holmen, Secretary

Encl.
cc: Mrs. Marie Kelly
Everett A. Tolley
Conrad Boyle
Malcolm Hudkins

July 29, 1983

BILLED TO: Dwight C. Stone, Esq.
Suite 1112, W. R. Grace Building
Charles and Baltimore Sts.
Baltimore, Md. 21202

Cost of certified documents filed
in Case No. 83-1-A \$24.00

Nelson H. Goldberg, et ux
S/S Hickory Hill Rd., 60' E of the
center line of Falls Rd.
8th District

MAKE CHECKS PAYABLE TO: Baltimore County, Md.

REMIT TO: County Board of Appeals
Rm. 200, Court House,
Towson, Md. 21204

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353WILLIAM E. HAMMOND
ZONING COMMISSIONER

August 23, 1982

Mr. Everett A. Tolley
7 Hickory Hill Road
Cockeysville, Maryland 21030

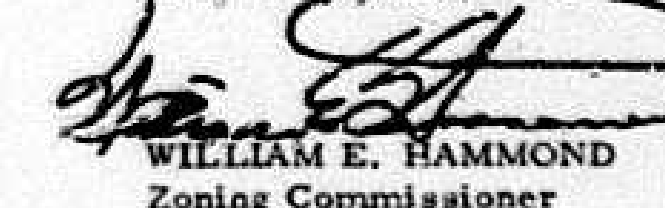
Re: Appeal of Case No. 83-1-A
Nelson H. Goldberg, et ux - Petitioners
S/S of Hickory Hill Rd., 60' E of the
centerline of Falls Road - 8th Elec. District

Dear Mr. Tolley:

Please be advised that an Appeal has been filed by Donald L. Allewalt, attorney for the petitioners, 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 County Board of Appeals.

Very truly yours,


WILLIAM E. HAMMOND
Zoning Commissioner

WEH:aj

cc: Mrs. Marie Kelly
2 Hickory Hill Road
Cockeysville, Maryland 21030

Mr. Conrad Boyle
22 Hickory Hill Road
Cockeysville, Maryland 21030

Mr. Malcolm Hudkins
c/o Hudkins Associates, Inc.
200 E. Joppa Road
Towson, Maryland 21204

John W. Hessian, III, Esquire
People's Counsel

DONALD L. ALLEWALT
EDWARD P. MURPHY
HAROLD A. MACLAUGHLINLAW OFFICES
ALLEWALT & MURPHY, P.A.805 N. CALVERT STREET
BALTIMORE, MD. 21202-3798
727-6205

August 20, 1982

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: William E. Hammond, Zoning Commissioner

Re: Petition for Variance
S/S of Hickory Hill Road, 60' E of the
centerline of Falls Road -
8th Election District
Nelson H. Goldberg, et ux - Petitioners
NO. 83-1-A (Item No. 216)

Dear Mr. Hammond:

Please enter an appeal to the County Board of Appeals from your decision in the above matter dated July 26, 1982.

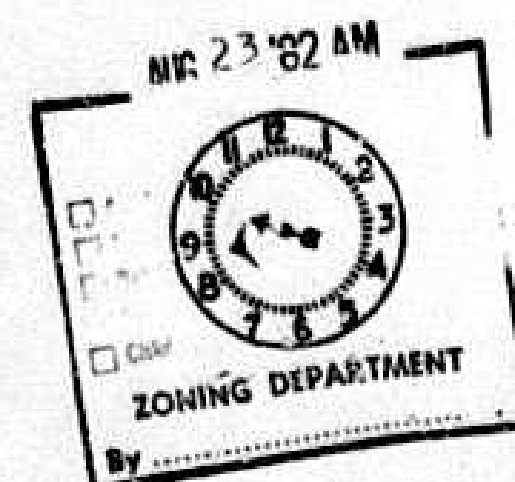
Kindly also enter my appearance for the Petitioners and advise this office of all further proceedings.

Very truly yours,



DONALD L. ALLEWALT

DLA:kar

DONALD L. ALLEWALT
EDWARD P. MURPHY
HAROLD A. MACLAUGHLINLAW OFFICES
ALLEWALT & MURPHY, P.A.805 N. CALVERT STREET
BALTIMORE, MD. 21202-3798
727-6205

March 3, 1983

County Board of Appeals
Room 219
Court House
Towson, Maryland 21204

Re: Petition for Variance #83-1-A (Item 216)
Nelson H. and Marcia W. Goldberg

Gentlemen:

Enclosed is letter dated February 1, 1983 from Department of Public Works. I request that it be filed among the proceedings.

Since all evidence has been produced and both the Department of Health and the Department of Public Works have reaffirmed their previous recommendations, I request the Board file its opinion.

Thanking you for your attention, I remain

Very truly yours,


DONALD L. ALLEWALT

DLA:cas

ENC.

cc: Mr. Malcolm Hudkins
200 E. Joppa Road
Towson, MD 21204

cc: Peter Max Zimmerman, Esquire
Deputy People's Counsel for Baltimore County
Room 223, Court House
Towson, MD 21204

RECEIVED
BALTIMORE COUNTY
COUNTY BOARD
OF APPEALS
MAY 4 10 24 AM '83
BY: E

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204HARRY J. PISTEL, P.E.
DIRECTOR

February 1, 1983

Allewalt and Murphy, P.A.
805 N. Calvert Street
Baltimore, Maryland 21202-3798

ATTENTION: Mr. Donald L. Allewalt

Re: Property Owners Nelson H. and
Marcia W. Goldberg
Petition for Variance #83-1-A
(Item 216)

Gentlemen:

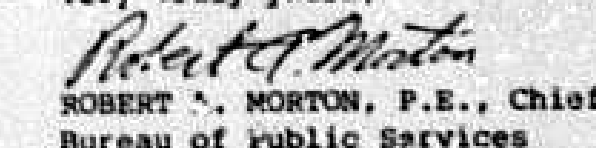
In response to your letter of January 14, 1983, the comments supplied May 24, 1982 in regard to the plat submitted for Zoning Advisory Committee review in connection with Item 126 (1981-1982) remain valid as to the Petitioner's proposed tennis court, whether located in the front or the rear portion of their property.

This office addresses plans submitted in connection with zoning matters, in regard to Department of Public Works concerns, i.e. public highways, drainage, drainage and utilities improvements, rights-of-way and easements in connection therewith.

In this regard, the presently supplied plan "Proposed Tennis Courts, Dr. Goldberg Property", which does not bear a Seal, is not signed and is not dated. depicts the Petitioner's planting and fencing within the public Hickory Hill Road right-of-way as established on the plat "Hickory Meadow", recorded O.T.G. 31, Folio 125.

A fillet area for eight distance will be required in connection with further improvement of Hickory Hill Road in the future and the State Highway Administration proposed 80-foot right-of-way for Falls Road (Md. 25). The removal of the plantings and fencing within the Hickory Hill Road right-of-way and the cost therefor, is the entire responsibility of the Petitioners. The originally submitted plan should be revised accordingly.

Very truly yours,


ROBERT A. NORTON, P.E., Chief
Bureau of Public Services

RAM:ZAM:PHR:SS

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353WILLIAM E. HAMMOND
ZONING COMMISSIONER

July 26, 1982

Dr. & Mrs. Nelson H. Goldberg
12165 Falls Road
Cockeysville, Maryland 21030

RE: Petition for Variance
S/S of Hickory Hill Road, 60' E
of the centerline of Falls Road -
8th Election District
Nelson H. Goldberg, et ux -
Petitioners
NO. 83-1-A (Item No. 216)

Dear Dr. & Mrs. Goldberg:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,


WILLIAM E. HAMMOND
Zoning Commissioner

WEH:arl

Attachments

cc: Mr. Everett A. Tolley
7 Hickory Hill Road
Cockeysville, Maryland 21030

Mrs. Marie Kelly
2 Hickory Hill Road
Cockeysville, Maryland 21030

Mr. Conrad Boyle
22 Hickory Hill Road
Cockeysville, Maryland 21030

Mr. Malcolm Hudkins
c/o Hudkins Associates, Inc.
200 East Joppa Road
Towson, Maryland 21204

John W. Hessian, III, Esquire
People's Counsel

January 20, 1983

Mr. Donald L. Allewalt
Allewalt & Murphy, P.A.
805 N. Calvert Street
Baltimore, Maryland 21202

Re: Property Owners: Nelson H. and Marcia W. Goldberg
S/E Corner Falls Road and Hickory Hill Road
8th District
Petition for Variance #83-1-A (Item 216)

Dear Mr. Allewalt:

Reference is made to your letter, dated January 14, 1983, regarding the above referenced subject.

With regard to my letter of June 17, 1982, in which it was proposed that the tennis court be located in the front of the property, my recommendations remain the same.

Regarding the alternative of placing the tennis court in the rear of the property, the following is an assessment based upon a further investigation by Mr. J. Robert Powell, Division of Environmental Support Services of the Bureau of Environmental Services.

- Existing legislation would not allow placement of the tennis court on top of the existing sewage system.
- The existing sewage disposal system, located in rear of the property, appears to be functioning properly.
- Placing the proposed tennis court in the rear of the property would interfere with the existing sewage disposal system and result in its necessary removal and placement in a new location.
- Relocation of the system, however, would be dependent upon further soil evaluation, including soil percolation tests, being conducted.
- Since the remaining area for relocation of the sewage system is at a lower elevation, there is no guarantee that acceptable tests results will be obtained.

Mr. Donald L. Allewalt
Allewalt & Murphy, P.A.
January 20, 1983
Page 2

6. The location of the existing well on the property and the adjacent property will also limit placement of any new sewage disposal system.

7. If it were determined that the soils were unsuitable for relocation of the existing sewage system and the tennis court was placed in the rear, this would result in an inoperable system creating a potential health hazard.

Therefore, the only position this office can take with regard to the placement of the tennis court without a complete reevaluation of the project is that of the original proposal that no health hazard would be anticipated by placing the tennis court in the front of the property.

If you have any question regarding this matter, please do not hesitate to contact me.

Very truly yours,

Ian J. Forrest
Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF:rs

cc: County Board of Appeals
Room 219 Court House
Towson, Maryland 21204

Mr. Malcolm Hudkins
200 E. Joppa Road
Towson, Maryland 21204

LAW OFFICES
ALLEWALT & MURPHY, P.A.

DONALD L. ALLEWALT
EDWARD P. MURPHY
HAROLD A. MACLAUGHLIN

805 N. CALVERT STREET
BALTIMORE, MD 21202-3796
727-6205

January 14, 1983

Baltimore County
Department of Public Works
Towson, MD 21204

Attention: Mr. Robert A. Morton, P.E., Chief

Re: Property owners Nelson H. and Marcia W. Goldberg
S/E Corner Falls Road and Hickory Hill Road
8th District
Petition for Variance #83-1-A (Item 216)

Dear Mr. Morton:

The above case is pending before the County Board of Appeals, testimony having been taken on January 5, 1983. Included in the testimony offered by the protestants is a recommendation that the tennis court can be constructed in the rear of the property of the applicant.

Please reassign for your recommendation as to whether this proposed location is feasible and in accordance with the regulations of your office.

In addition, the property owners have proposed locating the tennis court in the front of the property. Please also review the feasibility of this proposal and advise the County Board of Appeals.

I refer you to your letter of May 24, 1982 addressed to the Zoning Commissioner which is part of the records before the Board of Appeals.

Thanking you for your attention, I remain

Very truly yours,

DONALD L. ALLEWALT

DLA:cas

cc: County Board of Appeals
Room 219
Court House
Towson, MD 21204

cc: Mr. Malcolm Hudkins
200 E. Joppa Road
Towson, MD 21204

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 30, 1982

Mr. & Mrs. Nelson H. Goldberg
12165 Falls Road
Cockeysville, Maryland 21030

Re: Petition for Variance
S/S of Hickory Hill Rd., 60' E of
c/l of Falls Rd.
Nelson H. Goldberg, et ux - Petitioners
Case #83-1-A

Dear Mr. & Mrs. Goldberg:

This is to advise you that \$51.77 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

Mr. & Mrs. Nelson H. Goldberg
12165 Falls Road
Cockeysville, Maryland 21030

NOTICE OF HEARING

Re: Petition for Variance
S/S of Hickory Hill Rd., 60' E of the centerline of Falls Rd.
Nelson H. Goldberg, et ux - Petitioners
Case #83-1-A

TIME: 9:30 A.M.

DATE: Tuesday, July 6, 1982

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

TOWSON, MARYLAND

LAW OFFICES
ALLEWALT & MURPHY, P.A.

DONALD L. ALLEWALT
EDWARD P. MURPHY
HAROLD A. MACLAUGHLIN

805 N. CALVERT STREET
BALTIMORE, MD 21202-3798
727-6205

August 20, 1982

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: William E. Hammond, Zoning Commissioner

Re: Petition for Variance
S/S of Hickory Hill Road, 60' E of the
centerline of Falls Rd -
8th Election District
Nelson H. Goldberg, et ux - Petitioners
NO. 83-1-A (Item No. 216)

Dear Mr. Hammond:

Please enter an appeal to the County Board of Appeals from your decision in the above matter dated July 26, 1982.

Kindly also enter my appearance for the Petitioners and advise this office of all further proceedings.

Very truly yours,

DONALD L. ALLEWALT

DLA:kar

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

July 1, 1983

Donald L. Allewalt, Esquire
805 N. Calvert Street
Baltimore, Md. 21202

Re: Case No. 83-1-A
Nelson H. Goldberg, et ux

Dear Mr. Allewalt:

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,

Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Everett A. Tolley
Mrs. Marie Kelly
Conrad Boyle
Malcolm Hudkins
Nelson & Marcia Goldberg
John W. Hession, III, Esq.
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. N. E. Gerber
Mr. J. G. Howell

LAW OFFICES
ATWATER & STONE

SUITE 102, GRACE BUILDING
CHARLES AND BALTIMORE STREETS
BALTIMORE, MARYLAND 21202
TELEPHONE 330-750-8004

August 24, 1983

County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

Re: Nelson H. Goldberg, et ux

Gentlemen:

As per your invoice dated July 29, 1983, enclosed please find our escrow check in the amount of \$24.00 for the cost of certified documents to be filed in Case No. 83-1-A. Thank you for your cooperation.

Very truly yours,

Dwight C. Stone

DCS/tfw
Enclosure

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

No. 107698

DATE 7/6/82 ACCOUNT 01-662

AMOUNT \$51.77

RECEIVED FROM Nelson H. Goldberg
FOR Advertising & Posting Case #83-1-A

01000000517710 0020A

VALIDATION OR SIGNATURE OF CASHIER

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

No. 106860

DATE 7-16-82 ACCOUNT 01-662

AMOUNT 25.00

RECEIVED FROM Nelson H. Goldberg
FOR Advertising & Posting Case #83-1-A

00000000250010 0100A

VALIDATION OR SIGNATURE OF CASHIER

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

No. 108950

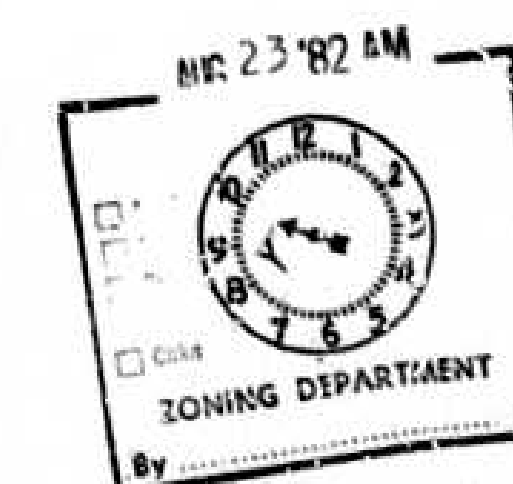
DATE 8/23/82 ACCOUNT 01-662

AMOUNT \$80.00

RECEIVED FROM Donald L. Allewalt, Esquire
FOR Appeal of Case #83-1-A (Nelson H. Goldberg, et ux)

01000000800010 0200A

VALIDATION OR SIGNATURE OF CASHIER



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

No. 85126

DATE 8/24/83 ACCOUNT 01-712

AMOUNT \$24.00

RECEIVED FROM Dwight C. Stone, Esq.
FOR Case No. 83-1-A (Nelson H. Goldberg, et ux)

01000000240010 0200F

VALIDATION OR SIGNATURE OF CASHIER

5/3 of Hickory Hill Rd., 60' E of the
centerline of 2nd St.
Nelson H. Goldberg, et ux
SIGN

Cost of Advertisement, \$ 19.75

District S. H. Date of Posting June 20-07
 Posted for: Varian
 Petitioner: Dale H. Holberg
 Location of property: S. 15 of Hickory Hill Rd. 60 E of
Centerville of Lake Rd.
 Location of Signs: South side of Hill Road approx. 60'
East of Lake Road
 Remarks: _____
 Posted by S. J. Smith Signature _____ Date of return June 25 1897
 Number of Signs: 1

1/12/2021

PARABON K&E EQ 2242 GERMANY

00 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

[illegible]

✓ REVISED PLANS
4216
5-27-82