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 Special Heat. g under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

Extension of time for utilization of Case No. 81-32-XA for an extended period of 2 years.

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

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon fil-ing of this Petition, and further agree to and are to be bound by the zoning regulations and restric-tions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser Legal Owner(s): Ervin J. Cerveny (Type of Print Name) (Type or Frint Name) Frun. -Signature (Type or Print Name) time has cervery City and State Signature Afformey for Petitioner: 6505 York Road

377-8200 Address Baltimore, Md. 21212 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Atturney's Telephone No.: Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this . of _____ April _____, 1983 _, 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 ______ 30th ____ day of ___ June _____, 19_83_ at 9:45_ o'clock

Zoning Commissioner of Baltimere County.

Z.C.C -No. 1

or Print Name)

...A. .. M.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 17, 1983

COUNTY OFFICE BLDG.
111 W. Chesapeake Are. Mr. & Mrs. Ervin J. Cerveny Towson, Maryland 11204

030 Micholas B. Commodari Chairman

MEMBERS Bureau of Engineering Department of Traffic Loginsering Stive Poads Commisting

Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration Industrial Development

6505 York Road Baltimore, Maryland 21212

RE: Item No. 210 - Case No. 83-292-SPH Petitioner - Ervin J. Cerveny, et ux Special Herring Petition

Dear Mr. & Mrs. Cerveny:

The Zoning Plans Advisory Tommittee 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.

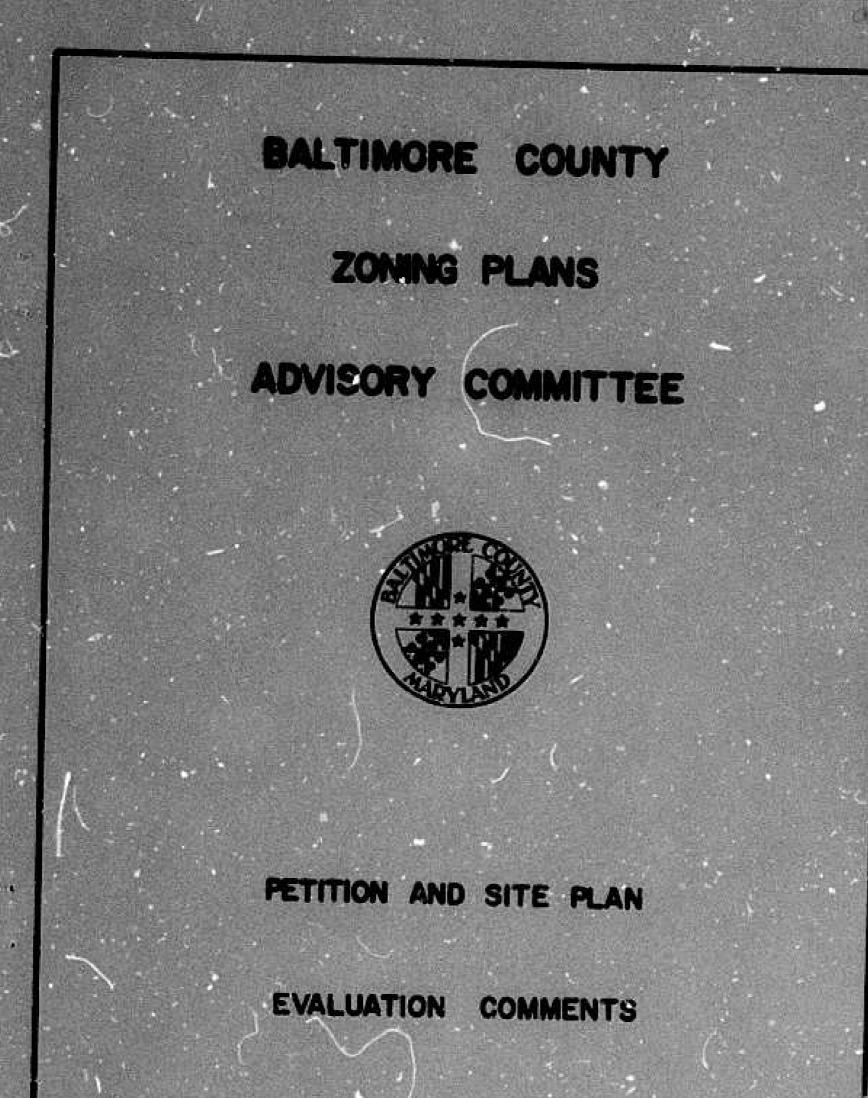
In view of your proposal to extend the time for utilization of Case No. 81-32-XA, which granted a special exception/variance to construct an office building on this site, this special hearing is requested. The hearing was granted on September 16, 1980 and was required to be utilized by September 16, 1983.

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,

Techelar B. Commedan Boc NICHOLAS B. COMMODARI, Chairman Zoning Plans Advisory Committee

NBC:bsc Enclosures



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond TO Zoning Commissioner Norman E. Gerber, Director

Date_ June 16, 1983

PROM Office of Planning and Zoning
Zoning Petition No. 83-292-5pH SUBJECT_ Ervin J. Cerveny, et ux

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

Director of Planning and Zoning

NEG: JGH:slc

cc: Arlene January Shirley Hess

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 12th

WILLIAM E. HAMMOND Zoning Commissioner

Petitioner Ervin J. Cerveny, et ux Petitioner's Attorney

April . 19 83

Mr. & Mrs. Ervin J. Cerveny

Baltimore, Md. 21212

6505 York Road

Reviewed by: Lecholas D. Commodon Nicholas B. Commodari Chairman, Zoning Plans

Advisory Committee

Maryland Department of Transportation

State Highiyay Administration

Lowell X. Bridwell M. S. Cattrider

April 13, 1983

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

Attention: Mr. N. Commodari

Re: ZAC Meeting of 4-1'-83 ITEM: #210. Property Owner: 1 vin J. & Joan W. Cerveny Location: E/S York Road Route 45, 75' N. Anneslee Existing Zoning: R-O Proposed Zoning: Special Hearing to approve extersion of time for utilization of Case No. 81-32-XA for an extended period of 2 years Acres: 0.429 District: 9th

Pear Mr. Hammond:

The State Highway Administration has an existing permit for channelization at the above site (A-B-8903-80).

The permit will expire on 7-1-83.

A letter from the permittee will be required for a extension of the permit beyond 7-1-83.

> Very truly yours, Charle Lee Charles Lee, Chief Bureau of Engineering

By: George Wittman

Access Permits

CL:GW:maw

cc: Mr. J. Ogle My telephone number is (301) 659-1350

Tuletypewriter for Impaired Hearing or Speech 383-7555 Baltimore 'Metro - 525-0451 D.C. Metro - 1-800-492-506: Statewide Toll Free P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner Date___May 23, 1983 To Office of Plauning and Zoning

FROM Ian J. Forrest

SUBJECT Zoning Variance Items

The Baltimore County Department of Health has reviewed the following moning variance items, and has no opecific comments regarding some:

Item # 172 - F & M Enterprises, Inc. Item # 178 - Joseph L. Soley Item # 181 - Robert H. & Mildred J. McKenny Item # 190 - J. N. G. Compray, Inc.

Item # 191 - Fred L. Elrick, Sr. Item # 192 - Cohn Brothers Item # 198 - Galway, Incorporated

Item # 199 - Clarence & Irene McNeal Item # 204 - Robert C. Baumgartner Item # 207 - F & S Partnership VItem # 210 - Ervin J. & Joan W. Cerveny

Item # 211 - Middle River Realty Company, Inc. Item # 224 - Barry L. & Buth Green Item # 225 - Hattie Kirson Item # 228 - Christopher R. & Pamels : Burrow

Item # 230 - Richard L. & Licia M. His ort

Item # 231 - James E. & Mary H. O'Meain, Jr. Item # 232 - Venice K. Paterakis Item # 233 - Merritt Blvd. Limited Partnership Item # 23h - Ruxton Crossing Joint Venture Itam # 236 - Owen C. & Elsie M. Smith, Jr.

Item # 237 - Joseph W. & Donna M. Stack Item # 238 - John W. & Maureen S. Diegel Item # 241 - Broadus B. & Ruth W. Whitlock. Jr. Item # 242 - Herbert L. & Farricia H. Grymes Item # 243 - Lawrence J. & Patricia A. Sadowski

Item # 244 - Biwin B. & Sharyn A. Brager Item # 246 - Martin Plaza, Inc.

Item # 248 - Martin H. Feeheley, Jr., et ux

un Ian J. Forrest./Director BUREAU OF ENVIRONMENTAL SERVICES

IJF/fth

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Nicholas Commodari TO. Zoning Department

Date_ April 13, 1983

FROM Building Plans Review Zoning Advisory Committee SUBJECT Meeting of April 12, 1983

> Itam #206 No Comments Item #207 See Comments Item #208 See Comments Itam #209 No Comments

(Itum #210) No Comments (No Plane) Item #211 Standard Comments Item #212 Standard Comments

Charles & Sumbon Charles E. Burnham

Plans Review Chief

Pursuant to the advertisement, posting of property, and public hearing on the Petitio and it appearing that by reason of the following finding of facts that to extend the time for utilization of Case No. 81-32-XA for a period of 2 years would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not adversely affect the health, safety, and general welfare of the community, and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 15 th day of July, 1983, that the time for utilization of the special exception granted in Case No. 81-32-XA be extended for an additional period of 2 years measured from September 16, 1983 and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to compliance with the site plan filed therein and the restrictions contained in said Order, dated September 16, 1980.

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: April 11, 1983

Mr. William E. Harmond Zoning Commissioner Raltimore County Office Building 1111 Vost Chesapeake Avenue Towson, Maryland 21204

Z.A.C. Meeting of: April 12, 1983

RE: Item No: 206, 207, 208, 209 (210) 211,212 Property Owner: Location: Present Zoning: Proposed Zoning:

> District: No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student porgration.

Very truly yours, Was Will televit Wm. Nick Petrovich, Assistant Department of Planning

WNP/bp

BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

211-181

: Case No. 33-292-5PH ERVIN J. CERVENY, at ux,

Petitioners

RE: PETITION FOR SPECIAL HEARING

E/S of York Rd., 75' N of

Anneslie Rd., 9th District

ORDER FOR APPEAL

111111

Mr. Commissioner:

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-entitled case, under date of July 15, 1983, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

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

I HEREBY CERTIFY that on this 12 day of August, 1983, a copy of the foregoing Order for Appeal was mailed to Mr. and Mrs. Ervin J. Cerveny, 4505 York Road, Baltimore, Maryland 21212.

RE: PETITION FOR SPECIAL HEARING: BEFORE THE ZONING COMMISSIONER E/S of York Rd., 75' N of

Anneslie Rd., 9th District FOR BALTIMORE COUNTY ERVIN J. CERVENY, et ux, Case No. 83-292-SPH

1111111

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 d the Baltimore County Charter, I hereby ent r my appearance in this proceeding. You are requested to notify me of any hearing de or dates which may be now ar hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Leter Yay Vinnerman Peter Max Zimmerman Deputy People's Co. insel

John W. Hessian, III People's Coursel for Baltimore County Rm. 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 20th day of June, 1983, a copy of the foregoing Order was mailed to Mr. and Mrs. Ervin J. Cerveny, 6505 York Road, Baltimore, MD 21212, Petitioners.

John W. Hessian, III

IN THE MATTER OF THE APPLICATION OF ERVIN J. CERVENY, ET UX FOR SPECIAL HEARING FOR EXTENSION OF TIME FOR UTILIZATION OF SPECIAL EXCEPTION E/S YORK ROAD 75' N. OF ANNESLIE ROAD 9th District

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY NO. 83-292-SPH

ORDER OF DISMISSAL

Petition of Ervin J. Cerveny, et ux for special hearing for extension of time for utilization of special exception on property located on the east side of York Road 75 feet north of Anneslie Road, in the Ninth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Voluntary Dismissal of appeal filed February 13, 1984 (a copy of which is attached hereto and made a part hereof) from People's Counsel, Appellant in the above entitled matter; and

WHEREAS, the said Appellant requests that the appeal filed on behalf of said Appellant be dismissed as of February 13, 1984,

IT IS HEREBY ORDERED this 14th day of February, 1984, that .aid appeal be and the same is DISMISSED.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Towson, MD 21204.

RE: PETITION FOR SPECIAL HEARING : PEFORE THE COUNTY BOARD OF APPEALS

101 10101 1010

its appeal in the above-captioned case because the issue has become most.

Accordingly, the appeal is no longer in the public interest, and this

People's Counsel for Baltimore County hereby voluntarily dismisses

Theolia lite Freedman

People's Counsel for Baltimore County

Phyl Ms Cole Friedman

Peter Max Jimmerman

I HEREBY CERTIFY that on this 13- day of February, 1984. a

copy of the foregoing Voluntary Dismissal was mailed to Newton A. William.

Esquire, Nolan, Plumhoff & Williams, Chartered, 204 W. Pennsylvania Ave..

Deputy People's Counsel

Joom 223, Court House Towners, Maryland 21204

VOLUNTARY DISMISSAL

Anneslie Rd., 9th District : OF BALTIMORE COUNTY

ERVIN J. CERVENY, et ux, : Case To. 83-292-SPH

E/S of York Rd., 75' N of

voluntary dismissal is being filed.

Petitioners

DLUMBIA OFFICE WALTER PARK Registered Surveyor PHONE 730 9060

TOWSON OFFICE HUDKINS ASSOCIATES, INC. Engineers, Surveyors and Landscape Architects 200 EAST JOPPA ROAD ROOM 101, SHELL BUILDING

TOWSON, MARYLAND 21204

PHONE: 828-9060

ZONING DESCRIPTION FOR 6603 YORK ROAD:

Beginning for the same at a point distant the two following courses and distances from the intersection formed by the conterline of York Road with the menterline of Anneslee Road viz: (1) North 12 02'50" East 75.00 feet (2) South 78 56'10" East 43.00 feet thence binding on the east side of York Road North 12 02'50" East 50.00 feet thence South 78 56'10" East 125.00 feet thence South 12 02'50" West 50.00 feet thence North 73 56'10" West 125.00 leet to the place c' beginning.

Containing 0.143 Acres of land more or less.

Malcolm E. Hudkins Registered Surveyor #5095

26m = 210 OFFICE OF PLANNING & TURNS

DEL AIR

L GERALD WOLFF

Landscape Architect

PHONE 038-0888

PETITION FOR SPECIAL HEARING

9th Election District

ZONING: Petition for Special Hearing

East side of York Road, 75 ft. North of Anneslie Road LOCATION:

DATE & TIME: Thursday, June 30, 1983 at 9:45 A.M.

Room 106, County Office Building, 111 W. Chesapeaka PUBLIC HEARING: 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 Special Hearing under Section 500. 7 of the Baltimure County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

extension of time for utilization of Case No. 81-32-XA for an extended period of 2 years

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

Being the property of Ervin J. Cerveny, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, June 30, 1983 at 9:45 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

ARNOLD JABLON ZONING COMMISSIONER

August 15, 1983

Mr. & Mrs. Ervin J. Cerveny 6505 York Road Baltimore, Maryland 21212

> Re: Petition for Special Hearing E/S York Road, 75' N of Anneslie Rd. Case No. 83-292-SPH

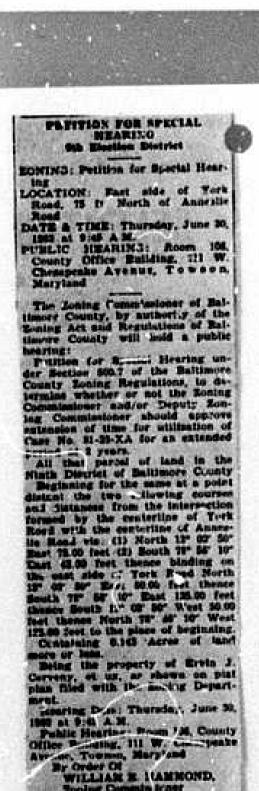
Dear Mr. & Mrs. Cerveny:

Please be advised that an appeal has been filed by John W. Hessian, III, People's Counsel for Baltimore County, from the decision rendered by the Deputy 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.

Zoning Commissioner

AJ:aj



83-292-5PH CERTIFICATE OF PUBLICATION

TOWSON, MD,, June 9, 19 (3.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., 8862018 CERT one time xx decessive weeks before the __30th_____ day of _____ June ____, 19.83 , the 578 publication appearing on the 9th day of June

THE JEFFERSONIAN,

Cost of Advertisement, \$ 22.75

ALTIMORE COUNTY, MARYI FFICE FINANCE REVENUE I ISCELLANEOUS CASH RECE	DIVISION
8/12/83	ACCOUNT R-01-615-000
	AMOUNT \$80.00
ECEIVED People's Count	sel
Annest fee on Case	83-292-SPH (Ervin J. Cerveny)

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY FIRE DEPARTMENT TOWSON MARYLAND 21204-2586 494-4500

PAUL H REINCKE

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

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Ervin J. & Joan W. Cerveny

Location: E/S York Road 75' N. Anneslee Road

Item No.: 210

Zoning Agenda: Meeting of April 12, 1983

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.
- 1 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at

EYCEEDS 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.
- (χ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Paning Group | Fire Fi Fire Frevention Bureau Special Inspection Division

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING TOWSON MARYLAND 21204

WILLIAM E HAMMOND ZONING COMMISSIONER

June 21, 1933

Mr. & Mrs. Ervin J. Cerveny 6505 York Road Baltimore, Maryland 21212

> Re: Petition for Special Hearing E/S York Rd., 75' N of Anneslie !kd. Case No. 83-292-SPH

Dear Mr. & Mrs. Cerveny:

This is to advise you that \$55.11 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

No. 119401 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELL/NEOUS CASP, RECEIPT ACCOUNT R-01-615-000 DATE 6/30/82

AMOUNT \$55.11 SECTIVED Ervin J. Cerveny

Advertising & Posting Case #83-292-SPH 6 632*****55,112b 5308A

VALIDATION OR SIGNATURE OF CASHIER

Mr. & Mrs. Ervin J. Cerveny 6505 York Road Baltimore, Maryland 21212

MOTICE OF REARING

Re: Petition for Special Hearing E/S of York Rd., 75' N of Anneslie Road Ervin J. Cerveny, et ux - Potitioners Case No. 83-292-SPH

TDE: 9:45 A.M.

DATE: Thursday, June 30, 1983

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 V. CHESAFEAKE ATERUE.

TOWSON, MARYLAND

THORE COUNT!

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

No. 115074

DATE 271-82 ACCOUNT N. 01-617-010

6 111*****10000:b 3012A

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County, Maryland PEOPLE'S COUNSEL

RM. 223. COURT HOUSE

TOWSON, MARYLAND 2120"

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

August 12, 1983

ZONING DEPARTMENT

TEL 494-2186

Ervin J. Cerveny, Esquire 6505 York Road Ballimore, Maryland 21212

RE: Ervin J. Cerveny, et ux, Petitioners Zoning Case No. 83-292-SPH

Dear Mr. Cerveny:

The enclosed copy of the Order for Appeal that we today filed in your case involving an extension to your previous Special Exception will, I am sure, surprise you and a word of explanation is therefore perhaps in order. The Baltimore County Zoning Regulations quite clearly read to the effect that the Commissioner, or the County Board of Appeals, as the case may be, may extend the initial terms of Special Exception grants upon good cause being shown. Standing alone, that proposition as stated is clear rut.

Unfortunately, however, in a case involving the extension of a Special Exception grant for an Liks Lodge in the western part of the county, the Circuit Court for Baltimore County ruled that the wording of that portion of the regulations authorizing the extensions for Special Exceptions rundered that provision unconstitutional, and thus null and void. The decision of the Circuit Court was affirmed by the appellate courts. The present status is that because of the court decision, the provision which seems quite clear in the regulations is therefore null and void and neither the Commissioner nor the County Board of Appeals has the authority to grant the extension

There is a ray of hope, however. One petitioner feels that he may have a countervailing argument which will rescue the provision if he can get his case to the Circuit Court. We have therefore agreed that his case (Sebco Federal Credit Union, Petitioner - Zoning Case No. 83-135-SPH) will be heard on Thursday, September 8, 1983, at 9:30 am, by the County Board of Appeals. His presentation will be confined solely to the question of the legality of an extension and we will cooperate in oriting the question again presented to the Circuit Court. I would think that your case would rise or fall on the decision in that case and you may wish to attend the hearing on the morning of September 8th.

Posted by 11/11 Date of return 6/17/5. Number of Signs:

ed period of 2 years. At that percei of land in the Noon Distric

District

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Ealtimore County, Md., once a week for ____ successive weeks, the first publication appearing on the

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Ervin J. Cerveny, Esquire

Public Hearing Room 108, County Offic Building, 111 W. Chesapeutic Avenue. To

August 12, 1983

I will say to you that if there is a final court decision outhorizing the extension, I will dismiss the appeal in your case. Of course, if the court reaffirms its previous

holding, I will then have to maintain resistance to the order in your case. Very truly yours,

> Acusa. John W. Hessian, III People's Counsel for Boltimore County

Enclosure

JWH:sh

THE TOWSON TIMES

Cost of Advertisement, \$ 27.36

- 2 -

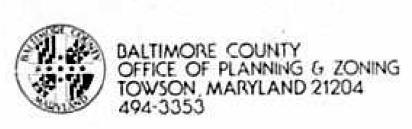
83-292-S

E/: York Rd., 75' N. of Annalie Rd.

Ervin J. Cerveny, et ux

CERTIFICATE OF POSTING ZONING LEPARTMENT OF BALTIMORE COUNTY

16036 1 66606 Location of property: 6 13 14 101 11 11 11 11 11 11 11 filled to the Number of Signs:



WILLIAM E. HAMMOND ZONING COMMISSIONER

July 15, 1983

Mr. and Mrs. Ervin J. Cerveny 6505 York Road Baltimore, Maryland 21212

> RE: Petition for Special Hearing E/S of York Rd., 75' N of Anneslie Rd. 9th Election District Ervin J. Cerveny, et ux - Petitioners NO. 83-292-SPH (Item No. 210)

Dear Mr. and Mrs. Cerveny:

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

Con o The state

Coerda Times. SERT

6603 York 1-2 16 1987

Very truly yours, Deputy Zoning Commissioner LAW OFFICES

CHARTERED

NOLAN, PLUMBOFF & WILLIAMS

NEWTON A WILLIAMS WILLIAM M. HESSON, JR. THOMAS J. RENNER WILLIAM P ENGLEHART JR STEPHEN J. NOLAN G. SCOTT BARHIGHT

J. EARLE PLUMHOFF

ROBERT L. HANLEY, JR.

204 WEST PENNSTLVANIA AVENUE TOWSON, MARYLAND 21204 September 26, 1983

TELEPHONE (30) 623-7800

John W. Hessian, III, Esquire People's Counsel Peter Max Zimmerman, Esquire Deputy People's Counsel Court House Towson, Maryland 21204

> Re: Mr. Cerveny's office building project under construction at 6603 York Road under orginal special exception case 81-32-XA.

Dear Mr. Hessian and Mr. Zimmerman:

Confirming our recent informal meeting, we wished to confirm that Mr. Cerveny has utilized, and is utilizing his orignal special exception for an office building at 6603 York Road, and that there was very substantial construction present and under way on the property as of September 14, 1983, well ahead of the September 16, 1983 deadline.

To substantiate this contention, I am enclosing herewith two polaroid photographs, which have been copied, and as you can see in the first photo taken on September 14, the fondation was in the process of being completed, while in the second photo taken on September 16, a corner of the building had been erected as shown.

Of course, under the docterine announced Pemberton vs. Montgomery County, 275 Md. 363, this completed fondation and partial framing work well exceeds the construction standard required.

Futhermore, by carbon copy of this letter directed to Mr. Cerveny, I am once again confirming my advice given to him during a recent meeting on the site, with he and Mr Colbert, his son-in-law and co-counsel, namely to go forward and complete the building in accordance with the orginal special exception granted in case #81-32-XA. Mr. Cerveny assures me that he is doing so, and will complete the construction promptly in accordance with good building standards.

Accordingly, I believe as you do, that Mr. Cerveny is no longer concerned with the question of whether or not a special exception can be extended eron with a hearing, as was done in his case #83-392-SPH, since the orginal special extension has been utilized, and he is in no need of the extention.

TO: John Hessian 🌑 Peter Zimmerman September 26, 1983

Accordingly, it will be greatly appreciated if you will take whatever steps you wish to confirm the contents of this letter, and then dismiss your appeal in case 83-292-SPH, of course without prejudice, to your position in other similar cases wherein the special exception is dependent upon the extention with the hearing.

Thunking you both for your cooperation in this regard, and awaiting your dismissal of this appeal which I now believe to be most. Best regards to all involved.

Sincerely,

Newton Newton A. Williams

NW:11b

cc: Honorable William Hackett Ervin Cerveny Edward Colbert, Esquire



SCHOOL MAN PROPERTY AND People's Counsel

PETER MAX ZIMMERMAN Deputy People's Counsel

Baltimore County, Maryland

PEOPLE'S COUNSEL RM. 223, COURT HOUSE TOWSON, MARYLAND 21204

TEL. 494-2188

February 13, 1984

The Honorable William T. Hackett, Chairman Baltimore County Board of Appeals Court House Towson, Maryland 21204

RE: Ervin J. Cerveny, et ux, Petitioners Zoning Case No. 83-292-SPH

Dear Chairman Hackett:

This is in response to your inquiry concerning the present status of the above-captioned case. I have reviewed my file and note that the extension was indeed not necessary. Accordingly, I see no reason this appeal cannot be dismissed and enclose herewith an appropriate estion.

Sincerely yours.

Phyllis Cole Friedman People's Counsel for Baltimore County

cu. Newton A. Williams, Esquire

PCF: sh

County Board of Appeals of Baltimore County Room 200 Court House

Comeon, Marpland 21204 (301) 494-3180

February 14, 1984

Phyllis C. Friedman People's Counsel for Baltimore County Room 223, Courthouse Towsen, Maryland 21204

> Re: Case No. 83-292-SPH Ervin 3. Cerveny, et ux

Dear Mrs. Friedman:

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

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Ervin J. Cerveny, et ux N. E. Gerber J. G. Hoswell A. Jablon J. Jung J. Dyer A. January

