

86-158-A #33 **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 1B02.3C.1 to permit a front yard depth of 40 feet in lieu of the required 45.1 feet, and a sum of side yards of 30 feet in lieu of the required 40 feet, and a rear yard of 30 feet in lieu of the required 40 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
1. That the subject property, Lot 3, Plat of Murray Hill, Plat Book 12, Folio 42, was recorded long before the Baltimore County Zoning Regulations became effective.
2. That the size of the lot, its area, and its requested setbacks are in accordance with the neighborhood's actual development and the Murray Hill uniform restrictions imposed by Deed dated June 12, 1939, and recorded among the Land Records of Baltimore County at Liber 1065, Folio 84.

SEE ATTACHED SHEET

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Lee N. Koehler

(Type or Print Name)

Signature

Contract Purchaser:

Eileen Koehler

(Type or Print Name)

Signature

2409 W. Joppa Road

Towson, Maryland 21204

City and State

Address

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CONTINUATION OF REASONS FOR VARIANCE:

3. That the required front yard depth is forty-five point one (45.1) feet (per Section 1B02.3C and 303.1) because:

(a) the subject property is zoned D.R. 2;

(b) the subject property is bounded by immediately adjoining lots, each of which contains a principal building with a front yard adjoining Murray Hill Road, and

(c) forty-five point one (45.1) feet is the average of the front yard depths of the lots immediately adjoining on either side.

4. That the requested variances are sought to allow construction on the subject property of an attractive contemporary house (of traditional design) and a two (2) car garage, with similar siting and setbacks to its neighbors.

5. That pursuant to Section 304 an area variance is not required because no adjoining land is now, nor has it ever been owned by either the contract purchasers or the owner.

6. That due to its small size and other factors previously noted, the contract purchasers will sustain practical difficulty and unreasonable hardship, if the requested variances, which are in harmony with the spirit and intent of the Regulations, are not granted.

IN RE: PETITION FOR VARIANCE
NW/S Murray Hill Road, 123'
NE of Bellona Avenue -
9th Election District
Thomas M. Donahoo, Trustee of
the Isabelle W. Walger Trust,
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-158-A

The Petitioner herein requests variances to permit a front yard setback of 40 feet in lieu of the required 45.1 feet, a sum of side yard setbacks of 30 feet in lieu of the required 40 feet, and a rear yard setback of 30 feet in lieu of the required 40 feet.

Testimony on behalf of the Contract Purchasers indicated that they propose to construct a dwelling with maximum dimensions of 68' x 43.5', including a side porch to the south and an attached garage to the west. Without variances, the 11,419 square foot lot does not provide enough space for a residence of sufficient size in keeping with the neighborhood. Houses with smaller footprints were not considered because of the investment in the land. The Contract Purchasers were not in attendance to discuss relevant matters of family size or lifestyle.

A board member of the Murray Hill Improvement Association and a number of nearby residents appeared in protest. Their testimony indicated that the lot in question, one of the smaller lots in the neighborhood, could provide for a 30' x 60' 2 1/2-story dwelling without the necessity of variances. In their opinion, the proposed dwelling would overpower the size of the D.R. 2-zoned lot reducing all setbacks in a manner more like a D.R. 3.5-zoned lot, and, indeed, not be compatible with the neighborhood. The only hardship upon the Petitioner would be financial in nature. Adjacent neighbors thought that reduced side yard setbacks would interfere with their existing lifestyles. The neighbor to the rear does not want the garage closer to his front property line. There have been no other

variances in the neighborhood.

After due consideration of the testimony and evidence presented, as well as a field inspection of the property, in the opinion of the Deputy Zoning Commissioner, strict compliance with the Baltimore County Zoning Regulations (BCZR) would not result in practical difficulty and unreasonable hardship upon the petitioner, and the granting of the variances requested would adversely affect the health, safety, and general welfare of the community, and therefore the variances should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 12th day of November, 1985, that the herein Petition for Variance to permit a front yard setback of 40 feet in lieu of the required 45.1 feet, a sum of side yard setbacks of 30 feet in lieu of the required 40 feet, and a rear yard setback of 30 feet in lieu of the required 40 feet, is hereby DENIED, from and after the date of this Order.

John M. Donahoo
Deputy Zoning Commissioner
of Baltimore County

JMH:bg

ORDER RECEIVED FOR FILING

DATE November 13, 1985

BY *Robert A. [Signature]*

ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

DATE November 13, 1985

BY *Robert A. [Signature]*

ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

DATE November 13, 1985

BY *Robert A. [Signature]*

ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

DATE November 13, 1985

BY *Robert A. [Signature]*

ADMINISTRATIVE ASSISTANT

BALTIMORE COUNTY
OFFICE OF THE ZONING COMMISSIONER
TOWSON, MARYLAND 21204
494-0353

ARNOLD JABLON
ZONING COMMISSIONER

November 12, 1985

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Brian G. West, Esquire
Suite 905, Mercantile-Towson Bldg.
409 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NW/S Murray Hill Road, 123'
NE of Bellona Avenue -
9th Election District
Thomas M. Donahoo, Trustee of
the Isabelle W. Walger Trust,
Petitioner
Case No. 86-158-A

Dear Mr. West:

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

Very truly yours,
John M. Donahoo
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bg

Attachments

cc: People's Counsel

Mr. Guy Warfield
27 Murray Hill Circle
Baltimore, Maryland 21212

Mr. Morton E. Rome
6401 Murray Hill Road
Baltimore, Maryland 21212

PETITION FOR VARIANCE 9th Election District

LOCATION: Northwest side of Murray Hill Road, 123' Northeast of Bellona Avenue

DATE AND TIME: Tuesday, October 15, 1985 at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 Variances from Section 1B02.3C.1 to permit a front yard depth of 40' in lieu of the required 45.1', and a sum of side yards of 30' in lieu of the required 40', and a rear yard of 30' in lieu of the required 40'.

Being the property of Thomas M. Donahoo, Trustee as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CARL L. GERHOLD
PHILIP A. CROSS
JOHN P. ETAL
WILLIAM G. LUDWIG
BORDEN T. LANGDON
GERHOLD, CROSS & ETAL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

EXHIBIT
PAUL R. GOLDBERG
FRED H. HOLMES

March 4, 1985

Zoning Description

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

Beginning for the same on the northwest side of Murray Hill Road at the distance of 123.57 feet northeasterly from the northeast side of Bellona Avenue, being known and designated as Lot 3 as laid out and shown on the plat of "Murray Hill" which Plat is recorded among the Plat Records of Baltimore County in Plat Book C.W.B.J.R. No. 12 folio 42.

Containing 11,419 square feet or 0.262 Acres of land more or less.

RE: PETITION FOR VARIANCES
NW/S Murray Hill Rd., 123'
NE of Bellona Ave., 9th
District
THOMAS M. DONAHO, TRUSTEE,
Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-158-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 18th day of September, 1985, a copy of the foregoing Entry of Appearance was mailed to Brian G. West, Esquire, Koehler, West & Associates, Chartered, Suite 905, Mercantile-Towson Bldg., 409 Washington Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

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



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 10, 1985

Brian G. West, Esquire
Koehler, West & Associates, Chtd.
Suite 905, Mercantile-Towson Bldg.
Towson, Maryland 21204

RE: Petition for Variance
NW/S Murray Hill Rd., 123' NE/
Bellona Ave. - 9th Elec. Dist.
Thomas M. Donahoe, Trustee, Petitioner
Case No. 86-158-A

This is to advise you that \$ 68.75 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

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

No. 012489

DATE 10-15-85 ACCOUNT R-01-015-000

AMOUNT \$ 68.75

RECEIVED FROM Brian G. West, Esq.

FOR Planning & Zoning 86-158-A

VALIDATION OR SIGNATURE OF CASHIER

Sincerely,

ARNOLD JABLON
Zoning Commissioner

Brian G. West, Esquire
Koehler, West & Associates, Chtd.
Suite 905, Mercantile-Towson Bldg.
Towson, Maryland 21204

September 13, 1985

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
NW/S Murray Hill Rd., 123' NE/
Bellona Ave. - 9th Elec. Dist.
Thomas M. Donahoe, Trustee, Petitioner
Case No. 86-158-A

TIME: 10:00 a.m.

DATE: Tuesday, October 15, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

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

No. 007401

DATE 10-15-85 ACCOUNT R-01-015-000

AMOUNT \$ 68.75

RECEIVED FROM Brian G. West, Esq.

FOR Planning & Zoning 86-158-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 30, 1985

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

Brian G. West, Esquire
Suite 905, Mercantile-Towson Building
Towson, Maryland 21204

RE: Item No. 33 - Case No. 86-158-A
Petitioner - Thomas Donahoe, Trustee of
the Isabelle Walger Trust
Variance Petition

Dear Mr. West:

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,

James E. Oyer, Jr.
James E. Oyer
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures.

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

NORMAN E. GERBER
DIRECTOR

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

SEPTEMBER 23, 1985

Re: Zoning Advisory Meeting of August 6, 1985
Item # 33
Property Owner: TRUSTEES OF THE ISABELLE WALGER TRUST (THOMAS DONAHOE, TRUSTEE)
Location: NW/SIDE MURRAY HILL RD. 123.57' N.E. OF BELLONA AVE.

Dear Mr. Jablon:
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () The parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board.
- () Landscaping: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

Eugene A. Bober
Chief, Current Planning and Development

cc: James H. Weil



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2186
494-4500

PAUL H. REINCKE
CHIEF

August 20, 1985

Mr. Arnold Jablon
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: Trustee of the Isabelle Walger Trust (Thomas Donahoe, Trustee)
Location: N/W side Murray Hill Road, 123.57' N.E. of Bellona Avenue

Item No.: 33 Zoning Agenda: Meeting of August 6, 1985

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 of _____ 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.

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

(X) 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.

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

REVIEWER: [Signature] Noted and Approved: Roy W. Kemmerer
Planning & Zoning Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

August 26, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 33 Zoning Advisory Committee Meeting are as follows:

Property Owner: Trustee of the Isabelle Walger Trust (Thomas Donahoe, Trustee)

Location: N/W Side Murray Hill Road, 123.57' N.E. of Bellona Avenue

Address: 9th.

APPLICABLE TYPES ARE CIRCLED:

- (C) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.H.C.A. #11-2 - 1980) and other applicable Codes and Standards.
- (C) A building and other miscellaneous permits shall be required before the start of any construction.
- (C) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- (C) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- (C) All One Group except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. B-1 One Group require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1107, Section 1105.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- (C) The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your architect/engineer contact this department.
- (C) The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- (C) When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Height and Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Use _____ See Section 212 of the Building Code.

1. The proposed project appears to be located in a Flood Plain, Flood/Alleviation. Please see the attached copy of Section 212.2 of the Building Code as adopted by Bill #17-85. Site plans shall show the current elevations above sea level for the lot and the finished floor levels including basement.

2. Comments:

3. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 105 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

L/22/85

[Signature]
C. E. BURNHAM, Jr.
Building Plans Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner

Date: September 23, 1985

Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 86-145-A, 86-146-A, 86-147-A, 86-148-A, 86-149-A,
86-150-A, 86-151-A, 86-152-A, 86-153-A, 86-154-A,
86-155-A, 86-156-A, 86-157-A, 86-158-A, 86-160-A,
86-161-A and 86-165-A

There are no comprehensive planning factors requiring comment on these petitions.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JCH:alm

SEP 27 1985

44

ZONING DEPARTMENT

By

SEP 27 1985

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ZONING DEPARTMENT

By

EDWARD E. MURRAY

June 18, 1985

Lee Neilson Koehler, Esq.
205 E. Jeyra Road, 2408
Towson, MD 21204

Dear Lee:

I received a copy of your letter to Bob Scott, and also Fran and I received a very nice note from Eileen. I have talked with Bob and he is calling a Board meeting and we will be supporting your petition for variance.

Fat Shea has mentioned to me that she wishes to retain the 15' offset from the property line between your proposed residence and her southern boundary line. In this regard, might I suggest you move your residence 1' closer to the 6400 northern boundary line, which will meet with our approval.

Please keep us informed as to the time and place of your Zoning Board meeting so that a representative of the MEIA can be present to support your request.

Both Fran and I enjoyed meeting Eileen and you and we look forward to the attractive residence that you plan for 6404 Murray Hill Road.

Sincerely,

Edward E. Murray

ELM:pf

6404 Murray Hill
Baltimore, MD 21212
377-6143

EXHIBIT 2

6404 Murray Hill Road
Baltimore, MD 21212
June 4, 1985

Mr. Lee N. Koehler
409 Washington Avenue
Towson, MD 21204

Dear Mr. Koehler:

John and I enjoyed meeting you and Eileen several weeks ago. However, I would like to clarify my feelings regarding your building plans. I am not certain, at this time, that I will agree to an exception to the zoning regulation that stipulates a distance of 15 feet from our property line. We use our outdoor terrace on the south side of our house quite often in the summer. For that reason, I would like to take advantage of the distance that the zoning regulations allow.

I hope that this does not inconvenience you in any way.

Very truly yours,

Patricia L. Shea

EXHIBIT 3

To whom it may concern
I strongly object to any zone change to accommodate a house too close to the boundaries of the lot. It was be totally out of place and out of proportion to the neighborhood

Caroline Maddux

PRATT AVE.

EXHIBIT 2

Deletants - #86-158A

10/15/85

Mrs. Charles E. Bills, 6403 Murray Hill Road.
Meta P. Barton, 6507 Montrose Avenue
Joseph H. Baker, 6408 MURRAY HILL RD.
Mrs. Edward G. Murray, 6507 Murray Hill Rd.
Maddie T. Baker, 6408 Murray Hill Rd.
Frances R. Rome, 6401 Murray Hill Rd.
Patricia J. Shea, 6404 Murray Hill Rd.
John P. Shea, 6404 Pratt Ave.
P. M. Wally, 900 Applewood Lane
Henry Paul Jenson, 6517 Montrose Ave
Linda H. Harkley, 6408 Murray Hill
Linda E. Jellmer, 6405 Murray Hill Rd.
Linda J. Jellmer, " " "
Elizabeth M. Durr, 6401 Murray Hill Circle
John E. Rome, 6401 Murray Hill Rd.
Edward & Frances Murray, 6400 Murray Hill 21212

Guy- Please submit this for the record on my behalf -

MRS. DAVID WALKER BARTON, JR.
909 ST. GEORGES ROAD
BALTIMORE, MARYLAND 21210

October 15, 1985

Memo to: The Honorable Judge of the Zoning
Court, Towson, Md. 21204
From: Meta P. Barton
Regarding: Granting of setback variance on Pratt Avenue
to Request of Mrs. & Mrs. Koehler, Petitioners

Idwary settled in July, 1985 on a property at 6507
Montrose Avenue at 300,000 for a two bedroom, two
bathroom Cape. I wish to protest any variance in
setback along Pratt Avenue which is the only entrance
to my new property. (We have not yet moved.)

It is obvious to all that a premium is paid to live in
this neighborhood in return for protections provided by
zoning restrictions, and any granting of variance
within this neighborhood removes a portion of the
protection which directly affects the value of other
properties within the neighborhood, reducing the value
of each property, and therefore affecting the welfare
of all property owners in the neighborhood.

If zoning restrictions have any meaning at all,
they should be applied to all citizens with common
principles uniformly applied. It is apparent in this
case that the petitioner has not found a suitable
piece of land on which to build the type of residence
he wishes to erect as well as a garage.

Signed in Good Faith
Meta P. Barton

EXHIBIT 3

Case No. 86-158-A

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
10th day of September, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Thomas Donahoe, Trustee of
the Isabelle Walger Trust
Petitioner's Attorney: Brian G. West, Esquire
Received by: James E. Meyer, Jr.
JAMES E. DYER, Chairman
Zoning Plans Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-158-A

District: 2th
Posted for: Thomas M. Donahoe, Trustee
Petitioner: Thomas M. Donahoe, Trustee
Location of property: N.W. 1/4 of Murray Hill Road, 123' N.E.
of Ballona Avenue
Location of Sign: Along N.W. side of Murray Hill Road approx.
180' N.E. of Ballona Avenue and along N.E. side of
Pratt Ave. approx. 125' N.E. of Ballona Ave.
Remarks: No other signs
Posted by: J. J. Jellmer
Number of Signs: 2
Date of Posting: Sept. 22, 1985
Date of return: Sept. 27, 1985

86-158-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., September 26, 1985

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
September 26, 1985.

THE JEFFERSONIAN,

18 Kenton
Publisher

Cost of Advertising
24.75

4000 Roland Avenue
Baltimore, Md. 21210

Chase
Fitzgerald
& Company Inc.

Realtors/Appraisers

Caroline T. Maddux
301-396-7700
Residence: 377-6412

86-158-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., September 25, 1985

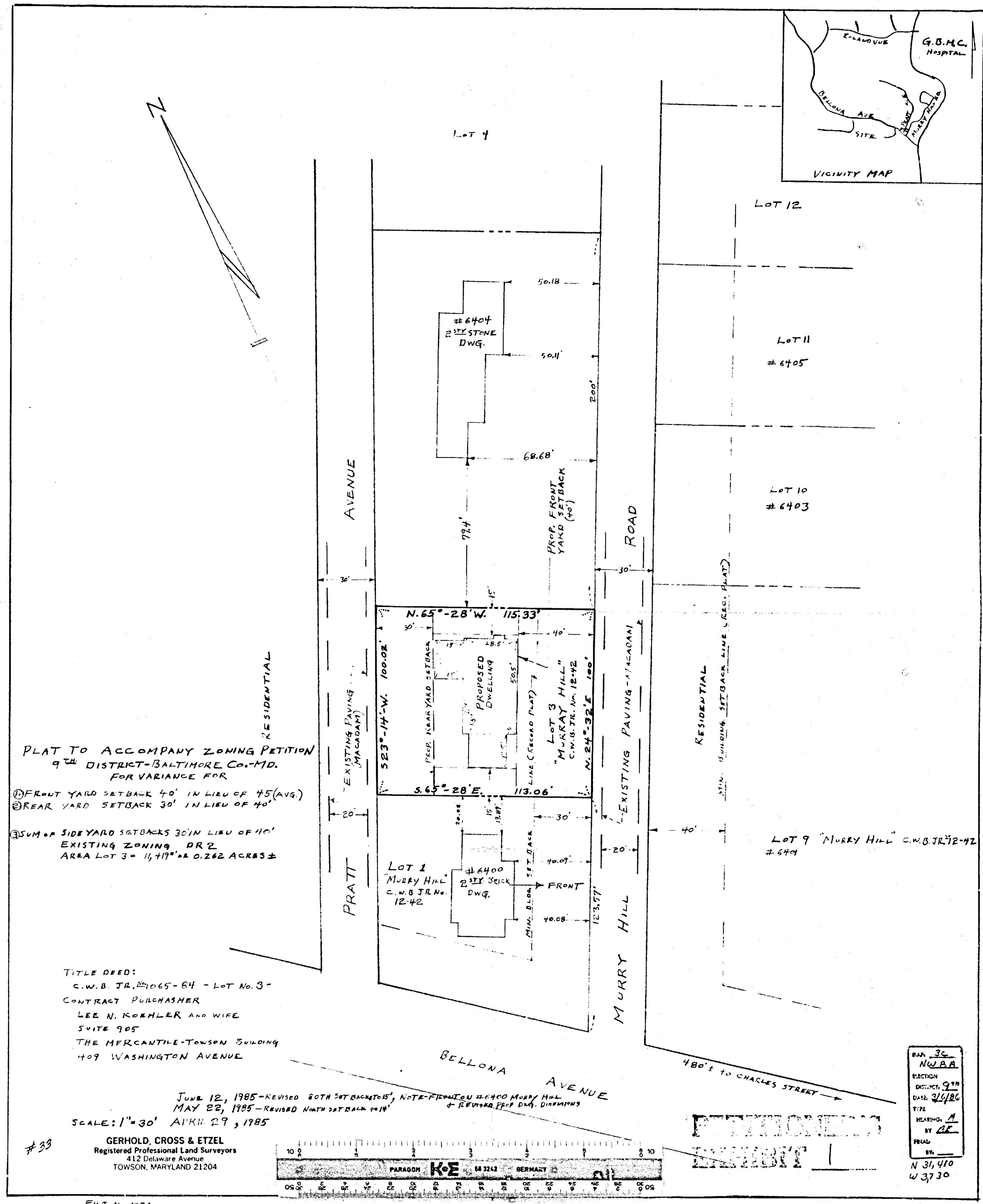
THIS IS TO CERTIFY, that the annexed advertisement was
published in the TOWSON TIMES, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
September 25, 1985.

TOWSON TIMES,

18 Kenton
Publisher

34.00

In addendum: I would like to address the issue of practical hardship for the Kahlers in finding property on which to build the type of house which meets their needs. The proposed property is not the only one available. I personally own a 1/2 acre lot at 7115 Bellona Avenue (approximately 1 block away) which would be available for sale if the Kahlers wish to entertain the purchase of a larger lot in the immediate neighborhood.



CHARLES STREET

AVENUE



RE-SURVEY AND RE-SUBDIVISION OF LOTS

MURRAY HILL

1939

NORTH DISTRICT - BALTIMORE COUNTY - MARYLAND

Scale - 60 FEET TO ONE INCH

Charles C. Johnston

Surveyor & Civil Engineer

Recorded April 27, 1939

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